

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:

1402-CG-003 Construction Services William Day


(short description of the improvement)

to the above premises was substantially performed on **July 31st, 2024**

(date substantially performed)

Date certificate signed: **October 16, 2024**

(payment certifier where there is one)


Darryl Cooke
2024.10.11
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(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.: 1402-CG-003
 CONTRACT TITLE: CTA Construction Services Overflow
 CONTRACTOR: William Day Construction Ltd.

CHECK ITEM	Yes/No	DATE	REMARKS
Contractor's notice of substantial completion received	Y	31-Jul-24	Complete Overflow
Inspection completed	Y	7-Oct-24	mechanical completion
Deficiency list developed	Y	7-Oct-24	refer to mechanical completion
Any outstanding claims	N	31-Jul-24	
Any outstanding amendments, FWI, ECN, etc.	N	31-Jul-24	refer to mechanical completion

Verification Date:	AMOUNT	REMARKS
A Current value of the contract	\$ 5,301,509.66	as of CCO 003
B Anticipated final cost of the contract	\$ 4,048,326.76	
C Amount invoiced	\$ 4,048,326.76	
D Amount paid to vendor	\$ 4,048,326.76	
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)	\$ -	

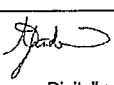

Substantial Completion Calculation

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 \$1,000,000.00 of the contract price	\$ 30,000.00
B 2% of the next \$1,000,000.00 of the contract price	\$ 20,000.00
C 1% of the balance of the contract price	\$ 20,483.27
TOTAL	\$ 70,483.27

Append with the completed Substantial Completion Checklist the following documents:

- Form 6 to be signed by Vale
- Substantial Completion Certificate to be signed by Vale
- W.S.I.B. Clearance Certificate
- Claims Clearance Certificate for the period prior to the substantial performance date
- Insurance Certificate
- Statutory Declaration
- Copy of Change Notice Register for the relevant contract
- Copy of Amendment Register for the relevant contract
- Copy of the deficiency list & list of all the work that is remaining

	PRINTED NAME	SIGNATURE	DATE
A. CONTRACTS COORDINATOR	Adrian Tonkovic	 Digitally signed by wyc5854 DN: cn=wyc5854 Date: 2024.10.11 12:41:15 -04'00'	
B. CONTRACT SUPERINTENDENT / FIELD ENGINEER	Liam Tanos	Digitally signed by lbi8426 DN: cn=lbi8426 Date: 2024.10.11 12:48:39 -04'00'	
C. COST ENGINEER / PROJECT CONTROLS MANAGER	Christine Lennox	IH958431 Digitally signed by ih958431 DN: cn=ih958431 Date: 2024.10.11 14:27:07 -04'00'	
D. CONSTRUCTION MANAGER	Rick Baril	 Digitally signed by nhw7355 DN: cn=nhw7355 Date: 2024.10.11 13:58:45 -04'00'	
E. OWNER AREA MANAGER	Glenn Munro	J. Glenn Munro Digitally signed by J. Glenn Munro DN: cn=J. Glenn Munro, o=CA, email=glenn.munro@vale.com Date: 2024.10.11 14:33:06 -04'00'	

ATTACHMENT B

FORM OF SUBSTANTIAL COMPLETION CERTIFICATE

Project: 1402-CG-003 CTA Construction Overflow

Agreement Title: CTA Construction Overflow

Agreement No.: 1402-CG-003


Trade Contractor: William Day Construction Ltd.

The Company and the Trade Contractor hereby acknowledge and agree that, in reference to Section 12.1(b) of the Trade Contractor Agreement:

1. Substantial Completion, as defined in the Trade Contractor Agreement, was achieved as of the **July 31st, 2024** and this date shall be the Substantial Completion Date for purposes of the Trade Contractor Agreement.
2. Notwithstanding the foregoing, achievement of Substantial Completion does not relieve the Trade Contractor of its continuing and surviving obligations and responsibilities under the Trade Contractor Agreement.
3. All capitalized terms used in this certificate shall have the meanings specified for such terms in the Trade Contractor Agreement and the person signing this certificate on behalf of the Trade Contractor is a duly authorized representative of the Trade Contractor, authorized to execute and deliver this certificate on behalf of the Trade Contractor.

