

**THE CONSTRUCTION ASSOCIATION OF NEW BRUNSWICK  
BID DEPOSITORY SYSTEM**

**USERS Guide**

The Construction Association of New Brunswick (CANB) operates its Bid Depository System to provide bid confidentiality to the sub-bidders and convenience to Prime Bidders in recognition of the substantial financial investment in preparing a tender submission by all parties involved.

The CANB Bid Depository System receives Sub-Trade bids at the offices of the local offices of the Fredericton Northwest Construction Association, the Saint John Construction Information Centre and the Moncton Northeast Construction Association. The local associations play a role through the recruitment of bid depository volunteers to process the received tenders. While the actual operation is under the authority of CANB, each location maintains its own committee of volunteers. These are in turn represented by their committee chairperson along with the CANB Board appointed Chairperson to form the Provincial (CANB) Bid Depository Committee. Volunteers receive no remuneration.

**Important Notice:**

- 1. This Guide has been produced to ease the bidding process. It is essential to read the “Regulations and Rules of Procedure” section of this booklet before submitting your tender package.**
- 2. Any contractor submitting a tender to the Bid Depository thereby agrees to follow the rules and regulations and to absolve, indemnify and save harmless from any and all liability for damages, whether actual, implied, future or present or otherwise, however, where-so-ever, when-so-ever they arise or may arise, the Construction Association of New Brunswick, its member associations, officers, directors, members, employees, servants or agents and the Joint Advisory Board – Bid depository, including but not limited to damages arising from negligence or intentional/unintentional acts of them or any of them. This clause shall be construed liberally and with the broadest possible meaning with the intent that the user assumes any and all liability whether foreseen, implied or unforeseen.**
- 3. Rules of the Bid Depository are subject to change and it is the contractor’s responsibility to insure they are submitting their bid using the current version of the Rules. These can be found on the Association’s website [www.constructnb.ca](http://www.constructnb.ca).**

The intent of this guide is to provide an overall explanation of the NB Bid Depository System for all users and interested parties. This guide is subject to change as the Construction Association assesses the need to do so. It is intended to complement the Bid Depository Rules, which shall govern in any event.

### **Benefits in Using the Bid Depository System**

#### **For the Sub- bidder:**

1. Price peddling or the need for the practice known as “shopping” is reduced or eliminated.
2. The security of the Bid Depository process enables Sub-bidders to be able to tender their best price to all the Prime Bidders instead of just a trusted few.
3. The considerable cost of phone calls, emails, fax messages and staff time necessary by both sub-trade and Prime Bidders to solicit bids directly, and for each sub-trade to contact each Prime Bidder is eliminated.
4. Sub-bidders can always securely bid their best price in an economical, one-shot manner at Tender time without having to retain funds to engage in a “bid shopping exercise” later.
5. The sub-tender closing is at a fixed time, on a simple-to-complete form, eliminating costly errors that can result from complex bid documents.

#### **For the Prime Bidder:**

1. A clearly defined sub-bidder tender price is received in sufficient time for the Prime Bidder to prepare a price and complete his/her tender documents.
2. Bonding is required for prices over a certain value, the Prime Contractor is not placed in a position of having sub-bidders with uncertain financial resources.
3. The need for Prime Bidders to spend time and money to directly advise sub-bidders of their intent to bid and solicit prices is eliminated.
4. The need for Prime Bidders to engage in unethical “bid shopping” to remain competitive is eliminated.
5. The time consuming and error prone process of receiving and evaluating last minute telephone verbal quotations is eliminated.
6. The tenders received are for a clearly defined Division or Trade Section, without qualification, allowing an “apples for apples” comparison.
7. After the Bid Depository closing, the Prime Bidder knows who their major sub-bidders will be. This allows sufficient time in the two days before Prime Tender closing time for the Prime Bidder to co-ordinate such things as cutting, patching, trenching, material scheduling, space conflicts, or other requirements that may be their responsibility for various trades.

#### **For the Architect/Owner:**

1. Bonding of the major sub-bidders usually ensures that the important major sub-trades are competent, experienced, qualified sub-contractors, with the financial resources to perform the work.
2. Bonding reduces the probability of the bankruptcy of a major sub-trade during the course of the work, thus avoiding the related delays and disruptions and legal entanglements.
3. Bonding of the major sub-bidders ensures the project is unlikely to be financially or legally hampered should a major sub-bidder become financially insolvent.

