



Edmonton Chapter
#102, 13025 – St. Albert Trail
Edmonton, Alberta T5L 5G2

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the **edmonton**
Specifier

Construction Specifications Canada is an organization representing diverse interests in the construction industry and related professions. It is dedicated to improving the quality and flow of information between these interests, whether in the form of specifications, contract administration or marketing.

2013

FEBRUARY 2013 CSC MEETING

February 5 – 7:00 A.M.
Mayfield Inn
Grasshopper Software

March 5
Mayfield Inn
Evolution of Library Systems

April 10
Infonet
Speaker: The Honorable Joe Clark
Chateau Louis

April TBD
Red Deer

May TBD
AGM

June 6
Golf Tournament

Grasshopper® - Computational Design Using Generative Algorithms

For designers who are exploring new shapes using generative algorithms, Grasshopper® is a generative algorithm editor tightly integrated with Rhinoceros's 3-D modeling tools. Grasshopper requires no knowledge of programming or scripting. Its graphical interface allows designers to generate forms from the simple to the awe-inspiring with a visual representation in real time. Constantly being improved upon by its developers with the help of an active community that provides case studies and plugins, Grasshopper® is quickly becoming an interesting tool to the design process of architects and designers alike

Date: Tuesday February 5, 2013

Location: Mayfield Inn and Suites
16615 – 109th Avenue; Edmonton, Alberta T5P 4K8
(780) 484-0821

Speaker: Nick Caron, Arndt Tkalcic Bengert

Topic: Grasshopper® - Computational Design Using Generative Algorithms

Time: **7:00 AM Registration**

7:30-8:30 AM Breakfast with Presentation

Cost: \$25.00 Members; \$30.00 Non-Members

Register: On-line registration available at <http://edmonton.csc-dcc.ca/>

Info: Bob Murray bmurray@rjc.ca or P: 780-452-2325 for questions and sponsorship inquiries

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VISIT YOUR WEBSITE AT

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

Help us develop a website that meets your needs. Log into the "Want More Info" link online and let us know.

INFONET 2013

April 10, 2013

Speaker:

The Honorable Joe Clark
Chateau Louis Conference
Centre

MARK YOUR CALENDARS!

It's that time of year again!

The 2013 CSC membership renewal notices were mailed recently to all members. For your convenience, we are pleased to offer the option of paying your 2013 membership dues on-line. Just go to <https://csc-dcc.ca/billing.php> to access the on-line payment option from the homepage. It's easy, fast & efficient.

If you do renew your membership on-line and you have a CSC designation, please forward the CSC Registration and Certification Renewal forms by mail or by email to bjnoble@csc-dcc.ca. Your membership will not be considered renewed until these forms are received along with your payment.

If you have any questions please don't hesitate to contact the Association office at 416-777-2198 or info@csc-dcc.ca.

Your continued interest, support and participation within CSC is appreciated.

Edmonton Chapter Executive

Elected Members

Chairman	Darlene Helfrich	780 903-0595
Director	Cam Munro	780 395-3335
Vice-Chairman	Skip Helfrich	780 466-3101
Secretary	Richard Lucid	780 485-7612
Treasurer	Shaune Smith	780 482-4813

Officers

Architect	Linda Lipinski-Olson	780 497-3975
Association Liaison	Jozef Urban	780 408-7149
BIM & Sustainability	David Watson	780 758-4147
Education	Mike Ewaskiw	780 237-7844
Engineer	(Position Available)	[000-0000]
General Contractor	(Position Available)	[000-0000]
Interior Design	(Position Available)	[000-0000]
Manufacturer/Supplier	Mike Lafontaine	780 447-2122
Marketing, Promotion and Infonet	Kevin Osborne	780 441-4258
Membership	Donna DeVloot	780 984-5612
Newsletter	Tracey Stawnichy Neil Cochrane	780 994-3699 780 691-6713
Program	Steve Londry	780 429-1580
Specifications	David Watson	780 758-4147
Web Site Administrator	David Watson	780 758-4147
Trade Contractor	Frank Dudley	780 803-2658
Landscape	Rachel Curry	780 901-5353
At Large	See Executive Listing	Pg. 13 - 14

Advertising Rates

SPECIFIER

Footer Business Card: \$50/issue
 Business Card: \$50/yr, random location
 Full Page: \$500 All Issues; \$100 per issue
 ½ Page \$250 All Issues; \$50 per issue
 1/4 Page \$125 All Issues; \$25 per issue

WEBSITE

Rates covers your ad on our website 24 hours per day, 7 days per week. Business card on-line: Annual \$100
 Add \$50 to have a link to your company Web Site from the CSC Edmonton Chapter web page.

