

Broader Construction Association Consultation Group Terms of Reference

Definitions

"Construction Working Group (CWG)" indicates the sub-committee to the Broader Construction Association Consultation Group (BCACG), consisting of City Staff, dedicated to find and implement solutions, where possible, to the issues identified by the BCACG.

Name

The name of the committee shall be the Broader Construction Association Consultation Group ("BCACG").

Vision

By means of regular engagement with companies involved in the construction industry (i.e. engineering & architectural design, general contractors and subcontractors), as represented by members of various identified Broader Construction Associations, the BCACG is dedicated to identify general issues concerning the procurement, administration, and execution of construction related contracts that impact companies involved in the design and construction industries and the City, in order to determine and facilitate the implementation of ways to improve or solve the issues identified.

Membership

The BCACG will be chaired by the Chief Purchasing Official and Director, Purchasing and Materials Management Division (the "Chair"), and will be composed of:

- a) Internal representation by a Division Head from each of the City's Construction Divisions, including ECS, Transportation, Toronto Water and Facilities Management, ("City Senior Managers");
- b) Representation from Division Heads of other City Divisions, as needed.
- c) President, Chief Staff Officer or equivalent of identified Broader Construction Associations ("Associations"). The Associations represented shall be (but not necessarily limited to):
 - i. Consulting Engineers of Ontario
 - ii. Greater Toronto Sewer & Watermain Contractors Association
 - iii. Heavy Construction Association of Toronto
 - iv. Ontario Architects Association
 - v. Ontario Coalition for Sustainable Infrastructure
 - vi. Ontario General Contractors Association
 - vii. Ontario Hot Mix Producers Association
 - viii. Ontario Road Builders Association
 - ix. Ready Mixed Concrete Association of Ontario
 - x. Residential and Civil Construction Alliance of Ontario
 - xi. Toronto and Area Road Builders Association – TARBA

Frequency of Meetings

Meetings will be held on a quarterly basis, facilitated by the Purchasing Materials and Management Division (PMMD). Meetings will be scheduled for two (2) hours, or as Agenda items require. Meetings will be scheduled in advance over a calendar year and ad hoc meetings will be called as necessary. The agenda, minutes and action logs will be developed and distributed in accordance with Appendix 1 – Broader Construction Association Consultation Group Procedures.

Goals and Objectives

The overarching goal and objective of the BCACG is to enhance the relationship between the City and the Associations by facilitating open and on-going consultations on matters such as (but not limited to):

1. areas of opportunity to improve the way the City offers and executes construction related contracts;
2. ways the Associations can better support the City's construction projects;
3. feedback on proposed changes made as a result of work conducted by the CWG;
4. outlook on future City construction plans and requirements; and
5. emerging trends and issues in the construction industry,

The overarching goals and objectives of the Chair and City Senior Managers are to:

1. Adopt a consistent approach across City Divisions when dealing with companies involved in the broader construction industry;
2. Bring forward new initiatives or ideas related to design and construction contracts or procurement to the attention of the BCACG for feedback;
3. Assign appropriate City staff to a CWG to investigate the issues identified by the BCACG in order to determine if a solution or improvement can be recommended and to benchmark against other government entities;
4. Oversee and prioritize CWG activities to validate approach and to achieve improvements in an optimal amount of time;
5. Report back to the BCACG on the progress and final recommendations from the CWG;
6. Report out on the activities of the BCACG and CWG to other City Senior Managers and to City Council as required;
7. Create a central repository of meeting minutes / presentations made by or to Association(s) on behalf of the City by BCACG members, CWG members or other City delegates.

Out of Scope for the BCACG

The BCACG will not be a forum to discuss:

1. any specific or confidential information concerning any open procurement calls that are still within the blackout period, including the declaration of non-compliance of any bidder/proponent that an Association represents;
2. any specific Contractor Performance (CPE) issue; or
3. any active legal matters.

Reporting Structure

The Chair in conjunction with the City Senior Managers will prepare and submit annual reports to the Public Works and Infrastructure Committee on the BCACG activities.

