

Tendering Requirements For Major Capital Projects

Question & Answers:

Q: What are the new tendering requirements?

- A:** Contractors working on major capital projects in the Province of Manitoba have to
- contribute to a skilled workforce by using only certified journeypersons or registered apprentices, in the appropriate ratios, for work in compulsory trades
 - have a valid Certificate of Registration (COR/SECOR), or equivalent, for a safe workplace that meets national standards
 - comply with specific Acts and regulations that apply to the work on the project

Q: How do I show that I meet the requirements?

- A:** Contractors must submit a Bidder's Certification Form for Legislative and Safety Requirements, declaring they meet the new requirements, before starting work on a Government of Manitoba project.

Q: When do the tendering requirements take effect?

- A:** On July 1, 2011, contractors must begin submitting the Bidder's Certification Form for Legislative and Safety Requirements, which is in the tendering package or online at [www. capitalprojects@gov.mb.ca](mailto:www.capitalprojects@gov.mb.ca).

In order to give contractors time to meet the requirement for Health & Safety Certificate of Recognition programs (SECOR and COR), the following schedule for COR/SECOR certification applies:

Bidders

- **Until December 31, 2012**, all Bidders with employees doing construction work on the Project must have a valid and current COR, SECOR or a current COREL certificate, or must show safety program registration verified by either the Manitoba Heavy Construction Association Safety Program or by the Construction Safety Association of Manitoba, where the procurement value for the Project is \$150,000 or greater.
- **From January 1, 2013 to December 31, 2013**, all Bidders with employees doing construction work on the Project must have a valid and current COR, SECOR or a current COREL certificate, or must show safety program registration verified by either the Manitoba Heavy Construction Association Safety Program or by the Construction Safety Association of Manitoba, where the procurement value for the Project is \$100,000 or greater.
- **As of January 1, 2014**, all Bidders with employees doing construction work on the Project must have a valid and current COR, SECOR or a current COREL certificate to work.

Subcontractors

- **Until January 1, 2012**, subcontractors are not required to declare status in a safety program, unless it is a requirement of the tendering department.
- **From January 1, 2012 to December 31, 2012**, all subcontractors with employees doing construction work on the Project must have a valid and current COR, SECOR or a current COREL certificate, or must show safety program registration verified by either the Manitoba Heavy Construction Association Safety Program or by the Construction Safety Association of Manitoba, where the procurement value for the Project is \$150,000 or greater.
- **From January 1, 2013 to December 31, 2013**, all subcontractors with employees doing construction work on the Project must have a valid and current COR, SECOR or a current COREL certificate, or must show safety program registration verified by either the Manitoba Heavy Construction Association Safety Program or by the Construction Safety Association of Manitoba, where the procurement value for the Project is \$100,000 or greater.
- **As of January 1, 2014**, all subcontractors with employees doing construction work on the Project must have a valid and current COR, SECOR or a current COREL certificate.

Q: Do the tendering requirements apply to all companies bidding on government work?

A: The tendering requirements apply to all bidders, contractors and subcontractors with employees that will do construction, maintenance or renovation on a Government of Manitoba Project.

Bidders must submit the Bidder's Certification Form for Legislative and Safety Requirements with the bid/proposal at the Tender Submission stage. This includes contractors from outside Manitoba.

The Bidder is responsible to obtain a Bidder's Certification Form for Legislative and Safety Requirements from each subcontractor they retain, and to submit the form to government prior to the subcontractor beginning work on the project. Some subcontractors with employees may be excluded from the Bidder's Certification.

Q: Are any businesses excluded from having to submit a Bidder's Certification Form?

A: Bidder's Certification does not apply to

- Owner/operators with no employees
- Companies delivering supplies or materials to the jobsite
- Utility companies
- Companies doing work that is not directly related to the construction activities, such as support services for the project (waste management services, equipment/vehicle maintenance services...) and other contractors working within the project limits on another contract.

Q: Who provides the required Health & Safety Certificate of Recognition programs (SECOR and COR)?

