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# The Construction File

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## A Guide to Standards and Practices in the Construction Industry

### Why The Public Construction Council of BC?

The Public Construction Council of BC has just begun its fourth decade in existence. It has not survived this many years without having good reason for its continued existence. One of the mandates of the Council is to maintain guidelines which promote open, fair and transparent bidding. These guidelines are maintained by the council members who include public owners including Universities, Colleges, Health Authorities, Partnerships BC, BC Housing and School Districts; the design professionals from the Association of Professional Engineers and Geoscientists of BC, the Architectural Institute of BC, the Consulting Engineers of BC and Quantity Surveyors Society of BC; and the contractors represented by the BC Construction Association, Mechanical Contractors Association of BC and the Electrical Contractors Association of BC.

Taxpayers should be concerned about bidding processes that create unfair and in-transparent conditions on bidding at any time but particularly in our busy economy. Contractors have choices as to which projects they might bid, and they are likely going to choose the one with the least risk, thereby limiting the competition. Alternatively they will bid the project with contingencies to compensate for the onerous risk.

Here is an example of unfair conditions taken from the bidding documents of a public project currently out for bids:

- 'The Owner may, at Owners discretion, award to other than the lower bidder.'
- 'That, should the bid form be improperly completed or be incomplete, owner shall have the right to disqualify and /or reject this bid.'
- 'The owner does not adopt or agree to be bound by "The Procedures and Guidelines Recommended for use on publicly Funded Construction Projects" produced by the Public Construction Council of British Columbia, Sept 1989, or and other procedure/guidelines recommended, adopted or produced by any other construction association in the tendering and award of this project.'
- 'The owner is not a member of the Public Construction Council of British Columbia, the British Columbia Construction Association, or any other construction association.'

These clauses would be not considered fair, open and transparent for public bidding because they would:

- Allow this project to be awarded to anyone they want as they can disqualify a bidder with an irregularity but another bidder with the same irregularity they can accept at their discretion.
- Allow an award to be made to a contractor for a hidden preference, such as local preference.

This could result in higher costs for the construction. Notwithstanding the expense to the taxpayers, we do optimistically believe we live in progressive times. With the assistance of such guidelines, as those produced by the Public Construction Council, we are hopeful that documents can be created that work for all the stakeholders in public bidding.

For more information about the Public Construction Council of BC:

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