

PUBLIC RISKS, PRIVATE PROFITS

SNC-LAVALIN GROUP INC.

**Profiles of Canada's public-private
partnership industry**

JUNE 2013



A JOINT PROJECT OF THE POLARIS INSTITUTE AND THE CANADIAN UNION OF PUBLIC EMPLOYEES



INTRODUCTION

This corporate profile is part of a series on the primary private water and wastewater services providers involved in the public-private partnership (P3) market in Canada.

The companies profiled are identified by PPP Canada Inc. – the crown corporation created to promote P3s across the country – as likely market participants in Canadian water and wastewater P3 projects. They offer a diverse set of capabilities; some would be part of the design and build phase of a P3, others participate in the operate and finance portion. While some of the companies are specialty water and wastewater services firms, others are P3 financiers. The common thread is their desire to participate and benefit from water and wastewater P3 projects in Canada.

Given the success of recent efforts to oppose water and wastewater P3s in places like Abbotsford, Whistler, Regina, St. John and Metro Vancouver, public opposition is a key concern for the P3 industry.¹ One way of protecting publically owned and operated water and wastewater services is to educate the public about the track records of private water services companies vying for contracts to design, build, finance, operate and maintain water and wastewater infrastructure. With intimate knowledge of these companies, municipal officials, city councillors and local supporters of publically owned and operated water and wastewater services will gain important tools to challenge P3s in their communities.

OVERVIEW

SNC-Lavalin Group Inc. (SNC-Lavalin) is a publicly traded Canadian company formed in 1991 as a result of the merger of two Quebec based engineering firms, Surveyer, Nenniger & Chenevert Consulting Engineers and Lavalin. SNC-Lavalin has become one of the five largest engineering and infrastructure firms in the world operating in more than 100 countries with 33,900 employees. SNC-Lavalin companies provide engineering, procurement, construction, project management and project financing services to a variety of industry sectors, including agrifood, pharmaceuticals and biotechnology, hydrocarbons & chemicals, environment, heavy construction, mass transit, mining and metallurgy, power and water management.

HEADQUARTERS

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FINANCIAL INDICATORS²

SNC-Lavalin Group Inc. annual revenue (in CA\$):

2012 – \$8.09 billion

2011 – \$7.21 billion

SNC-Lavalin reports its financial information in four categories: Services, Packages, O&M (Operations and Management) and ICI (Infrastructure Concession Investments). See the Operations section below for a more detailed discussion of the company's operating segments.

2012 Revenue by Business Segment (in CA\$):

Services – \$3.17 billion

Packages – \$3.02 billion

O&M – \$1.33 billion

ICI – \$565.1 million

Total: – \$8.09 billion

BOARD OF DIRECTORS¹

Robert G. Card³ – President and CEO SNC-Lavalin Group Inc.

Ian A. Bourne – Chair of the Board of SNC-Lavalin.

Jacques Bougie – Served as President and CEO at Alcan between 1993 and 2001.

Patricia A. Hammick – Director of Consol Energy Inc. and former Lead Director of Dynegy Inc.

Lise Lachapelle – Former President and CEO of the Forest Products Association of Canada (1994-2002) and former Assistant Deputy Minister for Federal Department of Industry, Trade and Commerce prior to 1988.

Lorna R. Marsden – President emerita and Professor of York University and former member of the Senate of Canada from 1984 to 1992.

Claude Mongeau – President and CEO of Canadian National Railway Company.

Michael Parker – Former CEO of the Dow Chemical Company.

Alain Rhéaume – Former executive in the forest product and telecommunications industries and former Associate Deputy Minister of Finance and Deputy Minister of Finance for the Government of Quebec.

Chakib Sbiti – Special Advisor to the CEO of Schlumberger, a global oilfield services company.

Eric Siegel – Former President and CEO of Export Development Canada and is currently a Director of Citibank Canada.

Lawrence N. Stevenson – Current Managing Director of private equity firm Callisto Capital.