Chapter Sponsor

Includes Business Card On-Line, 2 Tickets to 6 Dinner Meetings
 Annual \$400 if received by May 1;
 \$300 if received by August 1;
 \$200 if received by November 1;
 \$100 if received by February 1

Student Sponsor

CSC Student Sponsorship Pays for 1 ticket to 6 Dinner Meetings for a NAIT or University Student.
 Annual \$175

Meeting Sponsor

\$50 for Individual (Personal) Sponsor
 \$100 for Corporate Sponsor

FOR FURTHER INFORMATION

Contact any member of the Executive Committee, attend one of our chapter meetings or send your name and address to CSC Edmonton Chapter c/o #102, 13025 – St. Albert Trail, Edmonton, Alberta T5L 5G2.

GOALS OF CSC

Construction Specifications Canada is a multi-disciplinary non-profit association dedicated to the improvement of communication, contract documentation, and technical information in the Construction Industry. CSC is a National association with chapters in most major Canadian cities.

To this end, CSC pursues the study of systems and procedures that will improve the coordination and dissemination of information relevant to the construction process.

We seek to enhance the quality of the design and management aspects of the construction activity through programs of publication, education and professional development, believing that by so doing, we can contribute best to the efficiency and effectiveness of the construction industry as a whole.

OBJECTIVES OF CSC

To foster the interest of those who are engaged in or who are affected by the compilation, or use any form of specifications for the construction industry.

To publish literature pertaining to the construction industry.

To engage in activities to improve procedures and techniques related to the construction industry.

The opinions and comments expressed by the authors do not necessarily reflect the official views of Construction Specifications Canada. Also, appearance of advertisements and new product or service information does not constitute an endorsement of those featured products or services.

ABOUT CSC

Our Mission

CSC (Construction Specifications Canada) 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 coordination 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, & Innovation.

Objectives

To foster the interest of those who are engaged in or who are affected by the compilation or use any forms of specifications for the construction industry.

To publish literature pertaining to the construction industry.

To engage in activities to improve procedures and techniques related to the construction industry.

MEMBERSHIP IN CSC

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. All who have a vested interest in Canada's largest industry are invited to join CSC. When you join CSC you become part of the only association that brings together professionals from all aspects of the construction industry.

DESIGN TEAM

CSC offers members of the Design Team the opportunity to meet with other members and exchange information. It also affords you the chance to help improve technology and its management, and the means to improve ways in which your ideals are translated into clear, concise and complete documentation.

BUILDING TEAM

If you are a member of the Building Team, Construction Specifications Canada offers you the opportunity to become involved in formulating specifications. Your valuable input into the programs can help generate time and cost savings as well as improve performance.

SUPPLY TEAM

The multi-disciplinary composition of CSC allows members of the Supply Team to meet with other members of the construction team. CSC programs in data filing and information retrieval are geared to present convenient and concise information on your products for proper evaluation and specification.

THE STUDENT

If you are a student of architecture, engineering or construction technology, CSC will provide you with greater exposure to and a better understanding of the Construction Industry, giving you an excellent opportunity if you plan a career in the construction field.

Contact Donna DeVloo for membership information.

Officer Membership



Donna DeVloo
P: 780-984-5612
E: ddevloo@bibliotecainc.com



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CSC FACEBOOK

Visit CSC on Facebook.
 Visit: <http://www.facebook.com/pages/CSC-Construction-Specifications-Canada>

Chair's Message:

Darlene Helfrich



Happy V Day, everyone! Love is in the air!

Yay to the new arena! Edmonton will now be a city to be reckoned with!

Our February meeting on Grasshopper® - Computational Design Using Generative Algorithms, has limited seating, so sign up ASAP if you are interested. This year's Infonet will host Joe Clark as our guest speaker – stay tuned for more information. Until April!

Darlene Helfrich, IDT, CTR
 Chapter Chair
darlenehelfrich@gmail.com

MESSAGE FROM THE PRESIDENT



December 2012

Claude Giguère, P.Eng., LEED AP

The Construction Resource Initiatives Council (CRI Council) and Construction Specifications Canada (CSC) sign a Memorandum of Understanding (MoU) for the purpose of improving communication and cooperation in areas of mutual interest related to finite natural, processed and wasted resources.

