

December 6–7, 2011 | Marriott Bloor Yorkville | Toronto

21ST ANNUAL

CONSTRUCTION superconference

Best Practices For Planning and Managing Construction
Projects in Our Improving Economy

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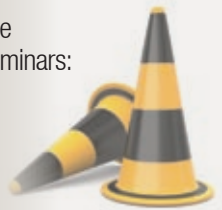
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TORONTO CONSTRUCTION ASSOCIATION

Our unparalleled faculty of senior industry executives, leading construction lawyers, consultants, and key government officials, will share with you their key insights and developed strategies on the most current issues facing you today, including:

- Exploring the increase of **complex partnership arrangements**, and how your company can profit from it
- Successfully identifying and implementing the **contract model** that is right for your project
- Developing strategies to manage the impact of the **labour shortage**
- Determining the appropriate **financing model** for your construction project
- Effectively managing risk associated with **delays, costs and disputes**
- Staying current on **key technological developments** helping to shape the industry

Plus! Add invaluable, practical utility to your attendance at the conference by participating in our hands-on pre-conference and post-conference seminars:

- A** The Fundamentals of Construction Law
- B** Step-by-Step Guide to Negotiating Change Orders and Managing Contract Work Delays



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Ensure your company is equipped with the latest tools and knowledge to succeed in the current construction climate

The construction industry in Canada has been steadily recovering, and as always, is adapting to the current economic climate. The industry looks very different than it did a few years ago, due, in part, to increased government funding, complex partnership arrangements, and a move towards collaborative practices. With those changes, come a need to be on top of a host of emerging issues and developments. Do not let your company fall behind by failing to remain current on the industry movements, latest trends, legal developments, and risk management techniques.

We have created a program based on the current climate and what you have told us are your most pressing challenges and issues. The Canadian Institute's 21st Annual Construction Superconference brings together an unparalleled faculty of speakers, including top industry executives, leading construction lawyers and consultants, and key government officials, who will take you through what you need to know to optimize your company's success, at every phase of the project life-cycle. From pre-construction planning, to the utilization and implementation of increasingly necessary technologies, through to critical regulatory and legal developments, you will get equipped with what you need to know to be prepared for the industry's increasingly complex framework.

Attend this year's **Construction Superconference** and gain critical knowledge to help you:

- Profit from the increase of **complex partnership** arrangements
- Determine the **contract model** that is right for your project
- Tackle the possible impacts of the **labour shortage**
- Reduce **delays**, unnecessary **costs** and **disputes** throughout the project life-cycle
- Manage common **environmental regulatory concerns**

Plus! Add value to your attendance by participating in our hands-on pre-conference and post-conference seminars:

- A** **The Fundamentals of Construction Law**
- B** **Step-by-Step Guide to Negotiating Change Orders and Managing Contract Work Delays**

Spaces will fill up quickly. Reserve your space today by calling 1-877-927-7936, by faxing your registration form to 1-877-927-1563 or by registering online at www.CanadianInstitute.com/construction.

We look forward to seeing you at the event in December!



Distinguished Faculty

Co-Chairs

Glenn Ackerley
Partner, WeirFoulds LLP
Chairman of Toronto Construction Association

Howard Krupat
Partner, Heenan Blaikie LLP

Speakers

Juli Abouchar
Partner, Certified Environmental Law Specialist
Willms & Shier Environmental Lawyers LLP

Brendan Bowles
Partner, Glaholt LLP

Dan Bunner, P. Geo
Principal, Environ

Duncan Card
Partner, Bennett Jones LLP

Patrick Dillon
Business Manager, Ontario Building Trades

Paul Ficca
Senior Managing Director, FTI Consulting

Yonni Fushman
Division General Counsel and Director
Risk Management, Aecon Infrastructure Group

Glenn Grenier
Partner, McMillan LLP

Paul Ivanoff
Partner, Osler Hoskin & Harcourt LLP

Vince Kacaba
Director of Training, U.A. Local 46 JTAC

Sergio Karas
Karas & Associates Immigration Lawyers

Robert Keen
Senior Consultant, Revay and Associates Limited

Richard Lyall
President, Residential Construction Council of Ontario

John McKendrick
Senior Vice President, Project Delivery, Infrastructure Ontario

Jenny McMinn, BES, B. Arch., LEED A.P.
Sustainability Consultant, Halsall Associates Ltd

