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Master Specification Section Text:

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Lists of Plan Holders, Plan Takers and Interested Vendors (Bidders)

Inquiries

**Changes made in this Section Update (2017-10-24):**

1. Article on trade agreements has been updated.

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**Changes made in this Section Update (2016-11-24):**

1. References to ‘Schedule of Prices’ have been changed to ‘Unit Price Schedule’.

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**Changes made in this Section Update (2016-06-24):**

1. References to Alberta Ministry of Jobs, Skills, Training and Labour have been changed to Alberta Ministry of Labour.

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**Changes made in this Section Update (2016-06-14):**

1. All bids will close in Edmonton. Calgary bid submission address deleted.
2. Automatic paragraph numbering added.

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**Changes made in this Section Update (2016-04-21):**

1. Modifications have been made through the section to accommodate electronic bid submission requirements.
2. Option added to 22.2. – [This meeting will be the only opportunity for Bidders to review the facility’s safety and security regulations which may impact the bid.]. The related Spec Note modified to identify when the option field is to be used.

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**Changes made in Section Update (2015-12-07):**

1. 23. – Applicable Legislation Related to Claims was modified to allow for claims under the Builders Lien Act or Builders Lien Act and Public Works Act.

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**Changes made in Section Update (2015-08-18):**

1. Availability of Bid Documents – Hard copy Bid Documents are no longer available at local Construction Association Plan Rooms.

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**Changes made in Section Update (2015-07-27):**

1. email was added as a method of delivering addenda to bidders who obtained their Bid Documents from Infrastructure.

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**Changes made in Section Update (2015-07-15):**

1. Changes related to changing “Procurement Section” to “Procurement Services” and “Tender Administrator” address.

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**Changes made in Section Update (2015-06-24):**

1. Changed Bid closing time to read : 2:00:59

2. Bid Acceptance period changed back to 35 days.

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**Changes made in Section Update (2015-04-17):**

1. Bid Acceptance period extended to 60 days.

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**Changes made in this Section Update (2015-03-31):**

**Added New Article:**

1. Industry Participation Training Apprentices

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**Changes made in Section Update (2015-01-01):**

**2. Bid Submission**

2.1 Tender Administrator address updated to reflect organizational changes:

- Procurement Branch changed to Procurement Section

- Procurement Section is now part of the Business Operations Support Branch

**15. Safety Prequalifications**

- Minor updates to wording

**Added:**

15.2 Submit evidence of safety qualifications by the earlier of:

.1 The date that the Province may request in writing, or

.2 Seven days before expiry of the bid acceptance period.

**16. Availability of Bid Documents**

2.1 Tender Administrator address updated to reflect organizational changes:

- Procurement Branch changed to Procurement Section

- Procurement Section is now part of the Business Operations Support Branch.

1. SUMMARY

SPEC NOTE: Use this article to identify the project and to bring to the Bidders' attention any 'unusual' requirements. Refer Bidders to appropriate parts of the specification for details of such 'unusual' requirements. Do not specify or repeat such requirements in this Section.

* 1. The intent of this bid call is to solicit and receive formal offers to [perform the following Work] [construct the following Project]:

[ ]

[ ]

[ ]

[ ]

SPEC NOTE: Include the following only for LEED registered projects.

* 1. The Project is a CaGBC registered LEED-[NC] [CI] [ ] (Leadership in Energy and Environmental Design) Project with the Canada Green Building Council. The goal certification level is [Certified] [Silver] [Gold] [Platinum]. Refer to Division 01 for LEED project requirements.

SPEC NOTE: Include the following clause only under special circumstances where an Owner other than the Province will be entering into the Contract, i.e. signing the Agreement Form.

* 1. [The Owner is [ ]. Her Majesty the Queen in right of Alberta, as represented by the Minister of Infrastructure (the “Province”) is duly authorized to act on behalf of the Owner for the purposes of this bid call.]
  2. Bids shall be prepared and submitted and the bidding process shall be administered in accordance with these bidding requirements.
  3. Refer to Section 01 11 00 - Summary of Work for a summary of the Project, including requirements pertaining to Contract Time.

1. BID SUBMISSION

SPEC NOTE: Include "on behalf of the Owner" in following clause only if an Owner other than the Province will be entering into the Contract.

