

CISC Ontario Regional Meeting		Crosswinds Golf Course/Burlington 6621 Guelph Line, ON August 31, 2017	
9:30am – 12pm No Breakfast			
Topic	Motion/Decision/ Information	Person Responsible	Time
<b>Meeting Begins at 9:30am</b>			
<b>1 Call to Order / Introduction</b>	Information	Zoran Radonjic	3 min – 9:33 am
<b>2 Health and Safety</b>	Information	Michael Minielly	2 min – 9:35 am
<b>3 Approval of Minutes of January 26<sup>th</sup>, 2017 Meeting</b>	Information / Motion	Zoran Radonjic	5 min – 9:40 am
<b>4 Chairman’s Remarks</b>	Information	Zoran Radonjic	5 min – 9:45 am
<b>5 Financial Statements/Budget</b>			
<ul style="list-style-type: none"> <li>• Regional Financial Statements</li> </ul>	Information/Motion	Zoran Radonjic	30 min – 10:15 am
<b>6 Region Update</b>			
<ul style="list-style-type: none"> <li>• Advocacy Update               <ul style="list-style-type: none"> <li>i) Bill 142, the Construction Lien Amendment Act 2017 / Prompt Payment Update</li> <li>ii) CISC Day at Queens Park – TBD</li> </ul> </li> <li>• OGCA League of Champions Breakfast</li> <li>• Golf Tournament moving forward (pending Paul Power’s input)</li> <li>• Ontario Regional Committees</li> <li>• Accessibility for Ontarians with Disabilities Act</li> <li>• 12 Story wood Structure at George Brown (attached)</li> <li>• Ontario MNR Tall wood deck (attached)</li> <li>• Request for advertisement from Toronto Engineering ‘The Cannon’ (attached)</li> <li>• Ottawa Architecture Week (attached)</li> </ul>	Information/motion	Zoran Radonjic / Michael Minielly	45 min – 11:00 am
<b>7 CISC Update</b>			
<ul style="list-style-type: none"> <li>• Meeting with Steel Minister of India</li> <li>• Steel Day – September 15<sup>th</sup>, 2017</li> <li>• Bill S-224, Prompt Payment</li> <li>• Lien Act Reform</li> </ul>	Information	Michael Minielly	45 min 11:45 am
<b>8 New Business</b>	Information	All	15 min – 12:00 pm

9 Adjournment & Closing remarks	Motion / Information	Zoran Radonjic	5 min – 12:05 pm

**CISC Ontario Regional Committees**

**Ontario Regional Chairman, Zoran Radonjic**

**Ontario Regional Vice-Chair, Michael Holleran**

**Ontario Regional Manager, Michael Minielly**

*(All committees include the Regional Chair & Regional Manager)*

**Governance Committee:**

Zoran Radonjic, Ontario Region Chair – Pittsburgh Steel

Paul Seibel, Past Chair – ACL Steel

Mike Holleran, Vice Chair – CANAM Group

Imre Kenedi, Member at Large – Tresman Steel

Mark Schaafsma, Member at Large – Shannon Steel

**Oversight Committee:**

Tony Defina, Service Centre Member – Russel Metals

**Design Awards Committee/History of Strength:**

Chris Adach, Chairman – M & G Steel

Paul Power, CANAM Group

Zoran Radonjic, Pittsburgh Steel

**Marketing Committee:**

Mike Holleran, Chairman – CANAM Group

Bill Hutton -Samuel & Son

Scott Pope - Salit Steel

Bill Munns – Walters Group

Imre Kenedi – Tresman Steel

(Paul Power for Construct Canada only)

**Education & Research Committee:**

Walter Koppelaar, Chairman – Walters Group

Mike Holleran, CANAM Group

**OGCA Contracts Review Committee**

Mark Schaafsma, Shannon Steel

Tsvet Tsokov, Telco Steel Works



## **It's Easy to File Your Accessibility Compliance Report**

The Accessibility for Ontarians with Disabilities Act (AODA) was passed in 2005, with the goal of making Ontario accessible by 2025.

Businesses with one or more employees need to be compliant with Ontario's accessibility laws. Additionally, a critical deadline is approaching for businesses with 20 or more employees.

If your business has 20 or more employees **you are legally required to file a 2017 accessibility compliance report by December 31, 2017.**

The compliance report is a series of yes or no questions. You are asked to download a quick and easy accessibility compliance reporting form at [ontario.ca/AccessibilityReport](http://ontario.ca/AccessibilityReport).

Organizations across Ontario are already filing their 2017 accessibility compliance reports.

If you have any questions or concerns we are here to help. For a complete list of your requirements visit [ontario.ca/accessibility](http://ontario.ca/accessibility).

### **What is Accessibility?**

It simply means giving people of all abilities opportunities to participate in everyday life. 1 in 7 people in Ontario has a disability. That's 1.65 million Ontarians. By 2036 that number will rise to 1 in 5 as Ontario's population ages. Businesses that are accessible will be able to better reach this massive segment of Ontario's consumers. Being inclusive benefits our society, businesses and economy.

### **We can help**

There are additional resources to assist organizations in meeting Ontario's accessibility laws. For a complete list of your requirements, tools, resources and templates, visit [ontario.ca/accessibility](http://ontario.ca/accessibility). Organizations can find help [by phone or email](#), or login to a [series of online Q&A sessions](#).

# *Breakfast with Champions*

## *OGCA Annual Safety Award Breakfast Ceremony*

**DATE:** *September 29, 2017*

*Location: Verdi Convention Centre*

*Address: 3550 Derry Road East, Mississauga, ON*

**TIME:** *8:00 a.m. - 12:00 p.m.*

*Please join us as we celebrate safety and recognize those companies who have achieved Zero Loss Time Injuries, and welcome the newest members of the League of Champions.*

*Please don't forget to bring your Jersey*



*Please RSVP by September 1<sup>st</sup> to Lyndsy Miceli at [lyndsy@ogca.ca](mailto:lyndsy@ogca.ca)  
Please indicate if you are bringing guests.*

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# Technical Stakeholder Engagement for Highway Construction Contracts



Ministry of Transportation  
Provincial Highways Management Division  
Date – August 2, 2017

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# Introduction

- In response to the findings and recommendations contained in the Auditor General's Report: ***Road Infrastructure Construction Contract Awarding and Oversight*** the Ministry created an action plan to address all seven of the Auditor's recommendations.
- As part of the Ministry's Action Plan for Highway Construction Contracts and Oversight we are reviewing how policy, standards and specifications are developed for provincial highway construction projects.
- This review will focus on the best approach/process for engaging technical stakeholders while adhering to the principles of openness, transparency and preventing conflicts of interest.
- Your input will help us improve the way policy, standards and specifications are developed for highway construction projects.

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# Goals for the Day

- Opportunity for technical stakeholders to share their views and comments regarding MTO's approach to policy/standards/specifications development.
- Opportunity to help shape future MTO communications and stakeholder engagement by providing your input.

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# Background Information

- The 2016 Annual Auditor General's Report was a comprehensive independent investigation of MTO's highway construction contracts and oversight.

## **Audit Objective and Scope**

- The audit objective was to examine construction projects in the transportation sector to assess whether the Ministry of Transportation had effective policies and procedures in place to ensure that:
  - contractors were selected in a competitive, fair, open and transparent manner that resulted in contracts being awarded to qualified bidders only, with due regard for economy;
  - there was sufficient oversight of the contractors during construction; and
  - final construction resulted in a high-quality asset that meets the needs of Ontarians.
- The audit work was primarily conducted between December 2015 and July 2016.



# Auditor General's Report

The Auditor General's report contained 7 recommended actions:

- 1) To ensure that cracks on highways are minimized and that highways can remain problem free for the duration of their expected life cycle.
- 2) To identify poor-quality asphalt before it is laid on highways, the Ministry of Transportation should immediately incorporate the Extended Aging test into its standard testing methodology for asphalt.
- 3) **In developing internal policy, the Ministry of Transportation should ensure that decisions made are in the best interest of all Ontarians.**
- 4) To ensure that testing of asphalt quality is a constructive process and that information from whistleblowers is adequately investigated, the Ministry of Transportation should ensure that controls and appropriate processes over asphalt samples are in place to prevent the risk of sample switching.
- 5) To ensure it obtains a high level of assurance that infrastructure is safely built according to specifications, the Ministry of Transportation should hire or contract its own engineers who are independent from the contractors to perform verification activities.
- 6) To ensure that contractors perform warranty work they are responsible for.
- 7) To ensure that poor-performing contractors and contractors that do not follow safety standards and other requirements are appropriately penalized for their performance or behaviour.

# Working Groups

- MTO Working Groups were formed to address each of the seven recommendations
- The “Stakeholder Working Group” was assigned recommendation 3, bullet 5 which states:
  - *“In developing internal policy, the Ministry of Transportation should ensure that decisions made are in the best interest of all Ontarians. Ensure that whenever committees are established to review and make policy implementation decisions, that the committee members are not in a conflict of interest.”*
- The working group was directed to focus on stakeholder engagement and conflict of interest in internal policy development decision-making

# Working Group Approach

To undertake a jurisdictional review and analysis of best practices that will help MTO:

1) **Improve Transparency**

- Help ensure that policies are seen as credible and reasonable

2) **Address Conflict of Interest**

- To specifically address the Auditor General's recommendation

3) **Stakeholder Engagement**

- To make sure all relevant parties are included in discussions

4) **Communicating Policy Changes and Obtaining Feedback**

- Ways to establish a balance between transparency and public interest

- The expected outcome is a fair and transparent decision-making process, addressing the Auditor General's recommendation regarding conflict of interest and protecting the interests of all Ontarians

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# Scan of Best Practices

- The Canadian Institute of Planners (CIP) has an award category for “New and Emerging Planning Initiatives”, that identifies several infrastructure projects in Canada that excel in their involvement of stakeholders throughout the planning process
- The UK Corporate Governance Reform – Green Paper (UK) recommended a discussion paper to start a conversation to determine if policy changes are required; we are adopting a similar approach.
- Fisheries and Oceans Canada (DFO) was chosen because of the structure and availability of content offered on their website. It also is an excellent example of how government consultation process occurs.
- The *Environmental Bill of Rights, 1993* was recommended by the working group as it promotes transparency and public engagement in environmental decision-making.

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# Scan of Best Practices

- The following slides summarize some of the main findings of our scan of best practices organized in the following 4 categories:
  - Improving Transparency
  - Addressing Conflict of Interest
  - Approaches to Stakeholder Engagement
  - Communicating Policy Changes and Obtaining Feedback.

# 1. Improving Transparency

- Stakeholders will benefit from access to information explaining how and why decisions are made. Understanding the rationale behind decisions, helps move the ministry towards greater transparency and “open government”.
  
- **Best Practices/Observations**
  - Infrastructure projects used different engagement strategies to disclose to the public and stakeholders how their feedback was being used.
  - Documents such as strategic plans were strengthened and meeting minutes were published, leading to a wider awareness among stakeholders.
  - Details regarding the use of feedback received are made available, once a decision has been made
  - Websites can be used to outline governing themes and principles. Websites also provide a means to communicate details on project framework objectives and consultation policies

## 2. Addressing Conflict of Interest

- The Auditor General's Report, suggests that actions be taken to address conflict of interest in committees. For some critical issues it may be appropriate to actively engage with larger groups for discussion purposes, rather than consulting with individual organizations.
  
- **Best Practices/Observations**
  - Put in place clear conflict of interest guidelines pertaining to outside employment or activities, receiving gifts, hospitality, and other benefits; the Ontario Public Service has clear guidelines in place for its employees.
  - Put the onus on the individual to declare their conflict of interest. Declarations made should be reflected in the minutes of any meeting.
  - Introduce a third party to monitor and evaluate potential conflicts of interest
  - Pre-screen candidates prior to formulating committees. Applicants should be required to submit a screening document that lists all possible areas where conflict of interest may occur
  - Penalties may be associated with not disclosing conflict - depending on the matter

# 3. Approaches to Stakeholder Engagement

## ■ Best Practices/Observations

- Projects can capitalize on local knowledge by making use of various channels of communication such as face-to-face or online submissions
- Multiple points of engagement can be created by developing stakeholder advisory panels and ensuring diverse member representation
- There are several different levels of engagement:
  1. Informing – Simply making information on policies and respective materials accessible
  2. Conventional Consultation – Stakeholders are identified and feedback sought
  3. Citizen engagement – Constant dialogue is achieved by participants who are finding a solution that involves public interest
  4. Negotiated Arrangements – Delegation of authority for decision making
- Notification can occur in two different ways:
  1. Information notice – Not looking for feedback but rather communicating decisions that are not subject to the EBR process
  2. Two-step process – Proposal to decision – Open for feedback for certain time, then when decision notice is posted on a final policy or act, details are provided on feedback received and how it was considered



## 4. Communicating Policy Changes and Obtaining Feedback

- Currently MTO does not have a formal platform to provide information on new or revised policy decisions. There is a need to establish a balance between transparency and public interest. For this to be successful, MTO will have to implement and monitor feedback systems.
  