Your opportunity to get involved!!

CCDC is preparing to update the current CCDC 23- and is seeking your input relating to experiences that you may have had resulting from past use of the document CCDC 23 - A Guide to Calling Bids and Awarding Contracts

CSC and CSI Release the MasterFormat 2012
 Available at www.spex.ca

I am CSC.

I AM CSC

Cam Munro, CSC Edmonton Chapter Director



Present Industry Position:
 Innovative Construction Manager

Company:
 Clark Builders

Why I Joined CSC:

I joined CSC years ago because it was one of the very few associations that is truly based on education and collaboration for the betterment of the industry. Also, it was the only association that joined the design side to the contractor side – specifications are the conduit between the design and the build, so it makes perfect sense to be a part of CSC. Over the years I have developed great relationships, friendships and fantastic networking opportunities. I feel that being a part of CSC has enriched my career in more ways than I can think of. I continue on as a member, and probably will well into retirement!

CSC Experience:

Specification Newsletter Editor
 Education Officer
 Vice Chair
 Chair Director
 Numerous committees over the years

What CSC Has Done For Me:

 <p>FRP Distributors INC Sustainable Concrete Solutions</p>	<p>CSC Toronto 35th Annual 'no frills' Trade Show March 4, 2013</p>	<p>CSC Calgary 2013 Annual Conference May 22 – 26, 2013</p>
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CSC has opened up opportunities that wouldn't be there without CSC. It has given me knowledge and industry participation that has moved my career path forward.

Industry Experience:

Cam Munro's almost 30 years in the construction industry has taken him to projects throughout Canada, Russia, China, Japan and Germany. His diverse career has had a strong focus in Integrated Project Delivery and he has accumulated vast experience and knowledge in a wide range of markets, products and environments. Cam is currently the Innovative Construction Manager for Clark Builders corporately, where he oversees all of the IPD / BIM requirements and Sustainable Initiatives for the company's projects. He leads the in-house BIM Technical Team to promote and utilize BIM as an effective construction evolution. As Clark Builders' most senior LEED® Accredited Professional, Cam directs his team through the LEED® construction requirements, from the initial IDP process through to the final CaGBC submittals. In this role, Cam has worked on projects ranging from \$1M to \$240M with a particularly impressive track record with institutional and commercial sustainable projects.

Cam's industry affiliations include numerous associations, post secondary instruction, presentations and advisory roles:

- Current Technical Committee member for The Alberta Centre for Excellence in BIM
- Current Treasurer & Director for Canada Green Building Council (CaGBC), Alberta Chapter
- Committee Member for "Market Development" and "Education", Canada Green Building Council (CaGBC), National Board
- Current Director for Construction Specifications Canada, National Board (CSC), Edmonton Chapter
- CanBIM Council Committee Member
- Course instruction at NAIT - Continuing Education Dept.
- "Principles of Construction Documentation" (CSC Initiative Program)
- "Building Green with LEED®" (CaGBC Initiative Program)
- Course instruction at University of Alberta

Faculty of Extension

- "Building Construction"
- "Products and Finishes"
- "Green Design"
- "Sustainable Materials"
- Course Instruction at SAIT - Continuing Education Dept.
- "Technical Representation" (CSC Initiative Program)
- R2000 / Built Green Trained Builder
- Has presented at events such as
- Government of Alberta IDP Workshops
- Canada Green Building Council Annual National Conference (Vancouver 2010)
- Sustainable Building Symposium (CaGBC, AB Chapter Annual Conference 2009 & 2010)
- Local Governments for Sustainability (ICLEI) Presentation and Building Tour
- Alberta Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA) Presentation
- Cold Climate Conference Expo (CCCE) Presentations
- Canadian Institute of Plumbers and Heating Contractors (CIPH) Presentation
- Alberta Wall & Ceiling Bureau (AWCB) Edmonton & Calgary Chapter Presentations
- SAIT ATSA Industry Day
- Construction Specifications Canada (CSC) Chapter Seminars
- City of Calgary Professional Development Seminar
- Clean-Tech Symposium (ABCtech) Panelist
- Northern Alberta Risk and Insurance Managers Society (NARIMS) Presentation
- Numerous presentations to industry participants such as Gracom Masonry & Sobey's
- Have completed building code reviews for CHBA
- Worked with the City of Edmonton on the "The Way We Green" initiative
- Has worked on the proposed change review for the "National Energy Code for Buildings 2011"
- Worked with the Alberta Research Council on innovative technology and industry related forums
- Advisory role to the Construction Sector Council's "Sustainable/Green Construction Initiative"
- Advisory role to the Passive House Institute of Canada

