



Volume 2019, Issue 2

Upcoming CSC Events:

April 2019

- **CSC Regina Chapter Annual General Meeting**

May 2019

- **CSC National Conference
Regina, Saskatchewan**

The 2019 Conference
Registration Early Bird
Rate applies until
April 22, 2019

Register today!

See Pages 8-9 for details

THE REGINA SPECIFIER

<http://regina.csc-dcc.ca/>

**CSC Regina Chapter
Annual General Meeting**
Wednesday April 24, 2019 at 5:30pm
crave kitchen + wine bar

Presentation:
Student Design Competition followed by
the 2019 Annual General Meeting

All Members are welcome to attend!

Visit the Eventbrite Page for more details
Click here

Do you have any questions, comments or suggestions? Is there anything you would like to see in an upcoming issue of the Specifier? Announcements, upcoming events, or technical articles are welcome and encouraged! Any submissions for the Specifier can be emailed for review.

Share your knowledge — this is YOUR industry!

Please contact us at:

[**cscreginachapter@gmail.com**](mailto:cscreginachapter@gmail.com)

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VISION STATEMENT & EXECUTIVE

THE REGINA
SPECIFIER

Our Mission:

Construction Specifications Canada (CSC) is a national, multi-disciplinary, non-profit association with chapters across Canada. CSC is committed to ongoing development and delivery of quality education programs, publications and services for the betterment of the construction community. To this end, CSC pursues the study of systems and procedures which will improve the co-ordination and dissemination of documentation relevant to the construction process. CSC seeks to enhance the quality of the design and management aspects of construction activity through programs of publication, education, professional development and certification believing that in so-doing it can best contribute to the efficiency and effectiveness of the industry as a whole.

Our Vision:

That Construction Specifications Canada is the construction community's first choice for quality documentation, education and networking.

Our Values & Core Beliefs:

Quality, Professionalism, Teamwork, Integrity, Openness and Innovation.

CSC Regina Chapter Executive 2019/2020

Chapter Director:	Rick Hadubiak	306.787.7759	rhadubiak.lsha@housingauthoritiesk.com
Chapter Chair:	Chris Roszell	306.757.1669	crozell@p3arch.com
Vice-Chair:	Vacant		
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Officer Trade Contractor	Kevin Hendriks	306.352.1437	Kevin.kapcity@sasktel.net

The CSC Regina Executive Committee is recruiting! If you or someone you know would be a good fit for any of the following positions, please contact us at:

cscreginachapter@gmail.com

Vice Chairman

Officer Specification Writer

Officer Facilities

In the construction industry's fast –paced environment, the need for and value of Construction Specifications Canada is greater than ever. CSC brings together individuals from all segments of the construction industry

Our Mission:

CSC (Construction Specifications Canada) is a national multi-disciplinary, non-profit association with chapters across Canada. CSC is committed to delivering progressive education, certification, publications and professional networking opportunities for the design + construction community

To this end, CSC pursues the study of systems and procedures which will improve the co-ordination and dissemination of documentation relevant to the construction process.

CSC Seeks to enhance the quality of the design and management aspects of construction activity through programs of publication, education, professional development, and certification, believing that in so doing it can best contribute to the efficiency and effectiveness of the industry as a whole.

Our Vision:

TRANSFORMING THE DESIGN + CONSTRUCTION COMMUNITY

Our Values & Core Beliefs

PROFESSIONALISM – Commitment to the highest ethical standards including integrity, honesty, trust, loyalty and open communication when working with the Design + Construction Community

COLLABORATION – Use the collaborative efforts of CSC members, volunteers, staff and allied associations for the betterment of the Design + Construction Community

OBJECTIVITY – Maintain an environment open to innovation, interaction and creativity using direction and feedback from the Design + Construction Community

RELEVANCY – Incorporate current attitudes and technologies, and adjust CSC's activities to Communication, Education and Collaboration to reflect the needs of the Design + Construction Community



Rick Hadubiak
CTR, CCCA
Regina Chapter Director

On March 3, 2019, I returned from the weekend Board of Directors meetings in Toronto.

