|  |
| --- |
| **Section Cover Page** |
| **Section 01 11 08**  **2014-07-07 Assignable Contracts** |

Use this Section to specify requirements for Assignable Contracts.

Include this Section 01 11 08 - Assignable Contracts in contracts which will assume assignable contracts. Include the following sections in contracts which will be assigned:

.1 Section 01 11 07 - Contract Assignment

This Master Specification Section contains:

.1 This Cover Sheet

.2 Specification Section Text:

1. Intent

2. Related Requirements

3. Definitions

4. Assignable Contracts and Nominated Subcontractors

5. Contractual Relationships

6. Assignment

7. Documents

8. Subcontract Security

9. Contract Time and Scheduling

10. Contract Price and Costs

Project Specification Preparation:

.1 Edit Specification Section text to suit project requirements.

.2 Always include Articles 1, 3, 5 and 10 without modification.

1. INTENT

.1 The Province has entered into one or more contracts with other contractors for one or more segregated parts of the Work.

.2 The Province may and intends to exercise the right to:

.1 assign such contracts to this Contractor and

.2 require this Contractor to accept such assignment and assume complete responsibility for such contracts upon such assignment.

2. RELATED REQUIREMENTS

.1 Instruction to Bidders: Section 00 21 13.

.2 Assignment and Novation Agreement: Section 00 52 91.

.3 Summary of Work: Section 01 11 00.

.4 Cash Allowances: Section 01 21 13.

3. DEFINITIONS

.1 The following definitions shall apply to this Section:

.1 Assignable Contract:  A contract entered into by the Province and a contractor other than this Contractor, the terms and conditions of which provide for the assignment of such contract to this Contractor.

.2 Nominated Subcontractor:  The contractor under the Assignable Contract who, upon assignment, will be a Subcontractor under this Contract.

4. ASSIGNABLE CONTRACTS AND NOMINATED SUBCONTRACTORS

.1 Following Assignable Contracts shall be assigned to and accepted by this Contractor:

.1 Assignable Contract:  [Contract No. [ ]- ]

Nominated Subcontractor:

[name ]

[address ]

[ ]

[ ]

Telephone:  [ ]

.2 Assignable Contract:  [Contract No. [ ]- ]

Nominated Subcontractor:

[name ]

[address ]

[ ]

[ ]

Telephone:  [ ]

5. CONTRACTUAL RELATIONSHIPS

.1 Each Nominated Subcontractor has entered into contract with the Province for performance of an Assignable Contract.

.2 This Contractor will enter into a contract with the Province which will include work covered by each Assignable Contract.

.3 Upon assignment of each Assignable Contract, contractual relationships shall be as specified in Document 00 52 91 - Assignment and Novation Agreement. Each nominated Subcontractor shall become a Subcontractor to this Contractor.

6. ASSIGNMENT

.1 The Province intends to assign to this Contractor each Assignable Contract. This Contractor shall accept the assignment to it of each Assignable Contract.

.2 The Province may require such assignment to be effected by way of execution by the Contractor, the Nominated Subcontractor and the Province of an assignment and novation agreement in respect of the Assignable Contract, in the form of Assignment and Novation Agreement comprising Document 00 52 91 of the Contract Documents, in which event the Contractor shall so execute the said agreement.

.3 Assignment will take place upon commencement of this Contract or as soon thereafter as the Province considers practicable.

.4 The Province will give this Contractor and Nominated Subcontractor at least [5] [  ] Days notice in advance of effective date of assignment.

7. DOCUMENTS

.1 The contract documents for each Assignable Contract are issued as bid documents for this Contract. Refer to Instructions to Bidders.

SPEC NOTE:  Identify contract documents for each Assignable Contract in the Instructions to Bidders. Such documents must be issued, to all Bidders, with the Bid Documents for this Contract. Do not refer to such documents as "information" documents.

.2 Upon assignment, the contract documents for each Assignable Contract shall become Contract Documents for this Contract.

8. SUBCONTRACT SECURITY

.1 Each Nominated Subcontractor is required by the terms of the Assignable Contract to provide this Contractor, upon assignment, with security for performance of the Assignable Contract (the subcontract) [and security for payment of claims].

9. CONTRACT TIME AND SCHEDULING

.1 Refer to contract documents for each Assignable Contract for contract time provisions specified for Assignable Contracts.

OR

SPEC NOTE: If deemed necessary, include contract time provisions specified for Assignable Contracts here.

.1 [                         ].

.2 Incorporate each Assignable Contract into construction schedule for this Contract, to achieve Interim Acceptance of the Work, including work of Assignable Contracts, within the Contract Time specified in Section 01 11 00 - Summary of Work.

.3 Coordinate scheduling with each Nominated Subcontractor.

.4 Contractor shall not be entitled to any extension of Contract Time on account of specified Assignable Contracts.

10. CONTRACT PRICE AND COSTS

.1 Cost of each Assignable Contract shall be included in Contract Price as a cash allowance, as specified in Section 01 21 13.

.2 Contractor shall include in original Contract price, separate from cash allowances, such sums, including overhead and profit, as he considers necessary to cover his costs in connection with each Assignable Contract specified herein.

.3 Contractor shall not be entitled to any extra payment on account of specified Assignable Contracts.

**END OF SECTION**