OPERATIONS⁴

SNC-Lavalin organizes its operations into different industries where the company is active. These industries include: infrastructure and environment; hydrocarbons and chemicals; mining and metallurgy; operations and maintenance; infrastructure concession investments; power; and other industries including agrifood, pharmaceuticals and biotechnology, and sulphuric acid. Operations in the infrastructure and environment industry created the most revenue for the company in 2012.

¹ It is important to note that former EnCana CEO and close confidant of Stephen Harper, Gwynn Morgan, was the Chairman of the Board of SNC-Lavalin from 2005 until he stepped down in May 2013. Morgan, a regular public commentator about private sector advantage and efficiency, presided over SNC-Lavalin's Board during a period that has yielded unprecedented scandal and allegations of corruption within the company.

Infrastructure and environment (26 per cent of 2012 revenue) – SNC-Lavalin’s infrastructure segment is involved with a series of projects around the world in both the public and private sectors. Some of the company’s projects include airports, buildings, health care, educational and recreational facilities, seaports, marine and ferry terminals, flood control systems, urban transit systems, railways, roads and bridges, and water and wastewater treatment and distribution facilities.

Mining and metallurgy (19 per cent of 2012 revenue) – The mining and metallurgy segment is active in mineral and metal recovery processes, including mine infrastructure development, mineral processing, smelting, refining, mine closure and reclamation, mine and tailings management, and fertilizers.

Power (17 per cent of 2012 revenue) – The company’s power segment includes projects in hydro, thermal and nuclear power generation, energy from waste, green energy solutions, and transmission and distribution.

Operations and management (16 per cent of 2012 revenue) – The operations and management (O&M) segment of the company is involved in the following lines of business:

- Project, property & facility management: includes all aspects of building operations and management, realty management, project delivery and commissioning, energy management and sustainability initiatives, and program management;
- Industrial: includes specialized expertise to oversee the O&M of assets such as turbines, steam generators, boilers, water supply and treatment systems, electrical systems, mechanical systems and manufacturing installations, from start-up mobilization to steady-state operation;
- Transportation: includes operations, maintenance and rehabilitation management for large infrastructure assets including airports, public transit systems, highways, bridges and tunnels;
- Defence and logistics: includes support to the Royal Canadian Navy, servicing many different types of vessels, from research and defence boats to tugs and many other classes of ships, and also includes support to the Canadian Armed Forces, as well as large mining, metallurgy, petrochemical, and oil and gas operations by building and maintaining temporary camps and living facilities around the world.

Hydrocarbons and chemicals (10 per cent of 2012 revenue) – SNC-Lavalin’s hydrocarbons and chemicals segment includes projects in the areas of bitumen production, heavy or conventional oil production, onshore and offshore oil and gas, upgrading and refining, petrochemicals, chemicals, biofuels and green chemicals, gas processing, liquefied natural gas plants and re-gasification terminals, coal gasification, carbon capture, transportation and storage, pipelines, terminals and pump stations.

Infrastructure concession investments (7 per cent of 2012 revenue) – The company’s final segment consists of its infrastructure concession investments which includes investments in infrastructure concessions for public services such as airports, bridges, cultural and public service buildings, power, mass transit systems, roads and water.

Other industries (5 per cent of 2012 revenue) – Other industries combines projects in several industry sectors, namely agrifood, pharmaceuticals and biotechnology, sulphuric acid as well as projects related to other industrial facilities not already identified as part of any other preceding industry segments.

LOBBYING ACTIVITY

Like most large multinational corporations operating in Canada, SNC-Lavalin is able to influence politicians and bureaucrats through lobbying activities. Since July 2008 (until May 2013), when amendments to Canada’s Lobbying Act required detailed reporting on lobbying activity to the federal government, SNC-Lavalin has met with dozens of senior level bureaucrats, numerous Members of Parliament, and key cabinet ministers including Prime Minister Stephen Harper.

