



NOVA SCOTIA PROCUREMENT FORUM ACTION PLAN

June 2017



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Preface

The Nova Scotia Procurement Forum organizing committee, whose representatives include individuals from the design, engineering and construction communities, would like to thank those who took part in the day-long Procurement Forum event that was held on March 16, 2017 in Dartmouth. The event was facilitated by Davis Pier Consulting and was well attended by various stakeholder groups from around the province including suppliers, contractors, engineers, government, etc. The feedback and perspectives gathered from the discussion will play a critical role in developing the roadmap needed to improve procurement practices in our province. The Committee is looking forward to moving the process to the next stage and will be actively engaged in keeping stakeholders informed and involved in the process.

About the Committee

The Procurement Forum committee, initially formed to direct an 8-month research project into procurement practices in the province, is a collaboration between the Construction Association of Nova Scotia (CANS), the Design and Construction Institute (DCI), and the Nova Scotia Construction Sector Council (NSCSC). As a group, the Committee believes that a more unified and structured procurement system, through stakeholder engagement, will result in better transparency, prevention of unnecessary outsourcing, strengthened Nova Scotia businesses, job retention, better performance, more accountability of roles and responsibilities and ultimately better value for owners, stakeholders and Nova Scotians in general.

Steering Committee:

Scott Moore, Consulting Engineers of Nova Scotia
Benjie Nycum, Design & Construction Institute
Peter Riley, Construction Association of Nova Scotia
Peter Rumscheidt, Design & Construction Institute
Stephen Vaslet, Design & Construction Institute
Tom Vincent, Mechanical Contractors Association of Nova Scotia
Duncan Williams, Construction Association of Nova Scotia
Trent Soholt, Nova Scotia Construction Sector Council

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Nova Scotia Procurement Action Plan
Submitted to the Procurement Forum Committee

June 2017

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1 BACKGROUND

1.1 Forum Rationale

In 2015, the Construction Association of Nova Scotia (CANS) initiated a discussion on procurement practices in the province of Nova Scotia. Representatives from Nova Scotia Transportation and Infrastructure Renewal (TIR), Halifax Planning and Procurement, Dalhousie University, Saint Mary's University, Design and Construction Institute (DCI), Nova Scotia Association of Architects (NSAA), Engineers Nova Scotia, CANS, Nova Scotia Construction Labour Relations Association, Nova Scotia Construction Sector Council (NSCSC) and a number of consultants and legal representatives participated. At this session, it was agreed that current practices for public and private procurement in the province are inconsistent and are not providing value to the end user – the Nova Scotian.

The Construction Association of Nova Scotia, Design and Construction Institute, and the Nova Scotia Construction Sector Council, partnered to form a committee and determined a *Procurement Planning Day* be organized.

The NS Procurement Forum sought to achieve the following three objectives:

- Validate the three key problem themes believed to be contributing to the majority of today's procurement challenges. The three themes being:
 - Lack of fairness
 - Lack of consistency
 - Lack of transparency
- Identify issues contributing to each of the themes; and,
- Identify solution-oriented actions aimed at solving each theme.

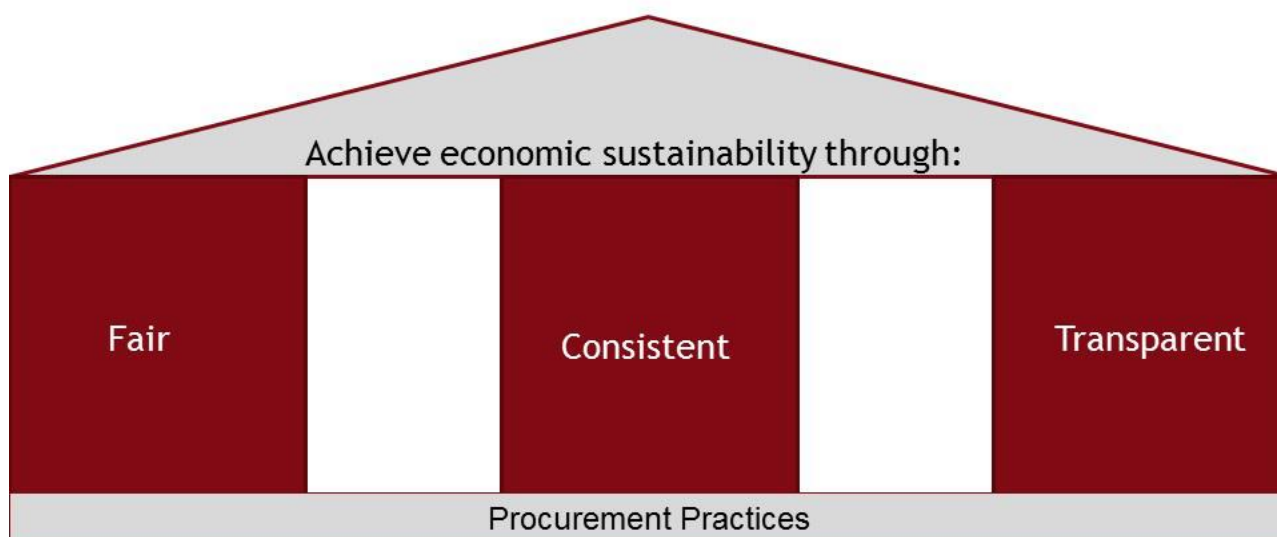
1.2 Forum Approach

On March 16th, 2017, the Procurement Forum was held with 120 industry representatives. It was an important event to initiate a dialogue between key procurement stakeholders and industry, identifying issues contributing to each of the problem areas. The session was facilitated by an independent third party – Davis Pier Consulting.

