



# **Contracts Committee Report to Best Practices 2009**

**Co-chairs:**

**E. Jane Sidnell and Dariel Suhan**





## Contracts Committee Presentation

- Contracts
- Appendices
- Promotion
- *Builders' Lien Act* initiatives
- Workshop: "*More Construction for your Money*"





## The Team

### Appendices & Promotion

- Ray Ambeault, Stantec
- Darryl Baron, Dow
- Frank De Luca, Bird Construction
- Lloyd Dick, COAA
- Jim Freiburger, Nexen
- Ted Helboe, Enbridge
- Bill Kenny, Miller Thomson
- Dariel Suhan, NOVA Chemicals
- Lauren Toreson, Miller Thomson

### Builders Lien Act

- Paddy Breen, Cobra
- Peter Farnum, TransCanada
- Syd Hartley, Alberta Construction Association
- Tim Mann, Suncor
- Wayne McFarlane, Ledcor
- Dan Mowat, AMEC
- Craig Saloff, Total
- E. Jane Sidnell, Fraser Milner Casgrain
- Tamsin Taft, Nexen
- Neil Tidsbury, CLRA



## COAA Standard Form Contracts

- COAA Stipulated Price Contract (2003)
  - Original contract issued in 1997
  - 2003 Revisions made as a result of:
    - Experience of contract
    - Fresh eyes after 5 years
    - Updates to current legislation
- COAA EPC Contract (2005)
- COAA EPCM Contract (2008)
- Contracts include the General Conditions and selected appendices
- Available on the COAA website



## New this year

- Additional appendices for the COAA EPCM Contract (2008)
  - Appendix B Owner's Obligations
  - Appendix D Invoicing and Payment Procedures
  - Appendix E Work Procedures
  - Appendix G List of Policies
  - Appendix H Forms
  - Appendix I Dispute Resolution
  - Appendix J Key Personnel



## Promotion of COAA Contracts

- Recognized need:
  - Fair and evenly balanced terms
  - Appropriate for industrial projects
- Committee has surveyed a number of COAA members to find out about the use of the COAA Contracts by industry





## Survey says ....

- 16 of 21 owners and 10 of 15 EPC/EPCM firms responded to the survey
- 50% use the COAA Contracts, as a minimum, as a reference
- 20% have used at least one of the contracts as a basis
- the COAA Contracts are suitable for the type of work and contract size of COAA members



## Builders' Lien Act Initiatives

### 1. Adding a Definition

- to define “oil or gas wells” and “oil or gas well sites” and promote certainty, especially as to holdbacks for SAGD and other heavy oil operations

### 2. Progressive Release of Holdback

- Considering an annual release of holdback
- Designed to get more money flowing into the system sooner without increasing the exposure to owners





## Builders' Lien Act Initiatives

- Need your input
- Please complete the sheets in the registration package or go to the COAA website





## Workshop

### More Construction for your Money

- Panel discussion during first session:
  - Introduction: Dariel Suhan
  - Moderator: Jim Freiburger
  - Panelists:
    - David Claggett, Kiewit Energy
    - Ron Genereux, Suncor
    - Ian Johnston, PCL
    - Bill Kenny, Miller Thomson
    - Grant Martin, TransCanada



## We want to hear from you:

- Contracts – use and promotion
  - Dariel Suhan or Frank De Luca
  
- Builders' Liens Initiatives
  - Jane Sidnell or Tamsin Taft
  
- Or visit the COAA website and provide your feedback