Romeo Milano, BA, AMRT
Senior Project Manager
Safetech Environmental Limited

Marcia Oliver
Certified Specialist – Construction Law, Partner, Advocates LLP

Joe Perry
Project Manager, Ellis Don Corporation

R. Bruce Reynolds, FCIARB
Partner, Borden Ladner Gervais LLP

Nancy Rogers
Partner, Grant Thornton LLP

Caesar Ruest
BIM Solutions Executive Autodesk

Rick Russell
Owner, Agree Dispute Resolution

Judy L. Wilson
Partner, Blake, Cassels & Graydon LLP

DAY 1 – TUESDAY, DECEMBER 6, 2011

8:15 **Registration Opens and Coffee Served**

9:00 **Opening Remarks from the Co-Chairs**

Glenn Ackerley

Partner, WeirFoulds LLP
Chairman of Toronto Construction Association

Howard Krupat

Partner, Heenan Blaikie LLP

9:15 **How to Profit From the Latest Trend of Partnerships and Successfully Spread Risk**

Rick Russell

Owner
Agree Dispute Resolution

- Best practices for engaging partners who minimize your risk exposure and maximize returns
- How can you take advantage of the latest trend towards partnerships in the market?
- Key strategies for managing expectations and anticipating problems in joint ventures
- Tools for analyzing which projects and partners are an optimal fit
- Systematically evaluating partner involvement:
 - are you properly valuing benefits of integration, lifecycle costing, risk transference, and innovative project delivery?
- **Case Study:** Lessons learned from current partnerships in the market

10:00 **Networking Refreshment Break**

10:15 **Determining the Best Financing Models in the Current Market for Your Construction Projects**

R. Bruce Reynolds, FCIARB

Partner
Borden Ladner Gervais LLP

- Reviewing the statistics and understanding the financing trends in Canada
- Discerning the differences between the current models of financing available for construction projects:
 - which models are successful in which circumstances, for which projects?
 - which particular sectors or projects are most suited for P3s?

- which specific situations or conditions make for less or more successful financing?
- Developing assessment tools to determine which model is appropriate for your project
- Understanding project finance and how it is a tool to implement your action plan
- Accurately comparing and contrasting the various P3 delivery models and the traditional financing model

11:15 **Identifying and Procuring the Most Suitable Contract Type Based on the Latest Developments in the Market**

Paul Ficca

Senior Managing Director
FTI Consulting

Judy L. Wilson

Partner
Blake, Cassels & Graydon LLP

- Reviewing the numerous contract models in the market today: Stipulated Price Contracts, Construction Management, Design-Build, EPC Contracts, Public Private Partnerships
 - key strategies for deciding what is most appropriate for your project
- Best practices for procuring, structuring and managing Design/Build and DBFM projects
 - "do's" and "don'ts" of such contracts
- Evaluating the pros and cons of various construction models
- Knowing, and preparing to manage, the risks associated with the various models
- Successfully transitioning from contract manager projects to other models

12:15 **Networking Luncheon for Delegates and Speakers**

1:30 **Reducing Delays, Cost and Disputes in the Current Construction Environment: Best Practices for Proper Risk Management**

Yonni Fushman

Division General Counsel and Director
Risk Management
Aecon Infrastructure Group

Brendan Bowles

Partner
Glaholt LLP

Paul Ivanoff

Partner
Osler Hoskin & Harcourt LLP

- Examining key risk management issues and challenges:
 - project development
 - design
 - construction administration standards
 - policies, systems, and procedures
- Performing a commercial analysis to ensure well defined scope and reliable cost
- Accomplishing effective construction administration from an owner's perspective
- Creating a structure that will facilitate proactive contemporaneous progress analysis
- How to pinpoint and assign responsibility when a project is delayed or over budget
- Practical strategies for cost and schedule risk assessment
- Achieving proactive claims containment and mitigation process
- Taking advantage of the latest technologies to reduce risks
 - how is technology helping in the management of construction risk?
 - understanding how the latest tools assess a project's risk profile
- Reviewing cases of construction delays to glean insight and best practices
- Pulling it all together: developing an effective risk management process

2:45 **Networking Refreshment Break**

3:00 **Practical and Legal Implications of Two Leading Technological Issues At Play in the Construction Industry: BIM and Intelligent Buildings**

Caesar Ruest

BIM Solutions Executive Autodesk

Duncan Card

Partner
Bennett Jones LLP

a) Building Information Modelling (BIM)

- Improving efficiency of the project delivery cycle by using BIM
- Understanding advantages of BIM for owners and contractors
- Decreasing risk by increasing project understanding
- Raising project predictability through the use of BIM
- New methods of reducing waste and improving visual and reporting information
- Improving communication and collaboration among the project team
- Avoiding cost overrun and quality concerns

- Overcoming ownership rights: who takes ownership of the model?
- What are the implications of BIM on bonding and insurance?
- Successfully managing the coordination between consultants and contractors when using BIM

b) Intelligent Buildings

- Exploring unique procurement issues
- Highlighting the importance of separating design from build
- Understanding the different commercial norms for tech suppliers and subcontractors
- Applying technology contract norms to buildings: testing, warranties, remedies, support & improvements

4:00 **Concluding Remarks from the Co-Chairs**

Legal Accreditation



This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the **Law Society of Upper Canada**. Please note that these CPD hours are not accredited for the New Member Requirement.