4. The prices of all Bid Depository sub-bidders are available to the Architect for comparison or perusal for any possible concerns. With direct bidding, the prices of most sub-trades are rarely available to the Owner.
5. On-site disputes should be reduced as the Trade Division responsibilities should be clearly defined.
6. The Owner should have the benefit of a lower cost due to all Prime Bidders receiving the best price from all sub-bidders. This is not always the case with direct bidding to the Prime Bidders.

### **GENERAL INFORMATION**

1. The Architect/Engineers must be aware the Trade Divisions need to be clearly defined and biddable without clarification or qualification. **(This should always be the case whether the Bid Depository System is used or not.)**
2. On occasion bidders are rejected for improper bonds, incomplete tenders, qualified tenders or failure to include Alternate Prices necessary for the Prime Bidder to complete their tender. Usually, such rejections are a result of the sub-trade bidders own carelessness or negligence. Unfortunately, a Tender Calling Authority, without complete understanding of the Bid Depository operation may perceive a shortcoming in the system to be at fault, and curtail their use of the system. This punishes all sub-bidders, instead of a specific complainant, who are usually the author of their own misfortune.

**Tender Calling Authorities should refer all complaints directly back to the Construction Association of New Brunswick {CANB} and avoid any direct involvement.**

3. Tender Calling Authorities should make the Prime Tender submission document as simple as possible. Tender closings are by their very nature a hectic, stressful exercise. Each and every complication on the tender document increases the probability of an error. Errors may result in rejected bids, both at the sub-bid or prime bid levels with possible monetary loss to the prime contractor, sub-contractors, owner or all.

Information that does not affect the selection of the successful bidder, such as alternate prices, supplier/product names, etc., should not be requested with the tender submissions. Tender documents should request that this kind of supplementary information be submitted within 24 or 48 hours following the tender closing, **keeping the initial bid submission simple as possible.**

Reducing pressure on the bidders when closing their tenders will benefit all parties, reduce the risk of errors, rejected Prime bids, and rejected bids at the Bid Depository caused by failure to include required information such as Alternate prices {Rule 8(b)}.

## **THE BID DEPOSITORY PROCESS**

Plans and specifications are available electronically for viewing, printing and tendering use by CANB Member Prime Contractors, sub-trade bidders and suppliers at the various Construction Association plans rooms or from their own facilities via the CANB CI-Net electronic plans room system.

The Construction Associations obtain and maintain a listing of plan holders obtained from the Tender Calling Authority. A fax will be sent to all Prime Bidders (see form) by the closing Bid Depository requesting confirmation of their intent to bid and asking for their desired method of envelop transmittal. **(It is the Prime Bidder’s ultimate responsibility to keep the Bid depository informed of their intention to bid – See Rule 9).**

### ***Time Stamping Clock***

The time clock and its time stamp shall be the only recognized timing device governing a Bid Depository closing. It shall be verified with CBC Radio signal within 24 hours prior to each Bid Depository Closing. The verification shall be done by a staff member in the presence another person. Only those tenders received before the declared closing time will be accepted (Example: for a 14:00 hrs closing, those submitted up until 14:00 hrs will be accepted, but those received at 14:00:01 will be rejected). The mechanism of some clock time stamps can have a variance of one minute. The printed time shall govern.

### ***The Process***

The sub-bidders purchase tender envelopes and tender forms and obtain a list of Prime Contractor bidders from the Construction Association.

Tender submissions are received by the Bid Depository, date/time stamped and deposited in the tender box.

The tender box is opened and the tenders turned over to the Chairperson of the local Bid depository Committee or their delegate. The Bid Depository Committee will retire to the tender opening room. A representative of the Tender Calling Authority (if present) may observe the opening of the tenders. No other persons shall have access to the opening room other than a Construction Association staff member for the purpose of recording tender prices.

The time stamp on the large white envelopes is verified and the envelopes sorted by Trade Division.

The Chairperson will check the Prime Bidder’s tender form for any requirement for separate or alternate prices. Should alternate prices be required, the **Chairperson/Committee shall determine, from the Prime Contractor Tender Form, prior to opening any tenders, which the Trade Section’s work is clearly involved by the request for a separate or alternate price. Only the lack of providing such separate price from those specific Trade Bidders to provide the information required for Prime Bidders to complete their tender form shall be basis for rejection.**

The large white envelope Section numbers/Trade Division are checked to ensure the Tender Section numbers being bid represent the Tender Package as requested by the Tender Calling Authority. A bidder may assume the liability of having included all the trade work scope by indicating the Trade and stating on the white, pink and green bid envelopes and forms - “As defined by the Tender Calling Authority” instead of listing all the Division and Section Numbers.