SNC-Lavalin’s lobbying activities targeting the Government of Canada between July 2008 and May 2013:

DETAILS OF SNC-LAVALIN’S LOBBYING ACTIVITIES⁵

Total meetings between Designated Public Office Holder’s (DPOH)⁶ and SNC-Lavalin lobbyists: **79**

Number of DPOH’s involved in these meetings: **97**

Of the 97 DPOH’s that SNC-Lavalin has met with **47** were Members of Parliament and **50** were bureaucrats

Of the **47** MPs lobbied by SNC-Lavalin, **8** were Cabinet Ministers

List of Ministers and the number of times each has met with SNC-Lavalin since July 2008

- **Stephen Harper** – met with SNC-Lavalin once in 2011.
- **Christian Paradis** – met with SNC-Lavalin on three different occasions: in 2010 when he was serving as Minister of Natural Resources; in 2011 and again in 2013 as Minister of Industry and Minister of State (Agriculture).
- **Diane Finley** – met with SNC-Lavalin once in 2012 when she was serving as Minister of Human Resources and Skills Development Canada.
- **Ed Fast** – the Minister of International Trade met with SNC-Lavalin 3 times in 2012 and once in 2011.
- **Jim Flaherty** – the Minister of Finance met with SNC-Lavalin one time in 2010.
- **Joe Oliver** – the Minister of Natural Resources met with SNC-Lavalin one time in 2013.
- **John Baird** – met with SNC-Lavalin once in 2010 when he was the Minister of Transport and again in 2011 after he became the Minister of Foreign Affairs.
- **Lisa Raitt** – SNC-Lavalin met with Raitt in 2008 and 2009 when she was the Minister of Natural Resources and again in 2011 when she was the Minister of Labour.

<p>List of Government Institutions being lobbied</p>	<ul style="list-style-type: none"> • Aboriginal Affairs and Northern Development Canada (AANDC) • Canadian Commercial Corporation (CCC) • Canadian International Development Agency (CIDA) • Canadian Nuclear Safety Commission (CNSC) • Citizenship and Immigration Canada (CIC) • Export Development Canada (EDC) • Finance Canada (FIN) • Foreign Affairs and International Trade Canada (DFAIT) • House of Commons • Human Resources and Skills Development Canada (HRSDC) • Industry Canada (IC) • Natural Resources Canada (NRCan) • Prime Minister’s Office (PMO) • Public Works and Government Services Canada (PWGSC) • Senate of Canada
<p>Subject matter of SNC-Lavalin’s lobbying activity with the number of meetings related to each subject in brackets</p>	<ul style="list-style-type: none"> • International Trade (33) • Energy (17) • Infrastructure (15) • International Relations (13) • Employment and Training (3) • Aboriginal Affairs (2) • Government Procurement (2) • Environment (1) • Immigration (1)

CONTRACTS AND P3S

The following will highlight some of SNC-Lavalin’s contract activity over the past decade with a particular focus on the company’s involvement in Canadian P3s. While SNC-Lavalin is not directly involved in any water or wastewater P3s in Canada, it has the capability to design, build, operate, finance and maintain large scale water and wastewater infrastructure projects. The company has also been identified by PPP Canada Inc. as a likely P3 market participant.⁷

P3 Definition:

P3s can come in many different forms. For the purposes of this profile, a P3 will be defined as a project that fulfills two prerequisites. First, the project must have private sector involvement in at least two of the following structural elements: *design*, where the private sector is responsible for all or almost all of the project’s design activities; *build*, where the private sector is responsible for all or almost all construction activities; *operate*, where the private sector is responsible for all or almost all activities related to the operation of the project; *maintain*, where the private sector is responsible for all or almost all maintenance of the project; or *finance*, where the private sector is responsible for arranging private financing that will be used to ensure performance during the construction and/or the maintenance and operating period of the project. Second, at least one of the two structural elements must include operate, maintain or finance.⁸