Everyone was surprised and elated by the four Board members who stepped forward and will be running for the 4th Vice president this year. This year will be the first time CSC uses electronic balloting. You can expect to receive your confidential ballot this week.

Membership – “Invest in Yourself” – Keep your membership active if you leave your company. Remember it is an individual membership.

We have to make an effort to reach out to new members personally to invite them to participate in an upcoming Chapter event. The member also receives an invitation to attend their first Chapter meeting as a member at no cost.

Everyone should have received the 2018/2019 Membership Directory. Please notify the Association office if you have not received yours.

The CCA Online course is currently in development. Course content review is targeted for the fall of 2019 with an official launch date anticipated in 1st quarter of 2020. Certifications issued in the 2018 calendar year totaled 29:

CTR – 10

CCCA – 12

RSW – 1

CSP – 6

Upcoming Conferences: 2020 – Montreal; 2021 – Saskatoon; 2022 – Ottawa.

CSC is very active helping with the development and decision making of CCDC construction contract forms and other construction documentation. In conjunction with CSI in the United States and other international organizations CSC works on MasterFormat™, Omniclass™, BuildingSMART and other initiatives.

We are always looking for members to become more involved on something mentioned above or on education, certification, the Chapter executive or other programs through the year.



Are you interested in taking the
Construction Contract Administration (CCA) Course?
Get in touch to let us know: cscreginachapter@gmail.com



CSC Regina Chapter
Construction Contract Administration
Education Course

Advance Notice

Contract administration involves the timely flow of information and decisions to enable completion of the project as required by the contract documents. Contract administration includes review and observation of the construction project. This is important to the Owner and Consultant not only to determine that the work is proceeding in conformity with the contract documents, but also because it allows a final opportunity to detect any inaccuracies ambiguities or inconsistencies in the design.

The objective of the CCA program is to improve construction contract administration by providing education related to the understanding, administration and enforcement of contract requirements during the construction phase of the project. The CCA Program recognizes the experience, integrity and competence of construction contract administrators.

This advanced level course will take the individual beyond the concepts previously introduced in the PCD course. Although some of the same topics are included in this course, the depth of understanding and explanation exceed that of the PCD course.

The course is designed for those individuals involved in construction administration, this includes Contract Administrators; Property Managers; Architects; Engineers; Interior Designers; Specification Consultants; Building Authorities and Bonding and Insurance Agencies.

COURSE OUTLINE:

- Construction Industry participants
- Alternative and Substitutions
- Standards and Regulatory Influences
- Site Activities
- Execution of the Work
- Certificate of Payment
- Changes in the Work
- Dispute Resolution
- Construction Insurance
- Construction Surety Bonds
- Guaranties and Warranties
- Project Submittal
- Field Services and Quality Control
- Clerk of the Works
- Contract Close-Out
- Commissioning
- Definitions and Resources

Please email cscreginachapter@gmail.com if you are interested in taking this course.

Blacklisted Bidders: Use of disbarment clauses in tenders

By Jared D. Epp, Roberson Stromberg LLP

In certain jurisdictions there has been a growing emphasis in the public sector on preventing “known bad actors” from bidding on public construction projects. To the government, these “disbarment clauses” are justified on the basis that it is not in the best interests of the public to award work to “litigious contractors” or to contractors who have a history of performance or safety issues. To a “blacklisted” contractor, however, these disbarment clauses are often perceived as an attempt by the government to exercise leverage over contractors by discouraging contractors from pursuing their legal rights through the courts. Disbarment clauses can be found in a variety of different documents, including in the instructions to bidders and even in municipal bylaws.