White envelopes are opened one at a time.

The Bid Bond is checked for validity and the inclusion of an “Agreement to Bond”. If the bond documents are valid or a letter is present stating that the Tender is less than the bonding requirement value, only then, is the green envelope opened.

The tender is checked for qualification and any required alternate prices missing. Any qualification that alters the tendered content from that as specified will result in rejection of the tender. The Chairperson alone shall determine the validity of the tender in relationship to the Rules. Should a rejection be determined, only the applicable Rule number shall be indicated in the White Envelope. CANB Provincial Chairperson shall be advised of the rejection, the Rule involved and the reason for the rejection. Any subsequent dispute from a bidder shall be referred to the CANB Provincial Chairperson.

The green tender forms are checked to ensure all tender amounts are the same. ***A sub-trade is not obligated to bid all Prime Bidders the same price. Sub-trade prices are to be completed in written and numerical format. In the event of a discrepancy between the values, the written value will govern.*** A check is made for any subsequent price revisions to the tender form amount and any required calculations made. The final tender amount is recorded once when all amounts are the same, or individually for any Prime Bidder for which the tendered amount differs. Copies of any tender revision are attached to the green tender form and appropriate pink envelopes. This process is repeated for each tender.

If the tender is valid, the Pink envelopes are sorted according to Prime Bidders and the Tally Sheet ticked with a check mark for each Prime Bidder who received a pink envelope.

Upon completion of the opening process, the pink envelopes are bound and counted. The Tally Sheet check marks are summed and the total checked against the envelope count. Should any discrepancy exist, the recount and tally shall be repeated until envelope count and tally sums balance.

The recorded prices are re-verified to double check that the recorded prices agree with the tender amounts. All prices and revision calculations resulting from price revisions will be re-checked for mathematical errors and initialled by staff when preparing the tender results notice. In the event of any Trade Section having an “On Forces” Bid, all Trade-bidders shall be listed on the posted notice, but

prices for that Trade Section shall be withheld until the closing time of the Prime Bid. (All prices shall be provided to the Tender Calling Authority prior to the closing of the Prime Tender.)

The pink envelopes are made available to the Prime Bidders for pick-up when staff have completed the above processes, or forwarded in accordance with their instructions.

The tender results - a copy sent to the Tender Calling Authority (Architect) and posted to the CI-Net electronic plans room.

A copy of the tender results notice for the sub-trade bids is to be forwarded to all Prime Bidders and to the sub-bidders who have submitted tenders as well as made available via the CI-Net electronic plans room system.

Prices will not be given out to non-bidders or to bidders by telephone due to the excessive staff time involved. Tender results are available to all Association members via posting on CI-Net.

**Bidders are asked not to call the Association for results. The Association staff will send out the results to bidders following completion of the opening so such calls only slow the publishing/faxing of the results.**

A letter or email is sent to any rejected bidders advising them of the rejection and the Rule number involved. The rejected tender and bonding documents will be retained by the Bid Depository along with the valid tender packages.

Bid Bonds are retained by the Bid Depository awaiting the award of the Prime Contract and a disposition being advised by the Successful Prime Contractor. In the event of cancellation of the tender call or after the expiry of 60 days, the Bid Bonds will be retained with the tender package, unless advised otherwise by the Tender Calling Authority.

### ***Own Forces Bids***

Own Forces bids by Prime Bidders represents a special situation. In order to ensure Prime Bidders, who actually perform work in a particular Trade Section, are able to utilize their own resources; provision must be made for them to bid themselves, i.e. The “Own Forces” Rule.

It is not the intent of the “Own Forces” rule to preclude Prime Bidders, who are legitimately performing the work of a particular trade from bidding that trade. Nor is it the intent in any way to create pre qualification of a Prime Contractor when this is not a requirement for a Trade Contractor.

The sole purpose of this rule is to restrict the use of “Own Forces” bidding as a “shopping tool” to circumvent the Bid Depository process. Should a Prime Bidder wish to bid Own Forces, they must file

with CANB, an affidavit that the Company was in the trade business involved prior to the time of bidding, or submit the requires document with their tender package. Rule 9(c)(3)

“Own Forces”, for the purpose of this rule, would be the corporate body submitting the Prime Tender, utilizing their own personnel, plant or equipment. A Prime Bidder, who is recognized as having their own forces in a particular trade, is expected to carry out the work with their own forces. They are free to do so, without restriction, in the same manner common to any other trade contractor engaged in the particular Trade concerned.