Throughout the morning, 12 tables of 10 participants progressively amalgamated to become three tables of 40 participants. This was done through a series of round table discussions. Throughout the morning, a list of roughly 15 issues under each theme was developed, reflecting the input of all participants. Through a thoughtful group discussion facilitated by Davis Pier, the attendees further refined and identified the top priority issues. This resulted in the establishment of the top three to five priority issues under each theme. Following the group discussion, attendees were assigned to one of three breakout to identify actions intended to address the priority issues. Each breakout group developed a list of three to five actions, addressing each prioritized issue under each theme.



THE ULTIMATE VISION IS TO...



2 WHAT WAS HEARD

This section will detail the top 3-5 issues and corresponding actions for each theme, as distilled through the collaborative facilitation process mentioned in section 1.2. A comprehensive list of issues and actions, as heard from Forum attendees, is provided in the appendix.

The audience consisted of representatives from the following organizations:

- Canadian Institute of Quantity Surveyors
- Construction Specifications Canada
- Build Right Nova Scotia
- Construction Association of Nova Scotia (including the Mechanical Contractors section)
- Design Construction Institute
- Merit Nova Scotia
- Nova Scotia Construction Labour Relations
- Nova Scotia Construction Sector Council
- Province of Nova Scotia (including the Department of Internal Services, Dept. of Transportation and Infrastructural Renewal, Labour and Advanced Education, etc.)
- Various municipalities

2.1 Detailed Issues

To follow is a detailed explanation of each issue identified under each theme.

2.1.1 Fairness

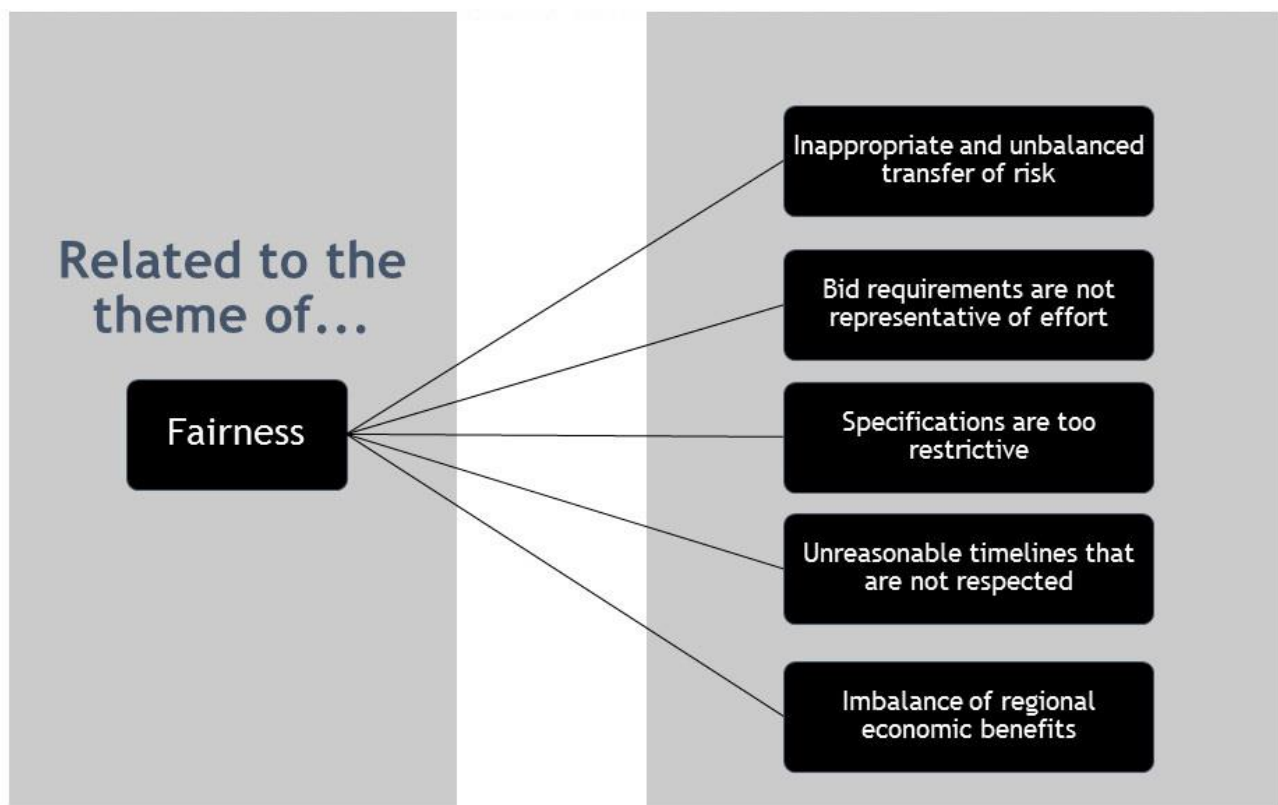


Figure 1: What We Heard - Highest Priority Issues related to Fairness

Forum attendees cited an **inappropriate, ineffective, and unbalanced transfer of risk** from owner to vendor. This referred to unreasonable project completion timelines which can have significant impact on project cost overruns that the vendor is required to cover. It also referred to legal terms in tender documents that largely favoured and protected the owner resulting in liability exposure to the vendor.

It was stated that tender documents are often written to include **bid requirements that are not representative of effort**. By this, the attendees meant that the effort required to meet response submission requirements are often so detailed and substantial that it seems excessive in comparison to the opportunity the tender document was created for. For example, using coloured sections, tabbing sections, separate submissions for responses, and numerous other adherence criteria – which if not followed will result in non-compliance and an unaccepted submission.

The Forum attendees also pointed out that the **specifications and qualification requirements are too restrictive**. Vendors in Nova Scotia often see construction and/or design projects that they are capable of completing but are prevented from competing for due to requirements that they cannot meet. For example, if the owner states that the successful proponent be one that has completed a minimum of three similar projects yet that type of project has not been undertaken in the Province of Nova Scotia

three times all Nova Scotia-based vendors would be automatically discounted and disqualified from the competition.