* 1. Electronic or hardcopy bids [on behalf of the Owner] will be accepted until 2:00:00 p.m. local time on [Month Day, Year] (the "Bid Closing Time") as follows:
     1. Electronic bids:
        1. Submit electronic bids via the Infrastructure designated electronic bid submission system. The electronic bid submission system is accessible via COOLNet Alberta: <http://coolnetalberta.com/login/>
     2. Hard copy bids:
        1. Submit hardcopy bids on the form(s) provided in the Bid Documents using the pre-addressed envelope.
        2. When a pre-addressed envelope is not available, include the following information on a Bidder supplied envelope:
           1. Labeled as a “Bid”.
           2. Name of the Project/Work specified in 1.1.
           3. Address for receipt of bids, as specified in 2.1.
           4. Bidder’s Legal Name
        3. Seal envelope and deliver to:

Tender Administrator

Infrastructure

2nd Floor, (2700)

Infrastructure Building

6950 - 113 Street NW

Edmonton, Alberta T6H 5V7

Fax: 780-422-9686

* + 1. Oral, telephoned, fax, or e-mail bids will not be accepted nor acknowledged.
    2. In the event that a bidder submits an electronic bid and a hard copy bid, only the electronic bid will be accepted. The hard copy bid will be returned unopened to the bidder.
  1. Visual Appearance of Bid Documents
     1. The hard copy bid documents found in the document package and electronic forms that need to be completed for bid submission on the electronic bid submission system may have different visual appearances. The information required to be submitted however is identical.
  2. Official Bid Closing Time will be determined as follows:
     1. Electronic Bid Submissions: the official time shall be as determined by the electronic bid submission system clock.
     2. Hard Copy Bid Submissions: the official bid closing time shall be as determined by the time recorder clock at the location of submission.
  3. Extension of Bid Closing Time
     1. The Province may extend the Bid Closing Time by addendum.

1. INVITATION TO BID

SPEC NOTE: Include this article for invitational bid calls only, where bidding is limited to invited Bidders. If Bidders have been formally prequalified, so state. Otherwise delete reference to prequalification.

* 1. This bid call is by invitation only [to prequalified Bidders]. Submit bids only in the name indicated in the letter of invitation to bid.
  2. Bids submitted in a name different to that indicated on the invitation, and from Bidders not invited to bid, may cause the bid to be declared invalid and rejected.

SPEC NOTE: Select one of the following three 'Basis of Bid' articles. If the basis of bid will be other than 'normal', modify wording provided and specify additional pertinent requirements as required.

1. BASIS OF BID - STIPULATED PRICE
   1. Bids shall be on a stipulated price basis.

**OR**

1. BASIS OF BID - ALTERNATIVE STIPULATED PRICES

SPEC NOTE: Refer to Data Sheets in BMS Section 01 23 00 for the department’s policy and guidelines on specifying alternatives. Obtain the department’s approval before specifying alternatives.

* 1. Bids shall be on a stipulated price basis for each of [two] [three] [ ] alternatives.
  2. The Bid Form requires alternative prices in the form of a separate total stipulated price for each alternative.
  3. Refer to Section 01 23 00 for details pertaining to alternatives.

**OR**

1. BASIS OF BID - UNIT PRICE

SPEC NOTE: If basis of bid is a unit price arrangement with alternatives, modify this article to suit.

* 1. Bids shall be on a unit price basis.
  2. The unit prices, lump sums and allowances stated in the Unit Price Schedule shall form the basis of the bid price.
  3. Make entries in Unit Price Schedule in figures only. Ensure that figures are legible.
  4. Where, in the Province's opinion, there is a question as to the legibility of figures entered by the Bidder, the Province will make a determination as to legibility. The Province may, at the Province’s sole discretion, declare as invalid and reject any bid that contains figures, which in the Province’s opinion, are illegible or open to dispute.
  5. Extensions of unit prices and addition of extended unit prices, lump sums and allowances entered in Unit Price Schedule will be checked by the Province. If arithmetical errors are discovered, the unit prices shall be considered as representing the Bidder's intentions and the unit price extensions and the total amount entered in the Unit Price Schedule and the Bid Form will be corrected accordingly by the Province. Bidder shall be bound to such corrected amounts.
  6. If no unit price is stated for an item, but an extended amount is stated, a unit price determined by dividing the extended amount by the estimated quantity shall be considered as representing the Bidder's intentions.
  7. The total amount of the bid shall be the arithmetically correct sum of the arithmetically correct unit price extensions, lump sums and allowances in the Unit Price Schedule.
  8. Each unit price stated in the Unit Price Schedule shall be a reasonable price for that item of work.
  9. Unless otherwise indicated, quantities specified in Unit Price Schedule are estimated quantities and shall not be considered as actual quantities of work to be performed. Subject to Contract terms, unit prices stated in Unit Price Schedule shall be applied to actual quantities of work performed as measured in accordance with the Contract.