A: COR (Certificate of Recognition for companies of 11 or more people) and SECOR (Small Employer Certificate of Recognition for companies of ten or fewer people) are provided by:

- The Construction Safety Association of Manitoba – for more information visit www.constructionsafety.ca or call (204) 775-3171 (Winnipeg) or (204) 728-3456 (Brandon)
- The Manitoba Heavy Construction Association – for more information visit www.mhca.mb.ca or call (204) 947-1379

Q: Which Acts and regulations must I comply with?

A: Contractors are required to adhere to all acts and regulations that apply to them. The Bidder's Certification Form for Legislative and Safety Requirements specifically names

- *The Apprenticeship and Certification Act and regulations*
- *The Employment Standards Code and regulations*
- *The Construction Industry Wages Act and regulations*
- *The Workplace Safety and Health Act and regulations*

Q: What is my responsibility under The Apprenticeship and Certification Act?

A: *The Apprenticeship and Certification Act* requires you to

- use only certified journeymen or registered apprentices for work in compulsory trades
- abide by the appropriate supervision ratios for all trades

The Construction Industry Wages Act also contains ratio requirements for construction workers to employees and trainees to skilled tradespersons, which may affect apprenticeship ratios.

Q: What trades are eligible for the apprenticeship program?

A: Apprentlicable trades are those designated by *The Apprenticeship and Certification Act*. For information about Apprenticeship visit www.manitoba.ca/tradecareers or call (204) 945-3337 or 1-877-978-7233 (1-877-97-TRADE) toll-free.

Q: Where can I get more information about compulsory trades and supervision ratios?

A: For information about supervision ratios and compulsory trades visit www.manitoba.ca/tradecareers.

The current mechanical compulsory trades are

- Construction Electrician
- Industrial Electrician
- Crane & Hoisting Equipment Operator (includes Mobile, Boom Truck Hoist and Tower Crane Operator)
- Refrigeration and Air Conditioning Mechanic
- Sprinkler System Installer
- Steamfitter – Pipefitter

Q: What is my responsibility under minimum standards legislation?

A: You must abide by *The Employment Standards Code*, which includes standards like overtime pay, vacation pay, general holiday pay, ending employment and unpaid leaves.

You must also abide by *The Construction Industry Wages Act*, which has different hours of work, ratios and wage rates for

- the heavy construction sector
- the industrial commercial and institutional sector (ICI)

You must post the current minimum wage schedules at the worksite, where they can easily be seen by workers.

Q: How do I know what legislation applies - The Employment Standards Code or The Construction Industry Wages Act?

A: In most cases both *The Employment Standards Code* and *The Construction Industry Wages Act* will apply.

All employees are covered by the Code. In addition, employees doing work that falls under the definition of the heavy construction sector or the industrial commercial and institutional sector (ICI) are covered by *The Construction Industry Wages Act*.

The correct pay for a construction employee depends on the type of work done by the employee. A contractor may have employees under different wage schedules on the same job. Employers must keep track of employees' work hours in each sector and pay correctly.

Q: How do I know what sector an employee's work falls under - heavy or ICI?

The **heavy construction sector** includes

- (a) the construction and maintenance of highways, roads, railroads, or runways, together with minor drainage divider and retaining works incidental thereto
- (b) the construction and maintenance of wharfs, docks, sidewalks, curbs or gutters
- (c) the paving and maintenance of parking lots and the preparation therefor
- (d) the removal of snow from and blading of highways, roads, railroads, runways or parking lots
- (e) the construction and maintenance of the earth moving and fill portions of irrigation and drainage projects, and minor works incidental thereto
- (f) the use of heavy construction equipment for the construction and maintenance of dams, tunnels, bridges or overpasses, and works incidental thereto, including the moving of earth or rock relating thereto
- (g) the construction and maintenance of water lines, sewer lines, pipelines, sewage lagoons, sewage lift stations, and appurtenances, and underground service lines, but not including the contents thereof
- (h) the use of heavy construction equipment for piling, shoring, building excavation or site preparation, including the stripping of overburden and grading to new contours
- (i) the transportation of rock, gravel, sand, clay, asphalt, or concrete to and from batching plants for use in construction
- (j) the processing and batching of rock, gravel or sand aggregate