If the CWG identifies specific changes to by-laws or Council approved policies, those specific changes will be reported to the appropriate Standing Committee and Council, following the City's Procedural By-law.

Decision Making

The BCACG is a consultation group and provides an opportunity to the broader construction industry, through the Associations, to identify issues and to provide input on any recommended solution to the issues identified.

Any decisions with respect to implementing changes to existing City by-laws, policies, procedures or contracts will be made by City Senior Managers and/or City Council as the case may be. The Associations will be informed of final decisions and will assist with the communication of those decisions to their membership.

Chair Responsibilities

The Chair shall:

- Receive all reports and correspondence from the CWG and relay to the BCACG;
- Provide applicable outputs from BCACG and/or correspondence from the Associations to the CWG;
- File meeting minutes / presentations made to or from any Association(s) , including action items;
- ensure that all feedback, recommendations, and proposals are recorded in the minutes;
- ensure that all minutes and action items are circulated following the scheduled meeting;
- coordinate preparation and issuance of any Brief Notes or Staff Reports;
- obtain input on, prepare, and distribute the agenda no less than five (5) working days in advance of scheduled meetings;
- ensure that all necessary materials are distributed to members no less than five (5) working days in advance of scheduled meetings;

- invite representation from other City Divisions (for example Finance, Legal, Communications) as required; and
- invite non-member Associations and Municipal representatives to the BCACG meetings as required.

Individual Association Member Responsibilities

Each Association member shall:

- attend scheduled meetings to the best of their ability;
- respond to urgent electronic requests for information between scheduled meetings from the Chair of BCACG;
- Associations shall act as a liaison between the BCACG and their respective Association members thereby raising concerns and questions related to design and construction and contract issues for discussion by the BCACG and provide feedback from the City to their members on issues raised, as well as advising their membership of new initiatives the City is considering with respect to construction contracts to get feedback and to achieve understanding and general buy-in;
- Associations shall communicate decisions made by City Senior Managers to their membership including the rationale for the decision to achieve understanding;
- provide expertise with matters related to contract management and designer and/or contractor relations; and
- complete assigned action items.

City Senior Managers Responsibilities

Each City Senior Manager shall:

- attend scheduled meetings to the best of their ability;
- respond to urgent electronic requests for information between scheduled meetings from the Chair of BCACG;
- act as a liaison between the BCACG and their respective Divisions thereby raising concerns and questions related to construction and contract issues from their respective Division for discussion by the BCACG and provide feedback from the Associations to their Division on issues raised;
- provide expertise with matters related to contract management and designer and/or contractor relations;
- complete assigned action items;
- City Senior Managers shall facilitate implementation of any approved recommendations within their Division; and
- City Senior Managers shall assign Division representation to the CWG.

Code of Conduct

All members shall agree to:

- commit to act in an inclusive and respectful manner at all times;
- attend all meetings, where possible;
- give notice if a meeting conflict arises;
- show commitment and dedication to the BCACG by being an active participant at all meetings;
- show a willingness to be open and objective in BCACG discussions and to respect the opinions of others even when disagreements occur;
- remain positive during BCACG discussions;
- stay focused on agenda items and address these items in a clear and concise way;
- prepare in advance for all BCACG meetings; and
- respect the Terms of Reference of the BCACG.

Existing Membership

As of June 23, 2015, BCACG membership is as follows:

Table 1: City of Toronto BCACG Divisions and Representatives

<u>Division</u>	<u>Main Representative</u>	<u>Alternate</u>
PMMD (Chair)	Director, PMMD	N/A
ECS	Executive Director	N/A
Toronto Water	General Manager	N/A
Toronto Transportation	General Manager	N/A
Facilities Management	General Manager	N/A
Parks, Forestry and Recreation	Director	General Manager

