

3rd Party Contractor or Supplier Claims

Sub-Contractor or Supplier Claims

A person has multiple options to seek recovery of monies not paid by the party legally obligated to pay the person for labour, equipment, materials or services used or reasonably required to be used in the performance of an Alberta Transportation contract for the construction, alteration, demolition, repair or maintenance of a public work. A person may submit a claim to Alberta Transportation under the Public Works Act (“Act”) and/or the bonding company under the Labour and Materials Payment Bond and/or take other legal actions.

Public Works Act (Alberta) Claims

The Act has strict timelines for a person to submit a claim depending on the type of public work. For highway and bridge projects, a claim is deemed to be a claim under Section 14(2) of the Act if the notice of claim is sent to TenderAdmin@gov.ab.ca not sooner than 30 calendar days nor later than 90 calendar days after the last calendar day on which the labour, equipment, material or services were provided. For any project other than a highway or bridge project, such as dam or canal, a claim is deemed to be a claim under Section 14(2) of the Act if the notice of claim is sent to TenderAdmin@gov.ab.ca not later than 45 calendar days after the last calendar day on which the labour equipment, material or services were provided. These timelines must be followed. The notice of claim is to be sent to Alberta Transportation Contract Management Officer at TenderAdmin@gov.ab.ca

A sample form for a notice of claim under the Public Works Act can be found on the Alberta Transportation website. <https://www.alberta.ca/construction-contract-templates.aspx>

When Alberta Transportation receives a claim deemed to be a claim under the Act, Alberta Transportation will note the claimed amount against the prime contractor’s contract and request the prime contractor to investigate the claim and see that it is resolved. Failing a resolution of the claim, there may be remedies available under the Act.

Labour and Materials Payment Bond

Under the terms of the contracts for Alberta Transportation public works, a copy of the Labour and Materials Payment Bond must be made available by the prime contractor to all persons performing work on the project. A claimant may also contact Alberta Transportation's Contract Management Officer (contact information set out below), to obtain a copy of the bond.

Please refer to the Labour and Materials Payment Bond for information regarding the requirements and the time lines for submitting a claim under the bond.

As remedies and outcomes for claims submitted under the Act are not certain, claimants are encouraged to

consider submitting claims under the Labour and Materials Payment bond as well.

Other Options

It is recommended that a person (claimant) seek legal advice and carefully read the requirements to claim under the Act. Persons may take other legal actions and seek their own legal advice accordingly.

For any inquiries regarding a Public Works Act claim or a Labour and Materials Payment Bond for an Alberta Transportation public work, please contact Alberta Transportation's Contract Management Officer at 780-422-7625.