1. SUFFICIENCY OF BID
   1. The submission of a bid shall constitute an incontrovertible representation by the Bidder that:
      1. the Bidder has complied with all bidding requirements,
      2. the Bidder is qualified and experienced to perform the Work in accordance with the Bid Documents,
      3. the bid is based upon performing the Work in accordance with the Bid Documents, without exception, and
      4. the price or prices stated in the bid cover all the Bidder's obligations under the Contract and all matters and things necessary for the performance of the Work in accordance with the Bid Documents.
2. BID EVALUATION AND CONTRACT AWARD ALTERNATIVE STIPULATED PRICES

SPEC NOTE: Include this article only if alternatives are specified under a stipulated price arrangement with alternative stipulated prices.

* 1. Each alternative will be evaluated separately.
  2. The Province may select any one of the alternatives.
  3. The Province may award a contract based on the lowest valid bid for the selected alternative, notwithstanding that other valid bids, for an alternative not selected, may be lower.

1. BID DOCUMENTS
   1. The Bid Documents are the documents issued or made available to Bidders by the Province for the purpose of preparing a bid. The Bid Documents consist of the following:

SPEC NOTE: Edit list to ensure that it accurately reflects all documents issued or made available to Bidders.

* + 1. Instructions to Bidders.
    2. [Pre-Bid Meeting.]
    3. [Information Documents.]
    4. Bid Form and Bid Form Supplements.
    5. Bid Security.
    6. Agreement Form.
    7. Payment Conditions.
    8. Statutory Declaration.
    9. Contract Performance Security.
    10. Security for Payment of Claims.
    11. Definitions.
    12. General Conditions of Contract.
    13. [Supplementary Conditions.]
    14. Insurance Conditions.
    15. Public Works Act Claims.
    16. [Detail Drawings.]
    17. Specifications, Divisions 01 to [49] inclusive.
    18. [Drawings, as listed in the List of Drawings.]
    19. [Schedules.]
    20. Addenda issued during bid period.
    21. [Letter of Invitation to Bid.]