- **Best Practices/Observations**
  - A registry (such as the Environmental Bill of Rights) provides a means to communicate with stakeholders. There are opportunities to post policy decisions and receive feedback
  - In-person communications and online submissions present multiple points in the planning process to communicate with stakeholders and receive their feedback on proposed plans and decisions
  - Advisory panels provided an open channel of communication with stakeholders and opportunities to incorporate their advice when formulating decisions and policies

# Synthesis/Summary

- Areas of opportunity:
  - Engage early and often with stakeholders
  - Maintain ongoing and clear communication
  - Ensure multiple levels of communication
  - A “one window” location for feedback submissions
  - Recognize distinction between “informing” and “consulting”
  
- Areas of challenge:
  - Decision process may take longer
  - Recognition that there may not be consensus on decisions
  - Not enough information describing how the feedback was used
  - Reviewing reports/extra resources required
  - Can be costly

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# Synthesis/Summary

- Combine the best elements observed from the jurisdictional review to develop a strategy that takes advantage of opportunities and overcomes the challenges listed on the previous slide
- Need to achieve consistent communication as this will lead to successful and credible outcomes. MTO should develop an accessible channel of communication with stakeholders.
- Establish multiple levels of engagement modelled on the DFO and EBR process.
- Create conflict of interest guidelines for group consultations. This will provide a reference for committees and work groups.





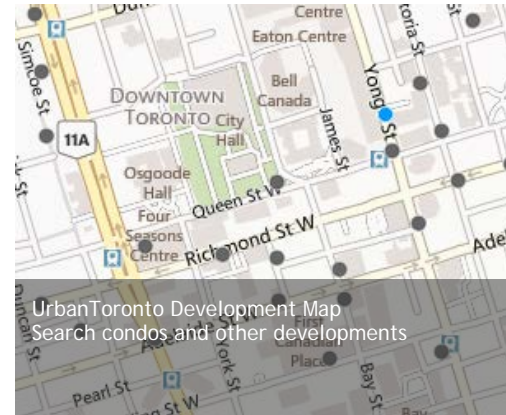
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## George Brown Planning Tall Wood Building on the Waterfront

July 28, 2017 2:55 pm | by Jack Landau | 4 Comments

George Brown College (GBC) [officially opened](#) their 380,000 ft<sup>2</sup> [Waterfront Campus](#) first phase—now known as the Daphne Cockwell Centre for Health Sciences—just shy of five years ago on a former industrial site beside Toronto Harbour near Queens Quay and Sherbourne. Now, the educational institution is gearing up for another phase of development in their Waterfront Campus, set to replace a parking lot with a tall wood building.



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**GEORGE BROWN COLLEGE**  
WATERFRONT EXPANSION



Site of Waterfront Campus phase 2 (The Arbour), image courtesy of George Brown College

With an aim to create a carbon-neutral facility, GBC will be launching an international design competition this fall, asking architects to submit concepts for a 12-storey timber-framed building—the first institutional building of this type in Ontario. Several tall wood buildings have been constructed around the world in recent years, making use of new technology that improves the tensile and fire-resistant qualities of wood, and improving overall sustainability.

To be known as "The Arbour", the building will be designed to function as a "living laboratory" for climate-friendly building design, serving as the home of a new Tall Wood Building Research Institute, George Brown's Centre for Information and Computer Technology, a new child care facility, and additional research facilities. A number of smart building systems will be integrated into the project with an aim towards attaining carbon-neutral status.

"This distinctive new location will help us contribute to the mitigation of climate change and environmental sustainability while supporting our continued intention to create campus environments that are innovative,

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creative and stimulating for student learning," said George Brown College President Anne Sado in a prepared statement issued on Thursday.



Site of The Arbour, image courtesy of George Brown College

The Arbour's status as the first tall wood institutional building in Ontario means that the project will serve as a demonstration facility and testbed for new technologies in sustainable building design. While the Ontario Building Code (OBC) permits timber-framed structures of up to six storeys as of 2015, there is word that further updates are coming to allow even more height. Given the current OBC regulations, George Brown College aims to receive a site-specific exemption to go beyond the permitted 6 storeys. While not covered by the OBC, a similar site-specific allowance was granted for an 18-storey timber-framed student residence at the University of British Columbia.

In a prepared statement, Waterfront Toronto's President and CEO Will Fleissig said "Waterfront Toronto is pleased to welcome this new carbon-neutral facility to the East Bayfront neighbourhood as another example of sustainable development on Toronto's waterfront that showcases next-generation green building technologies. This facility joins a burgeoning innovation and technology corridor that is fostering creative, knowledge-based jobs and creating opportunities for Canadian innovators and entrepreneurs."

There is good news & bad news about the future of #transit in #Scarborough.

<https://t.co/IzJ8iW8avl> #Toronto...

<https://t.co/cqEPRHzidK> — 1 hour 59 min ago

Our #ProjectoftheDay is #Mississauga Square by @pureplaza - <https://t.co/sHvDvp35gg> #Condo #RealEstate #Development...

<https://t.co/Rkh3KWngap> — 2 hours 59 min ago

Today's #PhotooftheDay looks over @UofT's Varsity Stadium, @ROMtoronto and Bloor-Yorkville. <https://t.co/mhotfOXAgK...>

<https://t.co/XcYUutzw9i> — 3 hours 59 min ago

Our #ProjectoftheDay is Epic on Triangle Park by @pureplaza - <https://t.co/z956pMxESs> #Toronto #RealEstate... <https://t.co/AvkQy1ML3G> — 17 hours 44 min ago

#ThrowbackThursday: Looking south on University Avenue in 2013 vs. today.

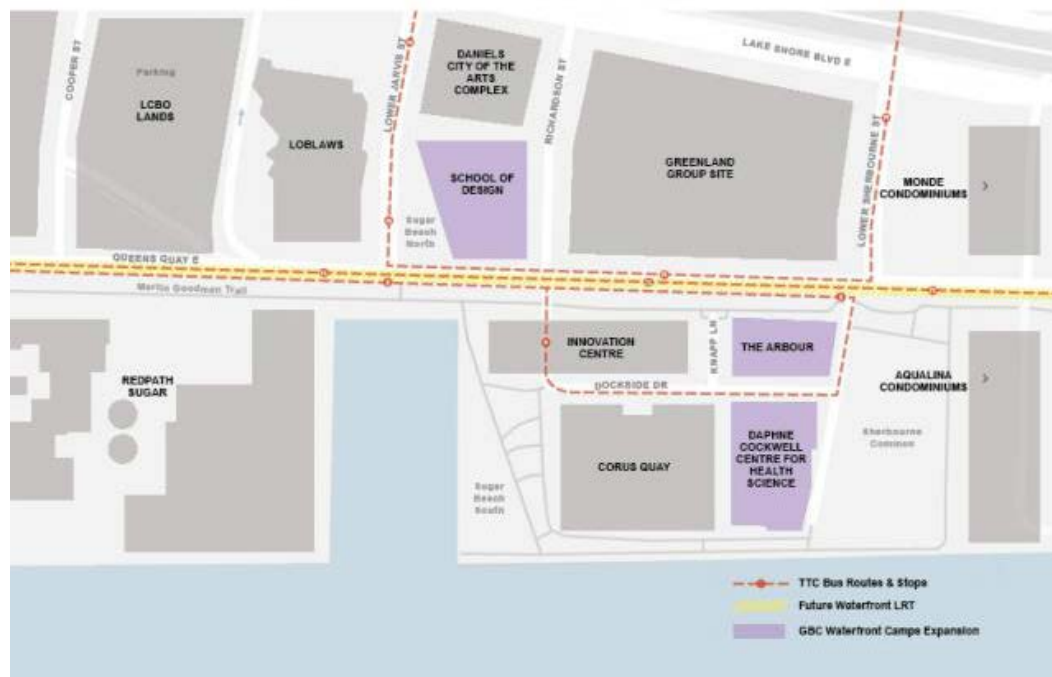
<https://t.co/jueyqwr9Ww> #TBT #Toronto...

<https://t.co/G3z5gFuOIV> — 17 hours 59 min ago

Our #PhotooftheDay takes us to the base of @greatgulf & @HaririPontarini's One Bloor East. <https://t.co/zQ7G6b7LGN...>

<https://t.co/2vpmyzCpPz> — 18 hours 14 min ago

# EAST BAYFRONT OVERVIEW



Site of The Arbour, image courtesy of George Brown College

The proposal builds on other area developments like the planned Waterfront Innovation Centre to the immediate west, George Brown's School of Design under construction another block to west, and several condominiums underway or being sold in the area, all equipped with ultra high speed internet. Meanwhile, recent rumours claim that Google's parent company Alphabet is considering an innovative "smart city" on a nearby plot of land. Together, these developments have the potential to cement the East Bayfront's status as a tech-friendly innovation neighbourhood.

We will return with updates once the design competition is launched and additional information becomes available. In the meantime, you can review George Brown's Waterfront Campus in the Database file linked below, join in the discussion in the associated Forum thread, or leave a comment in the space provided on this page.



TAGS: [george brown college](#)

[EllisDon](#), [George Brown College](#), [KPMB Architects](#), [Kramer Design Associates Limited](#), [PFS Studio](#), [Stantec](#)

[>>> go to dataBase project](#)



## George Brown College Waterfront Campus



51 Dockside Dr, Toronto | [George Brown College](#)

Imagine coming to class every day in one of the city's most architecturally striking spaces, with labs and classrooms overlooking the Toronto harbour. And envision a learning environment focused on...

FORUMS: [Projects & Construction](#)

### related news

- [George Brown Planning Tall Wood Building on the Waterfront](#)

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- [10th Annual Nuit Blanche Transforms Toronto Streets](#)
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- [2013 Toronto Urban Design Awards Honour City-Friendly Development](#)
- [Photo of the Day: Inside Looking Out](#)

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Patio Party 3

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## Another Reminder – Meet with Your MPPs Over the Summer Recess

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This is just another reminder to schedule a meeting with your MPPs over the summer recess. When you meet with them, tell them that you and your members support Bill 142 Construction Lien Amendment Act 2017. Let them know that this Bill will be a game changer for the construction industry. Ask them to write their party's House Leader to insist that the passage of Bill 142 be a top priority. This Bill must get on the legislative agenda early in the fall session if it has any chance of passing into law. Thanks for your help.

## Bill 148

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We wrote in detail about Bill 148 Fair Workplaces Better Jobs Act, 2017 in the last COCA newsletter. It's quite controversial because among other provisions, if passed it will increase Ontario's minimum wage to \$15/hour over two years. The Bill's progress through the legislative process is a little unusual. It passed First Reading on June 1st and in an uncommon move, was referred to the Standing Committee on Finance and Economic Affairs before it received Second Reading. The Committee held public hearings across the province in Thunder Bay,

North Bay, Ottawa, Kingston, Windsor-Essex, London, Kitchener-Waterloo, Niagara, Hamilton and Toronto. We believe this Bill to be the top priority of the government and that it will receive speedy passage through the legislative process and be passed into law early in the fall session.

### **COCA's CLA Task Force Swings into Action Again**

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COCA's Construction Lien Act Task Force met recently to review Bill 142 Construction Lien Amendment Act 2017. Under the guidance of Task Force chair, Ted Dreyer, a construction lawyer with Madorin Snyder LLP in Kitchener, the group looked for missing links, gaps, soft spots and unintended consequences. A submission will be made to Attorney General Naqvi and it is our understanding that all submissions made at this point will be reviewed by Bruce Reynolds, Sharon Vogel and their panel of expert advisors.

### **Executive Searches Underway**

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There are several searches underway for new senior leaders for organizations related to the construction industry:

1. The Ontario College of Trades has engaged Odgers Berndtson to conduct an executive search for a new Registrar to succeed David Tsubouchi. Tsubouchi announced his retirement a couple of months ago and has committed to staying on until his successor is identified.
2. Sean Strickland left the Ontario Construction Secretariat around the end of April to take a business development and industry relations position with Pomerleau. So the OCS is in the process of looking for a new chief executive.
3. In May, Gail Smyth announced that she would be retiring as executive director of Skills Ontario at the end of 2017. The move of the Ontario Skills Competition from its long-time home at RIM Park in Waterloo to 500,000 sq ft at the Toronto Congress Centre was arguably the greatest achievement in Gail's enormously successful career at Canada's leading skills promotion organization. Skills Ontario has engaged Knightsbridge to lead the search for her successor.