Whether or not disbarment clauses are enforceable was recently considered by an Ontario court in *Interpaving Limited v. City of Greater Sudbury*. The particular bylaw in issue in that case read as follows:

(2) A Bidder or Supplier may be excluded from eligibility to submit Bids or quotes or a submitted Bid or quote may be summarily rejected and returned to a Bidder or Supplier where the Agent and the applicable [Senior Management Team Member] agree, in consultation with the City Solicitor, in their absolute sole discretion that one of the following circumstances has occurred:

(a) the Bidder or Supplier is or has been involved in Litigation with the City, its elected officials, officers or employees;

...

(c) there is documented evidence of poor performance, non-performance or default by the Bidder or Supplier in respect to any Contract;

...

(g) the Bidder, Supplier or its personnel have demonstrated abusive behaviour or threatening conduct towards City employees, their agents or representatives;

The City of Greater Sudbury claimed that Interpaving, who had worked for the City for more than 40 years, was in violation of each of these provisions. The City cited a number of violations that had been committed by Interpaving including:

Interpaving had commenced a lawsuit against the City seeking payment in relation to five different City projects;

Interpaving had a history of violating health and safety legislation, including one serious incident, which was under appeal, involving a pedestrian that had been killed by a construction vehicle, while the pedestrian was entering into an "Interpaving construction zone"; and

Interpaving was, as a general matter, abusive and threatening in its interactions with the City.

As a result of these violations, the City issued a decision barring Interpaving from bidding on any City projects for a period of four years. Interpaving challenged this decision arguing both that the bylaw itself was invalid and that the decision to disbar Interpaving, on the basis of conduct that occurred prior to the bylaw being passed, was unreasonable.

In addressing Interpaving's first argument that the bylaw was invalid, the Court held that the City, like any private person, had an inherent right to decide with whom to do business. No one, in other words, has an inherent right to bid on public sector work.

The Court also concluded that the decision to disbar Interpaving, based on its past conduct, for a period of four years was reasonable. Given the strained relations that existed between the parties, a certain "cooling off" period before regular relations might resume again was to be expected. As a result, Interpaving's court application was dismissed, and the Court upheld the City's decision to disbar Interpaving from bidding on future projects.

Although the *Interpaving* decision took place in the context of a challenge to a municipal bylaw, many of the comments made by the Court are equally applicable to disbarment clauses that are relied upon by owners in their instructions to bidders. Owners, who seek to rely on such clauses, must be prepared to justify how it is in the public's interest to prevent a contractor from bidding on public work. Although it is clear that some type of disbarment clause is permissible, the scope of such clauses has still not been definitively resolved by the courts.



Regina

CSC CONFERENCE

MAY 22-26, 2019

We invite everyone to attend the CSC Conference 2019 in beautiful Regina Saskatchewan May 22-26, 2019 being held at the Delta Hotel Regina.

The CSC Regina Conference Committee is putting together an exciting technical program that will encourage delegates to think about and reflect on the many changes affecting design, construction, opportunities and specifications in Canada and the world. You will find the technical programs educational, informative, and relevant.

View and learn about the latest products and services available to the construction industry from our conference sponsors.

SEE YOU IN REGINA!



2019

People • Building • Opportunity

CONFERENCE
REGINA • SK

May 22 – 26, 2019

CSC CONFERENCE REGISTRATION / Delta Hotel Regina

DELEGATE INFORMATION: (please print)

First Name: _____ Last Name: _____

Title: _____ Organization: _____

Address: _____

City: _____ Province/State: _____ Postal Code/Zip: _____

Telephone: _____ Email: _____ Chapter: _____

Full Name of Companion (if registering): _____ Companion E-mail: _____

Are you a CSC or CSI Member? ☐ YES ☐ NO

Is this your first CSC conference? ☐ YES ☐ NO

REGISTRATION FEES All fees are in Canadian Dollars

Full Conference registration fees include all technical sessions, scheduled luncheons/breakfasts, Fun Night and Presidents Ball

Companion Fees include all scheduled luncheons/breakfasts listed on Companion schedule, tours/transportation, Fun Night and President's Ball