Contact Email:

cam.munro@clarkbuilders.com
Direct line: 780-395-3335



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CSC EDUCATION

Officer Education



Mike Ewaskiw, CTR
Project Development
StonCor Group
P: 780.237.7844
E: mewaskiw@stoncor.com

[Principles of Construction Documentation](#)

The PCD course is an introductory course that will enable the student to have a better understanding of construction documentation (specifications, drawings and schedules), products, bidding procedures and contracts. **It is also a prerequisite to all the other CSC education courses.**

[Specifier 1](#)

The Specifier 1 course is an intermediate level course that 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 comprehension and explanation exceed that of the PCD course. The Specifier 1 course is a prerequisite for the [Certified Specification Practitioner \(CSP\)](#) designation from CSC. Successful completion of the course may be credited toward the experience component requirements for the Registered Specification Writer (RSW) designation.

[Technical Representative](#)

The TR course will provide a better understanding of contract documents and bidding procedures, product representation, professionalism, and ethics, and will provide a new depth of understanding and explanation of concepts beyond what was previously introduced in the PCD course. The course is designed for the individual involved in the supply section of the construction industry such as manufacturer representatives, agents or distributors of products. The student will have successfully completed the PCD course.

Contact Mike for all of your education needs.

EDUCATION COURSES

**Upcoming Classes:
Fall Courses TBD**

**Upcoming Classes Online:
TBD**

**Complete the Specifier 2 or CCA
Course in just 5 days!**

Delta Chelsea Hotel, Toronto

March 18 – 22, 2012

Contact Clifton Fiola for waitlist or additional information

clifton@csc-dcc.ca

CSC COURSE MAINTENANCE

After years of considering how to maintain its educational courses and with this initiative as a catalyst, CSC is pleased to announce that it has introduced a defined process for review and update of all educational course material. Recognizing both the importance and the urgency, the CSC Board of Directors has established the Education Maintenance Task Team (EMTT). The inaugural volunteer members of the EMTT are Mitch Brooks, FCSC; Brian Colgan, FCSC, RSW; Tom Dunbar FCSC, RSW (Committee – Chair) and David Wilson FCSC, RSW. An ongoing committee; these members will serve a 3 year term (of which 2 in this group will serve up to 4 to prevent total committee replacement in the same year) providing both consistency as well as strong foundation of knowledge and experience for us to draw upon. The EMTT has been tasked with making the course material more consistent, bringing all of the courses up to the same standard, ensuring consistency



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of language and terminology, and establishing a regular review, update and maintenance regime.

PEOPLE AND PLACES

Fresh Faces (New Members)

Mr. Nathan Morlock

Vice President
Rieger Architectural Products West Ltd.
201 Warrick St.
Coquitlam, BC V3K 6C1
Tel: 604-308-7822
Fax: N/A
Email: Nathan@rapl.ca

Mr. Jonathan Ram

Western Technical Sales Representative
Roxul, Inc.
102, 10524 – 77 Avenue NW
Edmonton, AB T6E 1N1
Tel: 780-242-5010
Fax: N/A
Email: jon.ram@roxul.com

Yes, We've Moved (Contact/Mailing Address Update)

Mr. Lee Phillips

14 Rogers Crescent
Red Deer, AB T4P 3K5

Mr. Neil Cochrane

Shoemaker Drywall Supplies
2903 – 101 Street
Edmonton, AB T6N 1A7
Tel: 780-463-7413
Fax: 780-466-0697
Email: ncochrane@shoemakerdrywall.com

Gone, but Not Forgotten (Membership Expiration)

None.