1. BID FORM
   1. Complete Bid Form in its entirety and sign. Any required information that is omitted or illegible, any alterations to the text, or any conditions added on or submitted with the Bid Form, may cause the bid to be declared invalid and rejected.
2. BID FORM SUPPLEMENTS
   1. Prepare and submit each required supplement to the Bid Form (hard copy or electronic) as specified below.
      1. Bid security, as specified in Section 00 43 13.
      2. [Completed Section 00 54 22 - Unit Price Schedule.]
   2. For hard copy bids submit the Bid Form supplement[s] identified in 9.1 together with the Bid Form in a single envelope.
   3. Bid Form supplements are final and binding on the Bidder upon submission and may not be modified or superseded with another submission, unless the modifying or superseding submission is received before the bid closing time, as specified in the Instructions to Bidders article entitled "Bid Modifications."
   4. Bid Form supplements will be reviewed for compliance with the requirements of the Bid Documents after the public bid opening.
   5. Any of the following irregularities may cause the bid to be declared invalid and rejected:
      1. Any failure to submit a required Bid Form supplement as specified.
      2. Any required information in a Bid Form supplement is omitted, illegible, frivolous, or otherwise improperly submitted.
      3. Any alterations to the text, or any conditions added on or submitted with a Bid Form supplement.
   6. The Province may, after the bid closing time and before contract award, require any Bidder to submit, in a form prescribed by or acceptable to the Province, a detailed cost breakdown of the Bid Price(s), or any other additional supplementary information about any aspect of the Bidder's bid which, in the Province's opinion, is necessary for bid evaluation purposes.
3. BID MODIFICATION – HARD COPY BIDS
   1. A bid, including the Bid Form and Bid Form supplements, submitted in accordance with these bidding requirements may be modified, provided the modification:
      1. is in the form of a fax transmittal received at the fax number specified in 2.1.2.3, before the bid closing time, or
      2. is in the form of a letter received at the address specified in 2.1.2.3 before the bid closing time, and
      3. states the project title, legal name of the Bidder, the nature of the modification, and is signed by an authorized person.
   2. When submitting a modification directing a change in a bid amount, do not reveal the original amount nor the revised amount:
      1. On stipulated price bids, state only the amount to be added to or deducted from the original bid amount.
      2. On unit price bids, state only the amount to be added to or deducted from each original unit price or lump sum in the Unit Price Schedule. The Province will adjust extended amounts and the total amount as required by the modification.
   3. When submitting a second or more modifications related to a single bid amount, ensure that there is no ambiguity as to the intended bid price. The written modification shall clearly indicate whether:
      1. the bid amount first submitted is being modified and any previous modifications are to be disregarded, or
      2. a revised bid amount derived from a previous modification is being modified.
   4. Confirm receipt and consideration of all issued addenda.
   5. The Province will assume no responsibility or liability for the content of modifications, or for modifications that are, for any reason, delayed, illegible, unclear as to intent, ambiguous, contrary to these instructions, or otherwise improperly received. The Province may disregard improperly received modifications.
4. BID WITHDRAWAL – HARD COPY BIDS
   1. A bid may be withdrawn at any time before the bid closing time, provided the request is in the form of:
      1. a fax transmittal received and printed out in its entirety at the fax number specified in 2.1.2.3, before the bid closing time, or
      2. a letter received at the address specified in 2.1.2.3 before the bid closing time.
   2. Withdrawn bids may be resubmitted in accordance with these bidding requirements providing the resubmitted bid is received at the office specified in 2.1.2.3, before the bid closing time.
5. BID MODIFICATION AND WITHDRAWAL – ELECTRONIC BIDS
   1. Bids submitted electronically may be modified or withdrawn at any time before the bid closing time using the processes provided by the electronic bid submission system.
   2. Hard copy modifications to bids that have been submitted electronically will not be accepted
6. BID ACCEPTANCE – HARDCOPY AND ELECTRONIC BIDS
   1. A bid may not be withdrawn at or after bid closing time and shall be open to acceptance by the Province until:
      1. some other Bidder has entered into a contract with the Province for performance of the Work, or
      2. 35 days after the bid closing time,

whichever occurs first.

* 1. The 35 day acceptance period referred to above shall commence at midnight of the date of bid closing and shall terminate at midnight of the 35th day thereafter. If the 35th day falls on a statutory holiday, such day(s) shall be omitted from the computation.
  2. The 35 day acceptance period referred to above may be extended at the Province's request and subject to the Bidder's written agreement to the extension.
  3. The Contract shall be established upon issuance, by the Province to the successful Bidder, of a letter accepting the bid without qualification or, if the letter accepting the bid contains one or more qualifications, upon written acceptance by the Bidder of all such qualifications.
  4. The lowest or any bid will not necessarily be accepted and the Province may reject any and all bids.

1. NOTIFICATION OF INTENT NOT TO SUBMIT A BID
   1. Prospective Bidders who have received Bid Documents from the office specified in 20.1, but do not intend to submit a bid, are requested, as a courtesy to subcontract bidders, to promptly notify the office specified in 20.1.
2. BID OPENING
   1. A public bid opening will commence no later than 90 minutes after the bid closing time, at the address specified in 2.1.2.3. All bidders are invited to attend.
   2. The legal name of each Bidder and the bid price stated on the Bid Form will be read aloud. The reading aloud of a bid price shall not be considered a representation or warranty that the price is correct or that the bid is valid.
   3. In the event that the electronic bid submission system is not available to the Province to view the bids at the time of bid closing; the Province will postpone the bid opening and notify all bidders of the new time for the bid opening.
3. POSTING OF BID RESULTS AND AWARD INFORMATION
   1. Bid results and bid award information will be available on:
      1. Alberta Purchasing Connection
4. IRREGULARITIES
   1. A bid that is informal, incomplete, qualified, non-compliant with the requirements of the Bid Documents, or otherwise irregular in any way, may be declared invalid and rejected.
   2. The Province may accept or waive a minor and inconsequential irregularity.
   3. The determination of what is, or is not, a minor and inconsequential irregularity, the determination of whether to accept, waive, or require correction of an irregularity, and the final determination of the validity of a bid, shall be at the Province's sole discretion.
   4. Discrepancies between words and figures will be resolved in favour of words.
5. SAFETY PREQUALIFICATION

SPEC NOTE: The department’s policy is to normally include this article for all construction contracts whose estimated cost exceeds $100,000. However it should be recognized that for some types of >$100,000 contracts most or all potential Bidders may not be certified, e.g. where the prime contract Bidders will all be 'trade' contractors (not 'general' contractors). This requirement could therefore limit the number of Bidders to an unacceptable degree, in which case waiving this requirement (by deleting this article and related requirements specified in Section 01 35 29, Work Site Safety) should be reviewed with the department.