### **Combined Bids**

Rule 8(3) of the Bid Depository Rules provides a means for trade contractors to extend to the Owner any benefits in the overhead or set-up costs that might be duplicated because of bidding multiple Trade Sections on an individual basis.

Provided a Bidder meets the requirement, of bidding the individual sections as called for in the Tender Documents, They may chose to quote combined bids on one or more of these Trade Sections should this be advantageous.

Should a bidder withdraw any individual Trade Section, which forms part of a combined price, the combined bid that contained the withdrawn Trade Section becomes automatically invalid.

### **Separate Prices**

On occasion Tender Calling Authorities will request the Prime Contractor to provide separate prices for modifications or additions to the primary scope of work. Sub-contractor bidders whose work is involved or affected by any of these separate requests must acknowledge any that affect their work content. (Suggested method is attaching a copy of the portion of the Prime Bidders Tender Form requesting separate prices and acknowledge all items with a value or zero.)

### **Revision to Prices**

Prices may be revised prior to the specified Bid Depository closing time by Telegram or Fax. {emails are not acceptable}. Such revision shall show only the revised value indicated as a plus or minus to the value on the official tender documents. Should multiple revisions be made they will be sorted by the time clock stamped order received and calculated in sequence to arrive at the final value. {Unless it's clearly shown they void the previous revision and are to be taken from the initial tendered value}. It is the Bidders sole responsibility to ensure any revisions occur in a manner to be “time stamped” prior to closing time. CANB is not responsible for an “overloaded” Fax machine or other cause of delay. Revisions received after the official closing time will not be considered. **Do NOT send an revised actual total price.**

### **Disposal of Bid Depository Tender Documents**

Sub-Trade Bid Depository Tender Documents, including rejected tenders, shall be retained for a period of not less than two years after the close of date of the Prime Contract Tender . Following that date the

Tender documents of sub-trade bidders, and any other documents pertaining to that particular Tender held by the Bid Depository may be destroyed by shredding.

**INSERT THE LATEST VERSION OF THE BID  
DEPOSITORY RULES HERE**

## **THE BID DEPOSITORY STRUCTURE**

The Bid Depository System in New Brunswick is an operation controlled and managed by the Construction Association of New Brunswick. It has three operational Depositories operated by local Associations located in Fredericton, Saint John and Moncton.

Projects tendered for construction should have their sub-trade tenders closing at the local Bid Depository located in the Construction Association in whose jurisdiction the project will be constructed.

The Bid Depository System is composed of a series of committees to oversee the operation, management and enforcement of the rules. The committees are:

1. CANB Bid Depository Committee
2. Local Bid Depository Committees (3)
3. CANB Chairperson Review committee

The structure and duties of these committees are –

### ***CANB Bid Depository Committee***

This committee is composed of a chairperson appointed by the CANB Board of Directors and the chairperson of each of the three satellite Bid Depository committees.

This committee’s duties are to manage the operations, interpret the rules, recommend revisions to the rules to the CANB Board of Directors, co-ordinate the operations with the Bid Depository users and generally ensure all three Bid Depositories operate in a uniform manner.

In some cases, major users of the system are invited guests at to committee meetings for information purposes. (without vote, although their input is valued).

The committee reports directly to the CANB Board of Directors who must approve any modifications to the Bid Depository Rules.

This committee, or its Chairperson, also acts as the first avenue of review in the event of a complaint or rule violation. Rejections by the local Bid Depository for a rule violation can be appealed to the CANB Committee/Chairperson via a written request to the CANB Chairperson up six hours prior to the close of the Prime Tender in the case of a disputed rejection. Should the CANB Chairperson uphold that rejection that decision will final. Should the rejection or complaint a violation of the Bid Depository rules that appears to be deliberate the rejection shall be referred to the CANB Review Committee shall meet at it’s convenience to determine any action.

### ***Individual Bid Depository Committees***

There is a Bid Depository Committee at each local bid depository. The committee shall consist of a chairperson appointed by the Board of the local construction association and as many volunteer members as required to ensure sufficient attendance at each tender opening. A minimum of two to a maximum of three committee members plus the Chairperson should be present at each tender opening. A local staff member to record the results may also participate.

Their duties are:

To open and review the tenders for proper documentation and adherence to the rules.

To tally and distribute the tender envelopes of the sub-bidders to the Prime Bidders.