### **Busy Summer Season in Ontario Politics**

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Despite the wet weather that has plagued Ontario this summer, our provincial politicians have remained above water and moving full speed ahead in anticipation of the June 2018 general election.

PC leader Patrick Brown has proven himself to be a winner in one-off by election campaigns. But can he stand the rigours, as party leader, of campaigning across the province in a general election? That's the question that's been tested over the last few weeks that had Brown, complete with a campaign style bus, travelling around the province, meeting with party loyalists, making speeches and "kissing babies". This trial should prove to be a good test of Brown's skills and stamina and an opportunity for him to hone his campaign abilities and get ready for next June.

The Liberal government has been busy in campaign fashion this summer too. It seems that every day there are multiple visits and announcements by the premier and various cabinet ministers at different locations across the province. For example today, Thursday, July 27th, Premier Wynne is visiting a women's shelter in St Thomas and a museum and farm in Chatham while the Minister of Health is making an announcement at Princess Margaret Cancer Centre. Yesterday the Premier attended an indigenous people's conference and the Minister of Children's and Youth Services and the Minister of Economic Development made announcements.

### **Who's In – Who's Out**

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The 2018 Ontario General election is less than a year away and the big questions are: Who's running and who's not? With the Tories riding high in the polls and the prospect of forming the next government strong, it's expected that all current Conservative MPPs except Julia Munro will seek re-election. Ms. Munro has already announced that she will not run in the 2018 general election. For the Liberals, it's the opposite story. The possibility of being defeated or sitting in the opposition benches after the 2018 general election has some Liberal MPPs rethinking their futures. No surprise, 86 year old Monte Kwinter recently added his name to the list of Liberal MPPs who will not be seeking re-election in June 2018.

### **Ontario Liberal's Host Annual Patio Party**

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The Ontario Liberal Party will be hosting their annual Patio Party again this year. It always attracts a capacity crowd. The \$250 schmoozefest for party hacks and policy wonks will be held on Tuesday, August 22nd at the Amsterdam BrewHouse on Queen's Quay and will feature rousing speeches by leading Liberal organizers Tim Murphy and David Herle.

### **PC's 2017 Toronto Dinner**

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The Ontario PCs will hold their annual Toronto Dinner on the evening of Thursday, July 27th. The event used to be called the Leader's Dinner but under the new rules MPPs are not allowed to attend fundraising events. Special guests at the \$500 a plate dinner in the Grand Banking Hall at the One King West Hotel (a much smaller venue than the usual 3,000 seat Metro Toronto Convention Centre, to ensure a full house under the new fundraising rules) include Hon. John Baird, Maxime Bernier M.P., Hon. Erin O'Toole, M.P., and Michell Rempel, MP. Many COCA members will be in attendance including COCA directors Dan Lancia and Jeff Koller and the ECAO's Jodi Travers.



July 31, 2017

The Honourable Yasir Naqvi, MPP  
Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay Street, 11th Floor  
Toronto, ON M7A 2S9

Dear Sir:

**Re: Bill 142 – An Act to Amend the Construction Lien Act**

As you know, the Council of Ontario Construction Associations ("COCA") is a federation of 28 construction associations representing approximately 10,000 general and trade contractors that perform work in the industrial, commercial, and institutional (ICI) sectors in all regions of Ontario. Established in 1975, COCA is mandated to serve as the voice of the ICI sector at Queen's Park. We work with our members and officials at Queen's Park to develop public policy alternatives and solutions that support success in the industry and serve Ontarians effectively. COCA is the largest, most diverse, and most representative voice for the non-residential construction sector in the Province.

As we have conveyed in the past, COCA is strongly supportive of the recommendations made by Bruce Reynolds and Sharon Vogel. We believe that the government needs to implement their recommendations in their entirety. We oppose any amendments to Bill 142 that frustrate the intent of the recommendations made in the Reynolds-Vogel report.

Further to your email dated July 5, 2017, we appreciate having an opportunity to comment on Bill 142 – *An Act to Amend the Construction Lien Act*. Our comments are set out below.

#### **Part I.1- Prompt Payment Generally**

The feedback we have received from our members is that the procedures and deadlines required by Part II.1 of the proposed *Construction Act* are confusing. Although we do not think wholesale changes to the proposed Part I.1 are necessary, considerable effort will be required to educate the construction industry in order to roll out Prompt Payment successfully.

Our members expressed interest in a system whereby the various notices required by the *Construction Act* could be given and viewed electronically in non-residential projects. The benefit of an electronic system would be greater transparency, instantaneous, and accessible to all concerned. This may be a consideration as the regulations to the *Construction Act* are developed.

#### **Section 13.8 - Consecutive Adjudications**

The proposed section 13.8 gives a contractor a unilateral right, subject to the regulations, to require related matters to be adjudicated consecutively by a single adjudicator:



### Consecutive adjudication

13.8 (1) If the same matter or related matters in respect of an improvement are the subject of disputes to be adjudicated in separate adjudications under subsections 13.5 (1) and (2), the parties to each of the adjudications may agree to the adjudication of the disputes consecutively, by a single adjudicator.

### May be required by contractor

**(2) If the same matter or related matters in respect of an improvement are the subject of disputes to be adjudicated in separate adjudications under subsections 13.5 (1) and (2) but the parties to each of the adjudications do not agree to consecutive adjudication, the contractor may, in accordance with the regulations, nevertheless require that the disputes be adjudicated consecutively, by a single adjudicator.**

We agree that in many cases consecutive adjudications for related matters would be logical and desirable. Where related disputes affect multiple parties, some of whom are opposed to consecutive adjudications by a single adjudicator, we are concerned that giving contractors an unfettered discretion to require consecutive adjudications may be prejudicial to the interests of others. We think it would be preferable if the hearing of consecutive adjudications is made subject to the discretion of the adjudicator.

### Subsection 13.3(1) - Duties and Powers of the Authorized Nominating Authority

Our expectation is that the Authorized Nominating Authority will oversee providers of training for adjudicators rather than offering training itself. Therefore, we suggest that the word "programs" in subsection 13.3(1)(a) be replaced with "standards":

#### Duties and powers of Authority

##### Duties

13.3 (1) The Authority shall,

- (a) develop and oversee ~~programs~~ standards for the training of persons as adjudicators;
- (b) qualify persons who meet the prescribed requirements as adjudicators;

With respect to who may be qualify as an adjudicator; we believe that properly trained construction professionals (i.e. current or former contractors and trades) should be able to qualify as adjudicators. For many types of disputes, a construction professional would be a more effective decision-maker than a design professional or lawyer.



### **Subsection 13.5(3) - Cut Off for Adjudications**

Section 13.5(3) provides that a party may refer a matter to adjudication until the completion of the contract or subcontract in issue "unless the parties to the adjudication agree otherwise":

13.5(3) An adjudication may not be commenced if the notice of adjudication is given after the date the contract or subcontract is completed, unless the parties to the adjudication agree otherwise.

We have two concerns regarding this subsection. First, is it intended that the "agreement" modifying when an adjudication may be brought may be made at the time that the contract or subcontract is entered into? If so, we are concerned about parties with superior bargaining power will specify an unduly restrictive window for initiating an adjudication in the contract. There should be a statutory minimum time to initiate an adjudication. Second, we are concerned about the interaction of subsection 13.5(3) and the proposed extension of lien rights as set out by section 34(10). Our concerns in this regard are discussed more fully in our comments concerning subsection 34(10).

### **Subsection 13.13(2) - Extension of An Adjudication**

Section 13.13(2) will allow the parties to extend the deadline for a determination in an adjudication an indeterminate amount of time with the consent of the adjudicator:

Extension

13.13 (2) The deadline for an adjudicator's determination may be extended, at any time before its expiry and after the giving of documents to the adjudicator under section 13.11,

(a) on the adjudicator's request, with the written consent of the parties to the adjudication, for a period of no more than 14 days; or

**(b) on the written agreement of the parties to the adjudication, subject to the adjudicator's consent, for the period specified in the agreement.**

Where a contractor that has undertaken to commence an adjudication pursuant to section 6.4(5) as a condition of withholding payment from a subcontractor, they should not be able to extend the deadline for a decision by the adjudicator without consequences, even with the agreement of the owner and the adjudicator.

A contractor that agrees to extend the deadline for a decision by more than 14 days in accordance with section 13.13 (2)(a) ought to give notice of the extension to any subcontractor to whom notice of non-payment was given pursuant to section 6.4(5).

Furthermore, the stay upon the contractor's obligation to pay that arises upon the giving of notice pursuant to section 6.4(5) ought not to continue indefinitely where the contractor has agreed to extend the deadline for a decision by more than 14 days in accordance with section 13.13(2)(a). At some point the stay on the contractor's

obligation to pay should end and/or a subcontractor that has received a notice of non-payment pursuant to section 6.4(5) should have the right to suspend work 120 days from the delivery of notice pursuant to section 6.5(5).

### **Section 27.1 – Non-Payment of Holdback**

Section 27.1 requires a party that intends not to pay holdback funds to publish notice of non-payment no later than 40 days after the date that notice of the certificate of substantial completion is published:

Non-payment of holdback

27.1 A payer may refuse to pay some or all of the amount required to be paid under section 26 or 27, as the case may be, if, no later than 40 days after publication of the applicable certification or declaration of substantial performance under section 32, the payer publishes, in the manner set out in the regulations, a notice in the prescribed form, specifying the amount of the holdback that the payer refuses to pay.

Bill 142 needs to be amended to include some consequence in the event that a payor fails to publish notice as required. Otherwise, section 27.1 will be honoured in the breach.

### **Subsection 34(3.1) - Liens on Municipal Lands Must Be "Given"**

Section 34(3.1) of the *Construction Act* provides that liens upon municipal lands must be "given". Section 87 of the *Construction Act* provides that a document may be "given" by service in accordance with the rules of civil procedure or by registered mail:

87 (1) Except where otherwise ordered by the court, all documents and notices required to be given or that may be given under this Act, may be served in any manner permitted under the rules of court or, in the alternative, may be sent by certified or registered mail addressed to the intended recipient at the recipient's last known mailing address,

COCA supports the recommendation in the Reynolds-Vogel report that liens ought not to attach to municipal lands. However, the procedure for "giving" a lien to a municipality needs to be liberalized. Since lien claimants tend to exercise their lien rights only as a last resort, and at the last minute, it is usually too late to serve a claim for lien by registered mail. Service in accordance with the rules is both time consuming and costly. The lien remedy is remedial legislation and Bill 142 ought to facilitate the enforcement of lien rights provided municipalities receive actual notice of a claim for lien. Section 34 or 87 ought to be amended to permit service of a claim for lien upon a municipality by facsimile or email (with a receipt).

### **Subsection 34(9) – Notice of a Lien Upon the Common Elements**

The proposed subsection 34(9) of the *Construction Act* requires anyone claiming a lien against the common elements of a condominium to give notice of the lien to the unit holders:

34(9) A person who preserves a lien under this section that relates, in whole or in part, to an improvement to the common elements of a corporation under the Condominium Act, 1998 shall give notice of the lien's preservation, in the prescribed form, to the corporation and to each person who is,

(a) in the case of a corporation that is not a common elements condominium corporation, as defined in that Act, an owner of a unit in the corporation; and

(b) in the case of a common elements condominium corporation, an owner of a parcel of land mentioned in subsection 139(1) of that Act to which a common interest is attached and which is described in the declaration of the corporation.

The process for enforcing liens against the common elements of a condominium corporation ought to be simplified. We have already expressed our disappointment that Bill 142 did not implement the recommendation in the Reynolds-Vogel report that liens against the common elements of a condominium should be registered against a single PIN. Requiring notice to unit holders makes a bad situation worse. Subsection 34(9) should be deleted entirely.

#### **Subsection 34(10) – Interaction of Lien Rights and Adjudication – Part I**

Section 34(10) extends the deadline for the expiry of lien rights where the matter that is the subject of a lien is also the subject of an adjudication:

34(10) If the matter that is the subject of a lien is also the subject of an adjudication under Part II.1, the lien is deemed, for the purposes of this section only, to have expired on the later of the date on which the lien would expire under section 31 and the conclusion of the 45-day period next following,

(a) the receipt by the adjudicator of documents under section 13.11; or

(b) in the case of consecutive adjudications held in accordance with section 13.8, the receipt by the adjudicator of documents under section 13.11 for the last of the adjudications.

