

MINISTRY OF TRANSPORTATION

# PROCEDURES FOR PROCESSING THE CONTRACTOR'S INFRACTION REPORT

Qualification Committee September 2020 May 2023

#### **MINISTRY OF TRANSPORTATION ONTARIO**

### PROCEDURES FOR PROCESSING THE CONTRACTOR'S INFRACTION REPORT

### **TABLE OF CONTENTS**

**1. PURPOSE and INTENT** 3 2. CONTRACTOR'S WARNING OF INFRACTION AND INFRACTION REPORT 4 **3. PROCEDURES FOR COMPLETING, ISSUING, AND RESPONDING TO AN INFRACTION REPORT** 6 3.1. Completing the Infraction Report 6 3.2. Issuing the Infraction Report 3.3. Contractor's Response to the Infraction Report Z **4. STATEMENT OF FACTS** 7 **5. QUALIFICATION COMMITTEE** 8 **6. REFERENCE DOCUMENTS** 10 **APPENDIX I** \_\_\_\_\_ 44 **APPENDIX II** 

<del>12</del>

APPENDIX III—14
1. PURPOSE and INTENT
2. WARNING OF INFRACTION AND INFRACTION REPORT
3. PROCEDURES FOR COMPLETING, ISSUING, AND RESPONDING TO AN INFRACTION REPORT
3.1. Completing the Infraction Report7
3.2. Issuing the Infraction Report8
3.3. Contractor's Response to the Infraction Report9
<u>4. STATEMENT OF FACTS9</u>
5. ROLE OF QUALIFICATION COMMITTEE10
6. REFERENCE DOCUMENTS

#### 1. PURPOSE and INTENT

The Ministry of Transportation is committed to open,<u>and</u> competitive bidding by qualified Contractors and Service Providers.. The ministry uses its Qualification. System<u>qualification system</u> to ensure that any Contractor or Service Provider, wishing to bid on an engineering,<u>a</u> construction or maintenance contract, has the financial resources and adequate technical and managerial skills to satisfactorily perform the work within the specified time.

The Contractor infraction process is an essential component of the ministry's prequalification process and Qualification System. The purpose of an Infraction Report is to identify non-compliant performance or behaviour and implement actions to improve performance, cause positive change and/or ensure compliance with the Qualification System.

The purpose of these procedures is to provide an administrative routine for handling the Infraction Report. The These procedures apply to construction and maintenance work, and define the roles of the Contractor, the Engineering Service Providers (Engineering Consultants, Contract Administration Consultants Administrator, and Laboratories) and the MM inistry of Transportation ("MTO", "ministry"). The intent is to ensure that Infraction Reports are issued in circumstances that are appropriate, and are processed in a timely manner while respecting the rights and obligations of all parties. These procedures supersede those contained in previous editions of this document.

The <u>general approachintent</u> of the infraction process is to provide the Contractor with a series of progressive notifications, and the opportunity to correct a deficiency or non--compliance, before an Infraction Report is issued unless the situation <u>warrantsis</u> <u>sufficiently serious to warrant</u> the immediate issuance of an Infraction Report without prior verbal or written notification, or warning.

In keeping with the progressive warning approach, if a performance or behaviour issue continues after one or more verbal warnings or notices have been given, the issue will be communicated to the Contractor's senior site representative using an Instruction Notice. If the Instruction Notice is issued as part of progressivelya progressive warning to the Contractor/Service Provider, it should include the following information:

- (a) Description of the subject activity, nature of the incident or issue, <u>and the concern</u>.
- (b) Date and location of the incident or issue.
- (c) Contract requirements, provisions, or terms with which the Contractor is not complying.
- (d) Specified time frame in which corrective action is or was expected.
- (e) State that the incident or issue could lead to further administrative action such as a Warning of Infraction Report or an Infraction Report with or without further verbal or written communication.
- (f) Other information that is relevant to the incident or issue such as photographs.

Situations may arise that are <u>sufficiently</u> serious and warrant the immediate issuance of <u>a Warning of Infraction Report or</u> an Infraction Report without any prior verbal or written <u>warningwarnings</u> or <u>notificationnotifications</u>.