2.1.2 Consistency

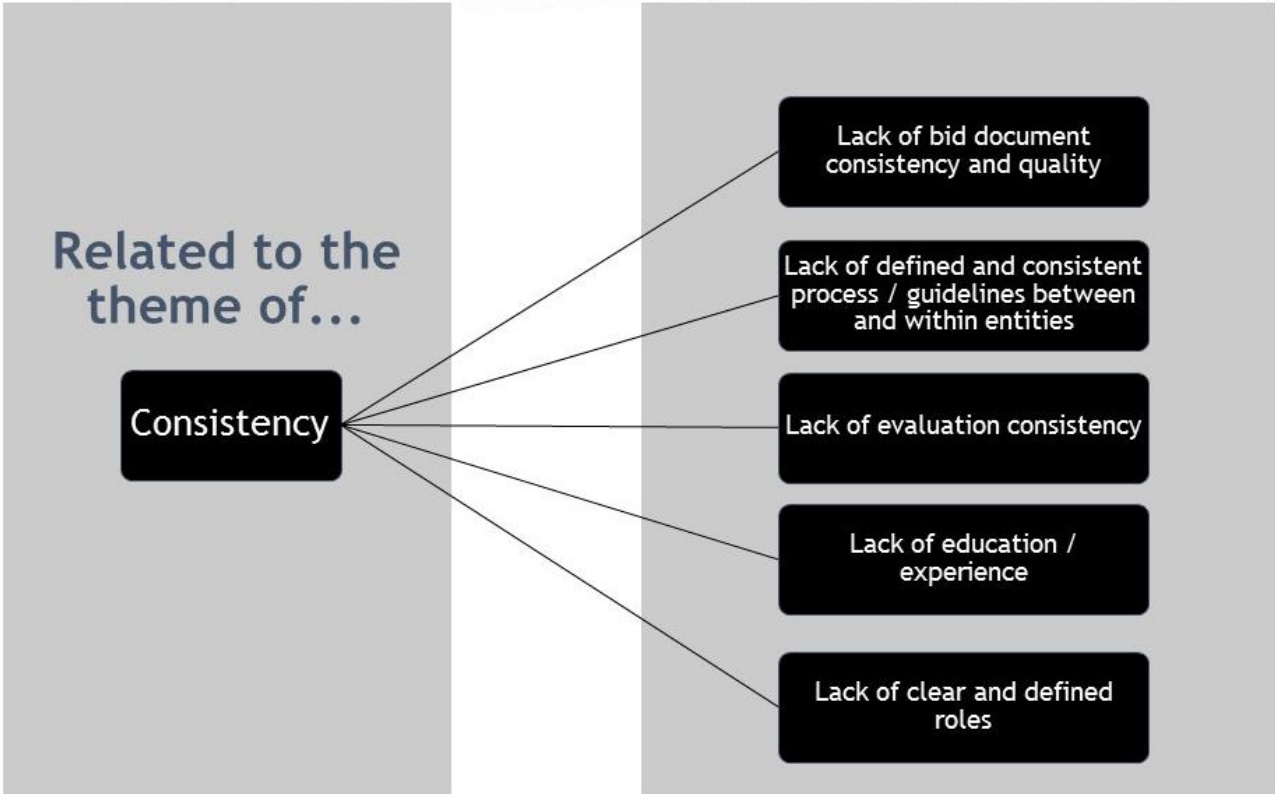


Figure 2: What We Heard - Highest Priority Issues related to Consistency

As mentioned under “fairness”, there are issues with bid documents. Under consistency, the attendees pointed to the fact that **bid documents are not consistent** in their structure, response requirements and quality (background, project detail, completeness, objectiveness, etc.). With vendors responding to numerous bids at a time and many in a year, they believe the inconsistency in bid documents creates unnecessary process pressure for them and makes it an additional response process that they need to manage. Incomplete tender documents often lead to multiple addenda that could be avoided.

Attendees also stated that **tendering processes and guidelines between and within entities** is currently not consistent. This requires a different approach and attention to each bid requirement every time a vendor is preparing a response.

Within the owner selection processes a number of inconsistencies were also identified. First, there is a **lack of evaluation consistency**. Meaning the criteria, metrics and evaluation process can differ significantly from tender to tender requiring the vendor to shift their response efforts often. There is also a reported inconsistent level of technical education / experience on the part of the owner’s evaluator.

