This Master Specification Section contains:

This Cover Page

Master Specification Section Text:

1. Summary
2. Bid Submission
3. Invitation to Bid
4. Basis of Bid - Stipulated Price, *or*
5. Basis of Bid - Alternative Stipulated Prices, *or*
6. Basis of Bid - Unit Price
7. Tied Bids
8. Minimum Scoring Requirement
9. Qualifications Evaluation
10. Bid Evaluation and Contract Award
11. Suspension
12. Bid Evaluation and Contract Award - Alternative Stipulated Prices
13. Bid Documents
14. Bid Form
15. Bid Form Supplements
16. Bid Modification and Withdrawal
17. Bid Acceptance
18. Bid Rejection
19. Bid Opening
20. Posting of Bid Results and Award Information
21. Irregularities
22. Safety Prequalification
23. Availability of Bid Documents
24. GST
25. Examination of Bid Documents and Site
26. Bid Security
27. Contract Performance Security and Security for Payment of Claims
28. Applicable Legislation Related to Claims
29. Allowances
30. Assignable Contracts
31. Product Options and Substitutions
32. Agreement
33. Division of Work
34. Conflict of Interest
35. Information Disclosure
36. Interpretation and Modification of Bid Documents
37. Confidentiality
38. Trade Agreements
39. Legal Jurisdiction
40. Lobbyist Act
41. Language
42. Addenda

**Changes made in this Section Update (2024-05-02)**

1. Add new section for Vendor Submission Requirements webpage.

**STATEMENT ON PROHIBITIONS RELATED TO RUSSIAN AGGRESSION IN THE UKRAINE**

Sanctions related to the Russian invasion of Ukraine have been imposed by the Government of Canada under the [*Special Economic Measures Act*.](https://laws-lois.justice.gc.ca/eng/acts/S-14.5/page-1.html) The Government of Canada has stated that the sanctions have been imposed “in order to respond to the gravity of Russia’s violation of the sovereignty and territorial integrity of Ukraine, and grave human rights violations that have been committed in Russia”.

The Special Economic Measures Regulations applicable to Russia, Belarus and Ukraine under the [*Special Economic Measures Act*](https://laws-lois.justice.gc.ca/eng/acts/S-14.5/page-1.html) impose an asset freeze and dealings prohibition on designated persons listed in Schedule 1 of the Regulations, which include both individuals and entities.

Consistent with the Regulations, the Province reserves the right to limit or prohibit Proposals from the designated persons and entities listed in Schedule 1 of the [Special Economic Measures (Russia) Regulations](https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-58/FullText.html), the [Special Economic Measures (Belarus) Regulations](https://laws.justice.gc.ca/eng/regulations/SOR-2020-214/FullText.html), and the [Special Economic Measures (Ukraine) Regulations](https://laws-lois.justice.gc.c/eng/regulations/sor-2014-60/FullText.html), as amended from time to time, or from entities that could benefit such individual or entities, directly or indirectly, if they were to enter a Contract with the Province.

Questions about these prohibitions can be directed to the Inquiries Contact.

**VENDOR SUBMISSION REQUIREMENTS WEBPAGE**

Supplemental information on mandatory submission requirements and procurement best practices are available on the Vendor Submission Requirements webpage. This information is intended to assist vendors to successfully compete in an Alberta Infrastructure procurement by limiting the risk that the submission will be found to be non-compliant.

The webpage can be viewed at: <https://www.alberta.ca/vendor-submission-requirements>

The Vendor Submission Requirements webpage, or any part thereof, is not part of the procurement or contracts documents. Please review the disclaimer on the webpage for more information.

1. SUMMARY

SPEC NOTE: Use this article to identify the project and to bring to the Bidders' attention any 'unusual' requirements. Refer Bidders to appropriate parts of the specification for details of such 'unusual' requirements. Do not specify or repeat such requirements in this Section.

* 1. The intent of this Adjusted Price bid call is to solicit and receive formal offers to [perform the following Work] [construct the following Project]:

[ ]

[ ]

[ ]

[ ]

SPEC NOTE: Include the following only for LEED registered projects.

* 1. The Project is a CaGBC registered LEED-[NC] [CI] [ ] (Leadership in Energy and Environmental Design) Project with the Canada Green Building Council. The goal certification level is [Certified] [Silver] [Gold] [Platinum]. Refer to Division 01 for LEED project requirements.

* 1. Bids shall be prepared and submitted and the bidding process shall be administered in accordance with these bidding requirements. The successful Bidder shall be determined on the basis of the Adjusted Price, but will be paid the bid price.
  2. Refer to Section 01 11 00 - Summary of Work for a summary of the Project, including requirements pertaining to Contract Time.