Examples of serious incidents or issues include: action or inaction that causes severe and imminent risk to the workers, public safety or the natural environment; negative consequences or

\_impacts resulting from the Contractor's failure to exercise due diligence and properly control activities related to the work; breaches of the <u>contractContract</u> where the <u>ministrymMinistry</u> could be held liable for third party damages due to financial, safety or environmental impacts; offering inducements to contract administration staff or ministry representatives; unaddressed defects in the quality of the work; failure to meet the warranty requirements of the contract; breaches to the rules governing tendering; or other serious situations.

Application of the infraction process and decisions are to be guided by the following principles:

- i. Applied in circumstances that are appropriate and in a manner that respects the rights and obligations of all parties.
- ii. Support<u>a</u> fair, equitable and transparent environment for tendering and delivery of highway construction and maintenance services and Engineering services.
- iii. Support a strong working relationship between all parties, based on mutual respect, the principles of fairness, equity, transparency, and accountability.
- iv. The infraction process is distinct and separate from the ministry's dispute resolution process for contract claims. The infraction process shall not tobe used as a means to negotiate matters in dispute under the <u>contractContract</u>, and decisions on <u>infraction reportsInfraction Reports</u> are not subject to decisions under the dispute resolution process.
- v. Promote the consistent application of the infraction process by Contract Administrators, ministry representatives, and across the province.

#### 2. CONTRACTOR'S WARNING OF INFRACTION AND INFRACTION REPORT

#### 2.1. Warning of Infraction Reports

If performance improvement, positive change or compliance with the Qualification-Systemqualification system is not achieved through progressive communication and notification, then the Contractor is issued a written Warning of Infraction Report (Form <u>PH-CC-833</u>) which is a formal document and process. A copy of the <u>The</u> form is shownin Appendix I. The available on the MTO Technical Publications website (TechPubs). The Contractor's Warning of Infraction Report and all accompanying documents shall be delivered<sup>4</sup>delivered<sup>1</sup> to the Contractor's senior siteContractor by Contract Management System (CMS). When CMS is not available, the documents can be issued by email to the Contactor's representative with a copy sent to the Contractor's corporate office and a copy sent to the Secretary, Qualification Committee ("Secretary").") at gualificationcommittee@ontario.ca. This Warning serves to put the Contractor on notice that, should the problem(s) continue, an Infraction Report will be issued. A Warning of

<sup>&</sup>lt;sup>1</sup> Delivery will be achieved through the Contract Management System (CMS)

Infraction Report cannot be withdrawn once it is issued.

The Contractor may, and is encouraged to, request a formal meeting to discuss the Warning of Infraction Report and the actions the Contractor will take or has taken to address the performance or behaviour concern. If the meeting is requested by the

<sup>+</sup>Delivery may be achieved through the Web Based Contract Management Solution (WBCMS) \_Contractor, then, in addition to the ministry'smMinistry's on-site representative, the ministrymMinistry will arrange for the Regional Heada manager representative (e.g., <u>Area Manager</u>, Construction; <u>Maintenance Superintendent</u>; <u>Technical Services</u> <u>Supervisor</u>) to attend the meeting. The meeting will be scheduled promptly (no more than ten (10) business days <u>Business Days</u> from the day meeting is requested), so as to ensure a timely discussion of the matter of concern. If the situation giving rise to the Warning of Infraction Report is not corrected or adequately addressed, an Infraction Report may be issued regardless of whether a formal meeting has been held or not.

A Warning of Infraction Report that is not followed by an Infraction Report is not considered by <u>the</u> Qualification Committee ("Committee") for the purpose of <u>impacting</u> the Contractor's financial ratingtaking any administrative action.

#### 2.2. Infraction Reports

Infraction Reports are issued only to the Contractor listed on the Tender Registration Form for the contract. If a Consortium or Joint Venture was awarded the <u>contractContract</u>, all members of the Consortium or Joint Venture will be subject to the Infraction Report and any subsequent decisions or actions by the <u>ministrymMinistry</u>.

