

Broader Construction Associations Consultation Group (BCACG)

July 26, 2021 - AGENDA

2 to 4 p.m.

Webex

Item #	Issue	Action
1.	Welcome & round table introductions <ul style="list-style-type: none"> - Total attendance: 29 	
2.	Review and confirmation of minutes from March 9, 2021 meeting <ul style="list-style-type: none"> - Peter's and Carl's edits incorporated in the minutes - No other concerns – minutes have been approved 	
3.	Award Timeline Update  Tender Award Timelines.pdf <ul style="list-style-type: none"> - Delays can be caused by unbalanced bid analysis, reference checks, bid disputes, solving budget issues, getting timely responses. - City is aiming for a quicker award timeline. - Slow award time is a concern - in the market place, contractors deal with a lot of pressure due to the fast paced change in prices for supplies. Peter Smith suggests to issue a letter of intent, so contractors can put a hold on the materials until the award is processed. - Transportation Services has a shorter timeline versus the other divisions as they are a Client Division - faster way of seeking financial approval as ECS has to send stuff to them for approval while Transportation Services can do the initial review right away. - Giovanni Cautillo suggests for tenders to be tabled in 30 days as per the OGCA letters submitted, but even 60 days is better than 90, 120 and 180 day period. Currently bid bonds for most of the projects are 90 days. 	Carl to provide a sample from Halton Region (done)
4.	Suspended Contractor Webpage Update <ul style="list-style-type: none"> - Currently working with the Fair Wage website to revamp and simplify the website; will remove the suspension history from public, allowing only internal access. - Updated Webpage will be shared in fall 	

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5.	<p>Ariba Supplier Lifecycle Performance and CPEs</p> <div style="text-align: center;">  <p>PDF</p> </div> <p>BCACG - Ariba SLP Update.pdf</p> <ul style="list-style-type: none"> - - Peter inquired if the planned bidder list be made public once online bidding is integrated? Mike replied that at this point it's not something currently considered. - Subcontractors and key suppliers won't get their prices out to general contractors and vice versa. - Patrick inquired how the CPEs will be applicable to the bidding process. - Working on a process to build the CPE scores into a pre-qualification or reference question of proposal. If a company did not work with the City before, references would weigh more heavily in an effort to not exclude companies that have not done business with the City. Delayed as modifications are still required to the process. Intention to integrate the CPEs into future procurements once completed. 	

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6.	<p>CPE & Health and Safety</p> <ul style="list-style-type: none"> - CPE is still being updated with the Health and Safety section A - It was previously decided to be stricter regarding the number of allowable major incidents per project value. Once that is implemented the section should be finished. - Impact on engineers and project managers when reviewing health and safety. Previously it was not being evaluated consistently across the board and it was too subjective. - With the new update, the scoring is more objective: quantified the number of major incidents permitted, minor incidents permitted, defined high, medium and low risk hazard observing, created a formula that would automatically calculate the numbers and give a pass or fail result for that section. - Will there be an appeal process? - CPE is not a disciplinary, but a managerial tool – meant to have conversations and prevent recurrence. Incidents will be discussed as they happen and if there is a special case that the contractor wasn't at fault and proved their due diligence to them or in a court setting with the Ministry of Labour, the incident will be removed from CPE. - New numbers and scoring system to be presented once finalized. - Recommended Health & Safety training to new employees before they start working on site. - Will there be special consideration for new community benefits workers? Hick-ups can happen as they acclimate to the new environment. Suggested different evaluation for someone who has worked in the industry for a while versus someone who recently started. 	

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7.	<p>ORCGA Safe Excavating Practices Training Program</p> <ul style="list-style-type: none"> - ORCGA has developed a practical training program for excavating meant for front line workers, labors, machine-operators that focuses on ORCGA best practices documents. - In discussion to mandate this training initially to repeat offenders to gas and hydro utility damage firms then looking to implement it as mandatory to all contracts that involve excavating. - Patrick feedback to evaluate the training impact on the repeat offenders before mandating it to all contracts and look at the detailed circumstances of each incident to create a more specific training program as the top offenders create 80% of the incidents. - ORCGA does have root-cause data and a common factor are human errors involved due to lack of training. Concerns regarding the practicality of providing the training within the timeline will be looked into as well as best practices. 	

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8.	<p>COVID related claims</p> <ul style="list-style-type: none"> - Simon Hampton formed a committee of representative staff across the City involved in construction claims, Covid claims in particular. - The committee along with City's Legal Services group has done an environmental scan across the board, reaching out to other municipalities and agencies across Ontario. - Industry commonalities: payment of direct costs associated with Delta, extra PPE, and time extension for projects. No general agreement or consideration on additional labour costs. City of Toronto has not finalized its position yet. Communication to follow in August. - City will consider extenuating circumstances on a case by case basis regarding additional labour costs associated with loss in productivity. - Peter states if it would be helpful for the City to include in multi-year contracts exceptions to noise bylaws, given the uncertainty on how long the COVID protocols mandated by the City will be upheld that allowed for second shift jobs. <ul style="list-style-type: none"> o They proved beneficial for the contractors and cost effective. o City is still uncertain on how overnight construction will proceed. Most likely the area of the construction will impact the approval (e.g. industrial vs residential). 	

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9.	<p>Other Business</p> <ul style="list-style-type: none"> - Krisha – Will there be any changes to the subcontracting procedure? <ul style="list-style-type: none"> o Currently contractor cannot participate with more than one bid on the same tender unless the value of the work as a subcontractor on the tender is less than 25%. Still an issue as many projects require two or more major types of work and as such you have contractors that perform one of those types of work bidding as a general, but also providing sub-contracting prices to the other contractors who perform the other type of work. o City is going to add language to the tender template to make that an option. Currently discussing with Legal Services. - Carl – What is City's position on QBS? – No internal research on QBS currently. City is willing to look into it at a better time. At the appropriate time, OSPE would be happy to give a presentation on the benefits of QBS. 	

Next Meeting

November 8, 2021