SPEC NOTE: Include the following (.5 & .6) for qualifications submissions. Edit and attach Sections 00 21 13-A – Qualifications Submission Requirements, 00 21 13-B Response Evaluation Form, and 00 21 13-C Qualifications Submissions Definitions.

* 1. A “value based selection” process will be employed for this procurement. This means that the successful Bidder will be the one whose Response offers best value, taking into consideration qualifications, price and past performance. Refer to Section 00 21 13-B Response Evaluation Form for additional information.
  2. Responses will be evaluated as follows:
     1. Qualifications Submission
        1. Submit a qualifications submission in accordance with Section 00 21 13-A - Qualifications Submission Requirements; and Article 2 – Bid Submission.
     2. Bid Submission
        1. Submit a bid price in accordance with [Section 00 41 13 – Stipulated Price Bid Form], and Article 2 – Bid Submission.

1. BID SUBMISSION
   1. Electronic bids will be accepted until the bid closing date and time (“Bid Closing”) identified on the cover page of the Bid Documents, as follows:
      1. Electronic bids:
         1. Submit bids via the Infrastructure designated e-mail submission system. The e-mail submission system is accessible at:

[infras.tenderadmin@gov.ab.ca](mailto:infras.tenderadmin@gov.ab.ca)

* + 1. Oral, telephoned, fax or hard copy bids will not be accepted nor acknowledged.
  1. Official Bid Closing will be determined as follows:
     1. Electronic Bid Submissions: the official time shall be as determined by the   
        e-mail submission system clock.
     2. Bidder is solely responsible for ensuring that the complete submission, including all attachments, is received before the Bid Closing.
  2. A Bidder must not submit more than one bid.

***SPEC NOTE: Include .4 for Qualifications Submission Process, otherwise delete.***

* 1. Submit Responses as two (2) separate PDF files in one e-mail as follows:
     1. PDF package one, the qualifications submission submitted in unprotected searchable PDF version of the entire package, excluding any proposed bid price (fee related) information.
     2. Clearly indicate in the file name “Qualifications Submission”.
     3. Organize the qualifications submission to clearly and succinctly present the required information. Use the main headings and present the information in the order provided in Section 00 21 13-A - Qualifications Submission Requirements.
     4. Qualifications submission should be limited to fifteen (15) single-sided, 8½" x 11" pages or equivalent [e.g. 11" x 17" fold out sheets for charts, schedules, etc. count as two (2) pages]:
        1. The page limit excludes a cover letter, table of contents and individual’s resumes.
        2. Bidders may include additional information which they consider relevant, but the maximum number of pages should not be exceeded.
        3. Bidders should use an easy to read font type and size, such as 11 point Arial or 12 point Times-Roman.
     5. PDF package two, Bid Submission:
        1. One (1) unprotected PDF version of Section 00 41 13 – Stipulated Price Bid Form and bid form supplements in accordance with Article 13 – Bid Form Supplements.
        2. Clearly indicate in the file name “Bid Submission”.
  2. Extension of Bid Closing
     1. The Province may extend the Bid Closing by addendum.

1. INVITATION TO BID

SPEC NOTE: Include this article in its entirety for invitational bid calls only, where bidding is limited to invited Bidders. If Bidders have been formally prequalified, so state. Otherwise, retain Article number and replace with “This Article Intentionally Deleted”.

* 1. This bid call is by invitation only [to prequalified Bidders]. Submit bids only in the name indicated in the letter of invitation to bid.
  2. Bids submitted in a name different to that indicated on the invitation, and from Bidders not invited to bid, may cause the bid to be declared invalid and rejected.

SPEC NOTE: Select one of the following three 'Basis of Bid' articles. If the basis of bid will be other than 'normal', modify wording provided and specify additional pertinent requirements as required.

1. BASIS OF BID - STIPULATED PRICE
   1. Bids shall be on a stipulated price basis.

**OR**

1. BASIS OF BID - ALTERNATIVE STIPULATED PRICES

SPEC NOTE: Refer to Data Sheets in BMS Section 01 23 00 for the department’s policy and guidelines on specifying alternatives. Obtain the department’s approval before specifying alternatives.

* 1. Bids shall be on a stipulated price basis for each of [two] [three] [ ] alternatives.
  2. The Bid Form requires alternative prices in the form of a separate total stipulated price for each alternative.
  3. Refer to Section 01 23 00 for details pertaining to alternatives.

**OR**

1. BASIS OF BID - UNIT PRICE

SPEC NOTE: If basis of bid is a unit price arrangement with alternatives, modify this article to suit.