The circumstances that can lead to the issuing of an Infraction Report vary widely with respect to both the nature of the incident and its <u>seriousnessseverity</u>. However, an Infraction Report will normally only be issued for a serious incident (or multiple occurrences of similar incidents) and are used to record breaches of the <u>contractContract</u>, including:

- i. Failure to abide by the tendering requirements;
- ii. Tender declarations that are incomplete, inaccurate, or are not adhered to;
- iii. Offering, giving, or receiving inducements;
- iv. Failure to meet the warranty requirements of the contract;Contract
- v. WilfulWillfulWilful disregard of written instruction to correct/adjust work or work practices which are specified under the <u>contractContract</u> or other governing/regulating authority;
- vi. Unaddressed defects in the quality of work;
- vii. Failure to adhere to the General Conditions of Contract in whole or in part;
- viii. Severe contractContract breaches, including contractContract default;
- ix. Failure to adhere to the specifications, special provisions, or any contractspecific clause or contract requirement;
- x. Failure to complete the <u>contractContract</u> in a timely manner, including exhausting Working Days or failure to achieve an Interim or the Final Completion Date

- xi. Failure to follow <u>directionwork directive</u> given by the Contract Administrator or <u>ministry;mMinistry</u>
- xii. Other circumstances which may lead to a deteriorated working relationship.
- xiii. Action or inaction that causes a serious, reportable event to <u>any corresponding</u> <u>ministry (i.e., labour, health, environmental etc.), federal agency (i.e., fisheries,</u> <u>etc.), Conservation Authorities, or other governing/regulating authorities (attach a</u> <u>copy of the incident report from the governing/regulatory authority, if</u> <u>applicable).other Ministriesy (such as</u> of Labour, <u>Environment, Natural</u> <u>Resources)</u> Ministry of Environment, Ministry of Natural Resources and Forestry,

<u>xiii.</u>

- <u>Federal or other regulatory authorities (such as Fisheries and Oceans, Canada, Conservation, etc.)</u> or other regulatory authority<u>authorities</u>
- xiv. Fraud, Collusion, Conflict of Interest, Deceit or Falsifying Documents
- xv. Safety Worker Safety or Public Safety
- xvi. Conduct that conflicts with the professional role of <u>the</u> Agent or Representative of the <u>m</u>Ministry of Transportation

An Infraction Report should not be issued for Minor Deviations or numerous Minor Deviations from the contractContract as they are more appropriately recorded in the Contractor Performance Report.

## 3. PROCEDURES FOR COMPLETING, ISSUING, AND RESPONDING TO AN INFRACTION REPORT

3.1. Completing the Infraction Report

The decision to issue an Infraction Report is made within the Regionrespective MTO-Officeministry's issuing office, and will normally involve the Contract Administrator, Contract Services Administrator, Area Manager, Construction, Regional Head, Construction, Maintenance Superintendent, Technical Services Supervisor, Heads and Regional/Office Manager.

If an Infraction Report is required, it should be issued in a timely fashion, and preferably within fifteen (15) business days15 Business Days of the incident. Some situations or breaches may warrant additional time to prepare the Infraction Report or determine supporting information. If the Region cannot present the Infraction Report within 15 business days, the Region should consult with the Secretary regarding the reasons.

The <u>Contractor's</u> Infraction Report is to be completed in accordance with the instructions contained on <u>theOwner standard</u> form. A copy of the form is shown in Appendix II. <u>PH-CC-832</u>, available on <u>TechPubs</u>. All supporting information must be attached. It is particularly important to state how the <u>contractContract</u> was violated, and the actions taken by the <u>ministrymMinistry</u> and the Contractor. Where possible, any cost impacts – actual or at risk – should be provided. <u>The inclusion of photographs is encouraged</u>.

Note that for safety, environmental or fiduciary violations of legislation, the impact statement may be descriptive. All information must be factual. If issued prior to the Infraction Report, the communication or notification used to progressively warn the

Contractor must be attached to the Infraction Report. The form is signed by the person completing the form (usually the Contract Administrator) and countersigned by the Regional/Office Manager.

An Infraction Report is not to be used as an instrument of negotiation. An Infraction Report cannot be withdrawn once it has been signed by the Regional/Office Manager.

