

May 21, 2020

Dear Sir/Madam

RE: USE OF NON-CONFORMING MATERIALS

Over the past few weeks, the City has been made aware of situations where materials are being used within the public right of way that are not accepted for use. Contractors and consultants are reminded that all materials used within the City of Nanaimo public right of ways must be listed on the Approved Products List (APL). Material types that are not listed on the APL must meet the relevant specifications as set out in the Manual of Engineering Standards and Specifications (MoESS).

The APL which can be found on the City's website:

<https://www.nanaimo.ca/docs/doing-business/engineering-standards/2016-apl-revision-2016-nov-04-apl-accepted-changes.pdf>

Contractors or consultants wishing to use a product which is not contained within the current Approved Products List may submit a product review request as follows:

<https://www.nanaimo.ca/doing-business/doing-business-with-the-city/engineering-and-public-works-approved-products/approved-products-application-form>

For Capital Construction Projects, general contractors may submit proposed alternate materials in the tender form; however the products may not be used without written approval from the City's Project Manager.

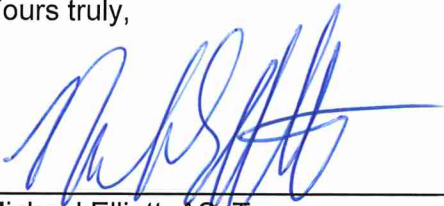
Instances where it has been found that non-conforming products have been installed without written approval, the City will be taking one or a combination of the following approaches:

1. Require removal and reinstatement of acceptable material.
2. Require extended warranty periods for materials in question including extension of bonding related to the materials in question.
3. Permanently withhold payment on non-conforming materials
4. Withhold payment as a holdback until the end of the warranty period.

General contractors are reminded that they are responsible to ensure that all suppliers and sub-contractors are providing the materials that conform to the MOESS and APL. Developers and developers Engineers are responsible to ensure works completed as part of developments conform to the MOESS and APL.

With the recent non-conformances discovered, City staff may be requesting confirmations on materials that historically were assumed; this is not meant to target any specific group but to identify areas that may be overlooked or should be considered for the approved product list. The City would much prefer to work with our partners in industry to identify these items upfront versus having them removed and replaced after installation.

Yours truly,



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