* 1. Bids shall be on a unit price basis.
  2. The unit prices, lump sums and allowances stated in the Unit Price Schedule shall form the basis of the bid price.
  3. Make entries in Unit Price Schedule in figures only. Ensure that figures are legible.
  4. Where, in the Province's opinion, there is a question as to the legibility of figures entered by the Bidder, the Province will make a determination as to legibility. The Province may, at the Province’s sole discretion, declare as invalid and reject any bid that contains figures, which in the Province’s opinion, are illegible or open to dispute.
  5. Extensions of unit prices and addition of extended unit prices, lump sums and allowances entered in Unit Price Schedule will be checked by the Province. If arithmetical errors are discovered, the unit prices shall be considered as representing the Bidder's intentions and the unit price extensions and the total amount entered in the Unit Price Schedule and the Bid Form will be corrected accordingly by the Province. Bidder shall be bound to such corrected amounts.
  6. If no unit price is stated for an item, but an extended amount is stated, a unit price determined by dividing the extended amount by the estimated quantity shall be considered as representing the Bidder's intentions.
  7. The total amount of the bid shall be the arithmetically correct sum of the arithmetically correct unit price extensions, lump sums and allowances in the Unit Price Schedule.
  8. Each unit price stated in the Unit Price Schedule shall be a reasonable price for that item of work.
  9. Unless otherwise indicated, quantities specified in Unit Price Schedule are estimated quantities and shall not be considered as actual quantities of work to be performed. Subject to Contract terms, unit prices stated in Unit Price Schedule shall be applied to actual quantities of work performed as measured in accordance with the Contract.

1. TIED BIDS
   1. If there is a tie in the Adjusted Price of two or more compliant Bids, the bid with the lowest price on the Bid Form will be the winner. If there is a tie amongst the amounts set out on the Bid Forms, the Province will provide the tied Bidders with a method for determining the successful Bidder.

SPEC NOTE: Minimum Scoring Requirement is optional for qualifications submission process. Edit Section 00 21 13-B – Response Evaluation Form for qualifications submissions process if keeping Minimum Scoring Requirement. Otherwise, retain Article number and replace with “This Article Intentionally Deleted”.

1. MINIMUM SCORING REQUIREMENT
   1. Responses that receive a qualifications submission score of 70% or greater of the maximum achievable total score shall proceed to the second phase of Response evaluation, i.e. evaluation of Bid Submission in accordance with Article 8 - Bid Evaluation and Contract Award.

SPEC NOTE: Include the following if 00 21 13-B – Response Evaluation Form is included. Otherwise, retain Article number and replace with “This Article Intentionally Deleted”.

1. QUALIFICATIONS EVALUATION
   1. Refer to Section 00 21 13-B – Response Evaluation Form for Evaluation Criteria and weighting.
2. BID EVALUATION AND CONTRACT AWARD
   1. The following expressions have the following meanings:
      1. “Vendor Performance Management Program” or “VPMP” is the Province's vendor performance program which records and manages performances of vendors contracting with the Province;
      2. “Overall Vendor Performance Rating” or “OVPR” refers to the Province's record of three-year weighted rolling average for each performance evaluation result under the Province's VPMP system, as ranked on scale of one (1) to five (5). Details can be found in the VPMP document.
   2. As part of its bid evaluation and selection process, the Province will be taking into consideration the OVPR of the Bidder, as calculated in the Province's VPMP system as of the Bid Closing.
      1. If a Bidder does not have an OVPR recorded in the VPMP system, a default score of three (3) for evaluation purposes only will be used as an OVPR for that Bidder.
   3. **VPMP Adjustment.** For the purpose of evaluation, each bid will be assigned an "Adjusted Price" which shall be calculated as follows:

**Adjusted Price = Submitted Bid Amount x [1 - 0.05 x (OVPR - 3) / 2]**

* 1. The successful Bidder shall be determined on the basis of the Adjusted Price. The Bid price is paid to the successful Bidder, not the Adjusted Price.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Evaluation Example (for the purpose of demonstration only):* | | | | |
|  | ***Bidder A*** | ***Bidder B*** | ***Bidder C*** | ***Bidder D*** |
| ***Submitted Bid Amount*** | ***$ 500,000*** | ***$ 490,000*** | ***$ 480,000***  ***(underline indicates lowest bid)*** | ***$ 550,000*** |
| *OVPR score in Infrastructure’s VPMP system* | *4.2*  *(i.e. past performance has exceeded expectations)* | *3.0*  *(i.e. past performance has met expectations)* | *2.1*  *(i.e. past performance is below level of expectations)* | *No OVPR score*  *(e.g. no previous VPMP contract, i.e. default score is 3.0)* |
| *Adjustment formula* | *1 – 5% of*  *(4.2 – 3) /2* | *1 – 5% of (3 – 3) / 2* | *1 – 5% of (2.1 – 3) / 2* | *1 – 5% of (3 – 3) / 2* |
| *Adjustment %*  *(95-105)* | *97.00%*  *(3% reduction)* | *100%*  *(no adjustment)* | *102.25%*  *(2.25% increase)* | *100%*  *(no adjustment)* |
| ***Adjusted Price (for evaluation purposes only)*** | ***$ 485,000***  ***(underline indicates lowest adjusted price)*** | ***$ 490,000*** | ***$ 490,800*** | ***$ 550,000*** |
| *Final Ranking* | *1*  *(selected)* | *2* | *3* | *4* |