We are concerned that subsection 34(10) may put an owner at risk of paying the holdback twice. Section 13.5(3) provides that a dispute may be referred to adjudication up until the time that the contract or subcontract is completed, unless the parties to the adjudication agree otherwise. If, for example, a painter refers a claim to adjudication 59 days after the certificate of substantial completion is published. The owner has no notice of the adjudication and releases the holdback on day 61. The subcontractor, whose lien rights continue to subsist pursuant to subsection 34(10), liens on day 62. Does subsection 34(10) expose the owner to paying the holdback twice?

We agree with the intent of section 34(10), but we believe more work is required to make it mesh with holdback provisions of the Act.





## Section 44 - Interaction of Lien Rights and Adjudication – Part II

Bill 142 needs to be amended to clarify the interaction between adjudication and lien rights where a claim for lien is being vacated. If, for example, a subcontractor that loses an adjudication then files a claim for lien for the full amount in dispute, can the subcontractor's lien be vacated upon the posting into Court of the lesser sum as determined by the adjudicator? We can think of policy reasons for and against such an approach. In any case, Bill 142 needs to be amended to clarify what happens in that scenario.

### Subsection 87 (1.1) – Service of Written Notices of Lien

Bill 142 amends section 87 of the *Construction Lien Act* to require written notice of lien to be served in accordance in a manner permitted under the rules of court for service of an originating process:

87 (1.1) Despite subsection (1), a written notice of lien shall be served in a manner permitted under the rules of court for service of an originating process.

In most cases, this amendment will require personal service of written notices of lien by a process server. This is not something that was recommended in the Reynolds-Vogel report. Furthermore, it is not responsive to the main concern expressed by stakeholders concerning written notices of lien, which was ascertaining what is and what is not a "written notice of lien". We believe that this amendment would effectively eliminate the delivery of a written notice of lien as a fast and inexpensive remedy available to a lien claimant to ensure payment. It is a stealth repeal of written notices of lien. The *Construction Act* should permit the delivery of written notice of lien by any method that gives effective notice to the payor who receives it. Again, delivery by fax or email (with a receipt) should be permitted.

Yours truly,

COUNCIL OF ONTARIO CONSTRUCTION ASSOCIATIONS

Per:

A handwritten signature in blue ink that reads "Ian Cunningham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ian Cunningham  
President

**From:** [Tareq Ali](#)  
**To:** [Ed Whalen](#)  
**Cc:** [Michael Minielly](#); [Alfred Wong](#)  
**Subject:** Meeting with Indian Minister of Steel  
**Date:** July 20, 2017 1:06:12 PM  
**Attachments:** [image001.jpg](#)  
[image002.gif](#)  
[image003.gif](#)  
[image004.jpg](#)

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Hi Ed,

Happy to report that our presentation was very well received at the Dinner meeting with the Indian Minister of Steel and his delegation, and other Canadian and Indian Steel industry leaders.

Surprisingly, we didn't get too many market intelligence type questions. Their interest appeared to be taking any learnings from initiatives and activities that we are engaged in to increase steel specification & usage in India. They are also inking deals to import coking coal.

The Minister also seemed particularly interested in setting up their own steel institute to coordinate research, education and promotional activities. Attached is their press release which specifically mentions the CISC.

<http://pib.nic.in/newsite/PrintRelease.aspx?relid=168600>

Regards

Tareq

---

**Tareq Ali, RPM**

Director of Marketing & Communications  
Canadian Institute of Steel Construction (CISC-ICCA)  
3760 14th Ave., Suite 200, Markham, ON L3R 3T7  
t: 905.604.3231, ext. 113 f: 905.604.3239  
[www.cisc-icca.ca](http://www.cisc-icca.ca)



*Steel: A history of strength - A sustainable future of possibilities*



OTTAWA  
ARCHITECTURE  
WEEK

SEPTEMBER 25 - 29  
2017



# OTTAWA ARCHITECTURE WEEK

Sep 25 - 29, 2017

## INTRODUCTION

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Ottawa Architecture Week (OAW) is an annual festival put on by the Ottawa Regional Society of Architects (ORSA) celebrating the role of architects and architecture in the Ottawa region. OAW features a variety of public events that include talks, exhibitions, installations, workshops, film screenings, tours, panels and networking. The programming invites the public to explore the culture of architecture and design and to join our profession in an open and collaborative conversation. Each annual edition is programmed around a specific issue or theme of interest to the architecture profession and our community. This year, the theme is Beyond 150.



ORSA is a volunteer organization that represents the Ontario Association of Architects (OAA) within the community. ORSA works to raise the profile of the architectural industry and has given voice to the local architectural profession for over 100 years. Membership includes registered members of the OAA, as well as people involved in related industries. ORSA also welcomes members of the general public who have an interest in architecture and want to further their involvement in the architectural community.

For more information visit:

OAW: [oawfest.com](http://oawfest.com)  
ORSA: [orsa.ca](http://orsa.ca)

## BE PART OF OAW 2017

ORSA and OAW warmly invite you to be a part of Ottawa's fastest growing architecture, urbanism & design festival. OAW is one-of-a-kind; few cities in Canada possess such a diversely programmed event exclusive to the practice and study of architecture. We are very proud to be one of the few cities worldwide to put on a festival of this kind.

And we want you to be a part of it.

As a volunteer organization, we rely heavily on sponsorship to make the event a success. Sponsorship of OAW is an opportunity for companies to support this festival and to develop and market their area of business and to connect with architects and the design industry - all of whom are your direct link to the decision makers and specifiers of building products and services implemented on construction projects in the Ottawa region. Sponsorship packages range from \$250 to \$5,000. For minimal contribution, this is a great opportunity for businesses to participate in one of the most attended design events in Ottawa.



## SPONSORSHIP LEVELS

### FRIENDS OF OAW (\$250)

---

Friends of OAW level funding is a great way of supporting the event and has sustained and helped grow OAW over the years. Sponsorship at this level will receive:

- 1) Link to respective company web-page from the OAW website

### BRONZE SPONSOR (\$500)

---

Our most popular contribution level. Sponsors will receive the benefits listed below as a minimum:

- 1) All benefits of “Friends of OAW” sponsorship package.

PLUS

- 2) Recognition on the OAW website (small sized logo)
- 3) Company profile with recognition of the company’s local representative on the OAW website



## SPONSORSHIP LEVELS

### SILVER (\$1,000)

---

Sponsorship at this level will receive the items listed below:

- 1) All benefits of “Bronze Sponsor” sponsorship package.

PLUS

- 2) Exposure on print and digital marketing material (medium prominence)
- 3) Recognition on the OAW and ORSA website (medium sized logo)
- 4) ORSA supporters membership discount credit of \$90
- 5) Company profile with recognition of the company’s local representative on the OAW and ORSA website

### GOLD SPONSOR (\$2,500)

---

Sponsorship at this level will receive the items listed below:

- 1) All benefits of “Silver Sponsor” sponsorship package.

PLUS

- 2) Exposure on print and digital marketing material (large prominence)
- 3) Recognition on the OAW and ORSA website (medium sized logo)
- 4) Half-price ORSA supporters membership (a value of \$145)
- 5) Invitations to networking events during OAW’17 Festival and all ORSA networking events during the course of the one year membership
- 6) Two invitations to the annual ORSA Golf Tournament (a value of \$250)

### PLATINUM SPONSOR (\$5,000)

---

Sponsorship at this level will receive the items listed below:

- 1) All benefits of “Gold Sponsor” sponsorship package.

PLUS

- 2) Exposure on print and digital marketing material (highest prominence)
- 3) Exclusivity in Industry Group
- 4) Company signage at one select event of choice
- 5) One year ORSA supporters membership (a value of \$290)
- 6) One foursome to the annual ORSA Golf Tournament (a value of \$500)

## APPENDIX

### Audience

In past editions of the festival, ORSA has seen thousands of people participate and attend the various events over the course of the week. Visitors include members of the public, professionals, students, politicians, and media from the Ottawa region and abroad.

### Sponsorship Target

OAW's target sponsorship achievement for 2017 is \$20,000.

### Target Market

As a subgroup of ORSA, OAW has strong ties to the professional industry of Architecture. While we offer great events that interest our own folks we have made it our goal in the past years to reach out the general public. We are on a mission to be heard throughout the Ottawa region!

### Marketing & Advertising

OAW has been promoted by the following media partners:

CBC "All in a Day", CBC "Ottawa Morning", Ottawa Citizen, Centretown Buzz, Royal Architectural Institute of Canada (RAIC), Ontario Association of Architects (OAA), Ottawa Regional Society of Architects (ORSA), Canada Green Building Council (CaGBC), Illuminating Engineering Society (IES), Apt613, Spacing Ottawa, Herd Magazine

### Social Media

 /OAWfest

 @OAWfest

 @OAWfest

### 2016 Sponsors / Supporters

Sincere thanks to our sponsors from 2016! We could not have done it without your support

Platinum

Ontario Association of Architects

Canada Council for th Arts

Gold

Ottawa Regional Society of Architects

Supporters

Library and Archives Canada

National Capital Commision

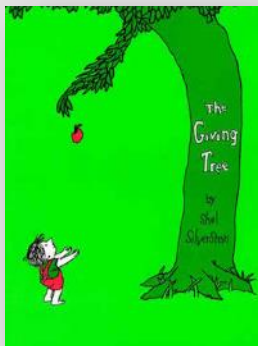


# The Giving Tree – Building Tall with Wood

A New Perspective on Building  
High-Rises with Mass Timber...



Using Wood Wisely



# Examples of Tall Wood Buildings

## Tall Wood Buildings Aren't New...



Japan – 7<sup>th</sup> Century

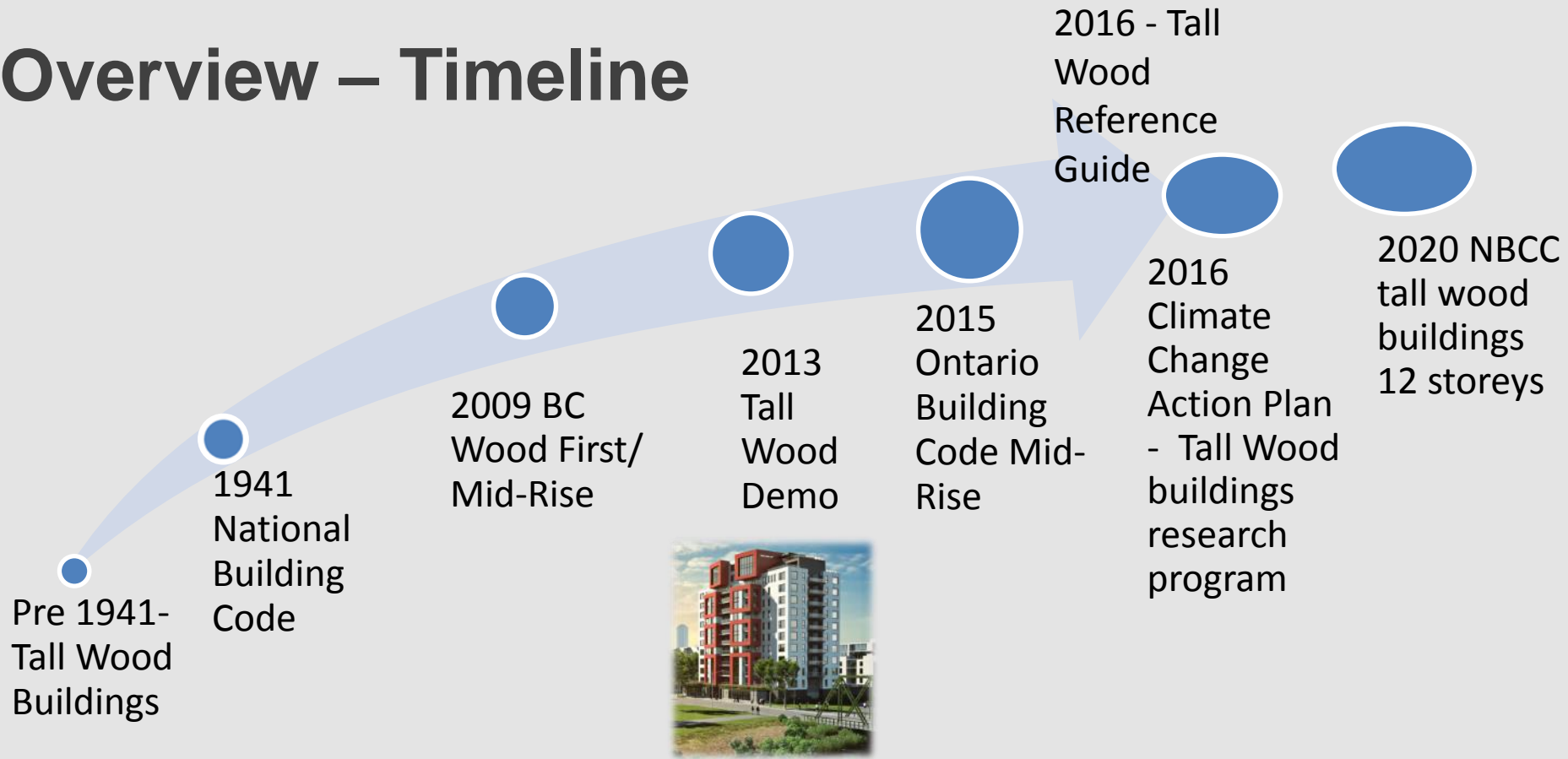


China – 8<sup>th</sup> Century



Norway – 16<sup>th</sup> Century

# Overview – Timeline



## Tall Wood Buildings in Ontario – pre 1941

### 2012 FPInnovations Survey:

- ❖ 125 mid & high rise timber buildings in Toronto – built prior to the 1941 building code
- ❖ 37 of these buildings are 5-8 storeys
- ❖ The National Building Code placed a limit on building height for wood construction

