

Broader Construction Associations Consultation Group (BCACG)

Tuesday November 3, 2020 - MINUTES

1:00 – 3:00 p.m.

Webex

Item #	Issue	Action
1	Welcome & round table introductions	N/A
2	Review and confirmation of minutes from November 25, 2019 meeting <ul style="list-style-type: none">Minutes reviewed. Corrected as follows: Correct email address for Carl B.	N/A

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3	<p>Terms of Reference & Action List Revisit</p> <ul style="list-style-type: none"> • Everyone should take a look at the terms of reference and advise any changes • Andy Manahan stated that there has been a noticeable significant drop in tenders during pandemic • 56% drop in tender in SW Ontario • Lot more bids on individual projects • Larger contractors are bidding on smaller project to ensure their members are working. • Michael D'Andrea – need to make a distinction between Toronto and Ontario. COT has not "missed a beat" in the number of tenders being issued. • TARBA indicates they are still seeing job loss • Lou Di Gironimo – no significant deviation from the plan from a capital perspective. Lots more work hitting the street • Rob Bradford – amount of work has been steady, now the conversation is how to get to the end of the year. • Michael D'Andrea – City is in a financial crunch but the hope is to carry on the work that is already looped up • Anticipating more work in 2021 • Ashley - 2021 budget is same as 2020 <ul style="list-style-type: none"> ○ Local roads and major roads have increase ○ We've overspent on budget – 90 million vs 56 on Local road resurfacing • Patrick - getting conflicting information from mayor's office and this group. – Mayor's office is looking at broader capital program (every division in the city), while from a transportation objective looking at specific infrastructure project • Mike – We clarified that Divisions do not have to wait for budget approval to launch tenders; 2020 budget discussion CFO says tenders can be awarded even if the budget is not approved. • Working thru list to see if there are any that needs to be addressed. • Item #14 – (Andy M). Work currently being done on our emergencies. Working with agencies to get better services and pricing • Lou Di working however there are errors and trying to fix • Will impress on the team that they need better performances. • Utility locates: Will have to sit down with companies on getting better service. 	<ul style="list-style-type: none"> • All to send back comments to Mike on the Terms of Reference • Confirm who should also be included in this group • Take a look at list and provide any comments, additions. We will update accordingly • Carl – next meeting requesting an overview of where the purchasing group is in the transformation process and what if any is outstanding.

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4	<p>PSPE, CPE & Prequalification Update</p> <ul style="list-style-type: none"> • PSPE Update <ul style="list-style-type: none"> ○ Following up with OAA and Consulting engineer with respect to final comment. Once receive, how are we rolling it out to staff and final process • CPE Update <ul style="list-style-type: none"> ○ Working group showed updated to members of association that were involved. ○ Now to roll out to staff. Primarily in health and safety and CPE • Prequalification Update <ul style="list-style-type: none"> ○ How will we take the CPE score collected over the last few years and shared with association? How to handle contractors who do not have a rating with the city. ○ Patrick asked on reference check for new contractors and will there be a more stringent check to ensure contractors can provide the work. Should be standardized and consistent across both ○ Here is a more formalized reference check in order to get more details. Will be consistent for current and new contractors. Working internally on the roll out ○ Joanne Kehoe retired in august so looking to pick up 	<ul style="list-style-type: none"> ○ Deadline to follow up with Simon. ○ Adam Tracey & Bruce Matthews would like to look at where we left last. Mike to send to them a clear deadline on when to return comments on PSPE
5	<p>Subcontracting Procedure</p> <ul style="list-style-type: none"> • Goes back to early 2019 • Looking to draft a concern from the Auditor General paving audit in respect to bidders on a particular tender who are subcontracting to each other. • Looking at when this is allowed and not allowed. Looking for a list of contractors for this process. • Working to formally roll this procedure out for the tender process in the next couple of months in order to track the subcontractors within the City of Toronto. • Patrick: - major types or work, what sort of discretion to you have with 10% vs 100, 000. Discretion is within staff authority • Patrick - Firm that is a supplier who may participate in another bid, would propose consider where there is a lot of work over 25% that you consider prequalify and allowing contractor to bid 	<ul style="list-style-type: none"> • Patrick to send suggestion to Mike