2.1.3 Transparency

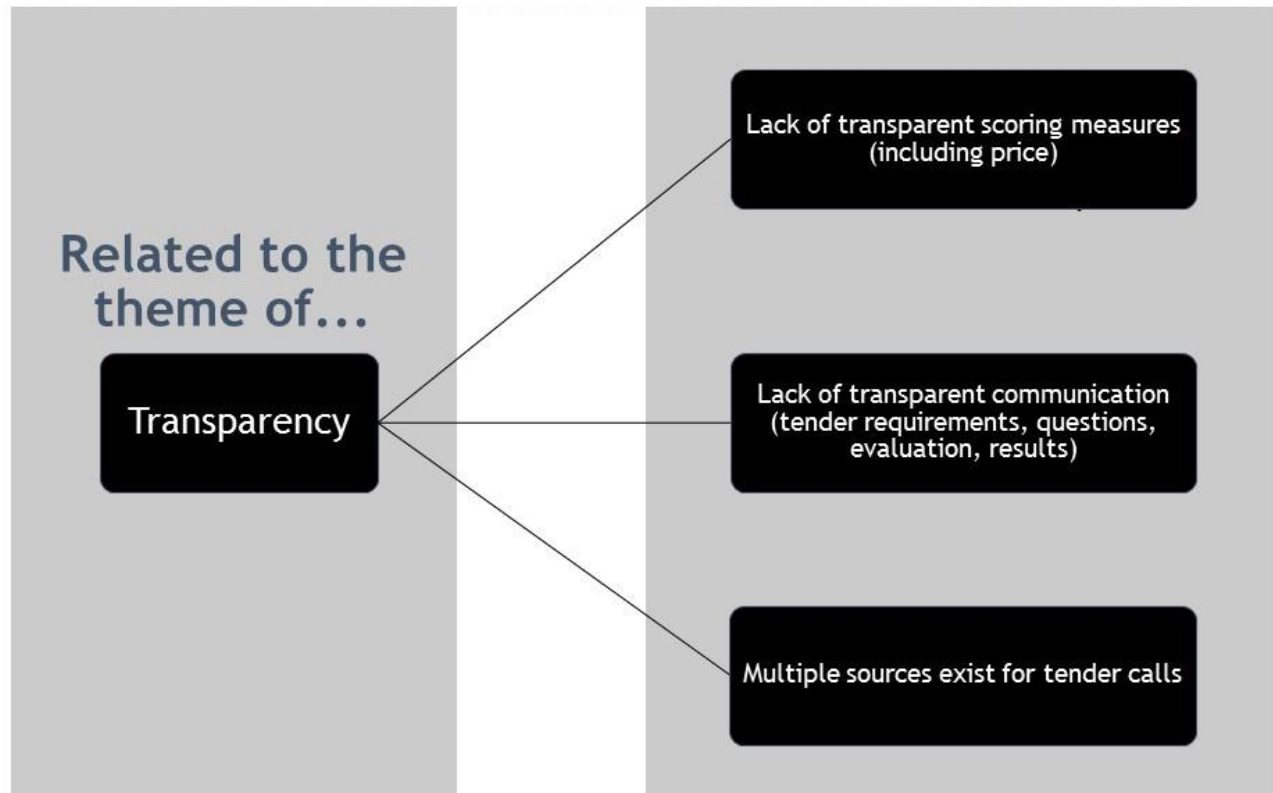


Figure 3: What We Heard - Highest Priority Issues related to Transparency

The issue of transparency predominately centered **around access to information – both the communication of it and the source of it**. For example, attendees cited a lack of transparent scoring measures (including price) in bid documents. Here, it was felt that the information is not adequately (or at all) shared with vendors, making the competitive metrics unclear. Also, attendees feel there is room for owners to improve their information and detail sharing when it comes to tender requirements, question/responses, and results of competitions. And finally, attendees there is a lack of clarity about who the ideal sources of information for each competition. Oftentimes, multiple sources exist for tender calls.

2.2 Detailed Actions

In response to the “issues” as detailed above in section 2.1, the following actions were identified by Forum attendees.

2.2.1 Fairness

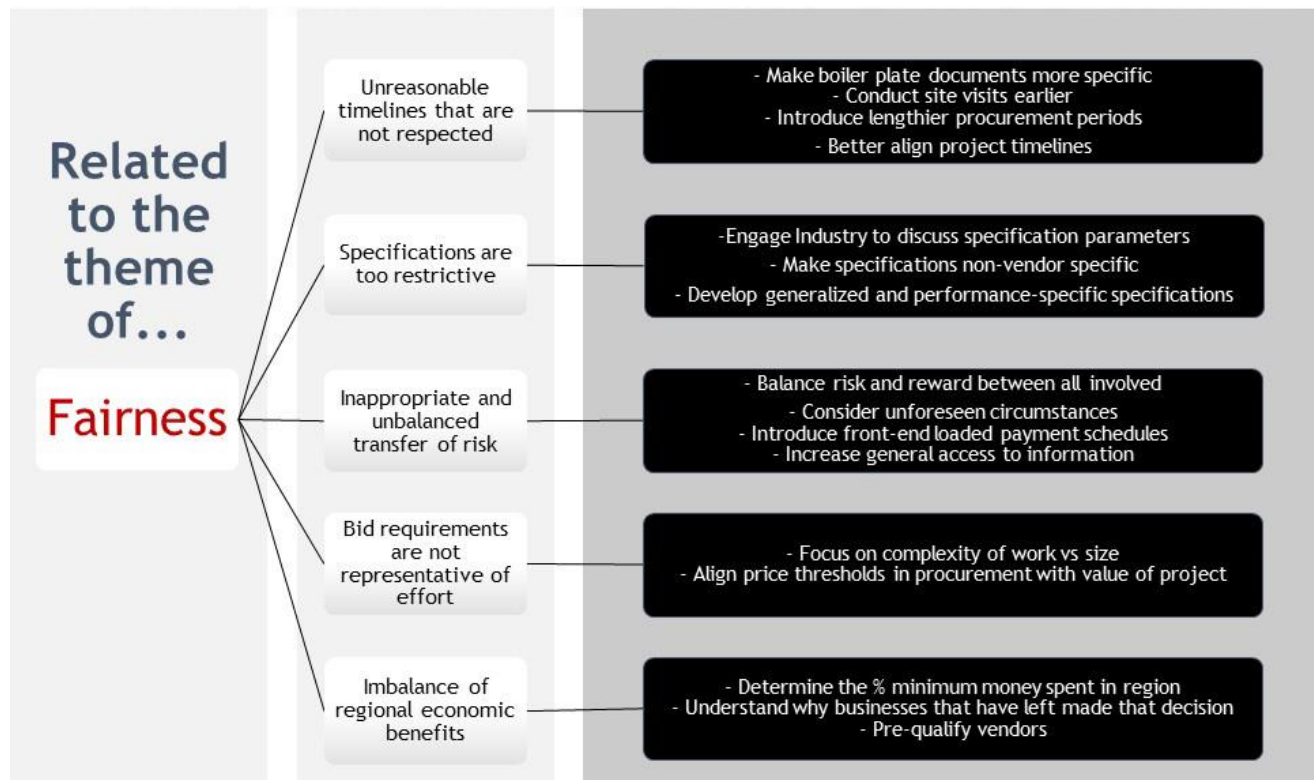


Figure 4: Output from Action-Planning Breakouts - Fairness

Related to the **tender process**, the attendees suggested that by taking a number of actions, the process could improve in its fairness. Specifically, when designing the bid documents, owners could consider the procurement requirements in relation to the project, and focus on the complexity of the work rather than the size when establishing bid process requirements. To address the unreasonable timelines, it was suggested that the owners increase the length of the procurement periods and hold the site visits earlier.

