

FORM 9
CERTIFICATE OF SUBSTANTIAL PERFORMANCE OF THE
CONTRACT UNDER SECTION 32 OF THE ACT

Construction Act

SUDBURY

(County/District/Regional Municipality/Town/City in which premises are situated)

18 Rink Street, Copper Cliff, ON P0M 1N0

(street address and city, town, etc., or, if there is no street address, the location of the premises)

This is to certify that the contract for the following improvement:

OD-46-S-C-Tailing Construction Services - Phase 2

(short description of the improvement)

to the above premises was substantially performed on **October 31st, 2022**

(date substantially performed)

Date certificate signed: **January 15th, 2023**

(payment certifier where there is one)

(owner and contractor, where there is no payment certifier)

Name of owner: **VALE CANADA LIMITED**

Address for service: **18 Rink Street, Copper Cliff, ON P0M 1N0**

Name of contractor: **William Day Construction Limited**

Address for service: **2500 Elm Street, Copper Cliff, ON P0M 1N0**

Name of payment certifier (where applicable):

Address:

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

Vale Property: PIN # 73371-0163

(if a lien attaches to the premises, a legal description of the premises,
including all property identifier numbers and addresses for the premises)

☐ B. Office to which claim for lien must be given to preserve lien:

(if the lien does not attach to the premises, a concise description of the premises, including addresses,
and the name and address of the person or body to whom the claim for lien must be given)

SUBSTANTIAL COMPLETION CHECKLIST

To Be Completed Prior to Submitting Form 6 to Vale

CONTRACT NO.: 5900057681/5500056111 / 5500076325 / 5900079152
 PO NO.: 4506924920
 CONTRACT TITLE: NAPG Tailings Construction Service
 CONTRACTOR: WILLIAM DAY CONSTRUCTION LTD

CHECK ITEM	Yes/No	DATE	REMARKS
Contractor's notice of substantial completion received	Y	19-Oct-21	Phase 2 only
Inspection completed	Y		
Deficiency list developed	Y	7-Dec-22	mechanical completion phase 2 completed
Any outstanding claims	N		
Any outstanding amendments, FWI, ECN, etc.	N	7-Dec-22	pertaining to Phase 2 closure

Verification Date:		AMOUNT	REMARKS
A	Current value of the contract	\$ 990,097.33	Phase 2 Portion Close Out. (\$603,637.55) Phase 1 Portion Close Out (\$386,459.78)
B	Anticipated final cost of the contract	\$ 990,097.33	Phase 2 Portion Close Out. (\$603,637.55) Phase 1 Portion Close Out (\$386,459.78)
C	Amount invoiced	\$ 990,097.33	
D	Amount paid to vendor	\$ 990,097.33	Phase 2 Portion Close Out. (\$603,637.55) Phase 1 Portion Close Out (\$386,459.78)
E	Estimated value of deficiencies remaining	\$ -	
F	Amount of work from contract scope not yet completed	\$ -	
G	Amount of work from committed and pending amendments not yet completed	\$ -	
H	Total for amount of work remaining (E+F+G)	\$ -	

Substantial Completion Calculation

The total calculated below must be higher than "H - Total for the amount of work remaining" calculated above in order to be substantially complete.

A	3% of the first \$500,000.00 of the contract price	\$ 15,000.00
B	2% of the next \$500,000.00 of the contract price	\$ 9,801.95
C	1% of the balance of the contract price	\$ -
TOTAL		\$ 24,801.95

Append with the completed Substantial Completion Checklist the following documents:

SUBSTANTIAL COMPLETION CHECKLIST

1. Mechanical completion Certificate including Punch List of remaining work
2. Substantial Completion Certificate to be signed by Vale
3. W.S.I.B. Clearance Certificate
4. Claims Clearance Certificate
5. Insurance Certificate
6. Statutory Declaration
7. Amendment and Change Notice Register/Growth Summary

These documents are saved at this location:

[\\netapp1\North Atlantic Projects Group\1402- Tailings Dams\3- Contracts\C001960.C005 Day Construction Services\ZA - Contract Close Out\Phase 2 2022](#)

	PRINTED NAME	SIGNATURE/DATE	DATE
A. CONTRACTS ADMINISTRATOR	Adrian Tonkovic		
B. PROJECT LEAD	Meagan Shkwarek		
C. PROJECT CONTROLS MANAGER	Christine Lennox		
D. CONSTRUCTION MANAGER	Rick Baril		
E. AREA MANAGER	Glenn Munro		

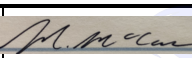


MECHANICAL COMPLETION NOTICE		Project No. varies	Subd.	Subject	Sequential	Rev.
Client: VALE CANADA LIMITED			Date 07Dec2022		Page 1 of 1	
Project Name & Location: SP&S Projects Sudbury, Ontario			Mechanical Completion Notice No. 1			
System No.: N/A			DISTRIBUTION (NAME PLUS DISCIPLINE OR COMPANY) From: Trevor Moxam To: Adrian Tonkovic Copies to:			
System Description: N/A						
Equipment No.: N/A						
Equipment Description: N/A						
Specification: N/A						
Drawings: N/A						

We have installed inspected and tested the works described below except for noted deficiencies.
All the work and site listed are ready to be handed over to operations.

Description of works:

- FWI-016 - Dam 7 Dyke Road Remediation Part 2 - completed**
- FWI-021 – A-Area Stockpile - completed**
- FWI 023 - Sutton Locates - completed**
- FWI-024 - Emergency Drone Survey – data received completed**
- FWI-025 175OB Rock Placement - completed**
- FWI-026 Granular A for M-South - completed**
- FWI-027 175OB Rock Placement 10 day - completed**
- FWI-028 Granular A for M-South - completed**
- FWI-029 not used**
- FWI-030 Budgetary Quote for Whissel - completed**
- FWI-031 CTA Temp Access Road - completed**
- FWI-032 M-South Tree Clearing - completed**
- FWI-033 Hydro One Access - completed**
- FWI-034 not used**
- FWI-035 CTA Temp Access Removals Locates - completed**
- FWI-036 Hydro one Access Berms - completed**
- FWI-037-Not used**
- FWI-038 Highway Crossing Investigation PO4508733617 - completed**
- FWI-039 M-Dam N S Construction Budget CTA PH1 PDD - completed**
- FWI-040 Gemba Safety Walk 1000' for 18" hdpe effluent line - completed**
- FWI-041 Drone Survey 2022 completed**
- FWI-042 Hill Station Trailer Demolition completed**

INSPECTION / TEST FORMS ISSUED AND FOLLOW-UP

TYPE & NO.	DATE ISSUED	INSPECTOR	RECEIVED	REMARKS	DATE ACCEPTED
N/A					
Deficiencies (See attached list): None					
	TITLE	NAME	DATE		
Prepared by:	Construction Coordinator		 <small>Digitally signed by Matthew McCue, c=CA, o=VALE, ou=NAPG Tailings, email=CC009715@vale.com</small> Reason: I have reviewed this document Date: 2022.12.07 08:58:44 -0500 <small>DN: cn=Matthew McCue, o=VALE, ou=NAPG Tailings, email=CC009715@vale.com</small>		
Reviewed by:	Engineering Lead	Trevor Moxam	 TREVOR MOXAM <small>Digitally signed by Trevor Moxam, c=CA, o=VALE, ou=NAPG Tailings, email=Trevor.Moxam@vale.com</small>		
Approved by:	Area Project Manager	Glenn Munro	 J. Glenn Munro 2022.12.07.10:14:13 -0500		