#### 3.2. Issuing the Infraction Report

The Infraction Report, and a copy of all supporting information, must be given to the Contractor's senior site representative<sup>2</sup> in a mandatory, formal meeting.

The ministry's <u>Ministry's</u> representative must explain the reasons for issuing the Infraction Report and advise the Contractor that their optional response to the Infraction Report must be received by the Secretary <u>(qualificationcommittee@ontario.ca)</u> within fifteen (15) <u>business days Business Days</u> of the receipt of the Infraction Report, with a copy provided to the applicable <u>RegionMTO lead OfficeMTO issuing office</u>. A copy of the Infraction Report, supporting documentation, and minutes of the meeting with the Contractor are to be provided to the Contractor and Secretary.

The only exception to holding a mandatory, formal meeting is when the Contractor is not on site because of seasonal shutdown or contract completion. In this case, the or is not equipped to attend a virtual meeting. In this case, the completed form and supporting documentation must be issued in CMS or sent by email at

<u>qualificationcommittee@ontario.ca. Proof of delivery is required in all cases. The</u> <u>Contractor may request a formal in-person meeting with the mMinistry's respective office</u> <u>representative during seasonal shutdown or contract completion provided the infraction</u> <u>process is not unreasonably delayed.</u>

completed form and supporting documentation must be sent by courier or registered mail to the Contractor's corporate office and require proof of delivery. The Contractor may request a formal in-person meeting with the ministry's regional representative during seasonal shutdown or contractcompletion provided the Infraction process is not unreasonably delayed.

#### Only in

In the event that a formal mandatory meeting was not held as described above, after the Infraction Report has been received by the Contractor, the ministry's mMinistry's representative must initiate a telephone call to:

- i) Verify and confirm the Contractor received the infraction reportInfraction Report,
- ii) define the start of the fifteen (15) business day <u>Business Day</u> period for the Contractor's response as the date of the telephone call,
- iii) answer any questions from the Contractor with respect to the Infraction Report. Minutes of the call must be written, and a copy<u>must be</u> provided to the Contractor and the Secretary.

Once the Infraction Report has been issued, the Secretary will have an independent

<sup>&</sup>lt;sup>2</sup> Delivery will be achieved through the Contract Management System (CMS)

investigation of the Infraction Report conducted and produce the Statement of Facts by a person with no direct prior involvement with the matter.

#### 3.3. Contractor's Response to the Infraction Report

The Contractor has the option, and is encouraged, to respond to the Infraction Report by sending a written response to the Secretary (qualificationcommittee@ontario.ca) and a copy to the Regional/Office Manager, within fifteen (15) business days\_Business Days of the site meeting (or, if there was no site meeting, within fifteen (15) business days\_ Business Days of the telephone call which followedfollowing the courier or registered mail delivery). The addresses of ministry staff are given in Appendix III. The ministrymMinistry requires that responses be factual and supported by documentation. A Contractor/Service Provider may make a request, including supporting rationale, to the Secretary to grant additional time to provide the contractor'sContractor's optional written response to the Infraction Report. The Secretary will normally grant the request provided the matter is not unreasonably delayed.

#### 4. STATEMENT OF FACTS

The Secretary is responsible for <u>the</u> investigation of the incident(s) that led to the issuing of the Infraction Report, and the preparation of a Statement of Facts.

\_The Statement of Facts summarizes the facts of the infraction as understood by the Secretary.

The Statement of Facts and all accompanying documents <u>isare</u> provided to the Contractor and the <u>RegionmMinistry's lissuing oeffice</u> with an invitation to review and provide comments and supporting facts or documents. Any comments must be received, in writing, by the Secretary within the period specified in the covering letter (not normally less than ten (10) business days10 Business Days).

The Statement of Facts, the comments from the <u>contractorContractor</u> and the comments from the <u>appropriateregion\_mMinistry's issuing oeffice</u> are to be presented to the Committee.

The Contractor may request a formal extension to the review period. The Contractor may submit a request to the Secretary, prior to the due date of the response, with justification as to why more time is required for the response. The Secretary will review the request, and based on the information provided by the Contractor to support the request, will either grant an extension, detailing the duration of the extension, or deny the extension. The ministrymMinistry will not unreasonably deny a Contractor's request for an extension to the time giving consideration to the information provided by the Contractor and the nature and complexity of the matter as well as the risk of unreasonable delay.

