

Authorized Nominating Authority under the Construction Act (January, 2019)

Ministry of the Attorney General Considering Options

1. Options Review: On January 17, 2019, The Ministry of the Attorney General (“MAG”) confirmed that it is considering options for selecting an applicant to act as the Authorized Nominating Authority (“ANA”) under Part II.1 of the Construction Act (“Act”) and Ontario Regulation 306/18 (the “Regulations”).

2. Market Sounding: MAG issued a Request for Expressions of Interest (“RFEOI”) as a market sounding exercise to ascertain market interest in offering the services involved in acting as the ANA (“Services”) and the availability of qualified and capable service providers to deliver the Services and to collect views in relation to the operation and selection of the ANA. The following being noted:

- **ANA Responsibility:** The ANA will be an arm’s-length contractor to the Ontario government responsible for training, qualifying, appointing, coordinating and overseeing a roster of qualified adjudicators to perform statutory interim dispute adjudication for construction disputes across Ontario.
- **Expedient Resolution:** Adjudication is an informal dispute resolution process designed to provide a determination in approximately six weeks. When it comes into force, the adjudication process under the Act will help to prevent payment disputes from delaying work on construction projects.
- **Further Modifications:** The recently enacted Schedule 8 of the Restoring Trust, Transparency and Accountability Act, 2018 contains amendments to the Act that have modified some elements of the adjudication process. These amendments are set out in the **Adjudication Awareness Bulletin – Special Bulletin #1 (November, 2018)**.



3. ANA Timeline: The above is part of the application process of MAG identifying a candidate, to be designated as the ANA by the Minister, in accordance with section 13.2 of the Act and section 2 of the Regulations. The ANA is expected to be ready to carry out its prescribed duties when the adjudication process comes into force (scheduled for October 1, 2019).

Further **Special Bulletins** will follow.

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