INDUSTRY NEWS AND EVENTS

Dates To Remember

February 4 – 8, 2013

World of Concrete
Las Vegas Convention Centre, Las Vegas, NV

February 5 – 6, 2013

Canadian Oil Sands Summit 2013
Calgary, AB

February 20, 2013

Large Wood Structures Symposium – Bigger, Better, Faster
Vancouver Convention Centre (West), Vancouver, BC

February 21, 2013

CanBIM Regional Session
Hotel Arts 119-12th Avenue SW - Calgary, AB

March 4, 2013

CSC Toronto Chapter 35th Annual 'no frills' Tradeshow
Metro Toronto Convention Center, Constitution Hall,
North Building, Toronto, ON

March 4, 2013

Wood Works! BC 2013 Wood Design Awards
Vancouver Convention Centre – West (Level 3)
Vancouver, BC

March 19 & 20, 2013

7th Annual Buildex Edmonton
Edmonton Expo Centre, Northlands

April 18 – 20, 2013

APEGA
Annual General Meeting and Conference
Calgary, AB
<http://www.apega.ca/Members/Publications/Magazines/ThePEG/2012/december/files/48.html>

April 19, 2013

AAA AGM and Member Forum
Shaw Conference Centre, Edmonton, AB

May 7, 2013

16th Annual Alberta Sustainable Building Symposium
Edmonton Expo Centre, Northlands, Edmonton, AB

May 15 - 16, 2013

21st Provincial Skills Canada Competition
Edmonton Expo Centre, Northlands, Edmonton, AB



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May 22 – 26, 2013
CSC Conference
Calgary, AB

June 5 – 6, 2013
CaGBC Expo
Vancouver, BC

June 12 - 16, 2013
Save The Date! CSI West by Northwest Region
Conference
Spokane, WA

InterSpec Selected as Lead Specification Consultants for Belzberg Architect's City of Hope Museum Project

January 8, 2013
 (Sourced from <http://e-specs.com/>)

InterSpec Inc., the industry leading provider of construction specification software and online specification writing services, is pleased to announce that it has once again been selected by Belzberg Architects as the lead project specification consultants for their latest museum project, the City of Hope Museum. The project, scheduled for construction in 2013, will be situated in the heart of the City of Hope National Medical Center campus, the private, not-for-profit clinical research center, hospital and graduate medical school located in Duarte, CA. The design for the new museum is to provide an inspirational setting to celebrate the City of Hope's 100 year anniversary.

Belzberg Architects is a leading Los Angeles design firm led by Hagy Belzberg, FAIA, past recipient of the American Institute of Architect's Emerging Talent Award who more recently distinguished for his notable contributions to the advancement of the profession of architecture by his election to the AIA's College of Fellows. The firm has been widely recognized for its innovative residential and commercial architecture, and green building designs, including numerous awards for its recent design of the Los Angeles Museum of the Holocaust, for which InterSpec's Specification Services also acted as lead specification consultants.

"We have been using InterSpec's Online Specification Writing Services for many years now on projects ranging

from our high-end residential designs to our commercial projects," says Daniel Rentsch, Belzberg Architect and Project Manager. "Their consistently high quality, attention to detail, and rapid response time are the qualities we demand of our consultants and support teams. InterSpec's advanced online technology and communications systems make the collaboration process quite seamless even though they are physically located thousands of miles away."

Since its founding in 1998, InterSpec's team of specifiers have completed hundreds of project manuals for both residential and commercial projects of all shapes and sizes in nearly every state in the country, and internationally as well. By using its industry leading e-SPECS Specification Management software solutions, InterSpec can more readily apply customer's preferred requirements and preferences in the specification content and provide a very streamlined and convenient way to collaborate with the customer's in-house project team during the specification development process.

"We are very pleased to once again provide the project specifications for one of Belzberg Architects' museum projects," says George Libby, Director of InterSpec's Specification Services. "Their designs require demanding specification standards and are always interesting to work on. Our professionals are expert product and material specialist and are highly adept at incorporating owner and regional design criteria into the specification documents to insure accuracy and consistency with design requirements and local construction considerations. We take great pride in our ability to provide top notch specification management services to our customers and Belzberg's continued reliance on our services is a testament to the level of service that we provide to our customers nationwide."

About InterSpec

InterSpec provides construction document management solutions and specification writing services to customers across the country, built on its patented e-SPECS specification management technology. e-SPECS software can also automate the specification process by extracting the product and material requirements directly from the project's BIM models and drawings. e-SPECS can integrate directly with Autodesk and GRAPHISOFT BIM applications and supports all specification master libraries of MasterSpec®, US Dept of Veterans Affairs, Canadian Master Specifications as well as the ability to integrate custom office masters. For architects and



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engineers who spend many hours on every project preparing construction specifications, InterSpec's products and online specification management services saves time and money while ensuring that the construction drawings and models are coordinated with the specifications. For more information visit www.e-SPECS.com or contact sales at +1-207-772-6135 or email to sales@e-SPECS.com.

