



MEETING OF THE NCHCA BOARD

By Video Conference

Wednesday, April 8, 2020 (3:00pm-5:00pm)

APPROVED MINUTES

Board Members & Association Representatives		
Darrin Alberty	Brian Lane	Dave Meikle
Nick Bray	Paul Lemire	Jeff Mulcock (OSWCA)
John DeKroon	Chris Lesaux	Nick Regalbuto
Dale Downey	Dave McClure	Stephen Turner
Edson Donnelly (CEO)	Steve McEachen	Bob Watson
Stephen Goodman	Joel McIntyre	
Regrets		
Leon Switzer	Brad Gooderham	
Staff		
Kathryn Sutherland	Kerri Albright	

	Item
1	<p>Call to order and approval of agenda</p> <p><i>MOTION: It was moved by S. Turner, seconded by B. Watson that the agenda be approved, and the Chair be authorized to modify the order of discussion. Carried.</i></p>
2	<p>Collusion Clause</p> <p>The Board reaffirmed its commitment to adhere to the Collusion Clause.</p>
3	<p>Dan Leduc of Norton Rose Fulbright gave a presentation and answered questions regarding the impact of COVID-19 on construction projects.</p> <ul style="list-style-type: none"> • If a “force majeure” clause is included in the contract, it might provide for compensation. The clause may allude to acts of God, unanticipated events, epidemics or wording of that nature. May have a different name, such as suspension clause. • Give notice in accordance with the terms of the contract. • Review the H & S aspect of the project, if you are unsure call an MOL inspector for advice. A

	<p>H & S plan should be communicated with sub-contractors as well. You may want to look at the Hazardous, Biohazardous and Toxic Substances that could be on a job, this may offer compensation.</p> <ul style="list-style-type: none"> • Supply Chain – Typically no relief will be found here however, even if you think that supply will continue to be delivered review it again to be certain. Relief MAY be found if there is a “change in law” where government has mandated companies to shut down eliminating supply of a particular product. If for example, you can no longer get your product from company “A” and you now have to get it from company “B” at a much higher cost, costs COULD be recovered under the “change in law” clause. • Labour – It is important to submit new schedules outlining productivity in regards to the labour force available. This pandemic is unknown territory so tracking documents are very important to maintain at this time. • Getting Paid – Prompt payment still applies. When it comes to jobs unrelated to government, you are encouraged to touch base with companies about payment timelines and possibly consider your Lien Rights to secure payment when necessary. • The City will continue to tenders jobs and it is very important that this continue however the risk is entirely on the contractor. Knowing that we are in the midst of COVID-19 it is up to the contractor to price and bid jobs with that in mind. Compensation for time, cost, labour and equipment will not be offered on newly bid jobs. Contractors may choose to qualify bids with a “Force Majeure” clause going forward. • The regulations are very confusing and contain many exemptions making it very hard to know what jobs should be moving ahead and what jobs should not. Almost all of the risk lies on the contractor who bid the job however if you are a sub-contractor and feel a job is unsafe it is likely that a judge would be sympathetic. Be sure to document your decisions and communications. • Owners, contractors and sub-contractors are liable for very large fines when working on non essential jobs although the line between essential and non- essential jobs remains unclear. Even the hotline is unclear. You are reminded to check with your MOL inspector if ever you are unsure and to document project changes and decisions as best you can. <p>ACTION – K. Sutherland to circulate the presentation.</p>
4	<p>Welcome of Darrin Alberty as President and Nick Bray as the most recent addition to the board. Approval of Board Executive <i>MOTION: It was moved by C. Lesaux, seconded by B. Lane that the following be approved as the association executive for 2020-2021. Carried.</i></p> <ul style="list-style-type: none"> • President – Darrin Alberty • Past President – Steve Goodman • 1st Vice President – Steve McEachen • 2nd Vice President & Treasurer – Paul Lemire
5	<p>Concrete Technical Bulletin ISTB-2020.01 issued March 24, 2020</p> <ul style="list-style-type: none"> • S. Goodman confirmed that after meeting four times and offering several suggestions not considered by the City a fifth meeting was scheduled with Luc Marion as Chair. Some progress was made during this meeting which has since resulted in the following,

	<ul style="list-style-type: none"> ○ The City has said we cannot move forward in 2020 without spec resolution, they are considering removing the scaling clause ○ The City has agreed to open the slump to meet CSA standards ○ The City has issued this March 24th bulletin updating quality assurance to read the sidewalk should be “practically” free of defects however this needs more work. ○ Nothing measurable is in place, this leaves PM’s to decide what is acceptable to leave in or remove and replace. If a company is not comfortable with the PM’s decision regarding sidewalk they can then go to the C.A. and then to the Q.A. but still, there needs to be something measurable. This makes it hard for contractors to price and could affect VPM scores. ○ S. Goodman confirmed a full spec review will be done for 2021, he will continue to work with the task force with hopes to have pictures as a guideline for what is and is not acceptable. <p>ACTION – S. Goodman to plan next Sidewalk Task Force Meeting, he invites the board to take and submit sidewalk pictures. Past project pictures also welcome.</p>
6	<p>Update on Events and Impact on Budget</p> <ul style="list-style-type: none"> ● Due to COVID-19, many of our events will be pushed back or cancelled resulting in a potential loss of approximately \$80, 000 in 2020. ● We are currently considering, <ul style="list-style-type: none"> ○ A virtual AGM ○ Golf on a smaller scale (144 golfers), less amenities and later in the summer ○ BBQ Shine and Show – We are still hopeful it can move forward ● We may need to cut costs further, possibly eliminating the bursary donation ● We are currently reviewing what events if any, should move forward through the summer ● We are in the process of submitting paperwork for the federal payroll expense relief <p>ACTION</p> <ul style="list-style-type: none"> ● Online event ideas welcome, please share with Kathy or Kerri ● Kerri / Kathy to refund registrants and sponsors for upcoming events (Golf, AGM, BBQ)
7	<p>Roundtable</p> <ul style="list-style-type: none"> ● S. Goodman mentioned TEAMS is being used by the City of Ottawa, other companies may choose to use TEAMS as well. ● Should we consider hosting a videoconference inviting members and other member companies that could offer legal advice to get us through COVID 19? ● S. Turner mentioned several pieces of equipment was recently found near Toronto; he is keeping in touch with his contact based out of the Toronto Police Office.
8	<p>Future Meetings</p> <ul style="list-style-type: none"> ● June 10, 2020 ● August 12, 2020 ● September 11, 2020 ● October 14, 2020 ● November 11, 2020 ● December 9, 2020 <p>ACTION – Kerri to confirm May meeting is scheduled, it is missing from list.</p>

8

Closing