To improve **vendor selection**, attendees proposed that some activities before and after the tendering process be performed. First, it was suggested that identifying specialized vendors and pre-qualifying vendors (more often) could increase fairness in procurement process. Knowing this, can inform owners how they can improve fairness and greater contribute to the economic sustainability of the industry and the Province.

The group also identified actions that can be performed to increase the fairness of the **contracting process**. First, by approaching the contracting as a team or project partnership, the contracts can be designed to be fairer in how they share risk and reward, consider unforeseen circumstances and create mutually beneficial payment schedules.

There was an expressed need for increased **industry engagement** as a means of improving procurement fairness. Vendors are interested in gaining clarity in where and how to access information,

learning about industry and regional spending and examining alternate procurement processes (such as performance-based).



Recommended Actions

Issue: Unreasonable timelines that are not respected

- Make boiler plate more specific
- Site visits earlier
- Lengthier procurement periods
 - Evidence of project performance vs procurement length
- Project timelines lining up
- Allow schedule alternatives with actual pricing
- Clarity on the process (re: payment) in contract (re: all roles involved)
- Consider procurement in relation to project
- Use post-tender addendums more to address alternatives

Issue: Specifications are too restrictive

- Industry engagement / discussion about specifics
- Non-vendor specific (when applicable)
- Generalize and performance-specific

Issue: Inappropriate/unbalanced transfer of risk

- Sharing of both risk and reward (amongst team)
- Take into account unforeseen circumstances
- Front-end loaded payment schedule
- Access to info

Issue: Bid requirements are not representative of effort

- Focus on complexity of work vs size (re: bid process requirements)
- Align price thresholds in procurement with value of project

2.2.2 Consistency

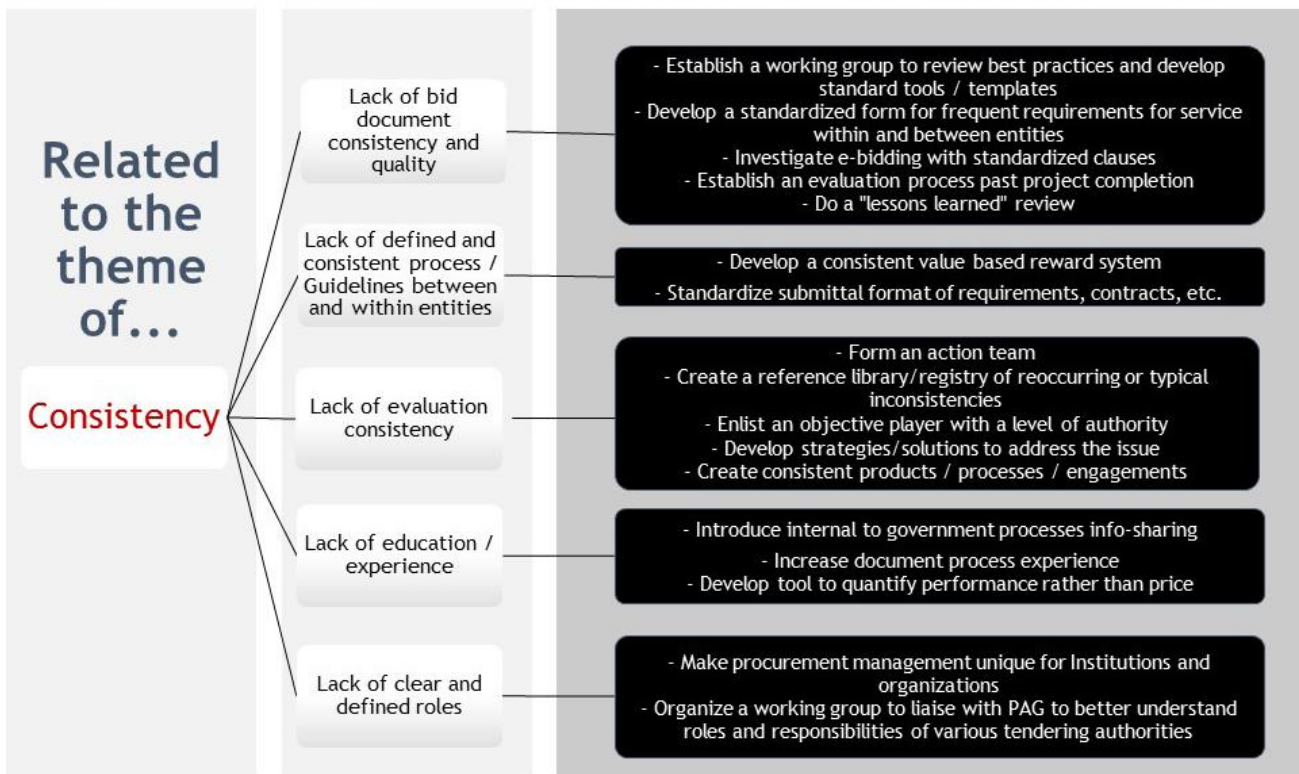


Figure 5: Output from Action-Planning Breakouts - Consistency

Forum attendees stated that increasing standardization and creating a consistent model would address the issue of **lack of defined and consistent process/guidelines between and within entities**. The consistent model suggested was a value-based reward system. The suggested areas for standardization include: submittal requirements, contracts, and tender format. The requirements that could be standardized included insurance contracts and bid bonds. Further to this, was the idea that the bid documents themselves could be more consistent.

