

NUMBER 12

JUNE 20, 2018

**SUBJECT: 1. Modifications to “Front End” Documents.
Changes are effective immediately and are to be incorporated on all projects.**

ITEM 1 Roof Guarantee

The requirement for a roof guarantee will remain; however, the document will **not** be required to be with tender submission but rather included with supplementary information.

- a) Section 00 41 14, paragraph 1.7 – ROOF GUARANTEE has been deleted.
- b) Section 00 43 00, paragraph 1.11 – ROOF GUARANTEE has been added.
- c) Section 01 00 01, paragraph 1.9 – ROOF GUARANTEE has been added.
- d) Section 07 52 00, paragraph 1.11.2 – GUARANTEE has been modified.

ITEM 2 Pay Equity

The Government of New Brunswick is committed to encouraging and incentivizing the adoption of pay equity by employers doing business with government. Prior to the award of a construction contract valued **over \$1,000,000**, contractors will be required to complete the Pay Equity Learning Module developed by the Women’s Equality Branch. Contractors shall provide a copy of their certificate of completion with their Supplementary Information, prior to the award of contract. To complete the online module and obtain your certificate, please visit www.gnb.ca/payequity. For questions, please contact the Pay Equity Bureau toll free: (877) 253-0266 or by email: peb-bes@gnb.ca

- a) Section 00 43 00, paragraph 1.9 – PAY EQUITY has been added.

ITEM 3 Language of Liability

For all contracts with a value of \$1,000,000 or greater, the proponent with the lowest qualified bid (the “Bidder”) will be required to provide supplementary information to the Province in the form of a statutory declaration containing the information listed below (the “Bidder Information”). Where (i) the Bidder fails to provide the Bidder Information

within 4 business days of notification by the Province to the Bidder of the status of its bid as the lowest received; or (ii) the submitted Bidder Information indicates a conflict of interest with the Province or financial instability or inadequacy on the part of the Bidder, the Province may, in its absolute discretion, elect to not award the contract to the Bidder.

Bidder Information:

- (i) A list of all Bidder Related Parties;
- (ii) A statement of all Current Litigation between the Bidder or a Bidder Related Party and the Province, in which the Province is the applicant, plaintiff, co-applicant or co-plaintiff; and
- (iii) If there is any Current Litigation, a statement of (i) the Bidder's total Liabilities to the Province (ii) total Liabilities between the Bidder and any Bidder Related Party; and (iii) total Liabilities of each Bidder Related Party to the Province;

"associate" means a body corporate of which the Bidder beneficially owns or controls, directly or indirectly, shares or securities currently convertible into shares carrying more than ten per cent of the voting rights under all circumstances or by reason of the occurrence of an event that has occurred and is continuing or a currently exercisable option or right to purchase such shares or such convertible securities;

"Bidder Related Parties" means (i) the Bidder's shareholders, directors, principals, affiliated bodies corporate, partners and associates; (ii) any partnerships, joint ventures, consortiums or syndicates of which the Bidder is a partner or member; and (iii) all trusts or estates in which the Bidder or any person or group of persons listed in sub-paragraphs (i) or (ii) of this definition has a substantial beneficial interest or serves as a trustee or in a similar capacity;

one body corporate is affiliated with another body corporate if one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person;

if two bodies corporate are affiliated with the same body corporate at the same time, they will be deemed to be affiliated with each other;

"Liabilities" means financial obligations and debt including but not limited to penalties, fines and fees imposed under statute or regulation, accrued expenses, loans, mortgages, notes payable, and judgments of a court or arbitrator of competent jurisdiction;

“Current Litigation” means active litigation between the Bidder or a Bidder Related Party and the Province, in which the Province is the applicant, plaintiff, co-applicant or co-plaintiff; and

“Province” means the Crown in right of the Province of New Brunswick and includes Crown corporations, as defined in the Proceedings Against the Crown Act, and any other agent of the Crown in right of the Province of New Brunswick;

The Statutory Declaration form can be found on the tender notice, attachment exists folder, posted on the New Brunswick Opportunity Network (NBON) website. For further inquiries contact Supply Chain Management Branch at (506) 453-3939.

The Project Specific Front End Specification has been modified to reflect the change as follow:

- a) Section 00 43 00, paragraph 1.10 - LANGUAGE OF LIABILITY has been added.

ITEM 4 Apprenticeship Ratio

Section 01 00 02, Clause 1.17. – The current required ratio of Apprentices to Journeyman on DTI Building projects is 1:10. Working with industry, we have reached agreement to increase this ratio to 1:5. To clarify the intent of the current clause, the ratio is project specific, company specific and trade specific. General Contractors and individual Subcontractors working on a DTI Buildings project must employ one apprentice for every five journeymen of a specific trade that their specific firm employs on that specific project. This interpretation remains with the new ratio.

The Standard Front End Specification has been modified to reflect the change as follow:

- a) Section 01 00 02 paragraph 1.17 – Apprentice Ratio has been modified.

ITEM 5 Monthly Cash Flow Projections

The Project Specific Front End Specification has been modified to reflect the change as follow:

- a) Spec section 01 00 01, article 1.4.6 MONTHLY CASH FLOW PROJECTION has been added.