

Updates in Infrastructure Law, Procurement Law and related topics

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September 20, 2018

BLG
Borden Ladner Gervais

- **More than 700 lawyers, intellectual property agents and other professionals.**
- **One of Canada's largest law firms.**
- **Offices in Vancouver, Calgary, Toronto, Ottawa and Montreal.**
- **Lawyers called in Nunavut, practicing in numerous areas.**

BLG's Practice Areas

- **Litigation Department**
 - Commercial Litigation
 - Construction Group
 - Environmental, Municipal, Expropriation and Regulatory
 - Health Law Group
 - Insurance and Tort Liability
 - Labour and Employment
- **Business Department**
 - Commercial Real Estate
 - Corporate Commercial
 - Financial Services
 - Intellectual Property Group
 - Securities and Capital Markets
 - Tax

BLG's Expertise in Infrastructure/Procurement

- **Ranked Platinum Elite by ReNew Canada for 2018 in the Top 100 Project infrastructure project listing for Canada**
- **Ranked Tier 1 in the 2017 edition of Legal 500 for public procurement.**
- **Ranked Tier 2 - 2018 edition of IFLR1000 – The Guide to the World's Leading Financial Law Firms – Project Finance**
- **The highest number of ranked lawyers in Construction Law in the 2017 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada**
- **30 BLG lawyers recognized in the 2017 Lexpert/ROB Special Edition on Canada's Leading Infrastructure Lawyers**
- **Top listed in Canada in Construction Law in the 2018 edition of The Best Lawyers in Canada®**
- **The only firm ranked Band 1 for Construction in the 2018 edition of Chambers Canada – Canada's Leading Lawyers for Business**

- **Recent trends in infrastructure and procurement contracting.**
- **Funding sources for projects.**
- **Labour and employment considerations for projects, including cannabis, harassment and determining independent contractor vs employee.**
- **Overview of major recent court decisions.**



Trends in infrastructure and procurement contracting

Canadian Free Trade Agreement (CFTA) – What is it?

- **Transition to Canadian Free Trade Agreement (CFTA) from the Agreement on Internal Trade (AIT)**
- **Came into force July 1, 2017**
- **Purpose of reducing and eliminating barriers to free movement of people, goods, services and investments within Canada**
- **Governments, including municipalities, and other public sector entities are covered.**



**CANADIAN
FREE TRADE
AGREEMENT**

**ACCORD DE
LIBRE-ÉCHANGE
CANADIEN**

CFTA – One Year On

- **Interesting CFTA issues and trends include:**
 - **General Exemptions**
 - **Exclusions of Bidders**
 - **Local Content or Economic Benefit**
 - **Negotiations**
 - **Limited Tendering Procurement**
 - **Nunavut-specific provisions**

Some Resulting Best Practices

- **Ensure procurement policies align**
- **Review procurement documentation templates**
- **Establish frameworks for negotiation**

Other trends in contracting

- **Interesting trends include:**
 - **Focus on ‘partnership’**
 - **Alternative enforcement mechanisms**




Canada Infrastructure Bank

Canada Infrastructure Bank Developments

- **Purpose is to build more infrastructure and to attract private sector and institutional investors.**
- **Investment of \$35 billion in infrastructure projects over the next decade.**
- **Organization of the CIB is underway.**
- ***Canada Infrastructure Bank Act* is now in force.**
 - **Key take-aways from the Act**



Labour and employment considerations for projects



Selected procurement
cases (see separate
case head notes)

Thank You

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