## Why Wood

## Why Now

- Strong, lightweight, versatile
- Sustainable, natural, renewable, recyclable
- Carbon efficient
- Cost effective, local sourced
- Reliable – seismic, wind and other loading conditions
- Energy efficient,
- Warm, visually appealing

**Why Wood**

**Why Now**



# Wood is Good Again

manufacturing  
**46**  
bags  
of cement



a year's  
trash  
from **1** household



raising  
a cow  
for **6**  
months



extracting **15**  
barrels  
of oil



  
in Canada,  
**1 TONNE** of  
**Greenhouse Gases**  
comes from:

**7** months  
powering  
a home



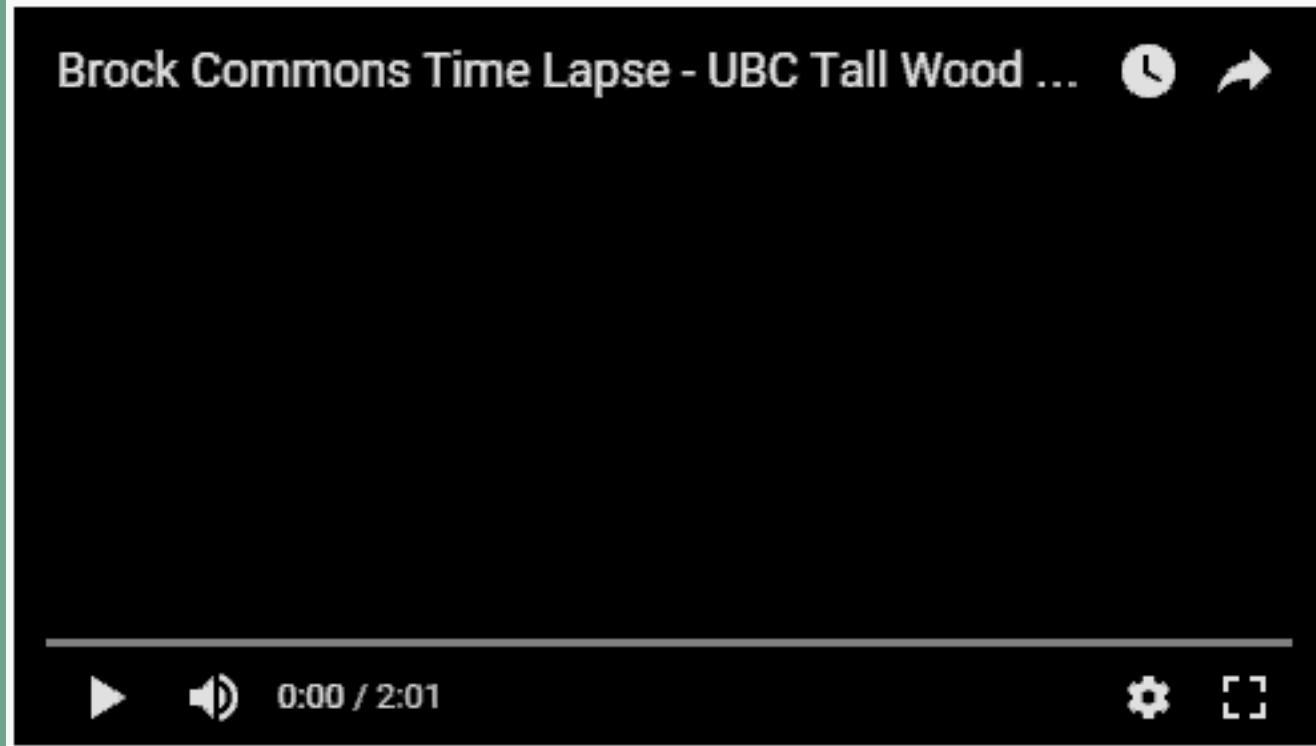
driving  
**4500**  
km



heating  
a home  
**4**  
months

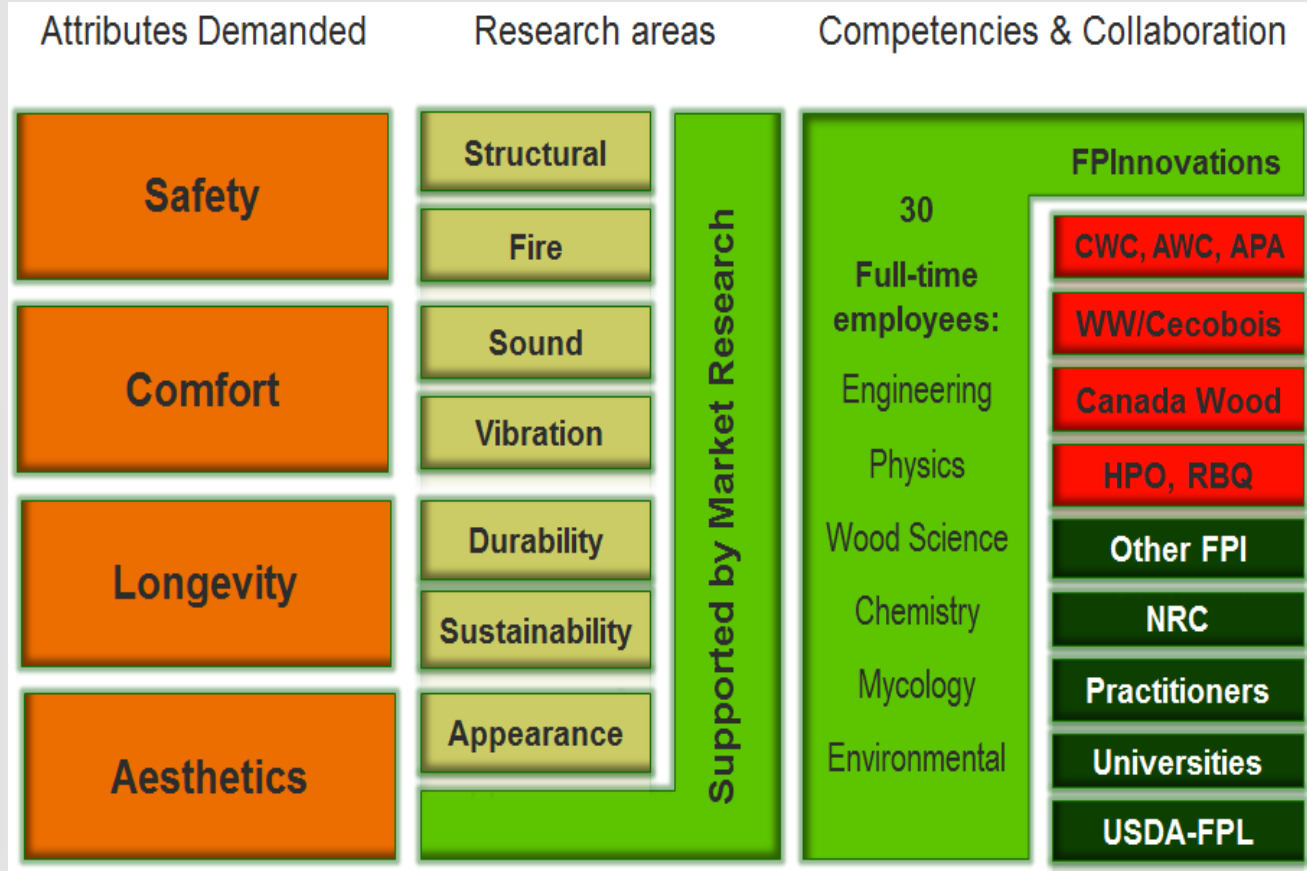


# UBC - Brock Commons

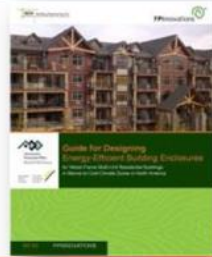
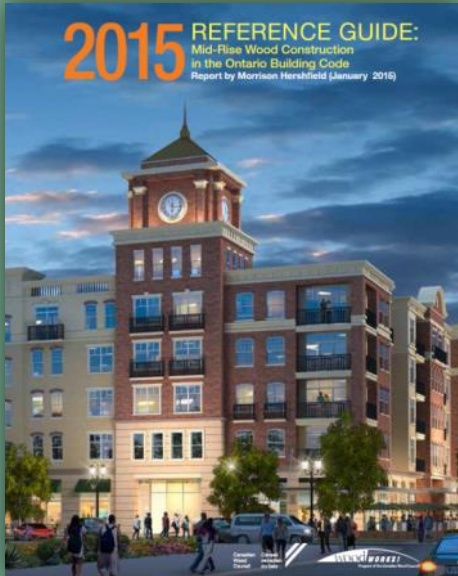




# Advanced Building Systems ...



# Technical Information and Guides



Energy Guides  
 “For more energy efficient wood buildings”



WFC Handbook & RBQ Midrise Guide  
 “To facilitate Midrise construction”



US & CDN CLT Handbooks  
 “To facilitate the implementation of CLT”



Tall Wood Building Guide  
 “To cautiously go where no one has gone before”



# Tall Wood Reference Guide

Request for  
Consulting  
Services

- Facilitate the construction of mass timber buildings (> 6 storeys) in Ontario through alternative solutions
- Information on the use of mass timber in high rise design, construction, and on-going operations
- Modeled on Quebec's and FPInnovations' guides
- Anticipated publication date - May 31, 2017

# Climate Change Action Plan

## Greenhouse Gas Reduction Account



- Ontario is committed to limiting greenhouse gas pollution, rewarding innovative companies, generating opportunities for investment and creating jobs while moving to a low-carbon economy
- MNRF is seeking approval from Treasury Board for GGRA for development of a research program for tall wood
- This initiative mitigates the effects of climate change and demonstrates wood's potential as an advanced and sustainable building material
- MNRF's efforts are designed to compliment MMA's work on the 2020 National Building Code for Canada and future version of the OBC

# Large Woodframe Research & Demo Program

- The program will help achieve the following intended objectives:
  - ❖ Demonstrate the commercial viability and build critical mass in innovative wood building solutions in high-rise (> six storey) construction
  - ❖ Provide the financial and technical support (through R&D) to encourage the design and construction of mass timber buildings in Ontario
  - ❖ Provide specialized training on mass wood construction through updated university and college programs targeted at architects, engineers, designers and builders.
- Offset incremental costs associated with building mass wood buildings
- Linked to key government priorities: investing in people; investing in modern infrastructure; and supporting a dynamic and innovative business climate

## Next Steps

## Related activities - MNRF involvement in Climate Change Action Plan

- Greenhouse Gas Calculator – Partnership with Quebec
- Growing the workforce / low-carbon building sector
- Lead by example – deliver healthier buildings, clean tech
- Forest Carbon Policy Framework
- Training, education, innovation
- Community energy planning

# Next Steps

## Carbon Summary

### Results



Volume of wood products used (m<sup>3</sup>):

**6836 m<sup>3</sup>** (241406 ft<sup>3</sup>) of lumber and sheathing



U.S. and Canadians forests grow this much wood in:

**19 minutes**



Carbon stored in the wood:

**5791 metric tons of CO<sub>2</sub>**



Avoided greenhouse gas emissions:

**3114 metric tons of CO<sub>2</sub>**




Total potential carbon benefit:

**8905 metric tons of CO<sub>2</sub>**

### Equivalent to:



**1883 cars** off the road for a year 



Energy to operate **940 homes** for a year 

# **AGENDA**

## **PROVINCIAL HIGHWAYS MANAGEMENT STAKEHOLDER MEETING**

**Wednesday, August 2<sup>nd</sup> 2017**

**9:30 am to 3:30 pm (Registration 8:30 TO 9:30 am)**

**Holiday Inn International  
970 Dixon Road, Rexdale, Ontario.  
416- 675-7611**

- |                     |                                     |
|---------------------|-------------------------------------|
| 8:30 to 9:30 a.m.   | Registration and Light Refreshments |
| 9:30 to 10:15 a.m.  | Opening Remarks/Plenary             |
| 10:15 to 11:15 a.m. | Small Group Discussions             |
| 11:15 to NOON       | Plenary                             |
| NOON to 12:45 p.m.  | LUNCH                               |
| 12:45 to 2:15 p.m.  | Plenary                             |
| 2:15 to 2:25 p.m.   | BREAK                               |
| 2:25 to 3:30 p.m.   | Plenary                             |



# Topics for Discussion

## **Improving Transparency / Conflict of Interest**

1. What are the top priority topics related to transparency and conflict of interest that the Provincial Highways Management Division should be addressing?
2. How should the Provincial Highways Management Division consult with your sector (e.g., meetings like this, surveys, advisory committees)?
3. What criteria should the ministry use to identify conflict of interest?
4. How can the ministry make the best use of the sector's expertise?