LEGAL MATTERS



Bill Preston

PRACTICE AREAS

Over four decades, Bill has built a solid reputation as a skilled litigator and has amassed countless successful files in corporate-commercial law, with particular expertise in transportation law, construction law, matters of professional design, and business dispute resolution. In 2007 Bill was recognized by the National Post as one of the top construction law lawyers in Canada.

Bill D Preston Q.C.

Direct: (306) 933-1388	Suite 600
Main: (306) 652-7575	105 21st Street East,
Fax: (306) 652-2445	Saskatoon, Saskatchewan
	S7K 0B3
b.preston@rslaw.com	www.rslaw.com

BID ENQUIRIES ARE CAUSING ANGST!

January 23, 2013

By Bill Preston

(Sourced from <http://www.rslaw.com/wp-content/uploads/2013/01/Bills-article.-Bid-enquiries-are-causing-angst-S0407709.pdf>)

Responding to bid/quotation enquiries about what is in the Design Documents has for years triggered the burden of trying to timely provide Responses to:

1. CRAP – This comes from someone who is either too lazy, ignorant, or busy to find the answer clearly already given in the Design Documents.

2. CLARIFICATION – Someone seeking the consultant's guarantee that its product or method of work is compliant with the design intent while the detail of the Design Documents may be a little vague or even include conflict.

3. CHANGES – Someone simply trying to massage the design intent to get an equal or an alternate approved.

4. MISREPRESENTATION – Where the person is pointing out that the Design Documents do not include all of the crucial information available to the owner. The problem is that the traditional ways of responding to these enquiries are fast becoming inappropriate because of 2 recent trends in our construction industry:

5. Because of the ease of the computerized take-off programs, the number of Bid Enquiries have greatly multiplied while the timing of receipt of these enquiries is trending toward being nearer and nearer the closing date; and,

6. The law is tending to aggressively find owners and consultants liable for imperfect responses. For the purpose of this article, I propose to focus on how the law is trending to spiking the owners'/consultants' anxieties about the sufficiency and safety of their responses.

CLARIFICATION ENQUIRIES

Until the 1998 Supreme Court of Canada decision in *M.J.B. Enterprises v. Defence Construction*, the traditional response to a Clarification Enquiry was to just handle it verbally – over the phone or during a short meeting. That's what an Engineer did, and it eventually cost Defence Construction \$398,121.27 in damages + legal costs + harm to Defence Construction's reputation for fair dealing. You may remember the facts: This was a competitive bid call by Defence Construction for civil work at the Suffield Military Base near Medicine Hat. What was unusual about the Bid Documents was that the bid pricing was a gamble. The documents announced that there were options for the source of granular materials and that each source involved a significantly different costing; but the Engineer would not choose which source until after the contract had been awarded! Sorochan Enterprises made a Clarification Enquiry and learned what the Engineer's most probable choice was. The other bidders, including M.J.B., did not have this information and thus included in their Bid Price the risk of the Engineer's choice, while Sorochan attached to its bid form an uninvited alternate to supply only the Engineer's probable choice of materials at a lower Bid Price. Sorochan was awarded the project on the basis of its uninvited alternate, but the Supremes concluded that Defence Construction's award was "unfair and unequal." With this, at least for competitive



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bid procurement processes, careful owners and consultants are now responding to Clarification Enquires only by an addendum which reports to all prospective bidders the question asked by the Bid Enquiry and the answer given by the consultant's response. This certainly works, but it also costs more time and effort by the owner/consultant.

For now, the Courts have not required that owners/consultants treat prospective suppliers of construction services and materials fairly and equally where the procurement process is by negotiation rather than competitive bid. The risk for those administering the procurement process is the fact that judges are still very vague on what constitutes a negotiated procurement process as opposed to a competitive bid procurement process. Clearly, using the label RFP is not sufficient to assure that the process is a negotiated process.