* 1. As a precondition to contract award, the Prime contractor must provide a valid standard Certificate of Recognition (COR) or a valid Temporary Letter of Certification (TLC) for a standard COR, or a COR Equivalency Letter (COREL) for out of province Bidders, as issued by the Alberta Construction Safety Association (ACSA) or another certifying partner authorized by the Alberta Ministry of Labour to issue CORs, TLCs or CORELs. Possession of a Certificate of Recognition other than a standard COR, TCL or COREL, such as a Small Employer Certificate of Recognition (SECOR) is not acceptable.
  2. Submit evidence of safety qualifications by the earlier of:
     1. The date that the Province may request in writing, or
     2. Seven days before expiry of the bid acceptance period.
  3. Prospective Bidders who do not possess a standard COR, a TLC for a standard COR, or a COREL and wish to obtain information about obtaining one, are advised to contact:

The Alberta Construction Safety Association

225 Parsons Rd SW

Edmonton, Alberta T6X 0W6

Telephone: 780-453-3311 or 1-800-661-2272

Fax: 780- 455-1120 or 1-877-441-0440

e-mail: [edmonton@acsa-safety.org](mailto:edmonton@acsa-safety.org)

Internet: [www.acsa-safety.org](http://www.acsa-safety.org)

or another certifying partner authorized by Alberta Ministry of Labour.

1. INDUSTRY PARTICIPATION IN TRAINING APPRENTICES
   1. The Government of Alberta encourages all bidders to consider employing apprentices on public sector construction projects. To find out more about hiring an apprentice and the supports available for their training, visit [www.tradesecrets.alberta.ca](http://www.tradesecrets.alberta.ca).
2. AVAILABILITY OF BID DOCUMENTS

SPEC NOTE: Delete this article for “invitational” tenders, where Bid Documents are issued to invited bidders with a letter of invitation.

* 1. Bid Documents are available in hard copy, at no charge, to the following bidders only:
     1. Prime contract bidders.
     2. Mechanical subcontract bidders.
     3. Electrical subcontract bidders.
     4. [ ].
     5. [ ].
     6. [ ].

at the following location only:

Tender Administrator

Infrastructure

2nd Floor, (2700)

Infrastructure Building

6950 – 113 Street NW

Edmonton, Alberta T6H 5V7

Telephone: 780-427-3962

Fax: 780-422-9686

Toll free (within Alberta): 310-0000 followed by above telephone or fax number.

SPEC NOTE: Include the following three clauses only if Bid Documents will be available on COOLNet.

* 1. Bid Documents are also made available in electronic form, from COOLNet Alberta at [www.coolnetalberta.com](http://www.coolnetalberta.com).
  2. The Province will assume no responsibility or liability for the completeness of any Bid Documents obtained from a source other than the sources identified above.
  3. In the event of a discrepancy between Bid Documents obtained from the sources identified above and any other versions of the Bid Documents, the Bid Documents obtained from the sources identified herein shall be deemed to be correct.
  4. Promptly notify the Province at the office identified under “Inquiries” upon discovery of any discrepancies.

1. GST EXCLUDED
   1. Bidders shall not include GST in their bid.
2. EXAMINATION OF BID DOCUMENTS AND SITE
   1. Bidder shall, before submitting a bid:
      1. examine and read the Bid Documents thoroughly,
      2. visit site and its surroundings and other locations to become familiar with local and other conditions affecting the Work,
      3. consider the effect of regulatory requirements applicable to the Work,
      4. study and correlate Bidder's observations with the Bid Documents,
      5. immediately notify the Province of all perceived omissions and discovered conflicts, errors and discrepancies in the Bid Documents, and
      6. be satisfied that Bidder understands the Bid Documents and is competent to undertake and complete the Work.

