



## National Capital Heavy Construction Association (NCHCA) / City of Ottawa

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### NOTES

**Date:** Friday, March 17, 2023

**Time:** 8:00 am to 9:15 am

**Place:** Microsoft Teams

### PRESENT

Bruce Kenny, Erin O'Neill, Chris Malloy, Kevin Lamer, Rebecca Belrango, Sandra Majkic, Danny Palermo, Renjit Varghese, Chanelle Mainville, Patrick Franey, Cheryl Beam, Everett Paulin, Matt Knight, Elsa La Corte

Kathy Sutherland, Dale Downey, Ryan Quesnel, Nick Bray, Darrin Alberty, Jude Tremblay, Edson Donnelly, Nick Gianetto, Debbie Mohr Caldwell, Brian Lane, Darcy Lancaster

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#### 1. Employment and Social Services Showcase

Chris Malloy introduced Chanelle Mainville. Chanelle's email will be shared with meeting minutes.

The Employment and Social Services Showcase initiative provides community benefit services and helps individuals to find and keep employment. Grants for employers are available up to \$28,000. The City can offer job fairs, post jobs and can host a construction-focused hiring event. More information can be found at [Ottawa.ca/employmentontario](http://Ottawa.ca/employmentontario).

The City is looking to preferentially work with contractors that are socially progressive. There is now a notice on tender packages. Will work with the industry. Additional consultation is required to develop a contractual framework for the implementation of social procurement in the construction contracts.

The Industry asked the City to define what a socially progressive company is. The City noted that it is about targeting elements of our underemployed society that are currently not being reached and the City would like to see the Industry target groups that are underrepresented when spending public money.

The City is in the early stages and is gathering information on the best implementation approach and there is not specific or structured implementation plan. The industry will be further consulted during the future implementation. The City recommends that our construction partners think about how they can quantify their existing social performance and feel free to share existing socially sustainable practices.

The NCHCA will put information about the City's Employment and Social Services Showcase initiative in an upcoming newsletter to the Industry.

## 2. Review Notes of Previous Meeting

Bidder guidance materials - Part of Supply's 2023 work plan is to update bidder guidance material. The Industry agreed to review and provide comments on the draft document. Supply has completed all the factual corrections to the guidance material. Supply will be reaching out to the Industry to get their feedback on helpful corrections to the document.

Follow-up – Supply to follow up.

Excess Soils – The Industry was cautioned to watch tender documents for project specific requirements.

Pre-payment for materials and storage - The City has been getting more requests for pre-payment of materials. Space and security at City facilities is limited. In order to ensure that the materials are available when needed, the City will have conditions for pre-payment. The Industry noted that Contractors have insurance for material stored on site. They also suggested that January/February is a good time to work on a framework for this issue. Supply noted that pre-payment is an exception to City Policy and will provide some additional clarification to the industry on pre-payment of materials. More discussion is needed.

Follow-up – The City will work with the Industry and this may require changes to contract specifications.

Pre-populated unit rates - The Industry provided examples of rates that are out of date. The City suggested that the Industry send over a list of the rates they would like increases on to the spec committee. A breakdown of co-ordination, third party costs, etc will be provided for Paid Duty Officer item.

Action – NCHCA to send information. City is open to change.

List of Major 2023 Projects - The City will provide an overview at the Educational Series. After March 1<sup>st</sup>, the budget will be solidified and a list can be provided.

Action - Bruce will provide industry with a list of major projects. 42 on the list now. 6 integrated jobs coming out this spring.

Paid Duty Officers - Continues to be an issue and the City is looking at options to address it. After the Educational Series, and before construction season starts, a meeting will be set up with NCHCA/City/Locates/OPS representatives to discuss. This will be a topic at the Educational Series. Sgt. Nethercott gave a presentation

at the Educational Series. He noted that OPS prioritizes the City's Infrastructure work.

**Follow-up –** The City has set up a meeting with the OPS and NCHCA to discuss.

Educational Series – two events have already taken place and two more are scheduled.

**Follow-up – Everyone is happy with the partnerships. The City remains committed.**

Holdback release – MTO does a partial annual release. Would the City consider doing the same? The City is willing to consider this on large, multi-year contracts but ideally this would be built into the original contract documents.

**Follow-up – DCM has been working with legal. Need to build into original contracts.**

List of Overlays – Can the City provide a list of overlay projects for 2023. The City will pull this information out of the draft budget documents. It is anticipated that there will be 10 or 11 contracts, but more may be added on. There is still more than 20M in overlay work that didn't get constructed last year and along with the existing program and additional 30M budget injection we have over 100M of work to complete in 2023..

**Follow-up – List of overlays will be on the list including status of overlay contracts.**

### 3. New Enbridge Locate Fees

Enbridge recently announced new locates fees of \$200 per locate. Bruce touched base with other municipalities. Everyone was caught off guard by these new fees.

The Industry noted that they have been working with stakeholders including the City to mitigate non-compliance by the utilities. Industry feels these fees are working in the opposite direction. One core and immediate issue is the lack of notice, as these costs would not have been accounted in submitted bid prices upcoming work.

The City is concerned with cost escalations and costs implications as the issues will flow down to the project owners.

The Industry noted that in the past, one way we have mitigated compliance is working with Promark and breaking up submissions into smaller requests. The City agreed that this change is unlikely to speed up the delivery of locates packages and may drive people to submit one ticket for a large area where they might previously have submitted 40 tickets to save money. All agreed that this is counterproductive and will slow the process further.

Paul noted that for small owner-operator backhoes charging at \$600/day, it may cost another \$600 to do the locates. This change does not promote requesting locates. Are they allowed to charge fees to locate their services within the public right of way?

Enbridge and other utilities operate under municipal consent. They have an ability to be in the right of way, which the City owns. The City is working on the issues but the Industry may need to escalate the issue directly to the Ministry and ON1Call (the City is willing to be in the room with NCHCA), rather than discussing directly with Enbridge.

No other jurisdiction in Canada or US that charges for locates and this does not encourage people to dig with locates.

The Industry feels that the Enbridge six week roll out is not a reasonable timeframe to figure out how we are going to deal with this change. Therefore, they should delay penalties for a year to allow time to have discussions. The City is open to working with the NCHCA and meeting to determine the industry lobby strategy.

Kevin Lamer suggested the Industry consider addressing this in the monthly utility coordination committee (UCC) meeting

**Action - Debbie has forwarded a copy of a notice from CGA to Cheryl for inclusion with the notes of meeting. Kathy to contact Cheryl to set up a meeting.**

#### 4. Roundtable

Road Cut Permits – With the approval of the budget, road cut fees will increase from \$236 to \$276. This will come into effect on 1 April 2023. Kathy will put in the NCHCA newsletter.

**Action - Kathy**

#### **NEXT MEETING**

Friday, April 21, 2023  
10:00 – 12:00 pm  
Microsoft Teams