* 1. Adjusted Prices are for evaluation ranking purposes only, and shall have no effect on the Bidder's final bid price for the purposes of the Contract.
  2. In the event of a conflict between the VPMP document and the terms of this document, the terms of this document shall govern. The VPMP document can be viewed at:<https://www.alberta.ca/vendor-performance-management-program.aspx>

1. SUSPENSION
   1. A Bidder shall not be a suspended vendor in the Province's VPMP system as of the Bid Closing.
   2. A bid submitted by a suspended vendor will be declared ineligible and rejected.
2. BID EVALUATION AND CONTRACT AWARD - ALTERNATIVE STIPULATED PRICES

SPEC NOTE: Include this article only if alternatives are specified under a stipulated price arrangement with alternative stipulated prices. Otherwise, retain Article number and replace with “This Article Intentionally Deleted”.

* 1. Each alternative will be evaluated separately.
  2. The Province may select any one of the alternatives.
  3. The Province may award a contract based on the lowest valid bid for the selected alternative, notwithstanding that other valid bids, for an alternative not selected, may be lower.

1. BID DOCUMENTS
   1. The Bid Documents are the documents issued or made available to Bidders by the Province for the purpose of preparing a bid. The Bid Documents consist of the following:

SPEC NOTE: Edit list to ensure that it accurately reflects all documents issued or made available to Bidders.

1. Instructions to Bidders.
2. [Qualifications Submission Requirements, Response Evaluation Form, Qualifications Submissions Definitions]
3. [Pre-Bid Meeting.]
4. [Information Documents.]
5. Bid Form and Bid Form Supplements.
6. Bid Security.
7. Agreement Form.
8. Payment Conditions.
9. Statutory Declaration.
10. Contract Performance Security.
11. Security for Payment of Claims.
12. Definitions.
13. General Conditions of Contract.
14. [Supplementary Conditions.]
15. Insurance Conditions.
16. Public Works Act Claims.
17. [Detail Drawings.]
18. Specifications, Divisions 01 to [49] inclusive.
19. [Drawings, as listed in the List of Drawings.]
20. [Schedules.]
21. Addenda issued during bid period.
22. [Letter of Invitation to Bid.]
23. [Notice and Non-Disclosure Agreements (NDA) inserted at the end of Project Manual as an Appendix.]

SPEC NOTE: Include .2 below only for invitational procurements. Delete otherwise.

* 1. Bid documents are not to be posted on public forums. Each invited Bidder is responsible for distribution of documents to their selected Subcontractor bidders.

1. BID FORM

SPEC NOTE: Edit .1 below depending on the of Bid Form(s) required.

* 1. Complete [Section 00 41 13 – Stipulated Price Bid Form] [Section 00 41 19 - Stipulated Price Bid Form – Alternatives] [Section 00 41 43 – Unit Price Bid Form] (“Bid Form”) in its entirety and sign.
  2. Submit Bid Form in PDF format in accordance with Article 2 – Bid Submission. Any required information that is omitted or illegible, any alterations to the text, or any conditions added on or submitted with the Bid Form, may cause the bid to be declared invalid and rejected.
  3. An abnormally low proposed bid is one where the bid, in combination with other constituent elements of the bid, appears unreasonably low to the extent that the proposed bid price raises material concerns as to the capability of the Bidder to perform the Contract for the proposed bid.
  4. In the event of identification of a potential abnormally low proposed bid price, the Province shall seek written clarifications from the Bidder, including detailed price analyses of its proposed bid price in relation to the subject matter of the Contract, scope, proposed methodology, schedule, allocation of risks and responsibilities and any other requirements of the Adjusted Price bid call.
  5. After evaluation of the price analyses, in the event the Province determines that the Bidder has failed to demonstrate its capacity to perform the Contract for the proposed bid price, the Province shall reject the bid.