SPEC NOTE: Include following clause and Section 00 25 13 if a pre-bid meeting, or a pre-bid meeting in conjunction with a site inspection, is required. Include the option field only if Section 01 35 14 –Project Security and Safety Procedures is used and the facility’s safety and security regulations are not included with the bid documents.

* 1. Refer to Section 00 25 13 - Pre-Bid Meeting. [This meeting will be the only opportunity for Bidders to review the facility’s safety and security regulations which may impact the bid.].
  2. Refer to Section [ ] - Information Documents which identifies available information pertaining to the Project and specifies the status of and the extent, if any, to which Bidder may rely upon such Information Documents.

SPEC NOTE: Include following clause for projects where a significant part of the Work may be affected by unknown subsurface conditions.

* 1. Before submitting a bid, each Bidder shall, at the Bidder's expense, make or obtain any additional examinations, investigations, explorations, tests and studies and obtain any additional information and data which pertain to the conditions at, under or contiguous to the site, which may affect performance of the Work and which the Bidder deems necessary to determine its bid for performing the Work in accordance with the Bid Documents. Bidders shall obtain the Province's prior approval for access to site for the purpose of carrying out any such activities. Bidders shall restore site to a condition acceptable to the Province upon completion of such activities.

SPEC NOTE: Include following clause for civil works projects where applicable.

* 1. Lands upon which Work is to be performed, rights of way and easements for access thereto and other lands designated for use by Contractor in performing the Work are identified in the Bid Documents. Additional lands and access thereto required for performance of the Work shall be provided by Contractor.

SPEC NOTE: Delete the following paragraph if site access is restricted and the site inspection will be combined with the Pre-Bid Meeting.

* 1. A site inspection to obtain a clear understanding of the project requirements is deemed [optional] [necessary] but remains at the Bidder’s discretion.
     1. [Site inspections are limited to the following date[s] and time[s]:

[insert date[s] and time[s]

[insert date[s] and time[s]

[insert date[s] and time[s]

* + 1. To arrange for access to and inspection of site, contact:

Name: [ ]

Telephone Number: [ ]

e-Mail Address: [ ]

1. BID SECURITY
   1. Provide and submit the bid security specified in Section 00 43 13 - Bid Security.
   2. Bidders who wish to submit bid security other than in the form of a Bid Bond must submit a hard copy bid.
2. CONTRACT PERFORMANCE SECURITY AND SECURITY FOR PAYMENT OF CLAIMS
   1. Provide and include in bid price for security specified in Section 00 61 13 - Contract Performance Security [and in Section 00 61 91 - Security Upon Assignment].
   2. Provide and include in bid price for security specified in Section 00 61 90 - Security for Payment of Claims [and in Section 00 61 91 - Security Upon Assignment].
3. APPLICABLE LEGISLATION RELATED TO CLAIMS

SPEC NOTE: Edit this article to include the Builder’s Lien Act (Alberta) where the land on which the Work takes place does not belong to Her Majesty the Queen in the right of Alberta

* 1. *The Public Works Act* (Alberta) applies to this Project; the *Builder’s Lien Act* (Alberta) [does not] [may also] apply.
  2. Public Works Act claim procedures shall be in accordance with Section 00 73 90.
  3. [Lien claim procedures shall be in accordance with the *Builders' Lien Act*.]

SPEC NOTE: Include the following only if Allowances will be used.

1. ALLOWANCES
   1. Include in bid price all allowances specified in Section 01 21 13.
2. ASSIGNABLE CONTRACTS

SPEC NOTE: Include this article only if this contract will assume assignable contracts. Refer to BMS Section 01 11 08.

* 1. The Province has entered into contract for certain work which will be assigned to the successful Bidder.
  2. Include in bid price all allowance amounts and additional costs associated with assignable contracts.
  3. Refer to Section [ ] for details pertaining to contracts which will be assigned.