It was suggested that a working group be established to review best practices and develop standard tools and templates. There's an opportunity to develop standardized form for frequent requirements for service within and between entities to reduce duplication of work and create ease for vendors. Another option that was suggested was to investigate e-bidding with standardized clauses. It's thought that this would encourage consistent quality throughout the process.

And finally, the attendees suggested an evaluation process post completion of project be established which would include a lessons learned review.

When determining actions to address the issue of **lack of clear and defined roles**, the group began by identifying that projects and revised procurements for goods and services are unique understandings and therefore owners need to be unique in how they manage procurement. For this reason, they

suggested that the procurement management advisory group, established by ISD should include MASH sector representatives. Furthermore, the design and construction industry offered to organize a working group, to better understand roles and responsibilities of various tendering authorities. The Terms of Reference for such a working group would establish the goal of better understanding roles and responsibilities, streamlining role clarity and gaining consistency in the relationship between procurement and services.

To address the identified issues related to **evaluation consistency**, forum attendees suggested various strategies and solutions. To create and implement the strategy, they suggested an action team be formed. The action team would be responsible for creating a reference library/registry of reoccurring or typical inconsistencies, owning an engagement strategy between owners and vendors and developing improved evaluation products and processes. Here, improvement opportunities included creating: leadership charters/roles, guidelines, MOV's, templates, training modules, project achievement frameworks, vision statement, criteria framework, pre-flight checklists, peer review frameworks, evaluation panel roles and responsibilities and panel selection criteria.

It was suggested that two-way communication could address some issues with the **lack of consistently educated/experienced owners involved in tendering**. It would be beneficial for both parties to document their process – whether issuing or responding to bids. Further to detailing the process, it was suggested that each detail their experience at each stage of the process. For example, if the industry could better understand the owner's internal processes that restrict “doing business with”, they'd be better positioned to submit compliant bids. Also, the industry suggested that there be pre-tender dialogues (as needed) with industry experts to bring greater consistency to the process.



Recommended Actions

Issue: Lack of defined and consistent process/guidelines between and within entities

- Have a consistent model - A value based reward system (risk taking needed)
- What does a value based system have:
 - Economic benefits model
 - Support SME's (break up packages if they are able)
 - Must be rigorously defined in terms of price/quality ratio
 - Has a monitoring process that evaluates performance? Feedback loop on system
 - Dal and others using value based
 - Ontario has Infrastructure for Jobs and Prosperity Act
- Standardized submittal requirements, contracts, tender format. The backbone should be consistent. The way the Feds do it, have NS and municipal government and government entities (Health, Education...) do the same.
- Government should be using the consistent approach throughout.
- 3rd Party should be able to come in and Q A documents and come up with similar results
- Standardized Requirements i.e. Insurance, bid bonds

Issue: Lack of bid document consistency and quality

- Establish working group to review best practices and develop standard tools + templates
- Develop standardized form for frequent requirements for service within and between entities to reduce duplication of work/make it easier for vendors.
- Investigate e-bidding with standardized clauses – encourage quality
- Establish an evaluation process past completion of project – standard document to enhance future quality
- Do a lessons learned review
 - Record in database so to ensure it is used the next time

Issue: Lack of clear and defined roles

- Projects and revised procurements for goods and services are unique understandings
- Institutions and organizations need to be unique in how they manage procurement
- Procurement management advisory group has been established by ISD- includes MASH sector representatives
- Design and construction industry to organize working group, to liaise with PAG to better understand roles and responsibilities of various tendering authorities (Chris Mitchell ISD)
- Terms of reference to be developed with the goal of better understanding roles and responsibilities and streamline/gain consistency in the relationship between procurement and services
- This is a journey, not a destination (good faith)
- Procurement is a good opportunity to foster diversity and inclusiveness in our industry

Issue: Lack of Evaluation Consistency

- Form an action team
- Create a reference library/registry of reoccurring or typical inconsistencies
- Create an engagement strategy with owners / purchasers. This is a two-way dialogue
- Consider enlisting an objective player with some authority
- Develop strategies/solutions to address the issue
- Create consistency products/processes/engagements
 - Leadership charters/roles, Guidelines, New processes, MOV's, Templates, Training modules, Project achievement frameworks, Vision statement, Criteria framework, Pre-flight checklists, Peer review frameworks, Evaluation panel roles and responsibilities, Panel selection criteria

Issue: Lack of education/experience

- Government needs to info share about their internal processes that restrict “doing business with”
 - Create supplementary info
 - Advanced procurement notice
 - Info sharing with SMES
 - Increased proactive decision
 - Pre-tender dialogue with industry experts
 - Arriba → internal procurement