1. BID FORM SUPPLEMENTS
   1. Prepare and submit each required supplement to the Bid Form as specified below:
      1. Bid security, as specified in Section 00 43 13, prior to Bid Closing.
      2. [Completed Section 00 54 22 - Unit Price Schedule.]
   2. Bid Form supplements are final and binding on the Bidder upon submission and may not be modified or superseded with another submission, unless the modifying or superseding submission is received before the Bid Closing, as specified in Article 14 - Bid Modification and Withdrawal.
   3. Bid Form supplements will be reviewed for compliance with the requirements of the Bid Documents after the bid opening.
   4. Any of the following irregularities may cause the bid to be declared invalid and rejected:
      1. Any failure to submit a required Bid Form supplement as specified.
      2. Any required information in a Bid Form supplement is omitted, illegible, frivolous, or otherwise improperly submitted.
      3. Any alterations to the text, or any conditions added on or submitted with a Bid Form supplement.
   5. The Province may, after the Bid Closing and before contract award, require any Bidder to submit, in a form prescribed by or acceptable to the Province, a detailed cost breakdown of the bid price(s), or any other additional supplementary information about any aspect of the bid which, in the Province's opinion, is necessary for evaluation purposes.
2. BID MODIFICATION AND WITHDRAWAL
   1. Bids may be modified or withdrawn at any time before the Bid Closing by submitting a request to modify or withdraw the bid to the Submission Address set out on the cover page.
3. BID ACCEPTANCE
   1. A bid may not be withdrawn at or after Bid Closing and shall be open to acceptance by the Province until:
      1. some other Bidder has entered into a contract with the Province for performance of the Work, or
      2. 35 Days after the Bid Closing,

whichever occurs first.

* 1. The 35 Day acceptance period referred to above shall commence at midnight of the date of Bid Closing and shall terminate at midnight of the 35th Day thereafter. If the 35th Day falls on a statutory holiday, such Day(s) shall be omitted from the computation.
  2. The 35 Day acceptance period referred to above may be extended at the Province's request and subject to the Bidder's written agreement to the extension.
  3. The Contract shall be established upon issuance, by the Province to the successful Bidder, of a letter accepting the bid.

1. BID REJECTION
   1. The lowest priced or any bid will not necessarily be accepted and the Province may reject any and all bids.
2. BID OPENING
   1. Bids will not be opened publicly. Bids will be opened electronically with results and bidder information made available as mentioned in Article 18 – Posting of Bid Results and Award Information. Note, the information will state the successful Bidder and the bid price, but will not explain or mention the Adjusted Price.
   2. In the event that the electronic bid submission system is not available to the Province to view the bids at the time of bid closing, the Province will postpone the bid opening and notify all bidders of the new time for the bid opening and posting of the bid results and bid award information.
3. POSTING OF BID RESULTS AND AWARD INFORMATION
   1. Bid results and bid award information will be available on Alberta Purchasing Connection at: [https://vendor.purchasingconnection.ca](https://vendor.purchasingconnection.ca/)
4. IRREGULARITIES
   1. A bid that is informal, incomplete, qualified, non-compliant with the requirements of the Bid Documents, or otherwise irregular in any way, may be declared invalid and rejected.
   2. The Province may accept or waive a minor and inconsequential irregularity.
   3. The determination of what is, or is not, a minor and inconsequential irregularity, the determination of whether to accept, waive, or require correction of an irregularity, and the final determination of the validity of a bid, shall be at the Province's sole discretion.
   4. Discrepancies between words and figures will be resolved in favour of words.
5. SAFETY PREQUALIFICATION

SPEC NOTE: The department’s policy is to normally include this article for all construction contracts whose estimated cost exceeds $100,000. However it should be recognized that for some types of >$100,000 contracts most or all potential Bidders may not be certified, e.g. where the prime contract Bidders will all be 'trade' contractors (not 'general' contractors). This requirement could therefore limit the number of Bidders to an unacceptable degree, in which case waiving this requirement (by deleting this article and related requirements specified in Section 01 35 29, Work Site Safety) should be reviewed with the department.

* 1. As a precondition to contract award, and before the Contract will be signed, the prime contractor must provide a valid standard Certificate of Recognition (COR), or a valid Temporary Letter of Certification (TLC) for a standard COR, or a COR Equivalency Letter (COREL) for out of province Bidders, as issued by Alberta Construction Safety Association (ACSA) or another certifying partner authorized by Alberta Ministry of Jobs, Economy and Trade to issue CORs, TLCs or CORELs. Possession of a Certificate of Recognition other than a standard COR, TCL or COREL, such as a Small Employer Certificate of Recognition (SECOR) is not acceptable.
  2. Submit evidence of safety qualifications by the earlier of:
     1. The date that the Province may request in writing, or
     2. Seven Days before expiry of the bid acceptance period.
  3. Prospective Bidders who do not possess a standard COR, a TLC for a standard COR, or a COREL and wish to obtain information about obtaining one, are advised to contact:

Alberta Construction Safety Association

225 Parsons Road SW

Edmonton, Alberta T6X 0W6

Telephone: 780-453-3311 or 1-800-661-2272

Fax: 780- 455-1120 or 1-877-441-0440

e-mail: [COR@youracsa.ca](mailto:COR@youracsa.ca)

Website: <https://www.youracsa.ca>

or another certifying partner authorized by Alberta Ministry of Jobs, Economy and Trade.

