



# Practice Advisory

*Practice Advisory* brings to members' attention topics that have an impact on either management of the practice or management of the project.

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# CDAO

Construction & Design Alliance of Ontario

**New Best Practices Guide on Procurement Issues Being Developed**

**OAA Continues Work with Allied Industry Groups**

The OAA is continuing its work to address issues faced by the profession around procurement practices as well as unreasonable RFP and contract language. A new facet of these efforts is a collaborative project among 17 industry organizations through the [Construction and Design Alliance Ontario \(CDAO\)](#).

Over the summer, CDAO issued an RFP to engage a consultant to develop content for a guide to construction and design procurement best practices. Its goal is a living document that can be promoted to encourage more organizations from the buyer sector to explore best practices in their current and future projects.

Once published, this procurement guide would also serve as a foundational platform for CDAO and its individual member organizations to relay a consistent and unified message around the impacts and importance of fair and transparent procurement models.



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# COVID - 19

## UPDATES

### When Clients Ask Your Practice to Certify COVID-19 Vaccination Status

Practices may have already had clients request proof of vaccination in the context of existing projects and for new ones. Such requests generally align with the client's own vaccination mandate.

Some companies are approaching this in an informal manner (e.g. requesting via email that practices only send fully vaccinated employees or subconsultants to site), and others are requesting practices to sign attestations and/or provide proof of vaccination for staff attending site for work-related functions (meetings, surveys, site review, etc). Some are seeking to have the practice assume responsibility for all their subconsultants actions in this regard.

The OAA recommends members evaluate the business risk of signing such documents as well as contractual obligations between themselves clients and subconsultants. The privacy of personal information and obtaining proper permission to share it is a serious concern, whether it is in the hands of the practice or the client.

Based on calls received at the [Practice Advisory Hotline](#) as well as discussion among the [Practice Resource Committee](#), the OAA's [COVID-19 webpage](#) will be updated in the upcoming weeks with items for firms to consider as these documents continue to surface for active projects.

The language on these forms is not standardized and the situation continues to evolve. Consulting with your legal counsel as it pertains to contract and employment law, as well as with [Pro-Demnity](#), is strongly recommended.



## Best Practices for Review of RFP Language and Supplementary Conditions to OAA 600 and Other Client Architect Contracts—Excerpt 14

The OAA continues to review RFPs and contracts with the intent of identifying requirements and provisions that:

- may be uninsurable;
- require an Architect or Licensed Technologist OAA to contract out of their professional obligations as set out in the *Architects Act* and Regulation 27;
- contravene either piece of legislation; or
- unreasonably increase their obligations beyond those at law.

Neither the following nor the article to which it links constitutes legal advice. This is the latest in a series of excerpts from [Practice Tip PT.39.1](#) that should assist practices in making a ‘go/no-go’ decision with respect to responding to an RFP or in contract negotiations. Members should familiarize themselves with all of PT.39.1 and refer to it when reviewing RFPs, and bid and contract documents. To read previous installments in this series, [click here](#).

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# PRODEMUNITY

## Offering Construction Services: New ProDem Exclusions as of January 2022

Pro-Demnity Insurance Co. recently introduced a new restriction on coverage, entitled “[Excluded Services Endorsement](#),” which will be effective as of January 1, 2022. Construction Phase Architectural Services where the Architect is also providing the Delivery of Construction Services on the same project are no longer covered.

The new endorsement in the Pro-Demnity policy better defines the distinction between Construction Phase Architectural Services as the usual and customary services of an Architect, and the Delivery of Construction Services that is not usual or customary.

Members are encouraged to reach out to Pro-Demnity with any questions as well as review the [FAQs](#) for additional guidance/detail on this policy change.

In light of this new policy change, the OAA's Practice Advisory Services (PAS) team will be updating [Practice Tip PT 26, Conflict of Interest Guideline—Provision of Architectural Services and Construction Services](#). You can also access the Act and regulations [here](#).



Announced via [CodeNews](#) 318 earlier this month, the Ministry of Municipal Affairs and Housing (MMAH) has launched two rounds of public consultation on proposed changes for the next edition of Ontario's Building Code, which continues the process of increased harmonization with the National Construction Codes.

Currently, proposed code changes are posted on the [Regulatory Registry](#) for comment until **December 4**. These include existing technical variations between the provincial and national codes, Ontario-only changes, and low-impact existing technical variations.

Additional proposed changes for the next edition of Ontario's Building Code will be posted for comment in the winter of 2022. These proposals will focus on 2020 National Construction Code changes.