Dated this 7th day of October, 2024.

Vale – North Atlantic Project

 Darryl Cooke
2024.10.11
14:29:07 -04'00'

Signature

Print Name

Title

William Day Construction Limited

Signature

Print Name

Title

ATTACHMENT "F"
FORM OF STATUTORY DECLARATION

IN THE MATTER OF A TRADE CONTRACTOR AGREEMENT DATED
the 22 day of August, 20 24 (the "Agreement")
between **Vale Canda Limited NAPG**, as Company, and **William Day Construction
Ltd**, as Trade Contractor, with respect to the **1402-CG-003 CTA Construction
Overflow**

I, _____ of the _____ of _____
_____ in the Province of _____, DO SOLEMNLY
DECLARE

AS OF THE DATE OF THIS DECLARATION:

1. THAT I am the _____ of the Trade Contractor named in the Agreement above mentioned, and as such have a personal knowledge of the facts and matters herein deposed to.
2. THAT I am aware that the Company is relying upon this statutory declaration and the facts stated herein in advancing funds under the Agreement and I am further aware that the Company has agreed to make the payment based, in part, in reliance upon the truth and complete accuracy of this declaration.
3. THAT all accounts for payroll, labour, materials, subtrade contracts, products, services, construction machinery and equipment and other indebtedness which may have been incurred by the Trade Contractor in the performance of the Work have been paid in full except holdback monies properly retained.
4. THAT all payments, assessments, levies and contributions required to be made by the Trade Contractor under and by virtue of the [applicable provincial health and safety legislation such as *Workplace Safety and Insurance Act, 1997 (ON)* or *Workplace Health, Safety and Compensation Act (NL)*], the [Occupational Health and Safety Act], and the [Employment Insurance Act (Canada)] have been fully paid and satisfied, and that all other requirements of the said Acts have been fully complied with.

[Note to Finalization: Amend above references as appropriate.]

5. THAT the Trade Contractor has no notice of any Lien registered or which is likely to be registered over the Site or Facility by its Personnel or its Subtrade contractors.

(Additional declaration for the Statutory Declaration under Section 3.3(a)(ii) of the Agreement in support of the payment of the holdback)

6. THAT:

- (a) the information and supporting documentation provided with the Invoice submitted under Section 3.3(a)(i) of the Agreement are complete and accurate;
- (b) the amount payable under the Invoice is the holdback retained up to the last anniversary date of the Trade contract;
- (c) the notice of early release of holdback has been given and posted in the manner provided for giving and posting of notice under Section **[11.2 of the *Mechanics' Lien Act (NL)*] and [Note to Finalization: Amend as appropriate.]**
- (d) all necessary Workers' Compensation Board filings of the Trade Contractor are up to date.

(Additional declaration for the Statutory Declaration under Section 12.2(b)(iii) of the Agreement in support of the issuance of the Completion Certificate)

7. THAT:

- (a) the information and supporting documentation provided with the Invoice submitted under Section 3.4(a) of the Agreement are complete and accurate; and
- (b) the amount payable under the Invoice is the final sum payable with respect to the Agreement under Section 3.4; and
- (c) all necessary Workers' Compensation Board filings of the Trade Contractor are up to date.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath. All capitalized terms used in this declaration shall have the meanings specified for such terms in the Agreement.

DECLARED before me at the _____ of _____)
 _____, in the _____) of _____)
 this _____ day of _____,) 200_____)

Signed

 A Commissioner for Oaths, Notary Public, Justice of the Peace.