To hold the tender security in safe keeping for the successful Prime Bidder.

Refer any tender rejections immediately after a tender closing to the CANB Bid Depository Chairman

To make recommendation(s) and co-ordinate activities and problems with the CANB Bid Depository Committee.

The local Chairperson shall be the official representative to the CANB Bid Depository Committee.

### ***CANB Chairperson Review Committee - Bid Depository***

This Committee is directed by the CANB Bid Depository Chairperson appointed by CANB. This chairperson will then compose a Committee consisting of at least:

- The two local Chairpersons from the satellite Association Bid Depositories not involved with the dispute or rule infraction.
- One or more members of the CANB Board of Directors (at the request of the CANB Bid Depository Chairperson.)
- Optional - A Prime Contractor member and/or a Trade Contractor member not directly involved in either the tender opening or bidding the trade concerned should such input be of value.

Any Board Member who is participating as a bidder in either, the Trade Section(s) involved or as a Prime Bidder shall consider his/her self in conflict of interest and shall be replaced by an alternate Board Member.

The duties of this Committee is to hear and rule on any appeals or complaints referred to it under the Bid Depository Rules involving an apparent deliberate violation of the Bid Depository rules. Finding this to valid decide on any penalty to impose. Decisions of this Board shall be final under the rules, **without further avenue of appeal in the case of a tender rejection or reinstatement of a tender.**

A hearing shall normally operate by telephone conference call as follows:

Any supporting documentation of an issue shall be forwarded by the Chairperson to all participating members prior to the conference call.

In the case of a rejection appeal, the only pertinent information and documentation shall be the Tender Documents, the Bid submission, the Bid Depository Rules and the Tender Opening procedures

The conference call shall be arranged as follows:

Sufficient members to provide a quorum shall be present.

The viewpoint on the interpretation by the local Bid Depository Committee shall be heard. *(Without the complainant being party to the input at this time to avoid unnecessary confrontation)*. At the Committee chair's discretion, the complainant may be permitted to become party to the conference to state their case (without comment from the local Bid Depository chair). The complainant shall then leave the conference call. The local Bid Depository Committee Chairperson may now leave or remain with the conference, at the CANB Chairperson's option. He/she shall have no vote or further participation except to respond to the query of a Committee Member.

The Committee will confer and reach a conclusion based solely on the Bid Depository Rules and the requirements of the tender documents. All members of the Committee have a vote. In the case of a hearing related to tender rejections or reinstatement, their decision shall be final.

The CANB Chairperson will advise all parties concerned of the decision of the Board. In the event the complaint involves a Sub-bidder’s tender validity, all reasonable effort shall be made to convene a hearing within the period between the sub-tender closing and the Prime Tender closing. Should this not be possible, the ruling of the CANB Bid Depository Committee Chairperson shall govern and become final upon the closing of the Prime Tender.

In the case of a Rule infraction involving disciplinary action toward a Bid Depository user, the meeting shall take place at the discretion and convenience of the CANB Committee Chairperson.

### **Guidelines for the Completion of Tender Submission**

#### ***Completing the Bid Form***

<b>Date</b>	Enter the date on which you complete the form
<b>Tender to</b>	Enter the name of the Prime Bidder to which you are bidding
<b>Project</b>	Enter the name of the project as provided in the specification documents
<b>Trade</b>	Enter the name of the Trade you are bidding
<b>Division or Section Number</b>	Enter the section numbers provided in the specification documents defining your scope of work. If there are too many numbers for the space you may append a separate sheet listing them or you may simply enter “As defined by the Tender Calling Authority”. {Important - Refer Rule 8 (a)(1)}
<b>HST Excluded</b>	Enter the amount of your bid in writing
<b>Amount</b>	Enter the amount of your bid numerically. In the event of discrepancy the written value shall govern.
<b>Alternate and/or Separate Prices</b>	<p>Separate or Alternate Prices prices required for Prime Bidder's Tender submission must be provided by the affected sub-trade bidders.</p> <p>Note: You must indicate whether the price is an addition to or a deduction in the bid price. There is a small space provided on the bid form for said prices. It is recommended when multiple Separate Prices are requested; sub-trade bidders attach a copy of that portion of the Prime Contractors Bid Form and <b>acknowledge all separate price items</b>. Any item that does not affect the content of your bid indicate this with “0” to acknowledge you have considered all additional or altered work content requested in your tender submission.</p>
<b>Name</b>	Enter the legal name under which your company operates or is incorporated

**Address** Enter the address of your company including the postal code

**Authorized Signature** Enter the signature of a signing officer of your company

***Completing the White Envelope***

**From** Enter the legal name under which your company is incorporated

**Project** Enter the project name as provided in the specification documents

**Trade** Enter the name of the Sub-Trade which you are bidding

**Section No.** Enter the section numbers defining your scope of work in the spec. documents or enter “As defined by the Tender Calling Authority” { Refer Rule 8 (a)(1)}

**This Envelope Contains** Enter the number of green and pink envelopes and indicate whether the envelope contains a bid bond or a letter declaring the bid is low enough not to require a bid bond.