1. AVAILABILITY OF BID DOCUMENTS

SPEC NOTE: Include the following for publicly advertised opportunities, otherwise delete.

* 1. Bid Documents are only made available in electronic form from Alberta Purchasing Connection at [https://vendor.purchasingconnection.ca](https://vendor.purchasingconnection.ca/)

**OR**

SPEC NOTE: Include the following for invitational bid calls only, otherwise delete.

* 1. Bid Documents will be emailed to invited Bidders only.

SPEC NOTE: Include .3 to .4 below in its entirety below only for procurements with a requirement for NDA’s. Delete otherwise.

* 1. Bid Documents are only made available upon signing of Non-Disclosure Agreements (the “NDAs”).
     1. Interested parties have the following options for signing the NDAs:
        1. Option 1 – sign over video call.
           1. Option 1 is the recommended option.
        2. Option 2 – sign the documents using an affidavit of execution.
           1. Option 2 is available only when Option 1 is not feasible or is impractical.
        3. Option 3 – sign in person at specified locations.
           1. Option 3 is available only when options 1 and 2 are not feasible or are impractical.
  2. The NDA signing process applies to all options as follows:

SPEC NOTE: Update reference below to Appendix ‘E’ if not Appendix ‘E’.

* + 1. Interested parties will be required to sign two (2) NDAs using the attached Appendix [E] – Business and Individual NDA forms.
    2. Contact the Inquiries Contact identified on the cover page for instructions regarding the options listed above.
  1. The Province will assume no responsibility or liability for the completeness of any Bid Documents obtained from a source other than the sources identified above.

1. GST
   1. Bidders shall not include GST in their Bid.

Spec Note: If Article 23 is not included, retain Article number and replace with “This Article Intentionally Deleted”.

1. EXAMINATION OF BID DOCUMENTS AND SITE

SPEC NOTE: Include following clause and Section 00 25 13 if a pre-bid meeting, or a pre-bid meeting in conjunction with a site inspection, is required. Include the option field only if Section 01 35 14 –Project Security and Safety Procedures is used and the facility’s safety and security regulations are not included with the bid documents. Edit .2 below as required.

* 1. Refer to Section 00 25 13 - Pre-Bid Meeting. [This meeting will be the only opportunity for Bidders to review the facility’s safety, health, and security regulations which may impact the bid.]. [Only persons who have completed and signed the Individual Non-Disclosure Agreement will be allowed at the site during the pre-bid meeting.]
  2. Refer to Section [00 31 00] – [Available] Information Documents which identifies available information pertaining to the Project and specifies the status of and the extent, if any, to which Bidder may rely upon such Information Documents.

SPEC NOTE: Include following clause for projects where a significant part of the Work may be affected by unknown subsurface conditions.

* 1. Before submitting a bid, each Bidder shall, at the Bidder's expense, make or obtain any additional examinations, investigations, explorations, tests and studies and obtain any additional information and data which pertain to the conditions at, under or contiguous to the site, which may affect performance of the Work and which the Bidder deems necessary to determine its bid for performing the Work in accordance with the Bid Documents. Bidders shall obtain the Province's prior approval for access to site for the purpose of carrying out any such activities. Bidders shall restore site to a condition acceptable to the Province upon completion of such activities.

SPEC NOTE: Include following clause for civil works projects where applicable.

* 1. Lands upon which Work is to be performed, rights of way and easements for access thereto and other lands designated for use by Contractor in performing the Work are identified in the Bid Documents. Additional lands and access thereto required for performance of the Work shall be provided by Contractor.

SPEC NOTE: Delete the following paragraph if site access is restricted and the site inspection will be combined with the Pre-Bid Meeting.

* 1. A site inspection to obtain a clear understanding of the project requirements is deemed [optional] [necessary] but remains at the Bidder’s discretion.
  2. [Site inspections are limited to the following date[s] and time[s]:

[insert date[s] and time[s]

[insert date[s] and time[s]

[insert date[s] and time[s]

* 1. To arrange for access to and inspection of site, contact:

Name: [ ]

Telephone Number: [ ]

e-Mail Address: [ ]

1. BID SECURITY
   1. Provide and submit the bid security as specified in Section 00 43 13 - Bid Security.
2. CONTRACT PERFORMANCE SECURITY AND SECURITY FOR PAYMENT OF CLAIMS
   1. Provide and include in bid price for security specified in Section 00 61 13 - Contract Performance Security [and in Section 00 61 91 - Security Upon Assignment].
   2. Provide and include in bid price for security specified in Section 00 61 90 - Security for Payment of Claims [and in Section 00 61 91 - Security Upon Assignment].
3. APPLICABLE LEGISLATION RELATED TO CLAIMS
   1. *The Public Works Act* (Alberta) applies to this Project.
   2. *Public Works Act* claim procedures shall be in accordance with Section 00 73 90.