SNC-Lavalin P3s in Canada

PROJECT NAME	TYPE	DESCRIPTION
Highway 407	Design, Build, Finance, Operate, Maintain , transportation P3 between 407 International Inc. (16.8 per cent owned by SNC-Lavalin) and the Government of Ontario. ⁹	Highway 407 is a 108 kilometre toll highway in the Greater Toronto Area ("GTA"). 407 International Inc. holds a 99-year concession agreement for the highway that expires in 2098.
Stoney Trail Highway Project	Thirty-three year Design, Build, Finance, Operate, Maintain , Transportation P3 between the Government of Alberta and Chinook Roads Partnership, (50 per cent owned by SNC-Lavalin)	The project consists of the construction and maintenance for 25 kilometres of a six-lane highway in the Calgary area. ¹⁰
McGill University Health Centre	Thirty-four year Design, Build, Finance, Maintain P3 between the Government of Quebec and Groupe Immobilier Santé McGill (60 per cent owned by SNC-Lavalin)	Groupe Immobilier will design, build, finance and maintain two hospitals within the McGill University Health Centre's Glen Campus including a cancer centre and a research institute. ¹¹
Canada Line	Thirty-five year Design, Build, Operate, Finance, Maintain P3 between the Government of British Columbia and InTransit British Columbia Limited Partnership (33.33 per cent owned by SNC-Lavalin)	InTransit BC operates and maintains a 19 kilometre rapid transit line known as the Canada Line, which connects the cities of Vancouver and Richmond with Vancouver International Airport in British Columbia. ¹²
William R. Bennett Bridge	Thirty year Design, Build, Finance, Operate P3 between the Province of British Columbia and Okanagan Lake Concession Limited Partnership (100 per cent owned by SNC-Lavalin)	The project included the decommissioning of an existing bridge and the construction of the new 1.1 kilometre William R. Bennett Bridge across Okanagan Lake in British Columbia. ¹³
Restigouche Hospital Centre	Thirty-three year Design, Build, Finance, Maintain and Operate P3 between the Government of New Brunswick and Rainbow Hospital Partnership (100 per cent owned by SNC-Lavalin)	The project consists of the construction, maintenance and operation of the Restigouche Hospital Centre for psychiatric care in Campbellton, New Brunswick.

Canadian Water and Wastewater Contracts

2003 – SNC-Lavalin subsidiary, Pacific Liaison and Associates, Inc. was awarded a \$3.5 million construction management contract for the Seymour Falls Dam Seismic Upgrade by the Greater Vancouver Water District (GVWD). The Seymour watershed supplies approximately 40 per cent of the Greater Vancouver area's drinking water.¹⁴

2002 – SNC-Lavalin subsidiary, Pacific Liaison and Associates, Inc. was awarded a \$4 million contract by the Greater Vancouver Regional District (GVRD) to provide project management services for the definition and design of the Capilano and Seymour Filtration Project which involved the construction of an 18,000 horsepower high lift pump station, twin 7.5 kilometre water conveyance tunnels and a 2,000-megalitre-per-day filtration plant for the treatment of water from the Capilano and Seymour reservoirs in North Vancouver, British Columbia.¹⁵

CONTROVERSIES

The following is a selection of SNC-Lavalin controversies, legal troubles, and social and environmental abuses over the past few years. This list is not exhaustive, but shows that the company has a negative track record for the numerous allegations and controversies, including bribery and a high profile labour dispute over the treatment of temporary foreign workers.

May 2013 – A joint Globe and Mail and Canadian Broadcasting Corporation (CBC) investigation uncovered suspicious payments by SNC-Lavalin to government officials in connection with 13 international development projects. Using internal company documents the investigation centred on questionable consultant costs from numerous projects – costs that a former SNC employee called improper payoffs to government bureaucrats in various countries.¹⁶ SNC-Lavalin's conduct is now under scrutiny in ten countries, including, Bangladesh, Cambodia, Ghana, India, Kazakhstan, Malawi, Mozambique, Nigeria, Uganda and Zambia.¹⁷

April 2013 – The World Bank debarred SNC-Lavalin from bidding on World Bank projects for ten years – the longest debarment period ever levied by the World Bank. The debarment resulted from a World Bank anticorruption unit investigation into allegations of corruption and a money laundering scandal related to the Padma Bridge project in Bangladesh.¹⁸ (During the course of this investigation, the World Bank also uncovered evidence of misconduct by SNC-Lavalin in relation to a World Bank funded Rural Electrification and Transmission project in Cambodia.¹⁹) According to media reports, the company allegedly offered large bribes to at least six influential Bangladeshi officials in an effort to win the bridge contract.²⁰ Two former SNC-Lavalin executives involved in the bidding process were arrested by the Royal Canadian Mounted Police in February 2012, following a 2011 raid on the company's offices. The RCMP launched an investigation in 2011 into alleged corruption in the bridge bidding process after the World Bank brought the issue to their attention.²¹ As a result of the World Bank's punishment, the Canadian International Development Agency barred the company from bidding on the agency's projects.²²

