



Vancouver Regional Construction Association
Trade Contractors Division Meeting
MINUTES

Date: 3:30 – 5pm, June 20, 2023

Location: Hybrid via VRCA Boardroom and Microsoft Teams

Attendee	Company	Div	In person	Virtual
Mike Wallis - Trade Contractors Division Chair	Flynn Canada Ltd.	TC		●
Will Pauga - Board Chair	Southwest Contracting Ltd.	TC		●
Geoffrey Beukema	Houle Electric	TC		●
Adam Timler	MBG Metal Building Group Inc.	TC		●
Katy Fairley	BCCA / Fairley Strategies			●
Keery Kamstra	T&T Demolition Ltd.	TC		●
Jason Skarbo	Menard Canada Inc.	TC		●
Andrew Hill	ACH Mechanical Ltd.	TC		●
Kimi Liu	Granby Enterprises Inc.	TC		●
VRCA Staff				
Erin Wormald - Member Experience Specialist	VRCA			●

Action Items

Item #	Owner	Action	Timeline
TC230620-1	Interim President	Topic #1 – Prompt Payment Letter Writing Campaign <ul style="list-style-type: none"> Email Blast/Connector Newsletter - Encourage Members to write letters to their local MLA's regarding Prompt Payment Legislature. Post submitted Members letters on LinkedIn. 	July 11, 2023
TC230620-2	VRCA Members	Topic #2 – Contract Terms <ul style="list-style-type: none"> Provide Katy Fairly prime contracts from Private Owners with contract clauses with the deletion of fair and reasonable clauses. katy.fairley@bccassn.com 	Ongoing



**Vancouver Regional Construction Association
Trade Contractors Division Meeting
MINUTES**

Agenda:

1. Introductions
2. VRCA/BCCA/CCA Updates
3. Discussion open floor.

VRCA/BCCA/CCA Updates

Presenter	Topic	Updates
Interim President	VRCA Updates	<ul style="list-style-type: none"> • New VRCA President has not yet been selected. • BCCA Builders Life Talent Pool - Builders-Life-BC - BC Construction Association (bccasn.com) <ul style="list-style-type: none"> ➢ VRCA will be sending out further information to Members via email blast/The Connector Newsletter. ➢ Potential upcoming Talent Pool Networking event. • YCL Boat Cruise – July 20, 2023 – Save the Date • YCL Golf Tournament – September 8, 2023 – Save the Date
Division Chair	BCCA/CCA Updates	<ul style="list-style-type: none"> • BCCA Industry Survey - Survey results are posted. https://bccasn.com/news-publications/stat-packs-data/#industrysurveys • BCCA Closeout Guide - https://bccasn.com/procurement/closeout-guide/ • BCCA Apprenticeship Services - Apprenticeship Services About - BC Construction Association (bccasn.com) • BCCA Trade Contractors Round Table Meeting <ul style="list-style-type: none"> ➢ Working on getting escalation clauses added into the CCA-1 Standard Contract & CCDC. ➢ Working on a bulletin for trade contractors on best practices that trades can implement now.

Discussion Topics:

Topic	Discussion Points	Conclusions (if applicable)	Action Item
1. Prompt Payment Legislation	<ul style="list-style-type: none"> ➢ Katy Fairley – Update of Prompt Payment Legislation status. <ul style="list-style-type: none"> • Approximately 4 weeks ago the government agreed to form the working group that they agreed to form 18 months ago. No timeline of when this will come together. • No timeline on the introduction of the legislation. • Prompt Payment is also Lien Reform and Adjudication Services. 	<ul style="list-style-type: none"> • Members to reach out/write to their MLA's and raise awareness on Prompt Payment Legislation and the effects 	TC230620-1

	<ul style="list-style-type: none"> • Encourage Members to contact your local MLA regarding Prompt Payment. • The statutory release of lien holdbacks. • Owners Only Sessions – Only Public Sector Owners can attend. These are held every 2 months and typically over 200 Public Sector Owners attend. • Prompt Payment Legislation is still the #1 advocacy file for BCCA. <p>➤ Questions to Katy:</p> <ul style="list-style-type: none"> • Interim President: Is there anything more the VRCA could be doing regarding Prompt Payment Legislation? • What is the update per province on legislation? <p>Katy Response:</p> <ul style="list-style-type: none"> • Letter/email writing from individual Members to MLA's would be effective. <p>➤ Prompt Payment Status in Canada:</p> <ul style="list-style-type: none"> • British Columbia - No prompt payment legislation has been introduced. • Alberta - Prompt Payment and Adjudication in force since August 29, 2022. • Manitoba - 3rd reading of Bill 38 (Prompt Payment) on May 15, 2023. • Saskatchewan - Prompt Payment and Adjudication in force since March 1, 2022. • Ontario - Prompt Payment and Adjudication In force since October 1, 2019. • Quebec - Amendments made to legislation on June 2, 2022, following a successful prompt payment pilot program. • Newfoundland and Labrador - No prompt payment legislation has been introduced. • New Brunswick - Bill 42 - Prompt Payment and Adjudication introduced May 9, 2023 	<p>of not having it in place here in BC.</p>	
--	---	--	--