1. PRODUCT OPTIONS AND SUBSTITUTIONS
   1. Product options: Comply with requirements of Section 01 62 00.
   2. Substitutions:
      1. Comply with requirements of Section 01 62 00.
      2. Where products are specified by a proprietary specification, and substitutions are permitted, Bidders may base their bids on a named product or manufacturer or on unnamed substitutions, subject to the requirements specified for substitutions in Section 01 62 00.
      3. During the bid period, it is the sole responsibility of each Bidder to determine whether a substitution meets the requirements specified in Section 01 62 00.
      4. The Province will not consider requests for approval of substitutions from Bidders during bid period.
      5. Substitutions will be evaluated and approved or rejected by the Province after contract award.
   3. Product Acceptability:
      1. The Province may, after bid submission and before contract award, require any Bidder to submit proof that a product proposed for use complies with requirements of Bid Documents. Such proof shall be in the form of product data as specified in Section 01 62 00.
      2. Should the Province determine that a proposed product does not meet requirements of Bid Documents, Bidder shall propose a product which, in the Province's opinion, does meet requirements of Bid Documents, otherwise such Bidder's bid may be declared invalid and rejected.
2. AGREEMENT
   1. The successful Bidder will be required to enter into a formal Agreement with the Province for performance of the Work.
3. DIVISION OF WORK
   1. Work specified in the Specifications is divided into Divisions and Sections for reference purposes only. Except as may be otherwise specified in the Bid Documents, division of work among Contractor, Subcontractors, Sub-subcontractors and suppliers is Bidders' responsibility.
4. CONFLICT OF INTEREST
   1. Any business entity or individuals that could create a conflict of interest or a perceived conflict of interest shall not submit a Bid.
   2. If a Bidder considers that a particular relationship or association does not create a real or apparent conflict of interest and will not create a perception of conflict of interest, but is concerned that the Province could arrive at a different conclusion, the Bidder shall:
      1. fully disclose the circumstances to the Province at the earliest possible date, and
      2. request that the Province provide an interpretation before the Bid Closing as to whether the relationship or association creates a conflict of interest or a perception of conflict of interest.
   3. In assessing whether a conflict of interest or a perceived conflict of interest exists; the Province will consider in the exercise of his discretion whether any submissions include:
      1. Individuals who through their current employment or association with the Government of Alberta have had involvement with or knowledge of the Project;
      2. Firms or individuals currently retained by the Province in relation to the Projects;
      3. Any individual that is a member of the Legislative Assembly of Alberta or an associated person as set out in the *Conflicts of Interest* Act; or
      4. Any business entity that consists of or contains current employees of the Government of Alberta.
   4. At the Province’s sole discretion, the Province may disqualify a Bid where a conflict of interest or a perceived conflict of interest exists, or where there is evidence of collusion. The decision of the Province is final and binding.
5. INFORMATION DISCLOSURE
   1. The Bidder acknowledges that:
      1. The *FOIP Act* applies to all information and records relating to, or obtained, generated, created, collected or provided under, Contract and which are in the custody or under the control of the Province. The *FOIP Act* allows any person a right of access to records in the Province custody or control, subject to limited and specific exceptions as set out in the *FOIP Act*; and
      2. The Bidder, if it considers portions of its Bid to be confidential, shall identify those parts of its Bid to the Province considered to be confidential and what harm could reasonably be expected from disclosure. The Owner does not warrant that this identification will preclude disclosure under the *FOIP Act*.
   2. The purpose of collecting Personal Information for this Bid is to enable the Province to ensure the accuracy and reliability of the information, to evaluate the Bid, and for other related purposes of the Province. Authority for this collection is the *Government Organization Act* (Alberta), as amended from time to time and section 33 (c) of the *FOIP Act*.
6. INTERPRETATION AND MODIFICATION OF BID DOCUMENTS
   1. Submit questions about the meaning and intent of the Bid Documents to the Province at the office identified under "Inquiries".
   2. If an inquiry requires an interpretation or modification of the Bid Documents, the response to that inquiry will be issued in the form of a written addendum only, to ensure that all bidders base their bids on the same information.
   3. Addenda may also be issued by the Province to modify the Bid Documents as considered necessary by the Province.
   4. Submit inquiries as early as possible in the bid period. If an inquiry requires an interpretation or modification of the Bid Documents, but is received too close to the bid closing time to permit issuance of an addendum, the Province may be unable to respond to that inquiry. Submit inquiries no later than five (5) Business Days before Bid Closing.