For commissioners only: my commission expires _____, 200__

ATTACHMENT I
FORM OF COMPLETION CERTIFICATE

Project: NAPG CTA Construction Overflow

Agreement Title: CTA Construction Overflow

Agreement No.: 1402-CG-003

Trade Contractor: William Day Construction Ltd

The Company and the Trade Contractor hereby acknowledge and agree that, in reference to Section 12.2 of the Trade Contractor Agreement:

1. Each of the following conditions precedent under Section 12.2(b) of the Trade Contractor Agreement have been met:
 - (a) the Work has been fully completed in accordance with this Trade Contractor Agreement, including all Defects remedied to meet the Standard of Care and the requirements of this Trade Contractor Agreement, and all obligations of the Trade Contractor to other parties in relation to the Work, for which the Company could in any way be held responsible, are fully satisfied;
 - (b) the Trade Contractor has delivered to the Company a statutory declaration from itself in the form included in Attachment O, the date the Trade Contractor completed the Work (to evidence the expiration of the term for filing Liens), and the full payment of all payrolls and other similar indebtedness, and all other sums and obligations howsoever incurred by the Trade Contractor in carrying out the Work, together with a Workers' Compensation Board clearance certificate.
2. Final Completion, as defined in the Trade Contractor Agreement, was achieved as of the 31st day of July 2024 and this date shall be the Final Completion Date for purposes of the Trade Contractor Agreement.
3. Notwithstanding the foregoing, achievement of Final Completion does not relieve the Trade Contractor of its continuing and surviving obligations and responsibilities under the Trade Contractor Agreement.
4. All capitalized terms used in this certificate shall have the meanings specified for such terms in the Trade Contractor Agreement, and the person signing this certificate on behalf of the Trade Contractor is a duly authorized representative of

the Trade Contractor, authorized to execute and deliver this certificate on behalf
of the Trade Contractor.

Vale Canada Ltd.

Darryl Cooke
Darryl Cooke
2024.10.11
14:29:28 -04'00'

Signature

Print Name

Title

William Day Construction Ltd.

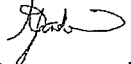


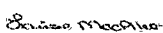
Signature

Print Name

Title



Contract Demobilization Checklist

Contractor:	1402-CG-003 Construction Services William Day				
Contract No.:	1402-CG-003				
Contract Name:	William Day				
	Yes	No	N/A	Initials	Date
Material Overages Dispositioned			X		
Salvage Recovery Complete			X		
Temporary Facilities Removed and area remediated.	X				
Utility Hookups Removed			X		
Tool and Equipment Accounts Reconciled			X		
Equipment/Tools Exit Inspection Complete			X		
All Environmental issues addressed, restored or disposed of including oil, fuel, solvent, paint, etc., spills.	X				
Check condition of contractor trailer for damages	X				
Route:					
Contracts Administrator	Signature			Date	
Adrian Tonkovic	 <small>Digitally signed by wyc5854 DN: cn=wyc5854 Date: 2024.10.08 07:38:08 -04'00'</small>				
Discipline Lead	Signature			Date	
Meagan Shkwarek	 <small>Digitally signed by qmc4202 DN: cn=qmc4202 Date: 2024.10.08 07:22:11 -04'00'</small>				
Development, Construction & Logistics Manager	Signature			Date	
Rick Baril	 <small>Digitally signed by nhw7355 DN: cn=nhw7355 Date: 2024.10.07 14:59:30 -04'00'</small>				
Contracts Manager	Signature			Date	
Louise Macphee	 <small>Digitally signed by Louise Macphee Date: 2024.10.11 13:18:50 -04'00'</small>				