	<ul style="list-style-type: none"> • Nova Scotia - Royal Assent on April 12, 2019. Not in force. • PEI - No prompt payment legislation has been introduced. • Northwest Territories - No prompt payment legislation has been introduced. • Yukon - No prompt payment legislation has been introduced. ➤ TC's Comments: <ul style="list-style-type: none"> • Trade Contractors are having to spend a lot of valuable time trying to collect money and it is inhibiting the ability to grow their businesses. • Not having Prompt Payment Legislation in place is having a negative effect on the economy. • BC United is discussing pushing Prompt Payment as a Private Member Bill and may reach out to BCCA/VRCA for more data points, real life stories and information they can bring forward. We have caught their attention and something they want to pursue. 		
<p>2. Contract Terms</p>	<ul style="list-style-type: none"> • Contract terms need to be the next focus after prompt payment legislation by CCA/BCCA. • Lengthy supplementary conditions. • Seeing PO's being used instead of contracts which then has no dispute mechanisms or process involved in it. • Noticing GC's starting to publish the contract with the tender and including it in the bidding documents. <ul style="list-style-type: none"> ➤ Trades should submit their CCDC contract with their bid and say this is the form of contract we want to have. ➤ Trades should also be able to include their CCDC contract in their proposal at the time of bid stating that this is what they would be looking to sign. We need to give more pushback when it comes to contracts. 	<ul style="list-style-type: none"> • Risk Management – Include your own terms and conditions when sending your bids. • Letters of Intent • Read Your Contract Webinar Series from CCA https://www.cca-acc.com/events/connected-webinars/ • Read Your Contract Infographics from BCCA https://bccassn.com/read-your-contract/ 	<p>TC230620-2</p>

	<p>Question to Katy:</p> <ul style="list-style-type: none"> • Clients not having contracts ready to be signed before the project start date. How do we combat this and how should we be protecting ourselves? <p>Katy Response:</p> <ul style="list-style-type: none"> • The ultimate way for a trade contractor is adding money. Give pushback that you will not start without a signed contract. • A possible way to combat this is letters of intent. Recommend speaking to legal counsel to ensure letters are worded correctly to be legally binding. <p>TC's Responses:</p> <ul style="list-style-type: none"> • Ensure letters of intent include payment clauses in them so you can get paid on the letter of intent. • Most GC's do not pay on letters of intent and will only pay on a signed contract. • Sometimes you must be willing to throw away the job to get the contract signed. • With Clients you have had the experience of late payments or delays in contracts being signed add a line item in your bid for financing. • Highlight your proposal that you won't be starting work without a signed contract. If you start work without a contract you've deemed to have accepted the conditions of the contract. • Hold your office staff accountable to get the signed contract before start of work. • Even on the smaller projects be sure to get the PO and contracts in order before the start of work. 		
<p>3. Labour Shortage</p>	<ul style="list-style-type: none"> • BCCA Builders Life BC - <u>Builders-Life-BC - BC Construction Association (bccasn.com)</u> <ul style="list-style-type: none"> ➤ Database of 5000 potential workers available for a variety of trades. 		



	<ul style="list-style-type: none"> ➤ 3300 potential workers are from the Vancouver region. • Finding success hiring people recently graduated from high school. • Trade programs starting in high schools are positive for the construction industry. 		
<p>4. Prepayment of Materials & Deposits</p>	<p>Questions from Katy Fairley to TC's</p> <ul style="list-style-type: none"> • Are you seeing from the Owner that they are open for payment before materials arrive on site? • Is it a concern? • Are there any kind of requirements coming from your suppliers to yourselves regarding deposits? • Are you seeing any Owners willing to pay deposits? <p>Answers from TC's</p> <ul style="list-style-type: none"> • We deal with this quite a bit and are taking the time to talk to a lot of our clients in advance because the schedule is of the utmost importance to a lot of the GC's. • Still seeing some supply chain issues. • Times are changing, we used to do on time delivery and now that's a thing of the past. • We are now frontloading all our projects and some of our larger projects we have even exposed storage costs to get materials on site sooner. Finding 95% of GC's and Owners are willing to pay for that cost upfront. • We are seeing manufacturers requiring 10% deposits on shop drawings for example and other deposit scenarios we haven't come across before. We are very transparent and expose those percentages to the Owner and include it in our progress billing and have been successful in doing that. • You need to get creative with your progress billing when you aren't getting paid on time. 		