	UNTIL APRIL 14	AFTER APRIL 14	AFTER MAY 15 (subject to availability)
Members (full Conference)	\$ 525.00	\$ 595.00	\$ 695.00
Members (Single day)	\$ 250.00	\$ 300.00	\$ 375.00
Indicate day: <input type="checkbox"/> Thursday <input type="checkbox"/> Friday			

Non-Member (full Conference)	\$ 625.00	\$ 695.00	\$ 795.00
Non-Member (Single day)	\$ 300.00	\$ 350.00	\$ 400.00
Indicate day: <input type="checkbox"/> Thursday <input type="checkbox"/> Friday			

* Student (full Conference)	\$ 250.00	\$ 295.00	\$ 395.00
* Student (Single day)	\$ 40.00	\$ 50.00	\$ 75.00
Indicate day: <input type="checkbox"/> Thursday <input type="checkbox"/> Friday			

** Companion	\$ 475.00	\$ 525.00	\$ 650.00
Additional Companion	\$ 495.00	\$ 570.00	\$ 650.00

► Single day registrations include technical sessions & scheduled lunch only.

ADDITIONAL TICKETS

Full conference and companion registrations include one of each of the following, order additional tickets **ONLY** for guests

FUN NIGHT	\$150.00	PRESIDENT'S BALL	\$ 95.00
		Must be 16 years of age or older to attend	

of tickets required: _____ # of tickets required: _____

IMPORTANT:

Please send payment with registration form. All registered delegates will receive confirmation of their registrations via fax/e-mail, or post. Cancellations must be in writing and a \$100 cancellation fee will be charged. All registrations are non-refundable/non-transferable 2 weeks prior to the start of the Conference.

PAYMENT

Delegate registration fee: \$ _____

** Companion Registration fee \$ _____

Additional Tickets \$ _____

Sub Total: \$ _____

GST (5%) (R10697097) \$ _____

TOTAL AMOUNT \$ _____

PAYMENT METHOD

☐ Cheque (Payable to CSC) # _____

☐ Visa ☐ MasterCard ☐ American Express

Card Number: _____

Expiry Date: _____ Security code _____

Date: _____

Signature: _____

Registered "Delegates" will not be permitted on the Companions program.

* Student - is an individual undergoing training in a school of architecture, engineering, or technology- Photo ID is required at the registration desk – space is limited and must be registered prior to the conference

** One Companion for every Delegate registration; each additional Companion will be at listed rate.



Considering advertising with the CSC Regina Chapter?
The CSC brings together individuals from all segments of the construction industry. When you advertise with us you are reaching a wide range of professionals and industry experts.

Advertising with us will provide you with the opportunity to reach readers through the newsletter and on the CSC Regina website. The ad will be placed in one issue of the Specifier and remain on the website for one month.

Advertisements will be posted in the newsletter and accessible via the Chapter Website

BUSINESS CARD

Yearly (10 issues) \$50.00 members / \$75.00 non-members

FULL PAGE

Yearly (10 issues) \$500.00 members / \$600.00 non-members

Single Issue \$100.00 members / \$150.00 non-members

HALF PAGE

Yearly (10 issues) \$250.00 members / \$300.00 non-members

Single Issue \$50.00 members / \$75.00 non-members

QUARTER PAGE

Yearly (10 issues) \$125.00 members / \$125.00 non-members

Single Issue \$25.00 members / \$50.00 non-members

Deadline for submission is the first day of each month; to be included in that month's publication.

Image files must be .jpeg and all descriptions in .doc format.

Submissions should be sent to Nicole George:
ngeorge@p3arch.com

Cheques to be made payable to:
CSC Regina Chapter

Publication disclaimer: The newsletter acts as a moderator without approving, disapproving or guaranteeing the validity or accuracy of any data, claim or opinion appearing under an ad or quoted from an acknowledged source. The opinions expressed by the authors do not necessarily reflect the official views of Construction Specifications Canada. Also appearance of advertisements and new products or service information does not constitute an endorsement of product or service feature.