

**From:** [Jason Ottey](#)  
**To:** [Public Works and Infrastructure Committee](#)  
**Cc:** [Jack Oliveira](#)  
**Subject:** My comments for 2015.PW3.2 on April 9, 2015 Public Works and Infrastructure Committee  
**Date:** Wednesday, April 8, 2015 10:16:22 PM

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To the City Clerk:

Please add my comments to the agenda for the April 9, 2015 Public Works and Infrastructure Committee meeting on item 2015.PW3.2, Temporary Suspension of Domti Engineering and Construction Limited

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

Comments:

On behalf of the Business Manager of LiUNA Local 183 and its 45,000 members which work in all sectors of the construction industry, I am writing the Committee to express our grave concerns and reservations about the recommendation to suspend Domti Engineering and Construction Limited for a period of one year from all City of Toronto tender calls.

Domti Engineering is a contractor bound to the Toronto Area Road Builders Collective Agreement between the Toronto Area Road Builders Association and by agreement is obligated to employ members of LiUNA Local 183. The recommendation to suspend Domti from eligibility to bid on or be awarded City of Toronto construction work will only serve to penalize our members, who (through no fault of their own) will have reduced employment opportunities with Domti since more than 90% of the work it performs is for the City of Toronto, work that it has performed for a number of decades.

Although the 'Contractor Performance Evaluation Procedure' was adopted by City Council in November 2013, there continues to be considerable concern expressed by industry and other Construction Employers' Associations about its process, the arbitrary nature of its evaluation criteria, and the lack of credible and authoritative evidence to support the suspension of a firm from participating in city work. From the perspective of LiUNA Local 183, we have had no formal input on the CPE, and are afforded no formal role or consideration in the complaint process prior to arriving at a recommendation. This is problematic given that the punitive nature of the remedy being sought has the immediate consequence of reducing employment opportunities for our membership, but is not even a consideration of the CPE criterion.

The Staff Report details a series of meetings which are relied upon to support the recommendation, but we were never given any consideration or standing in those reports. More importantly, this is our first opportunity to submit any concerns about the recommendation to both the Staff and the Committee. The Staff report was published on March 20<sup>th</sup> 2015, which is an insufficient period of time, given the gravity of the recommendation being considered. In addition, the recommendation seeks to remove Domti

not just as a general contractor, but also as a subcontractor which only further penalizes our membership and their employment opportunities. I would also note that the Staff Report seems to suggest a negative inference in Domti's failure to respond (in writing) to the City's two letters. In a quick review of the CPE, I could not find a requirement to do so or that failing to respond to the letter would be used as further evidence to support the recommendation being sought. As such, it would seem both imprudent and unfair to draw a negative inference on Domti's lack of a "written response," which the Staff Report seeks to do.

Given the seriousness of the recommendation being contemplated and the insufficient notice period, it is our request that this recommendation be deferred to another meeting of the Committee, to give all the parties affected sufficient time to prepare a more fulsome response to the accusations contained within the Staff Report.

Sincerely

Jason Ottey, Director of Government Relations & Communications - LiUNA Local 183