



Volume 2019, Issue 3

Upcoming CSC Events:

November 28, 2019

- CSC Regina Chapter
City of Regina Bus Barn Tour

December 12, 2019

- CSC Regina Chapter
Member Appreciation Social

January 2020

- Annual Student Dinner

February 13, 2020

- Connections Café
Vendor Registration is OPEN!

March 2020

- CSC Regina Chapter
TBC

April 2020

- CSC Regina Chapter
Annual General Meeting

May 2019

- CSC National Conference
Montreal, Quebec

Click HERE to see all the highlights at the 2019

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

THE REGINA SPECIFIER

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

CSC Regina Chapter

Join us on Thursday November 28, 2019 at the
City of Regina Bus Barn Tour.



[Click here to purchase your ticket](#)

Save the Date—CSC Regina Chapter
Member Appreciation Social is happening on
Thursday December 12th at Crave—
watch for more details!

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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		
Secretary:	Katrina Nagle	306.757.1669	knagle@p3arch.com
Treasurer:	Jay Jones	306.719.1450	jay.jones@ledcor.com
Membership	Rodway Jung		
Officer Technical			
Professional Development:	Katrina Nagle	306.757.1669	knagle@p3arch.com
Newsletter/Web Editor:	Vacant		
Member at Large	Stacy Wolitski		
Member at Large	Teck Shing Lee	306.791.7422	prs@rcaonline.ca
Officer Specification Writer	Vacant		
Officer Architectural	Dylan Elliott	306.569.2255	delliott@sepw.ca
Officer Engineering:	Collin Halliwell	306.721.2466	halliwellc@ae.ca
Officer Facility/Plant Manager:	Vacant		
Officer Interiors:	Nicole George	306.757.1669	ngeorge@p3arch.com
Officer General Contractor:	Jay Jones	306.719.1450	jay.jones@ledcor.com
Officer Manufacturer/Supplier	Garth Huber	306.569.2334	garthh@wallace.sk.ca
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 October 6, 2019, I returned from the weekend Board of Directors meetings in Toronto. We reviewed the Strategic Plan including CSC's Mission and Vision Statements. Everything stayed the same with our focus to be on education, documents and conferences.

Membership – “Invest in Yourself” – Keep your membership active if you leave your company. Remember it is an individual membership. There was no increase in membership dues for 2019-2020. Target professionals: Architects/Engineers, General Contractors, sub-trade contractors, interior designers, Facility Management people, technicians and technologists. Increase diversification of members. Every member should have received a copy of the 2019/2020 Membership Directory in the mail.

Marketing: Website: They are in the process of cleaning up issues. Next step is to reach out to Marketing or Website person to introduce them to the back-end of the website. Training will be in approximately 2 months. Each chapter will have a new chapter email: regina@csc-dcc.ca

The Association will monitor social media – Twitter account should be the only one every chapter should have. Facebook and Instagram are not to be a chapter account but an Association Account. Red and Black table banners will be provided by the Association to maintain logo consistency. Association is looking at the creation of a “Swag Shop” to allow Chapters to purchase promotional materials, taking advantage of bulk discounts and providing consistency with logo usage.

Education: The new website will have an Education portal to include bio's of instructors and courses available. Course costs to be set by the Association: 10-14 week courses - \$875.00/members and \$1175.00/non-members; Five day workshops - \$1199.00/members and \$1399.00/non-members. Chapters can provide incentives such as one or two free Chapter meeting passes but should refrain from CSC free memberships. Any students completing the PCD course successfully through a post-secondary institution with a B-grade or higher can get an exception letter so they can take other CSC courses requiring the PCD course as a prerequisite. PCD and CSP courses are mandatory to get RSW designation effective March 31, 2020. Association is planning a Scholarship for 2-3 people per year.

Conferences: Conference in 2020 in Montreal- May 20th thru 24th; 2021 in Saskatoon; Conference in 2022 has been moved from Ottawa to Niagara/Grand Valley/London; 2023 to be determined. Conference pins will be discontinued and looking to enhance the Conference Connections Café. Award recipients at the conference are being notified well in advance so they can obtain approvals from employers and plan to attend the conference.

College of Fellows: Once a fellow you are always a fellow even if you are no longer a member.

CCDC Documents: CCDC 2, Div.01 Specifications and CCDC 31 – continue to be reviewed. CCDC 5A and 5B need on-going review and should be ready for committee review mid-2020. CCDC 14 still under further development. CCDC 24 Forms – started guiding principles – going to take major work and time to complete – no committee review date set.

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

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.



Skills must be kept up if you are going to compete in today's market. Having the experience and knowledge will give you leverage in the fast paced construction industry. The PCD program will provide you with a better understanding of construction documentation (specifications, drawings, and schedules), products, bidding procedures, and contracts. The course will also provide a solid base for future skills acquisition, job efficiency, position advancement, and pay increases in a convenient and easy to follow format.