CHANGE ENQUIRIES

Where the enquiry is seeking to change the scope of work or construction contract terms, the traditional response of owners and consultants has been to focus on the resultant impact upon the construction budget and integrity of the design intent. What the Supremes in the M.J.B. case have done is to require that they also focus on the form of their response. If the procurement process is competitive-bid, they cannot simply respond by awarding to an uninvited alternate bid unless they have in the Bid Documents a very clear term that the owner is entitled to award upon the basis of an uninvited alternate (very unusual because of concerns that it complicates the evaluation process by transferring the design-build risks up onto the shoulders of the owner/consultant at a time when the irrevocability period may be too short to carefully consider). So, if the consultant decides to approve the proffered change or equal, the Supremes in the M.J.B. case require that an addendum be issued and distributed to all prospective bidders.

For the bidder, what is interesting is that if the owner/consultant rejects the bidder's proffered change or equal, the bidder can still submit an award-winning Bid Price and during construction successfully install an equal so long as there is clear evidence that functionally and cosmetically the installation is equal or better than what was prescribed by the Design Documents. In 1991, a Newfoundland trial court decision in Sparrow Hardwood Floors v. John Prowse determined that where a substitution which does not go to the root of the integrity of the design and is both functionally and cosmetically reasonable, then the owner is not entitled to

back charge the costs of removing and replacing the installation; rather, the owner is only entitled to the reduced value of the project, which may be nil.

MISREPRESENTATION ENQUIRIES

What I have in mind for this group of enquiries are those, which if read carefully, report that the information in the Bid Documents is misleading either because it is silent or expressly false about a circumstance which is known or ought to have been known to the owner/consultant as crucial to the Bidder's Bid Price. Since 1993, two decisions by the Supreme Court of Canada in cases from BC have determined that both the owner and the consultant can be liable for the bidder's lost profit because its Bid Price was tendered without being aware of a crucial circumstance.

In BG Checo International v. British Columbia Hydro, Hydro chose the competitive bid process to contract for the installation of transmission towers on a right of way through rugged, forested terrain. The Bid Documents clearly stated that the right of way would be cleared by others. They also included the usual terms: The bidders must inform themselves of all aspects of the work, seek clarification of errors and ambiguities, and satisfy themselves that the site is sufficient for the work. Pre-bid, Checo did visit the right of way and noted that the site-clearing activities were still in progress. What it didn't know was that Hydro was having difficulties getting the site-clearing work timely completed and that eventually what Checo saw during its visit was about as good as it was going to get. Checo won the job and eventually found that its profit was eaten up by costs of more than \$2.5 million because of the incomplete clearing of the right of way. It sued Hydro and Hydro sought to hide behind its weasel clauses in the Bid Documents. The Supremes didn't buy Hydro's defence; it ordered Hydro to pay \$1,087,729.81 because the Bid Documents were carelessly misleading. They came to this conclusion because of the evidence that the condition of the right of way was a crucial circumstance to the bidders and Hydro had a positive duty to disclose. In the other 1993 BC case of BC, Edgeworth Construction v. N.D. Lea & Associates Ltd., the Supremes were dealing with the Bid Documents of BC Highways for the construction of a highway in mountainous terrain. Here, the Documents included a carelessly prepared geotechnical report which persuaded Edgeworth to bid a price based upon a method of work which in reality became impossible. Highways had put into the Bid Documents a weasel term which denied Edgeworth the right to sue BC Highways. So, Edgeworth sued the sub-consultant who had

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authored the geotechnical report and recovered more than \$16 million against the sub-consultant.

CONCLUSION

For sure, computers are elevating the opportunity for faulty Responses to Bid Enquiries, while the law is continuing to find new ways to hang the can on the owners and consultants. What can be done?

1. If you're a bidder, carefully review the Bid Documents to see whether you can during construction cost effectively substitute your equal or alternate which has been rejected during the bid process, because if your equal or alternate does not significantly impact the cosmetic or functional requirements of the design intent and makes very little difference to the market price, then the owner can't force you to replace the substitute.
2. If you are an owner/consultant, litter the Bid Documents with limitation of damages clauses which work much better than waiver clauses which judges like to weasel around.
3. Also, in the Bid Documents, require that all Bid Enquiries must be in writing to a specified individual by a specified delivery process and assure that the individual specified is the one most familiar with the design intent for the project.
4. During the bid process, issue an addendum for all Responses to Bid Enquiry and require that compliant bidders acknowledge that they have read these addenda.
5. Finally, don't be reluctant to extend the bid closing date if you've not been able to duly respond to all outstanding Bid Enquiries.

