



Volume 2019, Issue 1

Upcoming CSC Events:

January 24, 2019

- Saskatchewan Polytechnic Annual Student Dinner

February 2019

- TBA

March 2019

- TBA

April 2019

- CSC Regina Chapter Annual General Meeting

May 2019

- CSC National Conference Regina, Saskatchewan

Thank you to everybody who made a donation to the Regina Food Bank as part of the CSC Regina Chapter Member Christmas Social—we raised \$270.00!

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 Annual Student Fair and Dinner Meeting



Join us for an evening of networking and connecting with CSC members and Saskatchewan Polytechnic students.

Presentation: Conexus Head Office + Saskatchewan Polytechnic alumni

See Page 6 for more information. Tickets and sponsorship opportunities are available [**here**](#)

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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

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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

ENGINEERS *SUPPLIERS*
STUDENTS **CONTRACTORS**
Facility/Plant Managers **DESIGN PROFESSIONALS**
SPECIFICATION WRITERS *Trade Contractors*



CSC Regina Chapter is looking for members to fill the following positions:

Vice Chairman
Officer Specification Writer
Officer Facilities

WE ARE LOOKING FOR NEW MEMBERS



The CSC Regina Chapter is recruiting!

We are always seeking to recruit CSC Members! The CSC (Construction Specifications Canada) is a national, multi-disciplinary, non-profit association with chapters across Canada.

We host monthly tours and lunch and learns which create many networking opportunities for the design and construction industry at the local and national level!

Regina is also the host of the 2019 National Conference. If you are interested in being involved with the conference please get in touch with us at cscreginachapter@gmail.com

Do you know someone in the construction industry who is interested in engaging and networking with other professionals and attending our monthly events?

Want to know more?

Get in touch with us at cscreginachapter@gmail.com!



The CSC Regina Chapter is planning to host a CCA Course (Construction Contract Administration) in January, 2019. The course will be held in Regina once a week during the evening.

Details on the schedule, start date and cost will be confirmed in early 2019.

If you are interested in taking the course please get in touch with us at 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.



Saskatchewan Polytechnic and the CSC Regina Chapter present the:

Annual Student Fair and Dinner Meeting

January 24th, 2019—5:30PM

Delta Hotel, 1919 Saskatchewan Drive, Regina, SK

Program will include:

- ◇ Presentation by Architectural Technologies alumni on their careers
- ◇ Presentation by the Alumni on the Conexus Office Building



5:30pm - Cocktails (cash bar)

6:00pm - Welcome from CSC Chapter Chair;

6:15-6:45pm - Speed Mentoring with Industry and Students

6:50pm - Dinner Served

7:15pm - Program to begin

Cost:

Saskatchewan Polytechnic Students **\$25**

CSC Members **\$30**

Non-Members **\$35**

Please join the CSC Regina Chapter for an evening of networking and connecting with Saskatchewan Polytechnic students, alumni and many other active members in the construction industry including architects, engineers, contractors, technical representatives and more.

Lowest Price but not Best Value: Use of owner discretion in evaluating bids
By Jared D. Epp, Roberson Stromberg LLP

One of the key legal concepts in bidding and tendering law is the concept of "Contract A". Contract A is formed when a contractor submits a bid in response to a tender call. Contract A creates rights and imposes obligations on both owners as well as contractors. One of the most important obligations created by Contract A is an owner's obligation to treat all contractors fairly and equally. Included within this obligation is the general requirement that owners evaluate bids based on the criteria that is set out in the tender documents as opposed to relying upon some other, unspecified criteria.

The allegation that an owner relied on unspecified or undisclosed criteria to award a contract is often made any time an owner chooses to award a contract to a non-low bidder. As the existence of privilege clauses do not, necessarily, protect an owner in all cases, additional guidance, in terms of what and how an owner might evaluate a bid, particularly in sectors requiring "best value procurement", is required. This guidance was provided in a recent decision by the Alberta Court of Appeal in *Everest Construction Management v. Town of Strathmore*. A basic outline of the facts in this case is as follows:

1. The Town issued an invitation to bid on a reservoir and pumping station. Included within the tender documents was a standard privilege clause indicating that the "lowest or any bid will not necessarily be accepted" by the owner.
2. The two lowest bidders on the project were Everest and a joint venture led by Graham Construction.
3. Everest's bid was for \$6,440,433, with a completion date of March 21, 2013, while Graham's bid was for \$6,474,084, with a completion date of December 31, 2012.
4. In its bid form, Everest listed only one past project that was relevant to its experience to build the current project. Graham listed six, however, these projects were not, strictly speaking, completed by Graham. Rather, they were completed by a Graham led joint venture. Although the Town made subsequent inquiries into the past construction experience of Everest, it made no such inquiries into Graham.
5. Although Everest's bid was the lowest, the Town decided to award the contract to Graham. The Town's key reasons for doing so were Graham's early completion date, Graham's additional experience, and a concern that the extra time it would take Everest to complete the project would result in extra costs to the Town such that Graham's bid would actually cost the Town less than Everest's bid.
6. After being informed that it did not receive the contract, Everest started a legal action against the Town. This action was initially dismissed following a trial. Everest then appealed.

Everest made two main arguments on appeal. First, that the Town breached Contract A by failing to advise bidders that the Town intended to evaluate bids on the basis of past experience, expected completion date, and any extra costs associated with a later completion date. Second, that the Town treated Everest unfairly by failing to investigate Graham's project history to ensure that Graham's past joint venture experience was relevant to the Town's project. Both of these arguments were rejected by the Court of Appeal.

Turning to the first argument, the Court noted that the tender documents expressly required bidders to propose a completion date as well as to provide information about past project experience. It was therefore reasonable for bidders to expect that these factors would be considered by the Town in evaluating the parties' bids. Additionally, the Bidder Qualification Form specifically indicated that bidders were to provide information on past experience to allow the Town to "judge" the bidder's ability to fulfil the contract. This too was a strong indication to bidders that their past experience would be assessed by the Town.

The Court also held that the Town was permitted to "adjust", at least theoretically, Everest's bid to account for what it expected would be increased costs flowing from Everest's later completion date. In making this finding, the Court stressed the fact that the tender documents contained a privilege clause as well as disclosed the fact that construction schedule would be assessed by the Town. In such a circumstance, it was therefore open to the Town, as owner, to take a more nuanced view of what the true cost of a bid would be.

The Court then addressed the argument that the Town was required to investigate Graham's past experience, particularly given the fact that the Town had chosen to investigate Everest's past experience. In dismissing this argument, the Court held that the Town had no duty to investigate Graham's past experience, particularly in relation to whether or not Graham could bring to bear the experience it obtained working as a joint venture on past projects, because this was something that the Town, through its consultant, would have already known. In other words, there was no point in requiring the Town to "investigate" Graham to verify the background knowledge that the Town already possessed about Graham.

Ultimately this case is a good reminder that Contract A is intended, at its core, to prevent unfair treatment of bidders. Although the complaint that an owner evaluated bids on the basis of undisclosed criteria is often made by disappointed bidders, it can be difficult to prove, particularly where owners have, in the tender documents, reserved some discretion in terms of how bids will be evaluated.



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!

	People • Building • Opportunity
2019	CONFERENCE REGINA • SK
May 22 – 26, 2019	



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

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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 Nicole George:
ngeorge@p3arch.com

Cheques to be made payable to:
CSC Regina Chapter

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