   5. Any replies to inquiries or interpretations or modifications of the Bid Documents made verbally, by e-mail, or by any manner other than in the form of a written addendum, shall not be binding.
   6. The Bidder has the responsibility to notify the Province, in writing, of any ambiguity, divergence, error, or omission, oversight, contradiction, or item subject to more than one interpretation in these Bid Documents, as it is discovered, and to request any instruction, decision, or direction required to prepare the Bid.
   7. Headings are used for convenience only, and they do not affect the meaning or interpretation of the clauses.
   8. Words in singular include the plural and vice versa.
7. CONFIDENTIALITY
   1. Subject to article 32 - Information Disclosure.
   2. The Bidder and their employees, subcontractors, and agents shall:
      1. keep strictly confidential all information concerning the Province or third parties, or any of the business or activities of the Province or third parties acquired as a result of participation in this Bid process; and
      2. only use, copy or disclose such information as necessary for the purpose of submitting a Bid or upon written authorization from the Province.
   3. The Bidder shall maintain security standards, including control of access to data and other information consistent with the highest standards of business practice in the industry.
   4. No press release or other public announcement relating to this Bid shall be issued without the prior written consent of the Province.
   5. If a Bidder becomes aware of any situation whereby a breach of confidentiality may have or has occurred, the Bidder shall notify, as soon as is practicable, the contact listed on the front cover of this Bid package and provide details of the situation. The Bidder shall cooperate with the Province with respect to any directions provided by the Province.
   6. If the Bidder, employees, subcontractors, or agents fail to maintain confidentiality or security of information in addition to any other remedies available in law, the result may be suspension of the Bidder, its officers, directors, partners, employees, agents, and representatives from future Province’s opportunities for a period of up to 12 months, as decided in the sole discretion of the Province. Such suspension shall begin when the Bidder is notified by the Province.
8. TRADE AGREEMENTS
   1. This procurement is subject to Chapter 5 (Government Procurement) of the Canadian Free Trade Agreement, and the New West Partnership Trade Agreement.
9. LEGAL JURISDICTION
   1. This Bid process shall be governed and interpreted in accordance with the laws in force in Alberta and the Bidder irrevocably attorns to the exclusive jurisdiction of the Courts in Alberta.
10. LOBBYIST ACT
    1. The Bidder acknowledges that:
       1. the *Lobbyists Act* (Alberta), as amended from time to time, establishes certain obligations and prohibitions with respect to lobbying and contracts for paid advice, as those terms are defined in the *Lobbyists Act*; and
       2. it is responsible for complying with the *Lobbyists Act* (Alberta) during the Bidding process, and if the successful Bidder, during the Contract.
11. LANGUAGE
    1. All Bids, including attachments and other information, must be in English. However, notwithstanding this requirement, if a document is not available in English, a translation should accompany the document or be provided within two Business Days of a request by the Province.
12. ADDENDA
    1. During the bid period, the Province may issue addenda.
    2. Bidders who obtained electronic Bid Documents from an electronic plan room such as COOLNet Alberta are advised that it is their responsibility to check the electronic plan room to obtain any addenda that been issued.
    3. The Province will email, fax or courier addenda to all parties who have been recorded as having obtained hardcopy Bid Documents from Infrastructure, Procurement Services.
    4. Addenda shall become part of the Bid and Contract Documents.
    5. Each Bidder shall ascertain before bid submission that it has received all addenda issued by the Province and shall, by signing the Bid Form, acknowledge that all issued addenda have been examined, read, and considered in their bid.

SPEC NOTE: When issuing addenda late in the bid period, ensure there is ample time left to ensure receipt by all Bidders before the bid closing time.

1. PLAN HOLDERS AND INTERESTED BIDDERS

SPEC NOTE: Delete the following clause for invitational bid calls, where bidding is limited to invited Bidders.

* 1. A list of Plan Holders and Interested Bidders can be found on:
     1. Alberta Purchasing Connection (APC): <http://www.purchasingconnection.ca>
     2. COOLNet Alberta: <http://coolnetalberta.com>

1. INQUIRIES

SPEC NOTE: The Department’s policy is to have all technical inquiries directed to one person, normally Infrastructure’s Procurement Services – Project Procurement Specialist; thus providing a 'single window' approach for all inquiries. This person will notify the Project Manager as necessary, of inquiries received and determine, in consultation with consultants, appropriate action to be taken, e.g. modifying drawings or specifications by addendum, extending the bid closing time, etc. Confirm with the department the name of the person to be designated to receive inquiries.

* 1. Direct inquiries by email during the bid period to the person identified on the cover page.

SPEC NOTE: Press Ctrl+A at the same time to select entire document and then press on F9 to update article numbering for this document.

**END OF SECTION**