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6	<p>COVID-19 Related Impacts and Claims</p> <ul style="list-style-type: none"> • Michael D'Andrea discussed as follows: <ul style="list-style-type: none"> ○ Across the city we've seen claims come in formally. ○ Related to cost of PPE supplies, cleaning process they need to implement, etc. ○ All claims are reviewed based on their merits ○ Set up working group in the city with affected division ○ Looking at standardized way of looking at when claims are submitted either by formal claims or letters. ○ John M commented that this is the tip of the iceberg. More claims forthcoming as a consequence of COVID-19, expect 3 to 5 years of related claims. <ul style="list-style-type: none"> ▪ If Province shuts down its work order not force majeure ▪ Risk Transfer should be possible #1 issue going forward – from John M ○ City is not quite there as yet with a resolution to claims ○ Andy M – some members met with other agencies (Metrolink); they indicated that they wanted to deal with claims on a case-by-case basis. Looking for standard language from province. Looking that risk should not be downloaded to individual contractors. Still a lot more work to be done. ○ John M - not heard enough yet about claims because don't know how to characterize and subcontractors will be slower. 	N/A
7	<p>Contract Issues</p> <ul style="list-style-type: none"> • There are suggestions received from OAA and OGCA with suggested issue on changes. • There are two internal working groups reviewing what was put forward and looking on how to respond in more depth. • Looking to set up meeting with them in the near future 	N/A

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8	<p>Community Benefits</p> <ul style="list-style-type: none"> • Clara Ganemtoire identified issues on the CBF model/pilot on construction hiring. Currently having and looking to the group on proposed steps in finding solutions. <ul style="list-style-type: none"> ○ Some of the challenges are: <ul style="list-style-type: none"> ▪ The needs to be more guidelines on how to meet the requirements ▪ Leveraging the city's program to enable contractors to participate in the construction program ▪ Streaming them to be work ready. ▪ Working to address levelling the playing field to streamline workers from black and diverse groups ▪ Looking for contractors who have won project to subcontract to diverse qualified groups. ▪ Reminder to stakeholders that this work is aligned to key corporate strategies within the City of Toronto • Questions posed were: <ul style="list-style-type: none"> ○ What are your thoughts on the feasibility of General Contractors subcontracting to Black-owned or diverse-owned contractors once contracts have been awarded? <ul style="list-style-type: none"> ▪ Giovanni – imperative that this type of request be written into the contractor before it's awarded. Key items to be built on are cost and experience ▪ Must be careful with packaging that the contractor in questions will not be sole sourced. ▪ Giovanni - Not prescriptive - make it a provisional line item – not to their detriment. Willing to continue the conversation. Does not want two tiers of employment. ▪ Who is vetting the subcontractor? Is it the city or the contractor? Needs reassurance that the subcontractor has the required skills in order to do the job. ○ How can the City of Toronto best engage the BCACG to help scope and refine the models to build the back-end infrastructure for the implementation of the Community Benefits Framework? <ul style="list-style-type: none"> ▪ Have a smaller task force dedicated to this and then they can report back to the BCACG. ▪ Look at sector specific group as they will have different requirements on how the project will run ▪ Look at what is being done in the City of London & Waterloo region. ▪ Will connect with Mike on a go forward. ▪ Will be working at this as it is now a bigger request in the procurement process 	N/A

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9	<p>Other Business</p> <ul style="list-style-type: none"> • Patrick – prequalification and bidding rolled into one process. Separate out as contractors are unsure of their position • Everyone needs to know if they qualify before the next step • Members should be aware that there is a pre-award and post award process available to them. • Rob B. - Material testing and particularly the use of laboratories used. Will have an offline discussion with Michael D'Andrea • Krisha – restoration items – city not including restoration items in their contracts. Mika will take off line and follow up with more details. <p>Carl requesting another meeting before a year passes</p>	<ul style="list-style-type: none"> • Mike P to follow up on comment about knowing if bidder qualify before next step • Michael D'Andrea to have offline conversation with Rob B on material testing • Mika will take off line item Krisha raised and follow up with more details.

Next Meeting

TBA