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| **Section Cover Page** |
| **Section 00 73 90**  **2015-12-07 Public Works Act Claims** |

Include this Section on all projects that are subject to the Public Works Act, except small projects for which the Small Projects Master Specification is used.

Edit this Section only to incorporate or delete the option field in paragraph 1.1.; do not modify the remaining section in any way..

This Master Specification Section contains:

1. This Cover Sheet
2. Master Specification Text:
   1. General
   2. Posting of Claims Information
   3. Claims Procedure
   4. Extract from Public Works Act
3. Related Form:

.1 [AI/MS Form 00 73 90B\_A\_eForm.pdf](http://www.infrastructure.alberta.ca/Content/docType486/Production/00_73_90B_A_eForm.pdf) - Statement of Public Works Act Claim [(http://www.infrastructure.alberta.ca/Content/docType486/Production/00\_73\_90B\_A\_eF](http://www.infrastructure.alberta.ca/Content/docType486/Production/00_73_90B_A_eF) orm.pdf)

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| **Change Log** |
| **Section 00 73 90**  **2015-12-07 Public Works Act Claims** |

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

1. General – 1.1 Added reference to the Builders Lien Act for situations where it applies.

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# GENERAL

***SPEC NOTE: Include reference to the Builders’ Lien Act (Alberta) on all Projects 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 [and the Builder’s Lien Act (Alberta) also applies].
  2. The Public Works Act allows any person who has not received proper payment, regardless of their level in the contracting chain, to make a claim directly to the Province.
  3. This Section specifies procedures for making a claim under the Public Works Act.

# POSTING OF CLAIMS INFORMATION

1. Contractor shall display, at the Place of the Work, on a bulletin board of adequate size, a copy of each of the following:
   1. This Specification Section.
   2. [AI/MS Form 00 73 90B A eForm](http://www.infrastructure.alberta.ca/Content/docType486/Production/00_73_90B_A_eForm.pdf) - Statement of Public Works Act Claim [(http://www.infrastructure.alberta.ca/Content/docType486/Production/00\_73\_90](http://www.infrastructure.alberta.ca/Content/docType486/Production/00_73_90) B\_A\_eForm.pdf).
   3. Labour and Material Payment Bond, if provided under the Contract.
2. Protect display in plastic sleeves and maintain in legible condition for duration of Contract.

# CLAIMS PROCEDURE

1. Complete Statement of Public Works Act Claim form (copy appended to this Section) and submit form by **“Registered Mail”** to address indicated on the form not later than 45 Days after the last day on which labour, equipment, material or services giving rise to claim were provided.
2. Province will acknowledge receipt of claim in writing.
3. The claimant shall, if requested by Province, submit additional evidence in support of claim.

# EXTRACT FROM PUBLIC WORKS ACT

Notice **14**(1) When of claim

1. a person provides labour, equipment, material or services used or reasonably required for use in the performance of a contract with the Crown for the construction, alteration, demolition, repair or maintenance of a public work, and
2. that person is not paid by the party who is legally obliged to pay that person, that person may send a notice of that person's claim to the Province, or agent of the

Crown that is responsible for the public work.

1. *Omitted from this extract. Not applicable to this Contract.*
2. The notice of claim, other than for a claim referred to in subsection (2), must
   1. be sent by registered mail not later than 45 days after the last day on which the labour, equipment, material or services were provided, and
   2. set out the nature and amount of the claim in a form satisfactory to the Crown.

# END OF SECTION