- Document process-experience
- Tool to quantify performance rather than price

2.2.3 Transparency

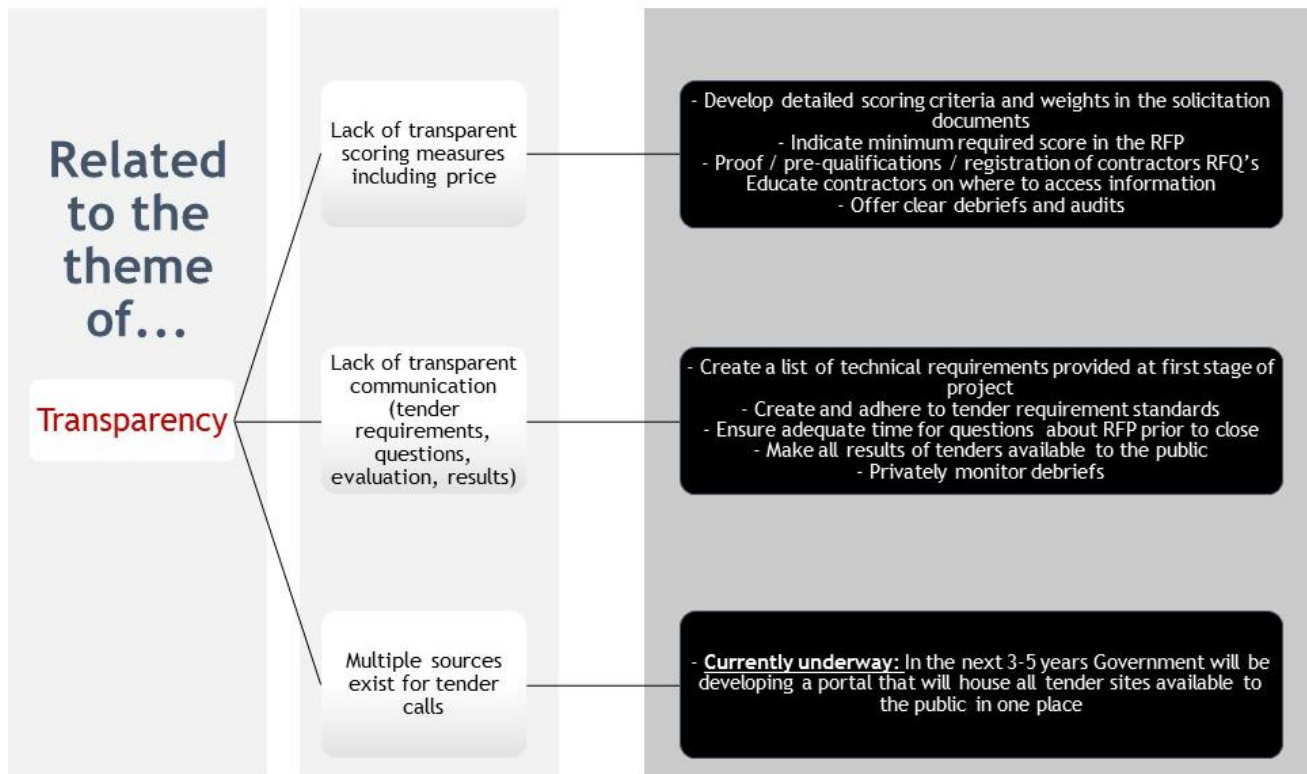


Figure 6: Output from Action-Planning Breakouts - Transparency

A lack of **transparent communication** was identified. This included communication pertaining to tender requirements, question, evaluation, and results. In the tender requirements, it was requested that full technical requirements be released at the first stage of the procurement process. Also, to increase transparency, there's a need to create and adhere to standards. Also, the forum attendees requested that the question period be extended closer to close to allow questions brought forward from sub-contractors. In the evaluation phase, it was suggested that there consistently be provision of feedback and that the evaluation criteria and results be made public.

Scoring measures are another area where lack of transparency exists. This includes how pricing is evaluated – low bid vs. scoring. To address this, attendees suggested detailed scoring criteria and weights be detailed in the solicitation documents. Furthermore, the group asked that the documents expand on information pertaining to specifications and performance criteria. It was stated that the minimum required score to pass the technical stage was sometimes unclear. Finally, clear debriefs with specific information and audits would further improve transparency in the procurement process.

The group discussed the need for a single portal that contains all tender sites which everyone has access to all tenders. This was their solution to the issues that **multiple sources exists for tender calls**. It was mentioned that the Construction Association of Nova Scotia (CANS) has such a portal. Also, the Provincial Government representatives in attendance at the Forum said that in the next three to five years the government will have a portal running with links to all tender sites.



Recommended Actions

Issue: Lack of transparent scoring measures including price (low bid vs. scoring)

- Detailed scoring criteria and weights, in the solicitation documents
 - What is the answer based on (the metrics)? Make sure that factors are clearly defined
 - Expand info/specs/details/performance criteria in contract docs
- Know what the minimum required score is to pass the 1st stage (tech)
- Proof/Pre-qual/Registration of contractors RFQs
- Educating contractors on where to access info
- Clear debriefs (with specific info) and audits (holding entities to task)

Issue: Lack of transparent communication (tender requirements, questions, evaluation, results) throughout the procurement process

- Tender requirements
 - Full technical requirement at first stage
 - Creation and adherence to standards (need to be enforced)
- Questions
 - Ensure time for questions period to close
- Evaluation
 - Provision of feedback and publication of evaluation criteria
- Results
 - Make all results available (public)
 - Monitor debriefs (private)

Issue: Multiple sources exists for tender calls

- Need to create a single website/registry/portal that contains all tender sites which everyone has access to all tenders
- Free site but with qualifications
- In the next 3-5 yrs government should have a portal running with all the links to the tender sites

3 NEXT STEPS

The Procurement Forum was the first of many conversations that are needed to create a meaningful and sustainable improved change to procurement in Nova Scotia. Next, it will be imperative that future conversations continue to include individuals who have the ability to influence and implement change to Nova Scotia's procurement process, as well as individuals with the authority to assign resources (human and financial) to actions identified during the Forum.

As an immediate next step, a **Nova Scotia Procurement Partnership** will be struck.

The Partnership will be comprised of key decision makers and influencers of Nova Scotia's public procurement system (owners at various levels of government), and the Committee responsible for initiating the Procurement Forum (Industry representatives, including: Nova Scotia Construction Sector Council, Construction Association of Nova Scotia, and Design and Construction Institute).

The first objective of the Partnership will be to develop a shared vision for improved construction and design procurement in the province. The second objective will be to review and prioritize the actions identified during the Forum against near-term, mid-term and long-term planning horizons. Prioritizing actions is required to assign an "order of importance" to the actions raised at the Forum as some have the ability to increase fairness, consistency and transparency more than others.

