

DIGGING IN TO BEST PRACTICES

Renegotiation

There are instances where it may be necessary to change the legal due date of a locate, such as with large work areas or if the Excavator's timelines have changed and they don't need the locate completed within the legal timeframe. Changing the legal due date of a locate is called a renegotiation.

Renegotiation is allowed, providing both parties mutually agree in writing to the new date. Reference: Standard Request – [OUINS Act Section 6 \(5\)](#). Dedicated Request - [OUINS Act section 7 \(11\)](#).

What you need to know...

A renegotiated date changes the legal timeframe for a Member (Underground Infrastructure Owner) to complete a locate. If a renegotiated date is agreed to, the Member now has until the new agreed upon date to complete the locate and not the original date on the request.

This new date needs to be beneficial for both the Excavator and the Member. Excavators do not have to accept an offer to renegotiate a new date. If a Member, or their Locate Service Provider (LSP), tells an Excavator that a locate will be late, the Excavator does not have to agree to change the legal due date for the delivery.

IMPORTANT: To stay compliant, both parties need to know the intention of the agreement – to change the legal due date of a locate delivery – and Members need to make sure there is a **written offer** and a **written acceptance** before changing the status in 360 feedback.

How to do this in 360 Feedback ...

After agreeing in writing to a new date with an Excavator, the Member must input the information into 360 Feedback. To change the renegotiation date, a Member is required to do the following in 360 Feedback:

- 1) Change the locate status to renegotiated
- 2) Enter the renegotiation date
- 3) Enter details of the renegotiation in the notes field

Misuse ...

A renegotiation date changes the legal timeframe for a locate response, and it must not be misused.



Entering a false renegotiation date, or lacking written evidence of an offer to change the date and its acceptance is a breach of the [OUINS Act Section 6 \(5\) \(a\)](#) and could result in Compliance action.

Best Practices for Renegotiation:

- ✓ If planning to renegotiate, plan to do this before the designated 5 business day for a standard located, or 10 business day for a dedicated locate, to avoid being late to respond.
- ✓ When renegotiating, the offer to change the legal due date and the acceptance between the parties must be in writing. It is highly recommended that the written offer explicitly states that the intention is to change to legal due date of a locate.
- ✓ When providing the required notes, put in details surrounding the renegotiation. For example: your name, who agreed in writing to the new date, what date they agreed to, and the date you spoke to them.
- ✓ If you need to renegotiate a locate request multiple times, make sure each has a written agreement, and 360 Feedback has notes which includes the details of each renegotiation.



DIGGING IN TO BEST PRACTICES

Use of Renegotiation

Locate Status

Clearance # 2019385100
Status NOTIFICATION SENT
Type PROMARK FOR ENBRIDGE GAS (ENOE01)
CHOOSE A TYPE

NOT AVAILABLE
NOT COMPLETED
NOT COMPLETED / NEEDS ADDITIONAL INFO
NOTIFICATION SENT
RENEGOTIATED
REQUESTOR MUST PROVIDE MORE INFO
SENT TO LOCATOR

Flags on Site?
Stakes on Site?
Paint on Site?
Site Visit?
Are Notes Private?
No Network Present

Notes (Max. 500 Characters)

Cancel Save

- Renegotiating a locate request means the locate due date is being changed
- Great for large projects. Sections of the locate can be completed as the work progresses.
- The Excavator **MUST** agree to this change. No exceptions
- *Note: Assigning a renegotiated status without the explicit written approval of the Excavator is considered false reporting and could result in Compliance action

Locate Status

Clearance # 2019384600
Status RENEGOTIATED
Type G-TEL FOR UNION GAS (UGONE01)
CHOOSE A TYPE

Renegotiated Date 12/10/2019
Closed Date
Last Updated 02/03/2022

Processed By Crystal
Accepted By
Internal Order #

Work Started No
Flags on Site?
Stakes on Site?
Paint on Site?
Area Marked No
Site Visit?
Are Notes Private?
No Network Present

Notes (Max. 500 Characters)
Oct 1 - spoke with onsite Shawn. He advised work has been delayed. Agreed to renegotiate due date to Dec 10 CB

Cancel Save

- If the Excavator has agreed to a different locate completion date, this is how that should be indicated in 360 Feedback
- **Status:** Renegotiated
- **Renegotiated Date:** Enter the agreed upon date
- **Processed By:** Add the name of whomever is updating the status
- **Notes:** Add additional pertinent information that would validate the renegotiation, for example who agreed in writing, and the date the agreement was made
- **Save**