PCD Course Outline

- ◆ Construction Process
- ◆ Production of Construction Documents
- ◆ Forms of Contract
- ◆ Codes and Standards
- ◆ Risk Management Issues
- ◆ Legal Issues
- ◆ Building Science
- ◆ Contract Administration
- ◆ Communications
- ◆ Trends in the Construction Industry

Winter 2020—watch for registration to open

Have you already taken the PCD course and are interested in the next step—Construction Contract Administration (CCA) Course?

Get in touch to let us know: cscreginachapter@gmail.com

Disputing the Dispute Clause

By Jared D. Epp, Roberson Stromberg LLP

One of the most common provisions found in subcontract agreements are incorporation by reference clauses. These clauses are intended to protect both the interests of the owner as well as the interests of the general contractor by ensuring that the rights, liabilities and obligations set out in the prime contract “flow through” to the subcontractor. Incorporation by reference clauses eliminate the need for redundant contract drafting and ensure that the portion of the general contractor’s work scope that is being assigned to the subcontractor is performed to the same quality and/or standards imposed upon the general contractor by the owner. As a further layer of protection, these incorporation by reference clauses are also accompanied by priority provisions, which usually state that the terms of the prime contract, in the event of a conflict, prevail over the terms of the subcontract.

Although the use of these types of clauses is common practice, the legal consequences of what is meant when the prime contract terms are incorporated by reference is not always clear, especially when trying to determine which contract’s dispute resolution provisions apply. The case of *MRC Total Build Ltd. v. F&M Installations* is an example of one such situation.

This case involved a dispute, largely relating to liability for delay, between BC Hydro, the owner, a general contractor, F&M Installations, and a subcontractor, MRC Total Build. As part of the dispute, MRC Total Build started a legal action against F&M Installations. In response, F&M Installations filed a court application asking that the lawsuit be suspended on the basis that the parties’ dispute needed to be resolved by way of arbitration first. Although the parties’ subcontract did not contain any type of dispute resolution provision, the prime contract contained detailed dispute resolution provisions, including a provision requiring arbitration.

The key issue in F&M Installation’s court application was whether or not the prime contract’s dispute resolution provisions had been incorporated into the terms of the parties’ subcontract by virtue of the following clause:

The Prime Contract, associated drawings and specifications for the scope of work are attached in Schedule I and form part of this Subcontract Agreement. Subcontractor is to review in detail to ensure all the information required to perform scope of work has been provided. Subcontractor is to advise the Contractor in writing 14 days in advance of the date you require this information to allow for the Contractor respond or obtain from Owner. Failure to do so may result in delays to the project and potential cost impacts not recoverable from the Contractor or the Owner.

In arguing that this clause did not incorporate the prime contract’s arbitration provisions, MRC Total Build stressed the fact there was no specific reference to the prime contract’s dispute resolution provisions in the subcontract. MRC Total Build also argued that this clause, when considered as a whole, simply meant that MRC Total Build was agreeing to perform the work scope set out in the prime contract, as opposed to agreeing to accept all of the prime contract’s legal terms and obligations. In contrast, F&M Installations argued that there was no legal requirement that it specifically refer to its arbitration clause in the incorporation by reference provision. Rather, the mere fact that the prime contract formed part of the subcontract must, by logical implication, mean that all of the terms of the prime contract apply.

Ultimately the judge was persuaded by the arguments of F&M Installations and remitted the case back to the arbitrator for a final determination of this issue. Although F&M Installations was successful with its court application, this case is a good reminder of the need for careful review and drafting of contract documents. If there had been a specific reference to the arbitration provision being adopted in the subcontract, it is likely that the entire application process could have been avoided. Such a result would have been in the interests of all parties, including the owner, as it would have ensured that each of the parties resources were invested in advancing and resolving the main issue, i.e. responsibility for delay, as opposed to resolving a technical contract interpretation issue.



Congratulations to the following members who received Longevity Awards at the 2019 CSC Regina conference:

Willem de Lint, FCSC—50 Years

Del Hammerlindl, CTR—40 Years

Ken Smith—30 years

Ross McIntyre—20 Years

Tim Walsh—20 Years

Gord Joorisity—20 Years

Greg Woitas—15 Years

Reid McCauley— 15 Years

Ryan McEwen— 10 Years



À vos agendas! Save the date!

Conférence DCC 2020
Montréal
20 au 24 mai 2020

CSC Conference 2020
Montréal
May 20 – 24, 2020



www.csc-dcc.ca



Viser l'excellence

2020

**CONFÉRENCE
MONTREAL • QC**

20-24 mai, 2020



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

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HALF PAGE

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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 cscreginachapter@gmail.com

Cheques to be made payable to:
CSC Regina Chapter

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