The Statement of Facts, Infraction Report, Contractor Response, <u>Regional\_mMinistry's</u> Response and all accompanying/supporting documents provided to the Committee will also be provided to the Contractor and <u>Regional/Office ManagerMTO's iissuing oeffice</u>, including changes or additions made prior to being presented to the Committee.

#### 5. <u>ROLE OF QUALIFICATION COMMITTEE</u>

All Infraction Reports are considered by the Committee, <u>and which</u> will normally be placed on the agenda for the next scheduled meeting following the deadline for the receipt of responses to the Statement of Facts.

The Contractor may request attendance at the Qualification Committeemeeting to hear the presentation of the Infraction Report by the Secretary. For that same meeting, the Contractor may request time on the agenda to make an oral presentation to the Committee about the Infraction Report. Any oral presentation by the Contractor shall occur prior to the finaldecision made by the Committee. The Secretary will inform the Contractor of the date, time, and location of the meeting. The meeting will usually beheld in the MTO St. Catharines Office or by other methods communicatedby the Secretary. The Contractor's delegation at the meeting shall be up to three persons. The Contractor shall inform the Secretary of the names and positions/roles of the Contractor's delegation at least one week prior to the meeting.

That one meeting will provide an opportunity for the Contractor to be present and to listen to the information about the Infraction Report that is presented to the Committee by the Secretary. The Contractor may make an oral presentation to the Committee in respect to the Infraction Report. The Contractor will have sixty (60) minutes to make their oral presentation. The Contractor is encouraged to provide all presentation materials to the Secretary at least one (1) week in advance of the meeting.

At least two weeks in advance of the meeting, the Contractor can make a request to the Secretary, with justification, for an increase to the sixty (60)

minute presentation time.

The Qualification Committee Chair will review the request and will either grant an extension, detailing the new presentation time limit, or deny the extension. If the Contractor wants to decrease the presentation time, they shall inform the Secretary at least one week prior to the meeting.

The Contractor/Service Provider shall work with the Secretary to determine the necessary time for the Contractor's/Service Provider's oral presentation when more than one Infraction Report for that same Contractor/Service-Provider is scheduled for the same meeting. The Contractor is entitled to 60 minutes per Infraction Report as a starting allocation.

Up to two regional Ministry representatives will have the opportunity to attend the meeting and listen to the information about the Infraction Report that is presented by the Secretary to the Committee as well as the Contractor's oralpresentation to the Committee. During and after the oral presentation, the Chair or Secretary will facilitate any communication by the Contractor or the regional Ministry representative(s) to the Committee members.

The Committee will consider the Statement of Facts, responses to the Statement of Facts, the content of the presentation made by the Contractor (as applicable), and clarifying information provided at the meeting and will make the final decision. The final decision will be communicated to the Contractor in writing.

Details regarding the Committee's role, purpose, mandate, membership and structure as well as decision-making criteria are documented in the "Qualification Committee Procedures" document.

#### Possible Actions for an Infraction Report:

The Committee will assess an Infraction Report, all the available information including the Statement of Facts, and associated supportingdocuments and determine the action or actions to improve performance and cause positive change and enforce compliance with the Qualification-System. These available actions or any combination of actions include:

- Taking No Further Action on the Infraction Report,
- Issuing a Warning Letter,
- Requiring an Improvement Plan and Report Back,
- Imposing sanction(s) including reducing, restricting, suspending or revoking in any way any part of or all bidding privileges or rating.

When a sanction is imposed, its duration and effective date will also be decided by the Committee.

Any impact on the Contractor's Maximum Workload Limit formula will be inaccordance with the provisions of the document "Qualification Proceduresfor Contractors". In the case of consortia or Joint Venture, any sanction imposed by the Committee will be applied in full to each and every contractor or service provider that is party to the Joint Venture and/or listed on the Tender Registration Form.

The written final decision of the Committee regarding the Infraction Report, will include the following components and will be sent to the Contractor and to the Region:

i. Reason(s) for the decision and the basis for such findings.

ii. Reference to Contract Provisions, as applicable.

iii. If a sanction is imposed a statement will be included confirming that the Committee gave consideration to all other contractual consequences that have been or may be applied.