The Partnership will be accountable for researching, prioritizing, implementing and evaluating the success of change resulting to the procurement system as each action is implemented.



APPENDIX A - ATTENDEES LIST

Andrew Blair – Atlantica Contractors
 Leah Blois – Efficiency Nova Scotia
 Greg Brown - Guildfords Group of Companies
 Erin Brownlow - Altus Group Ltd.
 Rick Buhr - Bird Construction Group
 Gary Carpentier - HRM Procurement
 Bruce Chaisson - Metropolitan Regional Housing Authority
 Chris Chisholm - Tartan Interiors Limited
 Ken Chisholm - Canadian Institute of Steel Construction
 Charles Clow - Eastern Infrastructure Inc.
 Derek Collins - Soleno Inc.
 Rebecca de Conde - Metropolitan Regional Housing Authority
 Peter Connell - DSRA Architects
 Kimberly Cooke – Nova Scotia Department of Transportation and Infrastructure Renewal
 Alexis Cormier - DSRA Architects
 Peter Coutts - Dalhousie University
 Mitchell Crowell - HRM Procurement
 Terry Crowell – Irving Equipment
 Heather Cruickshanks - L.E. Cruickshanks Sheet Metal Ltd.
 Kimberly Dionne - Brookfield Global Integrated Solutions
 Aaron Dodsworth - Strongco
 Diana Doherty
 David Dooks - Altus Group Ltd.
 Mike Drane - Dalhousie University
 Syd Dumaresq - S.P. Dumaresq Architect Ltd.
 Kal England
 Noah Epstein - William Nycum & Associates Ltd.
 Tammy Feltmate
 Harry Forbes - Construction Specifications Canada
 Gord Gamble – Guildfords (2005) Inc.
 Marc Gaudet – Nova Scotia Department of Transportation and Infrastructure Renewal
 Melvin Gillis – Cape Breton Island Building Trades
 Natalie Gracie - Efficiency Nova Scotia
 Greer Grady - J.W. Bird & Company Limited
 Harry Grant – Atlantica Contractors
 Beth Hartling - Economic and Rural Development
 Mike Hatfield - Municipality of East Hants
 Randy Hazel - Don Brenton's Fire Protection
 Chris Hearn – Guildfords (2005) Inc.
 Najah Ibrahim - Province of Nova Scotia - Procurement
 Gregory Jack - Metropolitan Regional Housing Authority
 Dan Jones - Lindsay Construction
 Sabrina Kane - DSRA Architecture Inc.
 Anatheia Kirk - DIRT Environmental Solutions
 Jeff Lamb - Dalhousie University
 Ernie Lamont - Elegant Flooring Limited
 David Landry - Arrow Construction Products
 Larry Lee - Rona
 Brian Lund - Brilun Construction Limited
 Darrell MacDonald – Nova Scotia Department of Transportation and Infrastructure Renewal
 Isabelle MacDonald - Public Services and Procurement Canada
 Luke MacDonald - KD Pratt
 Monique MacEwan - Amec Foster Wheeler Americas Ltd.
 Dave MacGregor - MacGregors Industrial Group
 Darryl MacKenzie - Efficiency Nova Scotia
 Kelly McCallum - Peterbilt Atlantic
 Kate McDonald - Efficiency Nova Scotia
 Greg McGrath
 Barnaby McHarg – Mainland Building Trades
 Veronica Mendoza - Defence Construction Canada
 Chris Mitchell - Province of Nova Scotia - Procurement
 Vincent Moseley - Arrow Construction Products
 John Mullaly - Bird Construction Group
 Jon Mullin - Grey Cardinal Management Inc.
 Michael Munday - APM Construction Services Inc.
 Tom Murray - Halifax International Airport Authority
 Blair Myers - Metropolitan Regional Housing Authority
 Sam Nathe - Efficiency Nova Scotia
 Benjie Nycum - William Nycum & Associates Ltd.
 Jason Olney - Stanpro Lighting Systems
 Stephen Pace - exp Services Inc.
 Judy Peitzsche – Nova Scotia Apprenticeship Agency
 Terry Pickard - Strongco
 Jane Pryor - HRM Procurement
 Syna Rasmusson - Armtec Limited Partnership
 Peter Riley - Lindsay Construction
 Charles Ritcey - C. D. Ritcey, Architects
 Harley Robicheau - Peterbilt Atlantic
 Travis Rudolph - Ellis Don Corporation
 Christina Rushton - Brookfield Global Integrated Solutions
 Jessica Salmon - Hazmasters Environmental
 Derek Sanford - J.W. Bird & Company Limited
 Genevieve Sharkey - Province of Nova Scotia - Procurement
 Gordon Shupe - Coastal Door & Frame Inc.
 Gordon Shupe - Amec Foster Wheeler
 Brad Smith – Mainland Building Trades
 Trent Soholt – Nova Scotia Construction Sector Council
 John Spinelli – Halifax Regional Municipality
 John Stavert - Public Services and Procurement Canada
 Stephen Terauds - William Nycum & Associates Ltd.
 Archie Thibault – CBCL Limited
 Gina Thompson - Efficiency Nova Scotia
 Stephen Vaslet - Colliers Project Leaders Inc.
 David Vincent – Atlantica Contractors
 Tom Vincent – Atlantica Contractors
 Alex Walker - Dalhousie University
 Jack Wall – Cape Breton Island Building Trades
 Kris Warren - Rona
 Paula Webber - PMC Roofing Limited
 Richard White - exp Services Inc.
 Darren Williams – Guildfords Group of Companies
 Duncan Williams – Construction Association of Nova Scotia
 David W. Wilson - Wilcraft
 Pam Woodman - Atlantic Concrete Association

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