## **Stakeholder Engagement**

1. What are the top priority topics related to stakeholder engagement with your sector that the Provincial Highways Management Division should be addressing?
2. Who should the ministry consult with when seeking input as it develops policies and guidelines related to its mandate?
3. What is the minimum length of time the ministry should set to receive comments from the sector on proposed policies, practices, guidelines, etc.?
4. How can the ministry make the best use of the sector's expertise?

## **Communications**

1. What are the top priority topics related to communicating with your sector that the Provincial Highways Management Division should be addressing?
2. As the ministry makes changes in policies and guidelines to address the Auditor-General's recommendations and provincial priorities, what can the sector do to assist? Please be as specific as possible.
3. What are the best ways to communicate with the sector?
4. How can the ministry make the best use of the sector's expertise?

**From:** Sandra Skivsky  
**To:** [Alex DeIulis \(alex.deiulis@resgroup.ca\)](mailto:alex.deiulis@resgroup.ca); [Andrew Sefton](mailto:Andrew.Sefton@resgroup.ca); [Bob Grassing](mailto:Bob.Grassing@resgroup.ca); [Bob O'Donnell](mailto:Bob.O'Donnell@resgroup.ca); [brandon@mcao.org](mailto:brandon@mcao.org); [Bruno Mandic \(bmandic@dc46.iupat.org\)](mailto:bruno.mandic@dc46.iupat.org); [Carlo D'Ambrosio \(trimassociation@bellnet.ca\)](mailto:Carlo.D'Ambrosio@bellnet.ca); [Craig Moore](mailto:Craig.Moore@resgroup.ca); [Dan Lancia \(holaco@holaco.ca\)](mailto:Dan.Lancia@holaco.ca); [Darryl Stewart \(dstewart@osmca.org\)](mailto:Darryl.Stewart@osmca.org); [Denise Stokes](mailto:Denise.Stokes@resgroup.ca); "Dennis Cancian" ([denniscancian@gmail.com](mailto:denniscancian@gmail.com)); [Dominic Montemurro](mailto:Dominic.Montemurro@resgroup.ca); [Evelyn Kilcullen](mailto:Evelyn.Kilcullen@resgroup.ca); [Frank Fulton \(fultech.fc@gmail.com\)](mailto:Frank.Fulton@resgroup.ca); [Grace Logullo \(lowrise@bellnet.ca\)](mailto:Grace.Logullo@resgroup.ca); [Hugh Laird](mailto:Hugh.Laird@resgroup.ca); [I. U. L. C. A. \(iulca@angeloniinc.com\)](mailto:I.U.L.C.A.(iulca@angeloniinc.com)); [icunningham@coca.on.ca](mailto:icunningham@coca.on.ca); [Imre Kenedi](mailto:Imre.Kenedi@resgroup.ca); [Jack Mesley](mailto:Jack.Mesley@resgroup.ca); [Jack Oliveira](mailto:Jack.Oliveira@resgroup.ca); [James Hogarth \(hogarth@optc.org\)](mailto:James.Hogarth@optc.org); [Jeff Koller \(jkoller@ecao.org\)](mailto:Jeff.Koller@ecao.org); [Jeff Smith \(jsmith@iuoelocal793.org\)](mailto:Jeff.Smith@iuoelocal793.org); [jgalt@casa-firesprinkler.org](mailto:jgalt@casa-firesprinkler.org); [Jo-Ann Mian](mailto:Jo-Ann.Mian@resgroup.ca); [Joe De Caria \(jdecaria@mcat-gta.ca\)](mailto:Joe.De.Caria@mcat-gta.ca); [Joe Maloney](mailto:Joe.Maloney@resgroup.ca); [John Blair](mailto:John.Blair@resgroup.ca); [John Grimshaw \(John\\_Grimshaw@ibewcco.org\)](mailto:John.Grimshaw@ibewcco.org); [Kerry Wilson](mailto:Kerry.Wilson@resgroup.ca); [Kevin Bryenton \(kbryenton721@rogers.com\)](mailto:Kevin.Bryenton@resgroup.ca); [Kyle Groulx](mailto:Kyle.Groulx@resgroup.ca); [Margaret Taylor](mailto:Margaret.Taylor@resgroup.ca); [Marina deSouza](mailto:Marina.deSouza@resgroup.ca); [Mark Lloyd \(mark@tloydelectric.ca\)](mailto:Mark.Lloyd@resgroup.ca); [Marnie Niemi Hood](mailto:Marnie.Niemi.Hood@resgroup.ca); [Matt Osburn](mailto:Matt.Osburn@resgroup.ca); [Mauro Angeloni](mailto:Mauro.Angeloni@resgroup.ca); [Michael Minielly](mailto:Michael.Minielly@resgroup.ca); [Mike Gallagher \(mgallagher@iuoelocal793.org\)](mailto:Mike.Gallagher@resgroup.ca); [Nick DiPalma](mailto:Nick.DiPalma@resgroup.ca); [Nikki Holland](mailto:Nikki.Holland@resgroup.ca); [Patricia Penney-Rouzes](mailto:Patricia.Penney-Rouzes@resgroup.ca); [Paul Gunning](mailto:Paul.Gunning@resgroup.ca); [Paul Hargest](mailto:Paul.Hargest@resgroup.ca); [Robert Celsi \(robert@ocdca.ca\)](mailto:Robert.Celsi@ocdca.ca); [Rocco Lotito \(roccolotito@msn.com\)](mailto:Rocco.Lotito@msn.com); [Ron Johnson](mailto:Ron.Johnson@resgroup.ca); [Sam DiBacco \(info@edcarpentry.com\)](mailto:Sam.DiBacco@resgroup.ca); [Samantha Lane \(samantha@greatertorontoeca.org\)](mailto:Samantha.Lane@greatertorontoeca.org); [Sean McFarling \(smcfarling@lunaopdc.org\)](mailto:Sean.McFarling@lunaopdc.org); [Sonia Krawec \(sonia@dc46.iupat.org\)](mailto:Sonia.Krawec@dc46.iupat.org); [Steve Martin](mailto:Steve.Martin@resgroup.ca); [Tony Iannuzzi](mailto:Tony.Iannuzzi@resgroup.ca)  
**Cc:** [Ashley Rensler](mailto:Ashley.Rensler@resgroup.ca)  
**Subject:** PPO - Oct 24 Lobby Day - action required.  
**Date:** August 22, 2017 2:54:49 PM

---

Good afternoon everyone,

As summer days shorten PPO is starting to plan for our fall strategy to support Bill 142. Bruce Reynolds and Sharon Vogel have convened the Advisory Group (the same group used in finalizing the report "Striking the Balance) to review and consolidate comments/feedback received on Bill 142 after first reading. The group met on August 9<sup>th</sup> and is slated to meet again in the coming days.

We want to take this opportunity to remind that on **Tuesday, October 24th, 2017** we will be hosting our third annual Queen's Park Advocacy Day and we need you to be the voice of your industry! Participating in face-to-face meetings with MPPs is a valuable way to make your concerns heard and help to make prompt payment legislation a reality in Ontario! Plan A is to use that date as a celebration of the passing of Bill 142, Plan B is to use that day to continue urging the government to do the right thing.... promptly. Either way it is crucial for PPO to continue to engage with MPPs in order to get this legislation over the finish line this Fall. As the next provincial election is quickly approaching in June, we have to hold the government to its promise of passing prompt payment legislation prior to the election.

We need your help at Queen's Park on October 24, 2017!

This will be a full day event beginning with breakfast at 8:00am and meetings running from 9:00am-5:00pm. We will finish off the day with an evening reception in the Legislative Dining Room from 5:00pm-7:00pm.

RSVP directly to Ashley Rensler at [ashley@impactcanada.com](mailto:ashley@impactcanada.com). When you are RSVPing to please include the following:

- Full name
- Business name
- Whether you will be participating in both the meetings and the evening reception

- Business postal code
- Home postal code
- Cell phone number

If you have any questions contact either Ashley or me and we will be happy to try and answer them.

---

Sandra Skivsky | Director  
of Marketing and Business Development  
Canada Masonry Centre  
360 Superior Blvd. Mississauga, L5T 2N7  
Office: 905.564.6622  
Cell: 416.831.5524

**From:** Paul Seibel  
**To:** [Michael Minielly](#)  
**Subject:** Re: Meeting with Colleen Doucette  
**Date:** July 20, 2017 10:01:27 AM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.jpg](#)

---

Thanks Mike

Sent from my BlackBerry — the most secure mobile device — via the Bell Network

---

**From:** [mminielly@cisc-icca.ca](mailto:mminielly@cisc-icca.ca)  
**Sent:** July 19, 2017 12:16 PM  
**To:** [PSeibel@aclsteel.ca](mailto:PSeibel@aclsteel.ca)  
**Subject:** Meeting with Colleen Doucette

---

Good afternoon Paul,

I just wanted to update you regarding the initiative that Colleen Doucette contacted you regarding. These are the notes I have made for myself for the upcoming regional meeting:

- I had a meeting with Colleen Doucette July 17, regarding the initiative that she was putting forward to the East Coast region. She is involved in a program called Youth Pathways, and in discussion with an educator at the board level had mentioned that it would be very beneficial to the industry if we could incorporate steel into the curriculum somehow. The educator was very interested offering to submit a proposal to Colleen regarding how this could be done, with some interesting ideas, for example A photo/essay contest, where the students would have to research completed buildings in the area and take a photo of them, they would then have to submit an essay component, the course involvement would dictate the subject matter of the essay, as this educator saw possibilities that were wide reaching touching history, mathematics, languages, and commerce courses.

I have asked Colleen to stay in touch with me regarding this initiative as it could be something that as it is an education board level idea we may be able to have counter parts here look at the same type of program. I realize that we normally only get involved with college and university level events now, however with the skilled labour market being in the state that it is, there is no harm in looking at a program that is little to no cost to our region, that will promote steel to some of those individuals who may not take post secondary education and enter the job market straight out of High School.

Thank you for putting her in touch with me Paul, I won't easily let this slip away to be a Steel Plus only initiative.

Michael Minielly  
Ontario Regional Manager  
**Canadian Institute of Steel Construction**  
3760 14<sup>th</sup> Ave., Suite 200  
Markham, ON L3R 3T7  
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# Summary Report

## Provincial Highways Management Division Ministry of Transportation Technical Stakeholder Engagement For Highway Construction Contracts

August 2, 2017

Prepared by

**Ann Welsh**  
**COMMUNICATIONS INC.**  
*Communications that take the stress out of change®*

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**Summary Report**  
**Provincial Highways Management Division, Ministry of Transportation**  
**Technical Stakeholder Engagement for Highway Construction**  
**Contracts**  
**August 2, 2017**

**Introduction**

In response to the findings and recommendations contained in the Auditor General's Report: Road Infrastructure Construction Contract Awarding and Oversight, the Ministry of Transportation created the Action Plan for Highway Construction Contracts and Oversight to address the Auditor's seven recommendations.

As part of this action plan, the ministry is reviewing how policy, standards and specifications are developed for provincial highway construction projects.

