

Broader Construction Associations Consultation Group (BCACG)

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Tuesday, March 9, 2021 - MINUTES

10:00 – 12:00 p.m.

Webex

Item #	Issue	Action
1	Welcome & round table introductions 1 st meeting of 2021 – 29 in attendance	N/A
2	Review and confirmation of minutes from November 3, 2020 meeting <ul style="list-style-type: none"> • Giovanni's edits incorporated in the minutes No other concerns – minutes have been approved.	N/A
3	Terms of Reference & Action List Revisit <ul style="list-style-type: none"> • Carry over for last meeting • Giovanni sent updates to membership of BCACG • Mike relayed that Carl Bodimeade stated that the OCSI is dissolved. He is a member of the Ontario Society of Professional Engineers and therefore wanted to return as a representative of that group and be a part of the BCACG. Should they be included? All agreed that they would be a good addition to the membership. • Any additional action – no feedback from last meeting. City's role as Community Benefit as a standing agenda item	<ul style="list-style-type: none"> ○ June to invite Carl to the next meeting. Mike will confirm if Sandro Perruzza, CEO of OSPE will be include as well

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4	<p>Confronting Anti-Black Racism in the Construction Industry</p> <ul style="list-style-type: none"> • Many have already spoken with carpenter union who have put out their declaration about inclusivity. Many including the city has signed on to the declaration. • Spoke to John Cartwright (Toronto & York Region Labour Council) about if the city will do more in the procurement • Will add that the City of Toronto encourages other participants to agree to the declaration that the carpenters union has put forward • Talked about training on CABR in the carpenters union • What other things are been done on CABR in the construction industries? <ul style="list-style-type: none"> ○ Giovanni – CARE, Construction Against Racism Everywhere. Many have signed up on that. Training and webinar are ongoing. ○ How to conduct investigations especially in terms of racism ○ Information has been on site ○ Peter Smith- drafted template on anti-racism. • Suggestion that contractors should take training on anti-racism • Must be COR™ certified. Must have policy that enforces no harassment based on race You will be audited • Industry has been very pro-active. • How is it been monitored going forward? • Carpenters union looking for their declaration to be mandatory. • Should all members sign on to the declaration that the carpenters union puts out at the time the tender goes out? Answer: be careful of the ask and make sure it is equitable for everyone. • If there are incidents of racism on site outside of the union, what actions should be taken? – The majority of contractors will not have any problem signing on to a declaration to combat racism. • Make sure policy does not hinder contracts going forward. • Should be an aspirational declaration that the city puts out and expects all contractors to sign on to it. • Suggest to drop references to carpenters only. • Peter Smith states that when you go for COR™ certification, an anti-harassment policy specifically addressing racism is mandatory. The companies will be audited and companies fail if they do not pass <p>Adam Tracey also stated that they have kicked off a reconciliation and equitable roundtable; running diversity and inclusion webinar, joint training between staff and members. Put out survey on demographics of members.</p>	<ul style="list-style-type: none"> ○ Carpenter Union to get back to Mike on location of where the declaration is currently being housed

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5	<p>Construction Agreement Review Update</p> <ul style="list-style-type: none"> • Developed standardize contract documents has been in play for 18th month. • Working group with representation from across the corporation is still active • Make sure there is a consistency of approach. <p>Markups</p> <ol style="list-style-type: none"> I. Review is on the way in terms of how markups are applied. Objective is to provide consistent framework II. Patrick – what are we doing around standardize markup allowance? – Work is on the way. <p>Professional services</p> <ol style="list-style-type: none"> I. Out of an RFP, there can be up to 3 POs to manage the overall project (eg. Design, contract administration during construction and post construction services). II. Dealing with legal to see if this can be a phased release <p>Construction</p> <ol style="list-style-type: none"> I. objective is to provide flexibility of contracts over \$10m <p>Contractual hold backs – Additional 10%</p> <ol style="list-style-type: none"> I. The objective is to provide the city's interest and level of security. Not intended to be applied to every contract. Only to select high risk project. – John Mollenhauer does not agree with this. Should not apply additional holdback above 10% statutory holdback. He states that this is money that will not flow to the contactors and may affect performance. II. Would be reducing the holdback from 10% to 3% on other projects III. Peter Smith states preference would be to add a line item in the contract for a 2 or 3% holdback on equipment. City will consider this option. IV. Lou De Gironimo states that as an operating division, the city incurs extra cost over on above capital project. V. City will look at having discussion on this going forward. VI. Currently being reviewed. Guidelines to be applied across the city and is currently in play. <p>Insurance Requirement</p> <ol style="list-style-type: none"> I. Increase from \$2m to \$5m – currently being reviewed. Specifically as it relates to liability insurance II. Peter Smith agrees that this is not too high for the construction industry. General liability is no issue. For professional liability \$5m policy is high for smaller contractors III. Consider allowing GC to hire Consulting Engineers <p>Bruce Matthews spoke on professional liability – look into contract by contract basis to find reasonable coverage</p>	<ul style="list-style-type: none"> ○ Patrick to send additional information via email to Michael D'Andrea <p>Peter to send letter from OPS on discount rate, suggest that 1/3 have been reduced</p>

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6	<p>CPE Update</p> <ul style="list-style-type: none"> • [see CPE presentation] • Gary Boychuk states that the expectations is that this will be easier for contractors to understand • Sarah Nardozzi gave an H&S update <ol style="list-style-type: none"> I. Significant enhancement to CPE tab. II. Should a major accident occur on site the city has the right to pull the contract but will follow the process of the investigation. Giovanni stated that the industry objected to this inclusion, specifically the OGCA noted that this is a heavy handed approach for a potential accident or fatality. III. Patrick states that it would be helpful to see where the projects or grades are landing <p>Patrick – How is the city utilizing the score in the bid process? Score has not yet been rolled out in the prequal bidding process. Looking at Ottawa's conflict as lessons learnt and what to avoid.</p>	N/A
7	<p>COVID Related Claims</p> <ul style="list-style-type: none"> • Wants to ensure that each division is represented and a consistent approach to claim • Claim has 4 distinct categories. <ul style="list-style-type: none"> ○ Extension with no cost ○ Additional cleaning (labour and supplies, PPE) ○ Time extension with cost ○ Loss of productivity cost. • Purpose of committee was to develop criteria in responding to each claim. Work currently being finalized and will be reported back to Senior leadership team in 4-6 weeks • Information will be cascaded down to each division with direction on how to respond to each claim they receive. • Rob Bradford asked if there a sense in volume of claim being received. To which the response is ongoing <p>No contractors have yet to receive any COVID Claim payments</p>	N/A
8	<p>Update on Procurement Transformation [see Procurement Transformation presentation]</p>	N/A
9	<p>Other Business</p> <p>Patrick – Is there anyone from engineer and construction on the Community Benefits Framework Group – YES.</p>	N/A

Next Meeting

TBA