

Adjudicator Authority for Disputes Federal Construction Projects (May, 2019) Government Launches Consultation Initiative

On May 28, 2019 Public Works and Government Services Canada (PWGSC) issued a “Tender Notice”* covering Alberta, British Columbia, Manitoba, National Capital Region, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan and Yukon.

This Tender Notice was in the form of a Letter of Interest (LOI)/Request for Information (RFI). PWGSC has stated that this LOI/RFI is a consultation initiative by Public Services and Procurement Canada (PSPC) specifically aimed:

- At requesting Industry feedback regarding a proposed approach to establishing an Adjudicator Authority for Adjudicators related to disputes in Federal Construction Projects; and
- To solicit feedback that could help Canada develop a comprehensive and competitive Request for Proposal (RFP) that would enable firms or associations to bid to provide the services of an Adjudicator Authority to support the adjudication process.

The Government seeks feedback on a proposed approach to establishing an appropriate, reliable and effective adjudication process that is available to all contractors and sub-contractors engaged in federal construction projects on federal lands. The proposed approach calls for the engagement of an Adjudicator Authority to provide specific services.

This initiative comes on the backdrop of the Government stating an interest in ensuring that its funds are properly and promptly distributed along the supply chain of contractors, subcontractors and suppliers involved in delivering federal construction projects. Specifically:

- *The Government aims to ensure that construction projects are delivered with speed, efficiency and continuity.*

Timely cash flow throughout the construction payment chain is fundamental to a healthy construction industry by enabling companies to realize the competitive profit margins necessary to fuel growth, employment, and to create the capacity in Canadian firms to build the infrastructure that is critical to the economic prosperity of Canada. Specifically:

- *Responses to this Request for Information are due by June 26, 2019 and may be submitted in either official language of Canada.*

Watch this space: Further **Special Bulletins** will follow.

Key Services to be provided by the Adjudicator Authority:

1. Training & Continuing Education
2. Certification & Prescribed Criteria
3. Registry of Adjudicators
4. Adjudicator Fee Schedule
5. Services Contract Template
6. Timely Adjudicator Appointment
7. Code of Conduct
8. Complaints Procedure
9. Managing Adjudicator Resignations
10. Reports, Statistics & Trends
11. Services in French & English

* Courtesy of PW-\$\$\$GB-009-77169

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