November 2012 – Former SNC-Lavalin CEO Pierre Duhaime – who resigned in March 2012 after being found in breach of the company’s code of ethics due to improper payments – was arrested by Quebec’s anti-corruption task force along with Riadh Ben Aïssa, the former head of the company’s construction division. Both men were charged with fraud in connection with construction contracts for a new hospital at McGill University.²³ As of May 2013, the task force has laid over a dozen criminal charges against Duhaime alleging that he was part of an arrangement to bribe health care administrators in order to win the hospital contract.²⁴

May 2012 – SNC-Lavalin joined with the construction company Louisbourg SBC owned by Tony Accurso, in a bid for the contract to build the Turcot interchange project in Montreal. Accurso was arrested in April 2012 on charges of fraud, conspiracy, breach of trust, and influencing municipal officials.²⁵

April 2012 – SNC-Lavalin’s former head of construction Riadh Ben Aïssa was arrested in Switzerland on charges of corruption, fraud and money laundering in relation to the company’s dealings in North Africa (Libya in particular).²⁶ The RCMP alleges Aïssa arranged a complex system for rewarding Moammar Gadhafi’s son, Saddi Gadhafi, with more than \$160-million in bribes in exchange for engineering contracts in Libya.²⁷ Aïssa is also at the centre of a scandal involving the attempted smuggling of Saddi Gadhafi from Libya to Mexico. Stéphane Roy, a former colleague of Aïssa, hired the consultant who now stands accused of the attempted smuggling.²⁸

December 2008 – The British Columbia Human Rights Tribunal ruled that SNC-Lavalin and its project partner SELI Canada in building a new Skytrain line in Vancouver, discriminated against foreign workers. The ruling states that both companies treated foreign workers from Costa Rica differently than other workers on the project. The companies were ordered to pay \$10,000 to each worker to make up the difference between their salaries and those paid to other workers. The original complaint was filed in 2006.²⁹ SNC-Lavalin and Seli challenged the decision with an appeal³⁰, however the case was settled in April 2013 when the Tribunal upheld the ruling that Costa Rican workers were treated differently, as they were paid only half the base net salary of European workers on the project.³¹