This review is focusing on the best approach/process for engaging technical stakeholders while adhering to the principles of openness, transparency and preventing conflicts of interest.

The ministry invited technical stakeholders to a meeting on August 2, 2017 in Mississauga, Ontario. The outcomes for the day were:

- Help shape future approaches for communication and stakeholder engagement.
- Get stakeholders input on:
  - Improving transparency
  - Addressing conflict of interest
  - Stakeholder engagement
  - Communicating policy changes and obtaining feedback.
- Get to know each other better.
- Confirm next steps.

The ministry engaged an external consultant to work collaboratively with the Provincial Highways Management Division team to design the agenda for the August 2 meeting and to facilitate the meeting. Ann Welsh facilitated the meeting and Mindy Ginsler assisted.

There were 38 people at the meeting:

- 27 stakeholders
- 11 Ministry of Transportation staff

At the August 2 meeting, the role of ministry staff was to be listeners to and observers of the stakeholder discussions, and to be available to answer any questions of clarification and understanding from the stakeholder participants.

The facilitator advised the stakeholder participants that it was not an objective to achieve consensus (“nice but not necessary”) but to ensure that everyone had an opportunity give their input and to have that input recorded.

The report summarizes the discussion. Appendix 1 lists the participants. Appendix 2 has the meeting agenda. Appendix 3 has the discussion questions.

### Approach

Participants were seated at one of five discussion group tables. The ministry assigned the seating to achieve a cross-representation of views during the small group discussions.

Prior to the meeting, the ministry sent all participants the meeting agenda and the questions for discussion under each of the three topics.

### Overview of Discussion

#### Ministry of Transportation Presentation

Kevin Bentley, Executive Director, Asset Management, Provincial Highways Management Division opened the session with a presentation that summarized the Auditor General’s seven recommendations to the ministry and how the ministry is addressing each recommendation.

The ministry’s actions included the formation of seven Ministry of Transportation Working Groups, each to address one of the seven recommendations.

The Stakeholder Working Group is focusing on stakeholder engagement and conflict of interest in internal policy development decision-making – further to Recommendation 7 of the Auditor General’s report, bullet point 5 (*“In developing internal policy, the Ministry of Transportation should ensure that decisions made are in the best interest of all Ontarians. Ensure that whenever committees are established to review and make policy implementation decisions, that the committee members are not in a conflict of interest.”*)

The working group has undertaken a scan of best practices in other organizations and jurisdictions (e.g., The Canadian Institute of Planners, UK Corporate Governance Reform – Green Paper, Fisheries and Oceans Canada [DFO], Ontario’s Environmental Bill of Rights, 1993 [EBR]).



The Stakeholder Working Group has identified the following opportunities and challenges:

Areas of Opportunity	Areas of Challenge
<ul style="list-style-type: none"> <li>• Engage early and often with stakeholders</li> <li>• Maintain ongoing and clear communication</li> <li>• Ensure multiple levels of communication</li> <li>• A “one window” location for feedback submissions</li> <li>• Recognize distinction between “informing” and “consulting”</li> </ul>	<ul style="list-style-type: none"> <li>• Decision process may take longer</li> <li>• Not enough information describing how the feedback was used</li> <li>• Reviewing reports/extra resources required</li> <li>• Can be costly</li> </ul>

**Conclusions**

From its research, the ministry identified the following potential actions:

- Combine the best elements observed from the jurisdictional review to develop a strategy that takes advantage of opportunities and overcomes the challenges.
- Achieve consistent communication as this will lead to successful and credible outcomes. The ministry should develop an accessible channel of communication with stakeholders.
- Establish multiple levels of engagement modelled on the DFO and EBR processes.
- Create conflict of interest guidelines for group consultations. This will provide a reference for committees and work groups.

The ministry sent a soft copy of the presentation to all the stakeholder participants, immediately following the August 2 meeting. It is also included as Appendix 4 to this report.

**Small Group and Plenary Discussions**

Prior to the start of the small group discussions, Robert Hazra, the Manager of the Operations Office said that the participants should feel free to speak up at any time if they perceived a breach of their code of conduct or any legislation, such as the *Competition Act*. No concerns were raised during the meeting.

At the meeting:

- two groups discussed transparency/conflict of interest
- two groups discussed communications
- one group discussed stakeholder engagement

At the meeting, each of the five small groups summarized their discussion in a brief (5-minute) presentation in a plenary session. After each small group presentation, all the stakeholders had an opportunity to provide any additional input.

## Summary of Discussions

While the meeting was not intended to achieve consensus, there were recurring, cross-cutting themes that emerged in the discussion groups and plenary session on transparency, conflict of interest, stakeholder engagement and communications.

### Improving Transparency/Building Trust

“Trust” was a recurring theme throughout the meeting. Participants said:

- There is a need to restore the level of trust between the ministry and its stakeholders – and that engagement leads to trust; currently, the ministry does not see the sector as experts.
- Trust is essential for transparency. It helps in aligning the different positions that respective parties may hold. Results foster transparency.
- It is important for stakeholders to understand the rationale behind the decisions that the ministry makes.
- General trust and respect between the ministry and its stakeholders is a two-way street; it is earned.
- Timeliness (i.e., the period of time that the ministry offers for consultation) and trust are linked.
- The level of trust between the ministry and its stakeholders may be the reason stakeholders are not included in discussions on how to fix a problem but, later, are asked to comment on a proposed solution.
- There is a need to put best practices in place to restore trust, with everyone showing evidence to restore trust (“What would that look like?”)
- The ministry needs to be fair and inclusive in seeking input to balance all the interests, but also be better at:
  - sharing information – both what it can share (i.e., legally permissible) and providing the rationale when it cannot share
  - explaining the “why” of a decision (e.g., why or why not it used the stakeholder input it received; why it chose one solution over another); and how the ministry is balancing interests.
- There is a need to work to build partnerships.
- The ministry should require strong leadership and management of its committees and meetings, and follow up.
- The ministry should be more open and less closed (“talking to the ministry is like pulling teeth”) – open the process and consider how best to provide information (e.g., agendas, minutes, documents) to those who wish to see them.

**“There is consensus here: ‘Inclusion, Trust and Time.’”**

- **Technical Stakeholder Engagement participant**

**“We have to be a trusted partner in the solution.”**

- **Technical Stakeholder Engagement participant**

### Conflict of Interest (COI)

For the purposes of the small group discussions, Conflict of Interest and Transparency were grouped under one topic. Participants said:

- Conflict of interest is a distinct issue that is mutually exclusive from transparency.
- Different actors/stakeholders have their own definitions of what constitutes conflict of interest. It is important to be realistic about what constitutes COI and the perception of COI.
- As individual associations, they could always be perceived to be in a conflict of interest; representation as one voice (see below, Communications – One Voice), rather than individual voices could help address potential conflict of interest.
- There is actual vs. perceived COI. Individual stakeholders being in the industry are not necessarily in a COI position
- There are concerns about the selection process for Quality Verification Engineers (QVEs) and contractors' potential COI.
- How far do you go to avoid risk of COI?
- Whether a participant recuses himself or herself from the meeting or just doesn't vote depends on the conflict and where it falls on the agenda.

Their suggestions for addressing COI were:

- The ministry needs to ensure the identification of all relevant stakeholders and full representation.
- Have strong committee leadership and meeting management, and follow-up, supported by open processes (see Improving Transparency/Building Trust, above) and full disclosure to all – will head off any perception of COI.
- Be realistic about what constitutes COI vs. perception of COI – where meetings take place (e.g., in a coffee shop instead of in a ministry or association meeting room) can trigger a perception of COI, although it was noted that “being seen having coffee in a coffee shop is not the same as a Cayman Islands junket.”
- Retain independent counsel to attend meetings and to flag COI to make sure they don't run afoul of the *Competition Act* (the practice at one of the stakeholder associations at the meeting).
- Read out disclosure statements/declarations before or at the start of meetings.
- Don't be afraid to ask about COI: “Is this an individual conflict or an industry conflict?”

## Communicating Policy Changes and Obtaining Feedback – “One Voice” for the Sector

Participants said:

- The sector needs to consolidate to speak to the ministry with “one voice.”
- All associations have common, similar problems – is it possible to explore having a “one forum,” “one voice” infrastructure (e.g., advisory or steering committee with the capacity to deliver)?
- Representation as one voice, rather than individual voices could help address potential conflicts of interest. “As associations, we can always be perceived to be in a conflict of interest.”
- It could be helpful to the ministry’s consultation on policies and guidelines to have a two-tier system:  
Tier 1 – one voice for getting policy-level counsel  
Tier 2 – to hear from industry specific voices.
- Going forward, the ministry should follow up with the whole group who attended the August 2 meeting, rather than with individuals.

**“There are common, similar problems with all associations ...explore a ‘one voice’ infrastructure.”**

**- Technical Engagement Stakeholder participant**

## Stakeholder Engagement

Participants said:

- There is a need for the ministry to have ongoing engagement with its sector stakeholders.
- In the engagement and communication process, it is critically important to understand opinions and see results.
- The infrequency of discussions with the ministry is an issue.
- There has been high turnover in the ministry’s compliance and enforcement staff and this has had an impact on engagement.
- There is a need for the ministry to commit more resources for engagement for activities like process and administration – and they asked, “What can we do to help the ministry in this area.?”

## Making the Best Use of Expertise

Participants said the ministry should:

- Ensure that everyone in the ministry acknowledges the sector's expertise.
- Recognize that consultation is not just a "check-off" on the box – there is a good reason for consultation.
- Put out a statement on the value of consultation.
- Consider how stakeholders are viewed. For example, are they a focus group with expertise? If so, the ministry needs to:
  - leverage their expertise early in the decision-making process
  - manage expectations
  - make sure that there is a clear process
  - communicate what the ministry is seeking in terms of outcomes.
- Use the sector's data and information.
- Access the well-established and effective processes that stakeholder associations have for consulting, and are happy to share with the ministry.
- Work to achieve balanced representation in consultations, and have a better and common understanding of respective roles and processes.
- Make better use of technology (e.g., Google docs; websites).
- Build on the ministry's best practices (e.g., meeting frequencies, agenda setting, information sharing, follow-up communications).
- Recognize that it's up to the owners to try to balance interests, even though not everyone will be happy.
- Give the sector enough time to respond to requests by recognizing that stakeholder organizations have their own internal processes for getting input (and these vary, by organization).
- Give early notice of its intentions to consult so that there will be "no surprises."

**"To make the best use of the sector's expertise, there is a need for trust."**

- **Technical Engagement Stakeholder participant**

Participants also said that:

- They did not know whether the ministry would use their input from the August 2 meeting.
- There would be more buy-in because of the meeting.

## Conclusion and Next Steps

The meeting ended with closing remarks by Paul Lecoarer, Director of the ministry's Contract Management and Operations Branch, Asset Management. He expressed his and the ministry's appreciation for the time that the Highway Construction Contracts sector stakeholders took to attend the August 2, 2017 meeting and for their insights, comments and suggestions. He committed to:

- sharing a summary of the day's discussion (this report)
- sharing the participants' feedback with other Ministry of Transportation staff

- reflecting on and processing all the information
- communicating back to the participating organizations on the ministry's next steps, and asked for suggestions on how best to do this – with participants suggesting bringing the stakeholder organizations back together again and/or using online tools.
- invited the participants to contact Darcy Baker (contact information below) if they had any more comments or suggestions they would like to offer on the day's discussion topics.

Of the 27 stakeholder participants, 23 took advantage of the opportunity to complete a formal evaluation of the meeting. The results showed a high degree of satisfaction with the meeting. Many participants provided comments and suggestions for the ministry to consider, going forward.