Sanctions are normally effective the date of the letter notifying the Contractor of the Committee's decision.

Decisions of the Committee are final, confidential and are provided only to the Contractor, the Branch Director and Regional Manager of the Regional Office that issued the Infraction Report and only to those necessary to administer the final decision.

For details about the roles and responsibilities of the Qualification Committee, refer to the latest published version of the Qualification Committee Procedures.

#### 6. REFERENCE DOCUMENTS

The following documents are available on the mMinistry's TechPubs site:

- Qualification Procedures for Contractors Policy and Guidelines
- Qualification Procedures for Contractors Supplement for Area Maintenance
   (AM) Classification of Work
- Qualification Committee Procedures
- Procedures for Processing the Contractor Pre-Qualification Exclusion
  - Contractor Performance Rating Manual

#### **APPENDIX I**

ONTRACTOR:			CONTRACT NO.:-
	REGION:	<del>HWY_NO:</del>	
	LOCATION:		
		INSTRUCTIONS	
2			
2			
Ł			
. The Warning of I	nfraction is to include	the following cor	nponents:
C	f subject activity of the	Ŭ	•
	Contract <del>clause(s) viol</del>		
	Contractor violate the		
- Explanation o	f how the subject activ	vity is contrary to	contract requirements.
- List of previou	us verbal warnings or/	and written warr	nings and to whom
was it given (a	attach copies as applic	<del>able).</del>	
<ul> <li>Explanation o</li> </ul>	f any corrective actior	<del>i taken by the Co</del>	ntractor to modify their-
operations, as	s applicable.		
- Cost descripti	on of impact of subject	<del>t conduct, if app</del>	licable and if known.
<ul> <li>Attach copies</li> </ul>	of Contractor written	responses to pri	or notices, if applicable.
- Statement of	whether the matter c	onstituted a repo	ortable event to a governing-
/ regulatory a	uthority including: Mi	nistry of Environ	ment, Ministry of Natural
Resources and	d Forestry, Ministry of	Labour, Fisherie	es and Oceans Canada,
<b>Conservation</b>	Authorities, or other {	<del>governing / regul</del>	ating authority (attach a
copy of the in	cident report from the	e governing/regu	llatory authority, if
applicable).			
Procent the com	pleted form to the Cor	stractor's conjor	site representative

4. Send copy electronically / fax / mail to the Secretary, Qualification
 Committee, Construction Contracts Section, Ministry of Transportation,
 301 St. Paul St., St. Catharines, ON L2R 7R4, Fax: 905-704-2040.

#### TO CONTRACTOR:

Unless corrective action is taken, the ministry will issue an Infraction Report, whichwill be assessed by Qualification Committee and may have an impact on the Contractor's access to MTO contracts. The Contractor is encouraged to actimmediately and contact the ministry's on- site representative to arrange for ameeting to discuss this matter.

Propared by:	Title	Date:
riepareu by		Date.

PH-CC-833 (Date)

#### **APPENDIX II**

On	tario 😵	Ministry of Transportation	
<del>403</del>	ITRACTOR:		CONTRACT NO.:
	REGION:	HWY NO: 	LOCATION:-
	<b>-</b>		INSTRUCTIONS
	표		
		by marking "X" in appli	<del>cable boxes.</del> raction, in the form of a chronological
	summary as an a	-	action, in the form of a chronological
			upport the Contractor's Infraction Report:
	_		tractor, date and location.
	-	ract clause(s) violated?	
		entractor violate the clau	<del>se(s)?</del>
			contrary to contract requirements.
	-		erbal and/or written warnings, Warning of
			ngs or/and written warnings and to whom was it
		ng of Infraction (attach o	
			n by the Contractor to modify their operations, as applicable.
			duct, if applicable and if known.
	- State and attach	copies of Contractor wri	tten responses to prior notices, if applicable.
	- Statement of wh	ether the matter constit	uted a reportable event to a-
	governing/regul	atory authority including	: Ministry of Environment, Ministry of Natural-
	Resources and F	orestry, Fisheries and Oc	ceans Canada, Ministry of Labour, Conservation-
	Authorities (atta	ch a copy of the incident	report from the governing/regulatory authority,
	if applicable).		
	-State if the subje	ect of the Contractor's In	fraction Report (Infraction Report) is also the-
	subject of a pre-	existing claim; if yes, sta	te the status of the claim.