***Completing the Pink and Green Envelopes***

**From** Enter the legal name under which your company operates or is incorporated

**Trade** Enter the name of the Sub-Trade which you are bidding

**Section No.** Enter the section numbers defining your scope of work in the spec. documents or enter “As defined by the Tender Calling Authority” { Refer Rule 8 (a)(1)}

**Project** Enter the project name as provided in the specification documents

**Name of General Contractor** Enter the name of the Prime bidder to whom you are bidding

***Completing the Bond Form***

Bid Bond forms can differ depending on the issuing company. Seek their advice in ensuring that your bid bond is completed correctly.

Ensure that:

- the bid bond is dated correctly
- your company’s name is correct
- the name of the project is correct
- that the percentage of the tender amount agrees with the tender requirements
- the bid bond is made payable to the correct party  
(unless otherwise specified it is “**the Successful Prime Contractor**”)
- the bond is valid for the specified period of the Prime Bidders Tender  
that the bid bond contains the signatures and seals of both the bidder and the bonding company where the bidder is an incorporated company. In case of a non-

incorporated company the signature of the signing officer should be witnessed on the appropriate line on the bond – (not required when a corporate seal is present)  
 - the Bid Bond is accompanied by an “Agreement to Bond” valid for same period as the Bid Bond. (*Caution - Not to be confused with a “Letter of Agent” which is not an Agreement to Bond*)

### **Common Questions and Answers**

#### **Can only member contractors use the Bid Depository?**

No. The Bid Depository is a quotation deposit system available to all bidders. There is no preference to members over non-members

#### **Must a Prime Bidder use the low sub-trade bidder?**

No. The Prime Bidder may use any of the sub-bidders whose quotation was received via the Bid Depository.

#### **Must a Prime Bidder accept a tender from a sub-trade with which they do NOT want to work?**

No. The Prime Bidder may return the sub-trade tender envelope **UNOPENED** to the Bid Depository.

#### **Can a sub- bidder qualify their tender for work they wish to exclude?**

No. It is expected that the Tender Calling Authority has clearly defined the work for which each Sub-Trade Division is responsible. The Sub-Bidder must bid per plans and specifications and all addenda. A qualified tender will be rejected.

#### **To who is the bond payable?**

Unless it is otherwise specified by the Tender Calling Authority a bond must be payable to the **Successful Prime Contractor**. A bond not made out as specified will cause the bid to be rejected.

#### **Does it cost anything to use the Bid Depository?**

There is no cost to the Tender Calling Authority. The sub-bidders purchase tender forms and envelopes. The Prime Bidders pay a small fee to pick up their envelopes.

#### **Must the sub-trade contract be on a CCA document? (Reference Rule 13)**

No, although preferred. It can be on any contract form agreeable to both parties. The Rule’s intent is to protect the sub-bidder(s) from being penalized should they refuse to accept/sign a contract containing conditions they were unaware of, or did not agree to, at the time of bidding.

#### **Does the use of the Bid Depository require any changes to the Prime Contract?**

No. The Prime Contract is between the Prime Bidder and the Tender Calling Authority. The use of the Bid Depository will not affect the performance/content of the work or the documents used for the Prime Contract in any way.

#### **What is the disadvantage of using the Bid Depository?**

There should be no disadvantage. **Specifiers should, though, take care to clearly define each Tender Section’s responsibility**. Advantages out-weigh any perceived disadvantages. No differences should be apparent to the Tender Calling Authority other than defining the Trade sub-contractors tendering via the

Bid Depository. The majority of Prime-bid documents require naming these major sub-trades in any case.

**Is the Tender Calling Authority to be involved in disputes?**

No. The Bid Depository is a voluntary industry-operated service for the benefit of the bidders. Disputes are an internal industry matter. Should any complaints be made to the Tender Calling Authority, they should be refer the compliant to the CANB Bid Depository Chairman/Committee. (See process under

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