SPEC NOTE: Include the following only if Allowances will be used. Otherwise, retain Article number and replace with “This Article Intentionally Deleted”.

1. ALLOWANCES
   1. Include in bid price all allowances specified in Section 01 21 13.

SPEC NOTE: Include the following only if this contract will assume assignable contracts. Refer to BMS Section 01 11 08 – Assignable Contracts. Otherwise, retain Article number and replace with “This Article Intentionally Deleted”.

1. ASSIGNABLE CONTRACTS
   1. The Province has entered into contract for certain work which will be assigned to the successful Bidder.
   2. Include in bid price all allowance amounts and additional costs associated with assignable contracts.
   3. Refer to Section [ ] for details pertaining to contracts which will be assigned.
2. PRODUCT OPTIONS AND SUBSTITUTIONS
   1. Product options: Comply with requirements of Section 01 62 00.
   2. Substitutions:
      1. Comply with requirements of Section 01 62 00.
      2. Where products are specified by a proprietary specification, and substitutions are permitted, Bidders may base their bids on a named product or manufacturer or on unnamed substitutions, subject to the requirements specified for substitutions in Section 01 62 00.
      3. During the bid period, it is the sole responsibility of each Bidder to determine whether a substitution meets the requirements specified in Section 01 62 00.
      4. The Province will not consider requests for approval of substitutions from Bidders during bid period.
      5. Substitutions will be evaluated and approved or rejected by the Province after contract award.
   3. Product Acceptability:
      1. The Province may, after bid submission and before contract award, require any Bidder to submit proof that a product proposed for use complies with requirements of Bid Documents. Such proof shall be in the form of product data as specified in Section 01 62 00.
      2. Should the Province determine that a proposed product does not meet requirements of Bid Documents, Bidder shall propose a product which, in the Province's opinion, does meet requirements of Bid Documents, otherwise such Bidder's bid may be declared invalid and rejected.
3. AGREEMENT
   1. The successful Bidder will be required to enter into a formal agreement with the Province for performance of the Work.
4. DIVISION OF WORK
   1. Work specified in the Specifications is divided into Divisions and Sections for reference purposes only. Except as may be otherwise specified in the Bid Documents, division of work among Contractor, Subcontractors, Sub-subcontractors and suppliers is Bidders’ responsibility.
5. CONFLICT OF INTEREST
   1. Any business entity or individuals that could create a conflict of interest or a perceived conflict of interest shall not submit a bid.
   2. If a Bidder considers that a particular relationship or association does not create a real or apparent conflict of interest and will not create a perception of conflict of interest, but is concerned that the Province could arrive at a different conclusion, the Bidder shall:
      1. fully disclose the circumstances to the Province at the earliest possible date, and
      2. request that the Province provide an interpretation before the Bid Closing as to whether the relationship or association creates a conflict of interest or a perception of conflict of interest.
   3. In assessing whether a conflict of interest or a perceived conflict of interest exists; the Province will consider in the exercise of his discretion whether any submissions include:
      1. Individuals who through their current employment or association with the Government of Alberta have had involvement with or knowledge of the Project;
      2. Firms or individuals currently retained by the Province in relation to the Projects;
      3. Any individual that is a member of the Legislative Assembly of Alberta or an associated person as set out in the *Conflicts of Interest* *Act* (Alberta); or
      4. Any business entity that consists of or contains current employees of the Government of Alberta.
   4. At the Province’s sole discretion, the Province may disqualify a bid where a conflict of interest or a perceived conflict of interest exists, or where there is evidence of collusion. The decision of the Province is final and binding.
6. INFORMATION DISCLOSURE
   1. The Bidder acknowledges that:
      1. The *FOIP Act* applies to all information and records relating to, or obtained, generated, created, collected or provided under the Bid Documents or the Contract and which are in the custody or under the control of the Province. The *FOIP Act* allows any person a right of access to records in the Province custody or control, subject to limited and specific exceptions as set out in the *FOIP Act*; and
      2. The Bidder, if it considers portions of its bid to be confidential, shall identify those parts of its bid to the Province considered to be confidential and what harm could reasonably be expected from disclosure. The Province does not warrant that this identification will preclude disclosure under the *FOIP Act*.
   2. The purpose of collecting Personal Information for this bid is to enable the Province to ensure the accuracy and reliability of the information, to evaluate the bid, and for other related purposes of the Province. Authority for this collection is the *Government Organization Act* (Alberta), as amended from time to time and section 33 (c) of the *FOIP Act*.