ENDNOTES

- ¹ "Water/Wastewater Sector Study: PPP Canada," Deloitte, October 4, 2011, Obtained under the Government of Canada's Access to Information Act.
- ² All financial data is taken from SNC-Lavalin Group Inc.'s 2012 Financial Highlights, <http://investors.snclavalin.com/en/financial-information/annual-reports/2012/>
- ³ All biographical information regarding SNC-Lavalin's Board of Directors is cited from SNC-Lavalin's website: <http://investors.snclavalin.com/en/corporate-team/board-directors>
- ⁴ All information in this section is from SNC-Lavalin Groups Inc.'s Annual Report: http://investors.snclavalin.com/en/investors-briefcase/doc/2011_annual_financial-report_296.pdf/
- ⁵ All of the data listed here is available on the website of the Office of the Commissioner of Lobbying of the Government of Canada, https://ocl-cal.gc.ca/eic/site/012.nsf/eng/h_00000.html
- ⁶ A Designated Public Office Holder is defined by Office of the Commissioner of Lobbying as: Ministers of the Crown or Ministers of State and any person employed in their offices who are appointed under subsection 128(1) of the Public Service Employment Act; public office holders, who occupy senior executive positions, whether by the title of deputy minister, chief executive officer or by some other title, or associate deputy ministers, assistant deputy ministers, or occupy a position of comparable rank. More Information: <http://laws.justice.gc.ca/PDF/SOR-2008-117.pdf>
- ⁷ "Water/Wastewater Sector Study: PPP Canada," Deloitte, October 4, 2011, Obtained under the Government of Canada's Access to Information Act.
- ⁸ This definition is based on P3 Canada Inc.'s definition of a Public Private Partnership, <http://www.p3canada.ca/p3-canada-fund-is-project-p3.php>
- ⁹ Canadian Council for Public Private Partnerships Project Database, <http://bit.ly/YRsrTf>
- ¹⁰ Chinook Roads Partnership website, <http://www.sestproject.ca/>
- ¹¹ SNC-Lavalin 2012 Annual report, http://investors.snclavalin.com/en/investors-briefcase/doc/2012_annual_financial-report_none.pdf/
- ¹² Ibid
- ¹³ Ibid
- ¹⁴ "An SNC-Lavalin subsidiary awarded construction management contract for Seymore Falls Sam seismic upgrade in North Vancouver," SNC-Lavalin Press Release, October 23, 2003, <http://bit.ly/13AjkJ>
- ¹⁵ "SNC-Lavalin awarded contract for filtration project," SNC-Lavalin Press Release, May 22, 2002, <http://bit.ly/SFGMPV>
- ¹⁶ Greg McArthur, "SNC division created web of illicit payments documents show," Globe and Mail, May 15, 2013, <http://bit.ly/143SPlz>
- ¹⁷ Dave Seglins, "10 countries where SNC-Lavalin contracts under scrutiny Invoices, budgets list scores of 'illegitimate' project costs," CBC News, May 15, 2013.
- ¹⁸ "World Bank Debars SNC-Lavalin Inc and its Affiliates for 10 Years," World Bank Press Release, April 17, 2013, <http://bit.ly/17H8CiU>
- ¹⁹ Ibid
- ²⁰ Ross Marowits, "Problems spread for SNC-Lavalin; World Bank adds Cambodia to scandal list," The Canadian Press, 19 April 2013
- ²¹ "World Bank quits Bangladesh project over corruption allegations," The Globe and Mail, June 29, 2012, <http://bit.ly/QD9Thp>
- ²² Greg McArthur, "CIDA bars SNC-Lavalin from bidding on projects," Globe and Mail, April 26, 2013, <http://bit.ly/13BslgB>
- ²³ "Former SNC-Lavalin CEO arrested on fraud charges," CBC News, November 28, 2012, <http://bit.ly/Y5FUWM>
- ²⁴ Greg McArthur, "SNC division created web of illicit payments documents show," Globe and Mail, May 15, 2013, <http://bit.ly/143SPlz>
- ²⁵ Nicolas Van Praet, "SNC-Lavalin joins forces with controversial construction boss for Montreal interchange bid," Financial Post, May 7, 2012, <http://natpo.st/KUF300>
- ²⁶ Dave Seglins and John Nicol, "Former SNC-Lavalin exec arrested in Switzerland," CBC News, April 29, 2012, <http://bit.ly/JTKfds>
- ²⁷ Sophie Cousineau and Greg McArthur, "Former SNC-Lavalin executive funneled \$160-million to Gadhafi son, RCMP says," Globe and Mail, January 25, 2013, <http://bit.ly/16AiHzn>
- ²⁸ Dave Seglins and John Nicol, "SNC-Lavalin hired diplomat's spouse for Gadhafi project: Ambassador to Libya's husband worked on controversial prison," CBC News Posted, February 23, 2012, <http://bit.ly/zaJrqd>
- ²⁹ "Canada Line foreign workers treated unfairly, tribunal rules," CBC.ca, December 3, 2008, <http://bit.ly/LV3r7d>
- ³⁰ Krystle Alarcon, "Imported Workers Fight Back: How Latin Americans hired to build Canada Line bravely exposed Temporary Foreign Worker Program injustices," January 8, 2013, [TheTee.ca](http://www.thetyee.ca)
- ³¹ "Canada Line foreign workers win wage settlement," The Canadian Press, April 3, 2013, <http://www.cbc.ca/news/canada/british-columbia/story/2013/04/03/bc-canada-line-workers.html>