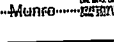
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MECHANICAL COMPLETION NOTICE		Project No. varies	Subd.	Subject	Sequential	Rev.
Client: VALE CANADA LIMITED			Date Oct 7 th , 2024		Page 1 of 1	
Project Name & Location: 1402-CG-003 Construction Services WD			Mechanical Completion Notice No. 1			
System No.: N/A			<i>DISTRIBUTION (NAME PLUS DISCIPLINE OR COMPANY)</i> From: Liam Tanos 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-001 - PMRA, DSRC & Survey- completed
FWI-002 – A-Area Stockpile Levelling & Maintaining- completed
FWI 003 - Highway Crossing- completed
FWI-004 - Pole Unloading- completed
FWI-006 - Tree Clearing - completed
FWI-007 - Highway Crossing - Confined Space Rescue Team- completed
FWI-008 - 1750B Rock Placement 10 day - completed
FWI-009 – Site Preparation for crushing - completed
FWI-010 – 3" minus Crushing not used
FWI-011 - Underground Utilities Grouting- completed
FWI-012 - Surveying & Staking- completed
FWI-013 - Emergency Stockpiles- completed
FWI-014 - Seepage Collection Sump Pumping- completed
FWI-015 - Tree Clearing - 5Million Gallon Tank - - completed
FWI-016 - Tree Clearing - CCNR-SO2 Scrubber - completed
FWI-017 - Traffic Barrels - completed
FWI-019 - CQA Survey -- completed
FWI-020 - Concrete Barriers - completed
FWI-021 - GMS Heat repair & Replacement - completed
FWI-022 - Road Remediation Works in R-Area - completed
FWI-023 - Snow Removal - completed
FWI-024 - Test pits & Well installation - completed
FWI-025 - Snow Removal for NAPG Project - completed
FWI-026 - Offloading Equipment - completed
FWI-027 – Msouth Road Rerouting- completed
FWI-028 – Msouth 1A – ECN 002 - completed
FWI-031 - Mdam Monitoring- completed
FWI-032 - Bin Requirement-- completed
FWI-033 - Cuvert- completed
FWI-035 - Access Road E5&F5- completed
FWI-037 - Tree Clearing for Trailers- completed
FWI-038 - Syphon Road Rehab- completed
FWI-041 - 5 Mil Gal Tank laydown- completed
FWI-045 - CCCM Tree Clearing & Grubbing- completed
FWI-046 - SO2 Tree Emoval, Cearing & Grubbing- completed
FWI-047 – Toe Stabilization Additional Scope- completed
FWI-048 – Tree Clearing - M-South- completed
FWI-049 - Packer- completed
FWI-050- M-South Access Development- completed
FWI-051 – Compressive Stength Testing- completed
FWI-054 – Grouting of EW Lines- completed

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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	SIGNATURE		DATE
Prepared by:	Construction Coordinator	Rick Baril	 <small>Digitally signed by rbaril7355 DN: cn=rbaril7355 Date: 2024.10.07.13:10:24-0400</small>		
Reviewed by:	Engineering Lead	Liam Tanos, Matthew McCue	 <small>Digitally signed by qmc4202 DN: cn=qmc4202 Date: 2024.10.08.15:25:12-0400</small>		
Approved by:	Area Project Manager	Glenn Munro	 <small>Digitally signed by J. Glenn Munro DN: cn=J. Glenn Munro, o=VALE Date: 2024.10.08.15:25:12-0400</small>		



BFL CANADA Risk and Insurance Services Inc.
444 St. Mary Avenue, Suite 110
Winnipeg, Manitoba R3C 3T1
Tel.: (204) 594-0260
Toll Free: 1-877-508-5722
Fax: (204) 594-0259

Certificate of Insurance

Certificate No.: WILLDAY-23-186

This is to certify to: **Vale Canada Limited**
18 Rink Street, General Office
Copper Cliff ON P0M 1N0

that the following described policy(ies) or cover note(s) in force at this date have been effected to cover as shown below:

Named Insured: **William Day Construction Limited**
Address: **PO Box 1060, 2500 Elm Street**
Azilda, ON P0M 1B0

Description of operations and/or activities and/or locations and/or vehicles to which this certificate applies:

Evidence of Insurance

Policy Type	Insurer	Policy No.	Policy Period	Limit of Insurance
Commercial Automobile	Northbridge General Insurance Corporation	CBC2025438	June 1, 2023 to June 1, 2024	\$2,000,000. Third Party Liability • OPCF 21B - Blanket Fleet - All vehicles owned by, licensed to, leased to or rented (under 30 days) to the Named Insured.
Commercial General Liability	Continental Casualty Company (CNA Canada)	MPR2764180	June 1, 2023 to June 1, 2024	\$2,000,000. Bodily Injury & Property Damage – Each Occurrence
Umbrella Liability	Royal & Sun Alliance Insurance Company of Canada	COM 047800482	June 1, 2023 to June 1, 2024	\$3,000,000. Each Occurrence - Excess to Commercial General Liability
Contractor's Pollution Legal Liability	XL Specialty Insurance Company	CPC742046306	June 1, 2023 to June 1, 2024	\$5,000,000. Job Site Limit of Liability \$5,000,000. Job Site Aggregate Limit of Liability

ALL DOLLAR VALUES ARE IN CANADIAN FUNDS

Additional Information: It is understood and agreed that **Vale Canada Limited** is added as an Additional Insured with regards to the Commercial General Liability Policy solely and only with respect to liability arising out of the operations of the Named Insured as it relates to the activity to which this certificate applies.

This certificate is issued as a matter of information only and is subject to all the limitations, exclusions and conditions of the above-listed policies as they now exist or may hereafter be endorsed.

Should one of the above-noted policies be cancelled before the expiry date shown, notice of cancellation will be delivered in accordance with the policy provisions.

Limits shown above may be reduced by Claims or Expenses paid.

BFL CANADA Risk and Insurance Services Inc.

Signed in Winnipeg, Manitoba this 15th day of May, 2023

Per:

Authorized Representative – Cosmo Racano



Your clearance(s) / Vos certificats de décharge

We confirm that the business(es) listed below are active and in good standing with us.

Nous confirmons que la ou les entreprises énumérées ci-dessous sont actives et que leurs comptes sont en règle.

Contractor legal or trade name / Raison sociale ou appellation commerciale de l'entrepreneur	Contractor address / Adresse de l'entrepreneur	Contractor NAICS Code and Code Description / Code du SCIAN de l'entrepreneur et description	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mm-yyyy) / Période de validité (jj- mmm-aaaa)
WILLIAM DAY CONSTRUCTION LIMITED	PO BOX 1060, AZILDA, ON, P0M1B0, CA	007050: Non-Exempt Partners and Executive Officers in Construction - G5 212323: Sand and gravel mining and quarrying 212398: All other non-metallic mineral mining and quarrying 237310: Highway, street and bridge construction 237990: Other heavy and civil engineering construction 454319: Other fuel dealers 484232: Dry bulk materials trucking, long distance 488210: Support activities for rail transportation 488490: Other support activities for road transportation 562110: Waste collection	D0000J3UZQ	20-Aug-2024 to 19-Nov-2024

Under Section 141 of the *Workplace Safety and Insurance Act*, the WSIB waives our right to hold the principal (the business that has entered into a contractual agreement with the contractor/subcontractor) liable for any unpaid premiums and other amounts the contractor may owe us for the validity period specified.
Aux termes de l'article 141 de la *Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail*, la WSIB renonce à son droit de tenir l'entrepreneur principal (l'entreprise qui a conclu une entente contractuelle avec l'entrepreneur ou le sous-traitant) responsable de toute prime impayée et autre montant que l'entrepreneur pourrait lui devoir pour la période de validité indiquée.

WSIB Head Office: 200 Front Street West
Toronto, Ontario, Canada M5V 3J1

Siège social : 200, rue Front Ouest
Toronto (Ontario) Canada M5V 3J1

1-800-387-0750 | TTY/ATS 1-800-387-0050
employeraccounts@wsib.on.ca | wsib.ca