- 4. All supporting evidence must be made available to the Contractor upon issuing the infraction.
- 5. Hold meeting with Contractor to present Infraction Report<sup>4</sup>.

6. Forward one copy to Secretary, Qualification Committee, Construction-

Contracts Section, Ministry of Transportation, 301 St. Paul St., St.

Catharines, ON L2R 7R4, together with the minutes of the meeting to-

present the Infraction Report.

<sup>1</sup> An Infraction Report issued when the Contractor's senior site representative is not on site may be sent by courier or registered mail, and followed by a telephone call to explain the reasons for issuing the Report.

#### TO CONTRACTOR:

Qualification Committee will deal with this Infraction Report. Any response or comments are to be sent to the Secretary, Qualification Committee within 15 business days of the receipt of this Infraction Report, with a copy to the Manager in the applicable Region.

#### TYPE OF INFRACTION:

- (A) Failure to abide by the tendering requirements.
- (B) Tender declarations that are incomplete, inaccurate, or are not adhered to.
- (C) Offering, giving or receiving inducements.
- (D) Failure to meet the warranty requirements of the contract.
- (E) Wilful disregard of written instruction to correct/adjust work or work practices.
- (F) Serious defects in quality of work.
- (G) Failure to adhere to the General Conditions of Contract.
- (H) Severe contract breaches, including contract default
- (I) Failure to adhere to the specifications, special provisions, or any contract specific clause.

- (J) Failure to complete the contract in a timely manner.
- (K) Failure to follow direction given by the Contract Administrator or ministry.
- (L) Other circumstances which may lead to a deteriorated working relationship.
- (M) Action or inaction that causes a serious, reportable event to the Ministry of Labour, Ministry of Environment, Ministry of Natural Resources and Forestry, Fisheries and Oceans Canada,
  - Conservation or other regulatory authority
- (N) Fraud, Collusion, Conflict of Interest, Deceit or Falsifying Documents
- (O) Safety Worker Safety or Public Safety
- (P) Conduct that conflicts with the role of Agent or Representative of the Ministry of Transportation

#### Specify:

Prepared by:	Title:	Date:

Date Presented to Contractor: \_\_\_\_

PH-CC-832 (Date)

#### APPENDIX III of Ministry of Transportation Office Addrossos

Addresses of Winnstry of Tra	ansportation Offices
ecretary, Qualification Committee-	
Ainistry of Transportation	
Contract Management and Innovation Office,	
<del>01 St. Paul St.</del>	
i <del>t. Catharines, ON</del>	
<del>2R 7R4</del>	
Seneral Enquiries 905-704-2203	
<del>ax 905 704 2040</del>	
Aanager, Construction Oversight Ministry	
of Transportation (West Region) 659-	
Exeter Rd.	
<del>ondon, ON</del>	
<del>\6E 1L3</del>	
ax 519 873 4734	
Aanager, Construction Oversight	
Ainistry of Transportation (Central Region)	
.59 Sir William Hearst Avenue Downsview,	
<del>N</del>	
A3M 1J8	
<del>ax 416 235 5323</del>	
Aanager, Construction Oversight	
Ainistry of Transportation (Eastern Region)	
Postal Bag 4000	
-355 John Counter Blvd. Kingston, ON K7L	
5 <del>/3</del>	
<del>ax 613 547 1772</del>	
Aanager, Construction Oversight	
Ainistry of Transportation (Northeastern Region)	
47 McKeown Avenue	
Horth Bay, ON P1B-	
<del>92</del>	
<del>ax 705 497 5525</del>	
Aanager, Construction Oversight	
Ainistry of Transportation (Northwestern Region)	
515 South James St.	
<del>hunder Bay, ON</del>	
Hunder Buy, on	
27E 6P6	

Administrator's Guide to Rating