(k) the use or operation of crushers, screeners, wash plants or heavy construction equipment associated with extractions of rock, gravel or sand aggregate for use in construction

(l) the transportation of earth, soil, or rubble from a construction site, and the hauling of granular material to a construction site

(m) the hauling of heavy construction equipment by heavy construction contractors to perform any or all of the tasks or activities described in clauses (a) to (l), (o) and (p)

(n) the repair and maintenance of heavy construction equipment by employees in heavy construction, whether the work is performed in a shop or on a construction site

(o) the demolition of any building or structure, whether or not heavy construction equipment is used in the demolition,

(p) the construction and maintenance of transmission lines

The **industrial, commercial and institutional** sector includes

(a) the on-site building, erection, decoration, removal or relocation of a building, structure, apartment building or complex whether or not the units contained therein are rented or owned, or other work, or portion thereof, not specifically defined in the Act or the regulations as constituting part of the heavy construction sector of the construction industry but not including the on-site maintenance, redecoration, renovation, remodelling or repair of an industrial, commercial, institutional, public building or structure or apartment building or complex whether or not the units contained therein are rented or owned, or portion thereof, unless the work involves the structural or architectural alteration or structural or architectural remodelling of the building or structure

(b) the assembly, manufacture or installation on a construction site of any equipment, machinery or fixtures or components, including allied parts, that form an integral part of the building or structure but not including activity that is specifically defined in the Act or the regulations as being work constituting part of the heavy construction sector of the construction industry

(c) the prefabrication of every item built to a custom design for a building or structure or portion thereof, but not including prefabrication work performed in a permanent shop or factory or a manufacturing plant by persons regularly employed therein

Q: What is the minimum wage?

A: There are different minimum wage rates in Manitoba. The correct wage rate depends on the type of work the employee is doing.

The minimum wage changes periodically, for the current wage rates visit

- For general minimum wage:
<http://www.gov.mb.ca/labour/standards/doc,minimum-wage,factsheet.html>
- For industrial, commercial and institutional (ICI) construction wages:
<http://www.gov.mb.ca/labour/standards/doc,ici-wage,factsheet.html>
- For heavy construction wages:
<http://www.gov.mb.ca/labour/standards/doc,heavy-construction,factsheet.html>

Q: What is my responsibility under *The Workplace Safety and Health Act*?

A: The primary responsibility of all employers is to provide a safe and healthy workplace and to comply with the Act and regulations. For specifics please visit: www.safemanitoba.com.

Q: As the bidding company, do I need to modify my own tendering process or contract language to comply with the tendering requirements?

A: Yes, if your contract language does not currently address the requirements of our new tendering process.

The bidder must ensure that no subcontractor that falls under this policy goes on the government worksite without first having submitted a Bidder's Certification Form for Legislative and Safety Requirements.

Q: What happens if my subcontractor, or someone from my own company, violates the terms of the tendering requirements on a major capital project? Or on a different project?

A: Employment Standards administers *The Employment Standards Code*, *The Construction Industry Wages Act*, *The Worker Recruitment and Protection Act* and enforces compulsory trade ratios under *The Apprenticeship Act*.

A Special Investigation Unit is tasked with proactively investigating and enforcing these Acts and regulations. If violations are found on a government worksite, Employment Standards will immediately notify the tendering government department.

The Director of Employment Standards has significant authority to enforce legislation and impose penalties on non-compliant contractors. Each tendering department also has the authority to develop policies for managing violations on a government project.

Q: What if I have questions?

A: Contact Entrepreneurship Training and Trade:

Phone: 945-0575 (local) 1-866-332-5077 (toll free)

Website: www.manitoba.ca/tce/capitalprojects

Email: capitalprojects@gov.mb.ca