7. INTERPRETATION AND MODIFICATION OF BID DOCUMENTS
   1. Submit questions about the meaning and intent of the Bid Documents to the Inquiries Contact identified on the cover page.
   2. If an inquiry requires an interpretation or modification of the Bid Documents, the response to that inquiry will be issued in the form of a written addendum only, to ensure that all Bidders base their bids on the same information.
   3. Addenda may also be issued by the Province to modify the Bid Documents as considered necessary by the Province.
   4. Submit inquiries as early as possible in the bid period. If an inquiry requires an interpretation or modification of the Bid Documents, but is received too close to the Bid Closing to permit issuance of an addendum, the Province may be unable to respond to that inquiry. Submit inquiries no later than five (5) Business Days before Bid Closing.
   5. Any replies to inquiries or interpretations or modifications of the Bid Documents made by any manner other than in the form of a written addendum, shall not be binding.
   6. The Bidder has the responsibility to notify the Province, in writing, of any ambiguity, divergence, error, or omission, oversight, contradiction, or item subject to more than one interpretation in these Bid Documents, no later than five (5) Business Days before Bid Closing, and to request any instruction, decision, or direction required to prepare the bid.
   7. Headings are used for convenience only, and they do not affect the meaning or interpretation of the clauses.
   8. Words in singular include the plural and vice versa.
8. CONFIDENTIALITY
   1. Subject to Article 33 - Information Disclosure.
   2. The Bidder and their employees, Subcontractors, and agents shall:
      1. keep strictly confidential all information concerning the Province or third parties, or any of the business or activities of the Province or third parties acquired as a result of participation in this bid process; and
      2. only use, copy or disclose such information as necessary for the purpose of submitting a bid or upon written authorization from the Province.
   3. The Bidder shall maintain security standards, including control of access to data and other information consistent with the highest standards of business practice in the industry.
   4. No press release or other public announcement relating to this bid shall be issued without the prior written consent of the Province.
   5. If a Bidder becomes aware of any situation whereby a breach of confidentiality may have or has occurred, the Bidder shall notify, as soon as is practicable, the Inquiries Contact identified on the cover page and provide details of the situation. The Bidder shall cooperate with the Province with respect to any directions provided by the Province.
   6. If the Bidder, employees, Subcontractors, or agents fail to maintain confidentiality or security of information in addition to any other remedies available in law, the result may be suspension of the Bidder, its officers, directors, partners, employees, agents, and representatives from future Province’s opportunities for a period of up to 12 months, as decided in the sole discretion of the Province. Such suspension shall begin when the Bidder is notified by the Province.
9. TRADE AGREEMENTS
   1. This procurement is subject to Chapter 5 (Government Procurement) of the Canadian Free Trade Agreement, and the New West Partnership Trade Agreement.
10. LEGAL JURISDICTION
    1. This bid process shall be governed and interpreted in accordance with the laws in force in Alberta and the Bidder irrevocably attorns to the exclusive jurisdiction of the Courts in Alberta.
11. LOBBYIST ACT
    1. The Bidder acknowledges that:
       1. the *Lobbyists Act* (Alberta), as amended from time to time, establishes certain obligations and prohibitions with respect to lobbying and contracts for paid advice, as those terms are defined in the *Lobbyists Act* (Alberta); and
       2. it is responsible for complying with the *Lobbyists Act* (Alberta) during the bidding process, and if the successful Bidder, during the Contract.
12. LANGUAGE
    1. All bids, including attachments and other information, must be in English.
13. ADDENDA

SPEC NOTE: When issuing addenda late in the bid period, ensure there is ample time left to ensure receipt by all Bidders before the bid closing time.

* 1. During the bid period, the Province may issue addenda.

SPEC NOTE: Include .2 below for Bid Documents posted on APC. Delete otherwise.

* 1. Bidders are advised that it is their responsibility to use Alberta Purchasing Connection to obtain any addenda that have been issued.

**OR**

SPEC NOTE: Include .2 below for invitational procurements with NO requirement for NDA’s. Delete otherwise.

* 1. Addenda will be emailed to all invited Bidders recorded as having obtained Bid Documents from the Province.

**OR**

SPEC NOTE: Include .2 below for procurements with a requirement for NDA’s. Delete otherwise.

* 1. During the bid period, addenda will be emailed by the Province to all parties recorded by the Province who submitted Non Disclosure Agreements (NDA) to the Province to obtain the Bid Documents.
  2. Addenda are part of the Bid and Contract Documents.

**END OF SECTION**