Table 2: BCACG Association Membership and Representatives

<u>Association</u>	<u>Main Representative</u>	<u>Alternate</u>
Association of Consulting Engineering Companies Ontario	Bruce G. Matthews P. Eng., Chief Executive Officer	N/A
Greater Toronto Sewer & Watermain Contractors Association	Patrick McManus, Executive Director	N/A
Heavy Construction Association of Toronto	Peter Smith, Executive Director	N/A
Ontario Association of Architects	Kristi Doyle, Executive Director	N/A
Ontario Coalition for Sustainable Infrastructure	Carl Bodimeade, Chair	Darla Campbell, Executive Director
Ontario General Contractors Association	Giovanni Cautillo, President	David Frame, Government Relations Director
Concrete Ontario	Bart Kanters P. Eng. MBA, President & CEO	N/A
Ontario Road Builders Association	Bryan Hocking, Chief Operating Officer	N/A
Residential and Civil Construction Alliance of Ontario	Nadia Todorova, Interim Executive Director	N/A
Toronto and Area Road Builders Association	Ashton Martin, President Rob Bradford, Executive Director	N/A
Mechanical Contractors Association	Al Prowse	Brian McCabe
Ontario Association of Foundation Specialists	Toben Jerry, Vice President	N/A

These members / representatives may change as required.

Terms of Reference Revision History

Version	Date	Author	Brief Description of Change
v.1.0	Feb 10, 2015	PMMD	Creation of TOR for review by BCACG
v.1.5	Feb 23, 2015	PMMD	Incorporating changes suggested by BCAGG
v.1.6	March 10, 2015	PMMD	Incorporating additional changes from CEO
v.1.7	June 23, 2015	PMMD	Incorporating additional changes from OSCI
v.1.8	May 26, 2022	PMMD	Removed Approval Signature section

Appendix 1

Broader Construction Association Consultation Group

Procedures

General Procedures:

The BCACG shall conduct its business within the scope of the following general procedures:

1. Internal discussion between the Chair and the Senior City Managers to review the previous meeting minutes, the Action Log of the BCACG, as well as the CWG Minutes Summary and Action Status Report. They shall then address other agenda items.
2. The Association representatives shall join the Senior City Managers for externally focussed dialogue.
3. The Associations will canvass their membership for feedback or concerns and where applicable submit request to the Chair for inclusion on the Agenda. Only those items listed on published agenda(s) will be discussed at the meeting unless an urgent matter arises that the Chair agrees should be added to the agenda. Any other new matters should be submitted to the Chair by members for discussion at the next scheduled meeting.
4. No one Division or Association shall be responsible for the execution of all action items. The members will collectively determine which member(s) shall be responsible and assign due dates accordingly. Where appropriate assignment is not clear, the Chair shall determine who shall be responsible.
5. Prior to closure of a CWG action item, a consensus of Senior City Managers must be reached, agreeing that the action:
 - a. has been fully and successfully implemented
 - b. is no longer required
 - c. is not fully completed as planned, but is satisfactory and can be closed.

This decision will be communicated to the Association members of the BCACG.

Reporting

The Chair shall ensure that the minutes of each BCACG meeting are recorded and published within seven (7) working days following each meeting date. Members may request amendments to the minutes no later than seven (7) working days following their issuance. The Chair shall review and approve any submitted amendments and reissue applicable finalized document to all members.

The Chair shall ensure that an Action Log is updated at each meeting. The Action Log shall be distributed to members within seven (7) working days following each meeting date. The Action Log shall reflect all open tasks as well as those completed in the last quarter by the BCACG. An explanation will accompany any actions delayed versus initial estimated due date along with amended committed time line to complete. Any actions that have been deferred or cancelled will also be explained.

The Chair shall ensure that a summary of applicable Minutes are issued to the CWG ten (10) working days following the quarterly BCACG meeting. The Minutes shall include any comments pertaining to the Summary issued by the CWG or action items on the CWG Action Status Report. They shall also include any new assignments delegated to the CWG by the BCACG.

A summary of activity and impacts of changes made by the BCACG and CWG shall be compiled and reported by the Chair of the BCACG to the Public Works and Infrastructure Committee annually.

The PMMD website shall include information pertaining to the BCACG including (but not limited to):

- a) upcoming BCACG meetings;
- b) contact information for inquiries pertaining to the BCACG; and
- c) minutes of meetings held with the Associations.