Green Building is Trending Up But Will LEED Follow?

January 10, 2013

By Becky Schultz

(Sourced from

<http://www.forconstructionpros.com/blog/10851844/green-building-is-trending-up-but-will-leed-follow>)

Green building has expanded exponentially, skyrocketing from \$10 billion in 2005 to an estimated \$85 billion in 2012. Its double-digit growth trend is expected to continue, with recent expectations forecasting the green building industry to exceed \$200 billion by 2016.

As more and more U.S. firms strive to reduce both their carbon footprints and their energy costs, it would be reasonable to anticipate a corresponding growth in

certification under the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) program. Yet, this may not be the case.

According to Turner Construction's Green Building Market Barometer 2012, 56% of executives surveyed said their companies were extremely or very committed to following environmentally sustainable practices in their operations, and an additional 34% were somewhat committed. In addition, 81% of executives indicated their companies would be extremely or very likely to invest in energy efficiency improvements. Yet, only 48% thought it was extremely or very likely that their companies would seek LEED certification if they constructed a green building – down from 53% in 2010 and 61% in 2008. Reasons cited for not seeking LEED certification included the cost of certification, staff time required, time required for the process and the overall perceived difficulty of the process. In addition, many companies are becoming more knowledgeable about how to design and construct green buildings, and are developing their own green building standards. Others are choosing to use alternative green building rating systems in place of the LEED process.

From a global perspective, LEED is still the leader in green ratings systems. Yet, as green building becomes more commonplace, the need for such systems could eventually become obsolete. Time will tell if the LEED program will continue to evolve with the needs of the industry, or one day become a historic footnote in the movement toward a greener future.

ASSOCIATION LINKS

Important URL Links

- **Alberta Construction Safety Association (ACSA)**
www.acsa-safety.org
- **Architecture 2030**
www.architecture2030.org
- **BuildingSMART Alliance** (North American chapter of BuildingSMART):
www.buildingsmartalliance.com
- **Building Information Modeling (BIM) Forum**
www.insightinfo.com/bimforum
- **BuildingSMART International (formerly IAI)**
www.buildingsmart.com



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- **Biomimicry Institute**
www.biomimicryinstitute.org
- **Biomimicry Guild**
www.biomimicryguild.com
- **Canada BIM Council**
www.canbim.com
- **Canadian Green Building Council (CaGBC):**
www.cagbc.org
- **Canadian Green Building Council (CaGBC) – Alberta Chapter:**
www.cagbc/chapters/alberta
- **CCDC Documents:**
www.ccdc.org/home.html
- **Construction Specifications Canada (CSC)**
www.csc-dcc.ca
- **Construction Specifications Institute (CSI)**
www.csinet.org
- **IFD Library**
www.ifd-library.org
- **International Construction Information Society (ICIS)**
www.icis.org
- **MasterFormat 2012**
(Free downloadable PDF on Spex.ca Free page)
- **OmniClass**
www.omniclass.ca
www.omniclass.org
- **Spex.ca**
www.spex.ca
- **Uniformat:**
www.csinet.org/uniformat

Alberta Painting Contractors Association (APCA)
www.apca.ca
Connie Pruden
pc@apca.ca

Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA)
<http://www.apegga.org/>
dward@apegga.org

Alberta Roofing Contractors Association (ARCA)
Web: <http://www.arcaonline.ca>
Email: info@arcaonline.ca

Association of Science and Engineering Technology Professionals of Alberta (ASET)
<http://www.aset.ab.ca/>
Russ Medvedev
russm@aset.ab.ca

American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)
<http://www.ashrae.org/> / ashrae@ashrae.org

Building Owners and Managers Association (BOMA)
<http://www.bomaedmonton.org/> / edmonton@boma.ca

Consulting Engineers of Alberta (CEA)
<http://www.cea.ca/>
info@cea.ca

The Canadian Wood Council (CWC)
<http://www.cwc.ca/>
info@cwc.ca

Edmonton Construction Association
Darlene La Trace
www.edmca.com
contact@edmca.com

Portland Cement Association
ConcreteTechnology@cement.org

Terrazzo, Tile & Marble Association of Canada (TTMAC)
<http://www.ttmac.com/>
association@ttmac.com

Interior Designers of Alberta
www.interiordesignalberta.com

ASSOCIATION LIAISON












Alberta Association of Architects (AAA)
<http://www.aaa.ab.ca/>



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