

APPENDIX 2E
EQUIPMENT AND FURNITURE
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ATTACHMENT 1 EQUIPMENT LIST

APPENDIX 2E

EQUIPMENT AND FURNITURE

1. DEFINITIONS

In this Appendix, in addition to the definitions set out in Schedule 1 of this Agreement:

“Category A Equipment” means the equipment and furniture described and listed as “Category A” in the Equipment List;

“Category B Equipment” means the equipment described and listed as “Category B” in the Equipment List;

“Commissioning” means testing and commissioning the equipment or system in accordance with any commissioning requirements set out in this Agreement, all applicable standards and Good Industry Practice, including to ensure that the Equipment is operating in accordance with the manufacturer’s requirements and specifications;

“Equipment” means collectively the Category A Equipment and the Category B Equipment;

“Equipment List” means the list of Category A Equipment and Category B Equipment set out in Attachment 1 to this Appendix; and

“Installation” means, as applicable, connection to necessary building services, including plumbing, heating, cooling, ventilation and electricity, and connection to necessary communication or network interfaces or devices.

2. CATEGORY A EQUIPMENT

2.1 Category A Equipment

As part of the Design and Construction, Project Co will be responsible for the procurement, delivery, setup, Installation and Commissioning of all Category A Equipment, but will not be responsible for the maintenance or replacement of any Category A Equipment.

2.2 Standards for Category A Equipment

Project Co will ensure that all Category A Equipment procured by Project Co:

- (a) is new;
- (b) is of good quality and in a safe, serviceable and clean condition in accordance with the Equipment List and Good Industry Practice;
- (c) meets or exceeds the relevant specifications set out in the Equipment List or, if a reference model is provided in the Equipment List, meets or exceeds the specifications of the relevant reference model;
- (d) complies with all Laws; and

- (e) for residential appliances:
 - (1) is of a consistent make and model in each Building and chosen from a manufacturer's regular stock run;
 - (2) is readily available from well-established manufacturers; and
 - (3) if available, is EnergyStar labeled.

Project Co will, as soon as practicable after receiving a request from the Authority, supply to the Authority evidence to demonstrate its compliance with this Section 2.2.

3. CATEGORY B EQUIPMENT

3.1 Category B Equipment

The Authority intends to procure but, subject to Section 4.2 of this Appendix, the Authority is not obligated to procure the items of Category B Equipment shown on the Equipment List. If the Authority elects to procure any items of Category B Equipment, the Authority will, at its cost, be responsible for the procurement, delivery, setup, Installation, commissioning, maintenance and replacement of any Category B Equipment.

4. GENERAL

4.1 Integration of Equipment with Design

Project Co will ensure that all Equipment is integrated in accordance with Good Industry Practice with the overall design of each Building and will include such Equipment as part of the design development process described in Section 5.3 of Schedule 2 [Design and Construction Protocols].

4.2 Changes to the Equipment List

The parties acknowledge that:

- (a) as at the Effective Date, the Equipment List has not been finalized and, during the Construction Period, changes to the Equipment List may be requested by the Authority or may occur as part of the design development process described in Section 5.3 of Schedule 2 [Design and Construction Protocols];
- (b) updates to the Equipment List may be required from time to time because of manufacturers' or suppliers' changes, including changes to equipment availability, specifications and models, and changes in SRO housing practice; and
- (c) increases or decreases in the quantities of Equipment, substitution of items on the Equipment List or other changes to the Equipment List and the effects that such changes to the Equipment List may have on the Design or the Construction may result in a net decrease, net increase or no net change in the cost to Project Co to complete the Design and the Construction.

Accordingly, the parties will:

- (d) cooperate to identify no net cost solutions to any proposed changes to the Equipment List;
- (e) endeavour to agree to an expedited Change process to deal with Equipment changes; and
- (f) cooperate to amend the Equipment List so that they are accurate and complete as required for Project Co to proceed with the Design and Construction without delay.

4.3 Delivery and Installation Timing

Project Co will:

- (a) as early as practicable in accordance with Good Industry Practice, identify to the Authority:
 - (1) each item of Category B Equipment, if any, that must be installed in a Building for Project Co to achieve Building Opening;
 - (2) for each such item of Category B Equipment identified by Project Co under Section 4.3(a)(1) above, the date by which such item must be installed so as not to delay the Design, the Construction, Building Opening, Service Commencement or the Authority's use and occupation of the Building(s); and
 - (3) for each item of Category B Equipment, the earliest date when each Building will be available to the Authority (or the Housing Operator) to install such item(s); and
- (b) as required from time to time until Service Commencement, but no less than once per calendar month, update the information in Section 4.3(a) above so that at all times it is an accurate and reasonable representation of Project Co's plans for the completion of the Design and Construction of the Buildings and the availability of the Buildings for the Installation of Category B Equipment.

The Authority will install, or cause the Housing Operator(s) to install, each item of Category B Equipment identified by Project Co under Section 4.3(a)(1) by the date specified by Project Co under Section 4.3(a)(2).

4.4 Transfer of Title and Risk

Title to each item of Category A Equipment passes from Project Co to the Authority when the item is Installed in a Building. Risk for each item of Category A Equipment passes from Project Co to the Authority on the relevant Building Opening Date.

4.5 Warranties

Project Co will ensure that all manufacturer's and supplier's warranties for all Category A Equipment:

- (a) commence no earlier than the relevant Building Opening Date; and
- (b) are in the Authority's name.

4.6 Instruction Manuals and User Guides

On or before the Building Opening Date, Project Co will deliver to the Authority all instruction manuals and user guides relating to Category A Equipment items for the Building as provided by the manufacturer or the supplier of such items.

ATTACHMENT 1

EQUIPMENT LIST

[Note: See separate document]