For more information, please contact:

Darcy Baker  
Provincial Highways Management Division  
Ministry of Transportation  
905-704-2264 | [Darcy.Baker@ontario.ca](mailto:Darcy.Baker@ontario.ca)

## Appendix 1: Participants

### Technical Stakeholder Engagement For Highway Construction Contracts Meeting August 2, 2017

STAKEHOLDERS	
Name	Organization
Rob Burak	Canadian Precast/Prestressed Concrete Institute
Chris Conway	Concrete Ontario (formerly Ready-Mixed Concrete Association of Ontario)
Steve Drew	Ontario Stone, Sand and Gravel Association (OSSGA)
Alain Duclos	Asphalt Recycling and Reclaiming Association (ARRA)
Bernard Ennis	Professional Engineers Ontario
Hilda Esedebe	Municipal Engineers Association (MEA)
Peter Henderson	Ontario Good Roads Association (OGRA)
Bart Kanters	Concrete Ontario (formerly Ready-Mixed Concrete Association of Ontario)
Alan Korell	Municipal Engineers Association (MEA)
Bill La Rosa	Consulting Engineers of Ontario (CEO)
Michael Maher	Canadian Council of Independent Laboratories (CCIL)
Michael McSweeney	Cement Association of Canada (CAC)
Michael Minielly	Canadian Institute of Steel Construction (CISC)
Trevor Moore	Ontario Stone, Sand and Gravel Association (OSSGA)
Wayne Prystanski	Consulting Engineers of Ontario (CEO)
David Snow	Asphalt Recycling and Reclaiming Association (ARRA)
Geoffrey Stephens	Ontario Road Builders' Association (ORBA)
Enrico Stradiotto	Ontario Concrete Pipe Association (OCPA)
Sherry Sullivan	Cement Association of Canada (CAC)
Joe Tiernay	Ontario Good Roads Association (OGRA)
Dwayne Torrey	Canadian Standards Association (CSA)
Jude Tremblay	Ontario Concrete Pipe Association (OCPA)
Stephen Walker	Canadian Council of Independent Laboratories (CCIL)
Ray Wilcock	Corrugated Steel Pipe Institute
Geoff Wilkinson	Ontario Road Builders' Association (ORBA)
Riley Wilson	Corrugated Steel Pipe Institute
David Zurawel	Consulting Engineers of Ontario (CEO)

<b>Ministry of Transportation Staff</b>	
<b>Name</b>	<b>Organization</b>
Dino Bagnariol	Highway Standards Branch
Darcy Baker	Operations Office
Alain Beaulieu	Maintenance Management Office
Kevin Bentley	Asset Management
Robert Hazra	Operations Office
Walter Kenedi	Bridge Office
Becca Lane	Material Engineering and Research Office
Paul Lecoarer	Contract Management and Operations Branch
Steve McInnis	Operations Office
Doug Pateman	Contract Management Office
Hanna Schell	Concrete Section, Material Engineering and Research Office

<b>Facilitation Team</b>	
<b>Name</b>	<b>Organization</b>
Ann Welsh	Ann Welsh Communications Inc.
Mindy Ginsler	Ann Welsh Communications Inc.



## Appendix 2: Agenda

**Provincial Highways Management Stakeholder Meeting**  
**Wednesday, August 2, 2017**  
**9:30 Am To 3:30 Pm (Registration 8:30 TO 9:30 A.M.)**  
**Holiday Inn International**  
**970 Dixon Road, Rexdale, Ontario.**  
**416-675-7611**

8:30 to 9:30 a.m.	Registration and Light Refreshments
9:30 to 10:15 a.m.	Opening Remarks/Plenary
10:15 to 11:15 a.m.	Small Group Discussions
11:15 to NOON	Plenary
NOON to 12:45 p.m.	LUNCH
12:45 to 2:15 p.m.	Plenary
2:15 to 2:25 p.m.	BREAK
2:25 to 3:30 p.m.	Plenary

## Appendix 3: Discussion Questions

### Improving Transparency / Conflict of Interest

1. What are the top priority topics related to transparency and conflict of interest that the Provincial Highways Management Division should be addressing?
2. How should the Provincial Highways Management Division consult with your sector (e.g., meetings like this, surveys, advisory committees)?
3. What criteria should the ministry use to identify conflict of interest?
4. How can the ministry make the best use of the sector's expertise?

### Stakeholder Engagement

1. What are the top priority topics related to stakeholder engagement with your sector that the Provincial Highways Management Division should be addressing?
2. Who should the ministry consult with when seeking input as it develops policies and guidelines related to its mandate?
3. What is the minimum length of time the ministry should set to receive comments from the sector on proposed policies, practices, guidelines, etc.?
4. How can the ministry make the best use of the sector's expertise?

### Communications

1. What are the top priority topics related to communicating with your sector that the Provincial Highways Management Division should be addressing?
2. As the ministry makes changes in policies and guidelines to address the Auditor-General's recommendations and provincial priorities, what can the sector do to assist? Please be as specific as possible.
3. What are the best ways to communicate with the sector?
4. How can the ministry make the best use of the sector's expertise?

## Appendix 4: Kevin Bentley Presentation

# Technical Stakeholder Engagement for Highway Construction Contracts



Ministry of Transportation  
Provincial Highways Management Division  
Date – August 2, 2017

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# Introduction

- In response to the findings and recommendations contained in the Auditor General's Report: ***Road Infrastructure Construction Contract Awarding and Oversight*** the Ministry created an action plan to address all seven of the Auditor's recommendations.
- As part of the Ministry's Action Plan for Highway Construction Contracts and Oversight we are reviewing how policy, standards and specifications are developed for provincial highway construction projects.
- This review will focus on the best approach/process for engaging technical stakeholders while adhering to the principles of openness, transparency and preventing conflicts of interest.
- Your input will help us improve the way policy, standards and specifications are developed for highway construction projects.

---

# Goals for the Day

- Opportunity for technical stakeholders to share their views and comments regarding MTO's approach to policy/standards/specifications development.
- Opportunity to help shape future MTO communications and stakeholder engagement by providing your input.

---

# Background Information

- The 2016 Annual Auditor General's Report was a comprehensive independent investigation of MTO's highway construction contracts and oversight.

## **Audit Objective and Scope**

- The audit objective was to examine construction projects in the transportation sector to assess whether the Ministry of Transportation had effective policies and procedures in place to ensure that:
  - contractors were selected in a competitive, fair, open and transparent manner that resulted in contracts being awarded to qualified bidders only, with due regard for economy;
  - there was sufficient oversight of the contractors during construction; and
  - final construction resulted in a high-quality asset that meets the needs of Ontarians.
- The audit work was primarily conducted between December 2015 and July 2016.

# Auditor General's Report

The Auditor General's report contained 7 recommended actions:

- 1) To ensure that cracks on highways are minimized and that highways can remain problem free for the duration of their expected life cycle.
- 2) To identify poor-quality asphalt before it is laid on highways, the Ministry of Transportation should immediately incorporate the Extended Aging test into its standard testing methodology for asphalt.
- 3) **In developing internal policy, the Ministry of Transportation should ensure that decisions made are in the best interest of all Ontarians.**
- 4) To ensure that testing of asphalt quality is a constructive process and that information from whistleblowers is adequately investigated, the Ministry of Transportation should ensure that controls and appropriate processes over asphalt samples are in place to prevent the risk of sample switching.
- 5) To ensure it obtains a high level of assurance that infrastructure is safely built according to specifications, the Ministry of Transportation should hire or contract its own engineers who are independent from the contractors to perform verification activities.
- 6) To ensure that contractors perform warranty work they are responsible for.
- 7) To ensure that poor-performing contractors and contractors that do not follow safety standards and other requirements are appropriately penalized for their performance or behaviour.



# Working Groups

- MTO Working Groups were formed to address each of the seven recommendations
- The “Stakeholder Working Group” was assigned recommendation 3, bullet 5 which states:
  - *“In developing internal policy, the Ministry of Transportation should ensure that decisions made are in the best interest of all Ontarians. Ensure that whenever committees are established to review and make policy implementation decisions, that the committee members are not in a conflict of interest.”*
- The working group was directed to focus on stakeholder engagement and conflict of interest in internal policy development decision-making

# Working Group Approach

To undertake a jurisdictional review and analysis of best practices that will help MTO:

1) **Improve Transparency**

- Help ensure that policies are seen as credible and reasonable

2) **Address Conflict of Interest**

- To specifically address the Auditor General's recommendation

3) **Stakeholder Engagement**

- To make sure all relevant parties are included in discussions

4) **Communicating Policy Changes and Obtaining Feedback**

- Ways to establish a balance between transparency and public interest

- The expected outcome is a fair and transparent decision-making process, addressing the Auditor General's recommendation regarding conflict of interest and protecting the interests of all Ontarians

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# Scan of Best Practices

- The Canadian Institute of Planners (CIP) has an award category for “New and Emerging Planning Initiatives”, that identifies several infrastructure projects in Canada that excel in their involvement of stakeholders throughout the planning process
- The UK Corporate Governance Reform – Green Paper (UK) recommended a discussion paper to start a conversation to determine if policy changes are required; we are adopting a similar approach.
- Fisheries and Oceans Canada (DFO) was chosen because of the structure and availability of content offered on their website. It also is an excellent example of how government consultation process occurs.
- The *Environmental Bill of Rights, 1993* was recommended by the working group as it promotes transparency and public engagement in environmental decision-making.

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# Scan of Best Practices

- The following slides summarize some of the main findings of our scan of best practices organized in the following 4 categories:
  - Improving Transparency
  - Addressing Conflict of Interest
  - Approaches to Stakeholder Engagement
  - Communicating Policy Changes and Obtaining Feedback.

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# 1. Improving Transparency

- Stakeholders will benefit from access to information explaining how and why decisions are made. Understanding the rationale behind decisions, helps move the ministry towards greater transparency and “open government”.
  
- **Best Practices/Observations**
  - Infrastructure projects used different engagement strategies to disclose to the public and stakeholders how their feedback was being used.
  - Documents such as strategic plans were strengthened and meeting minutes were published, leading to a wider awareness among stakeholders.
  - Details regarding the use of feedback received are made available, once a decision has been made
  - Websites can be used to outline governing themes and principles. Websites also provide a means to communicate details on project framework objectives and consultation policies

## 2. Addressing Conflict of Interest

- The Auditor General's Report, suggests that actions be taken to address conflict of interest in committees. For some critical issues it may be appropriate to actively engage with larger groups for discussion purposes, rather than consulting with individual organizations.
  
- **Best Practices/Observations**
  - Put in place clear conflict of interest guidelines pertaining to outside employment or activities, receiving gifts, hospitality, and other benefits; the Ontario Public Service has clear guidelines in place for its employees.
  - Put the onus on the individual to declare their conflict of interest. Declarations made should be reflected in the minutes of any meeting.
  - Introduce a third party to monitor and evaluate potential conflicts of interest
  - Pre-screen candidates prior to formulating committees. Applicants should be required to submit a screening document that lists all possible areas where conflict of interest may occur
  - Penalties may be associated with not disclosing conflict - depending on the matter

# 3. Approaches to Stakeholder Engagement

## ■ Best Practices/Observations

- Projects can capitalize on local knowledge by making use of various channels of communication such as face-to-face or online submissions
- Multiple points of engagement can be created by developing stakeholder advisory panels and ensuring diverse member representation
- There are several different levels of engagement:
  1. Informing – Simply making information on policies and respective materials accessible
  2. Conventional Consultation – Stakeholders are identified and feedback sought
  3. Citizen engagement – Constant dialogue is achieved by participants who are finding a solution that involves public interest
  4. Negotiated Arrangements – Delegation of authority for decision making
- Notification can occur in two different ways:
  1. Information notice – Not looking for feedback but rather communicating decisions that are not subject to the EBR process
  2. Two-step process – Proposal to decision – Open for feedback for certain time, then when decision notice is posted on a final policy or act, details are provided on feedback received and how it was considered

## 4. Communicating Policy Changes and Obtaining Feedback

- Currently MTO does not have a formal platform to provide information on new or revised policy decisions. There is a need to establish a balance between transparency and public interest. For this to be successful, MTO will have to implement and monitor feedback systems.
  
- **Best Practices/Observations**
  - A registry (such as the Environmental Bill of Rights) provides a means to communicate with stakeholders. There are opportunities to post policy decisions and receive feedback
  - In-person communications and online submissions present multiple points in the planning process to communicate with stakeholders and receive their feedback on proposed plans and decisions
  - Advisory panels provided an open channel of communication with stakeholders and opportunities to incorporate their advice when formulating decisions and policies



# Synthesis/Summary

- Areas of opportunity:
  - Engage early and often with stakeholders
  - Maintain ongoing and clear communication
  - Ensure multiple levels of communication
  - A “one window” location for feedback submissions
  - Recognize distinction between “informing” and “consulting”
  
- Areas of challenge:
  - Decision process may take longer
  - Recognition that there may not be consensus on decisions
  - Not enough information describing how the feedback was used
  - Reviewing reports/extra resources required
  - Can be costly

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# Synthesis/Summary

- Combine the best elements observed from the jurisdictional review to develop a strategy that takes advantage of opportunities and overcomes the challenges listed on the previous slide
- Need to achieve consistent communication as this will lead to successful and credible outcomes. MTO should develop an accessible channel of communication with stakeholders.
- Establish multiple levels of engagement modelled on the DFO and EBR process.
- Create conflict of interest guidelines for group consultations. This will provide a reference for committees and work groups.



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