OAA members are encouraged to participate in and review the proposed code changes that affect those code provisions they regularly reference for their projects, particularly where there have been difficulties or issues with differing interpretations in the past. If the Ministry is already proposing to revise a provision, then that is the time to propose or request a clarification.



The Construction and Design Alliance of Ontario (CDAO), of which the OAA is an active member, is conducting research through a short survey to get a clear understanding of how the [Construction Act](#) is impacting Ontario's broader construction and design sector, including the architecture profession.

Until **November 30**, Certificate of Practice holders are encouraged to participate in the survey, which will contribute to the scope and shape of industry efforts to improve the Act and market conditions by providing perspective on key issues such as prompt payment, lien rights, and contract terms and conditions. Learn more by [clicking here](#).

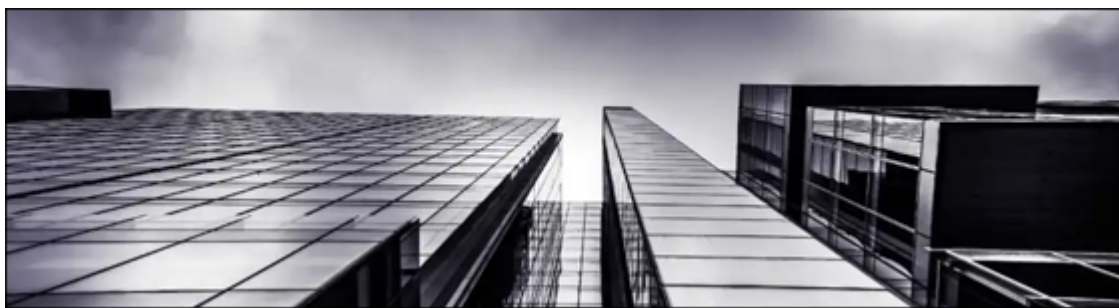


**OAA and OGCA Release Recommended Supplementary Conditions for New CCDC 2-2020 and New Practice Tip 23.11**

On November 2, 2021, the OAA and the [Ontario General Contractors Association \(OGCA\)](#) published [Recommended Supplementary Conditions for the Stipulated Price Contract—CCDC 2-2020](#), for use with the 2020 edition of the Canadian Construction Documents Committee’s standard construction contract.

The OAA also created Practice Tip—[PT.23.11, CCDC 2-2020 Stipulated Price Contract Overview of the Changes in the 2020 Version and Recommended Supplementary Conditions](#) for use in conjunction with the supplementary conditions. This new resource is not an exhaustive analysis of all the changes between the 2008 and 2020 versions, but highlights the significant content or procedural changes affecting the profession.

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## World-wide Fire Safety Initiative Launched

A global coalition of more than 80 fire safety leadership organizations, [International Fire Safety Standards \(IFSS\)](#) has launched a new Decade of Action for Fire Safety 2022-2032. Its aim is to ensure an internationally consistent approach to the safety and management of buildings and infrastructure with the aim of saving lives by reducing risk and preventing devastating fires. For more, [click here](#).

# Ontario



## Construction Sites and Excess Soil Management Regulations

The [Regulations 406/19 On-site and Excess Soil Management](#) came into effect on January 1, 2021, with additional requirements being phased in. The Government of Ontario offers a [technical document](#) that lays out quality standards and rules for excess soil. Members working on construction projects that involve excavated soil should be familiar with the requirements as well as understand the project team's roles and responsibilities under the [Environmental Protection Act](#).



## Industry Impacts from Material Cost Escalations Continues

As noted in [May 2021's Practice Advisory](#), unprecedented price escalations and material shortages continue to affect not only clients' projects, but also the management of practices (e.g. staffing needs, project timelines, changing details due to lack of a product originally specified before the pandemic, etc).

Members may start seeing new clauses appear in current and future contracts between clients and contractors to address escalation and market fluctuation. It is important to continue to advise clients to consult their legal counsel prior to signature of all agreements and contract changes as well as highlight the current challenges of availability of materials, equipment, and labour that comes to play.

As the industry continues to navigate these issues, practices and the project leaders are encouraged to discuss expectations as well as the unpredictability of the market as it stands today.

# We're Hiring!



Ontario Association  
of Architects

## OAA Careers: Searching for a Project Coordinator (PAS)

The OAA is looking for a full-time project coordinator for [Practice Advisory Services \(PAS\)](#). Working with the Practice Advisors and reporting to the Manager, Practice Advisory Services, this individual will provide quality support services for the PAS team as well as to Committees and Sub-Committees/Task Groups. For more, [click here](#).

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