

ANNOUNCEMENT TO THE CONSULTING ENGINEERS OF ALBERTA, CONSULTING ARCHITECTS OF ALBERTA, ALBERTA CONSTRUCTION ASSOCIATION, AND ALBERTA ASSOCIATION OF ARCHITECTS ON PAST CONTRACTS

Effective immediately, all procurements from Alberta Infrastructure will include a section called Past Contracts. The Past Contracts section takes into account a vendor's performance history with the Government of Alberta, and will modify evaluation scores or bids based on one or more of three documented occurrences:

- Default Notices, unless that default has been cured;
- Scope Removals, where scope has been taken out of a contract due to vendor performance; and
- Termination of the Contract due to performance.

Defaults, scope removals or terminations due to contractor performance must have occurred within three calendar years prior to the date of publishing of the procurement to apply to the Past Contracts modifier. There is a grace period of 90 days immediately prior to the publishing date of the procurement where defaults, scope removals or terminations due to contractor performance will not be counted towards the Past Contracts modifier. This modifier will apply once per contract per procurement event. In other words, one vendor could potentially have multiple modifiers applied due to several affected contracts. However, if more than one default, scope removal or termination occurred on one contract, only one modifier will apply for that specific contract. The multiple modifiers must have occurred on separate contracts.

The modifier will be applied after the evaluation or bid opening of a procurement, but before the Vendor Performance adjustment is applied. The modification is applied as follows:

- For request for proposal or request for qualification procurements, a deduction of 10 points per default, scope removal or termination *per affected contract* will be applied when determining the proponent's scoring.
- For construction tender procurements, an addition of a 10 per cent bid modification per default, scope removal or termination per affected contract will be applied when determining bid ranking. The modification will not affect the price paid by the Province to the successful bidder.

The Past Contracts clause will be in use until March 31, 2021 at which time the Ministry's Vendor Performance Management Program will have sufficient data for use in scoring procurement packages.

For more information, please contact:

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