This program has been approved by the **Law Society of Saskatchewan** for 11 CPD hours for the conference. Members will also receive 3 additional CPD credit hours for each workshop attended.

The same number of hours may be applied toward your continuing legal education requirements in **British Columbia**.

The **Barreau du Québec** automatically recognizes the same number of hours for this training activity, the latter having been accredited by another Law Society subject to MCLE.

Attendance at this program by members of the **Law Society of Alberta** may be submitted to the Law Society for Continuing Professional Development credits.



For over 25 years, The Canadian Institute's programs, summits and executive briefings have provided the business intelligence that Canadian decision makers need, to respond to challenges and opportunities both here at home and around the world. With a view to provide information on the leading edge, The Canadian Institute operates as a think tank – monitoring trends and developments in all major industry sectors. Headquartered in Toronto, The Canadian Institute produces over 180 events attended by thousands of senior executives from across the country. For more information, visit www.CanadianInstitute.com.



DAY 2 – WEDNESDAY, DECEMBER 7, 2011

8:15 Coffee Served

9:00 **Opening Remarks from the Co-Chairs**

9:15 **Developing Your Practical Strategy to Address Critical Skilled Labour Challenges**

Glenn Ackerley

Partner
WeirFoulds LLP
Chairman of Toronto Construction Association

Sergio Karas

Karas & Associates Immigration Lawyers

Vince Kacaba

Director of Training
UA Local 46

- Understanding the changing dynamics in the current market: what does this mean for the construction industry?
- What initiatives are currently being put in place by the government to alleviate the labour shortages?
- Where exactly are the shortages and what trades will be most in demand?
- Analyzing key trends and statistics:
 - what is the forecast for the foreseeable future?
 - how has productivity of construction projects been affected?
- Examining the effect of the more stringent safety regulation procedures:
 - how does this affect productivity of projects?
- Identifying practical solutions for finding the necessary workers:
 - looking for innovative solutions: is hiring foreign workers still a viable option?
 - getting out-of-province contractors interested
 - are there new options for 2012?
- Delving into market capacity to take on construction projects beyond one year

10:30 **Networking Refreshment Break**

10:45 **Crucial Updates on Environmental Regulatory Issues Impacting Your Projects and Projections**

Juli Abouchar

Partner, Certified Environmental Law Specialist
Willms & Shier Environmental Lawyers LLP

Dan Bunner, P. Geo

Principal
Environ

Environmental regulation offers obstacles and opportunities for the companies that are aware and adapting to future initiatives. In this session, learn how to address new environmental regulatory challenges and opportunities in Canada, including Canadian environmental assessment, brownfields re-development, renewable energy and conservation, and consulting Aboriginal people with respect to archaeological issues. There will be a question and answer period at the end of this session to address your most pressing queries.

- Effectively managing the environmental regulators' approval processes
 - dealing with long approval times and the impact on funding
 - successfully communicating elements of the project to minimize delays
 - other practical tools to assist in navigating through the approval process
- Looking at the possibility of harmonizing Federal and Provincial approval processes—which provinces are implementing a streamlined approach, and what are the hurdles being faced?
- Getting up to date on regulatory issues affecting brownfields redevelopments and consultations with Aboriginal people with respect to archaeological issues

12:00 **Networking Luncheon for Delegates and Speakers**

1:15 **Optimizing Resources and Managing Environmental Impact During Design, Construction and After Project Completion**

Jenny McMinn, BES, B. Arch., LEED A.P.

Sustainability Consultant
Halsall Associates Ltd.

Romeo Milano, BA, AMRT

Senior Project Manager
Safetech Environmental Limited

- What are the latest technologies on the market to assist in stretching limited resources and minimizing environmental impact through each stage of construction?
- Evaluating leading edge resource conservation designs and usage in HVAC, water and wastewater systems and lighting
- Identifying how new technology can help lower your project costs
- Examining the most current requirements for managing environmental impact

2:15 **Networking Refreshment Break**

2:30

Crucial Update on Important Upcoming Projects and Future Directions for the Construction Industry

John McKendrick

Senior Vice President, Project Delivery
Infrastructure Ontario

Richard Lyall

President
Residential Construction Council of Ontario

Patrick Dillon

Business Manager
Ontario Building Trades

Joe Perry

Project Manager
Ellis Don Corporation

In this exciting session, get prepared for what lies ahead for the construction industry as the changes and shifts in the economy have brought the need to adapt and grow to the forefront. Hear from industry front runners about what to look for in the future and the new deals and projects that smart companies will be following.

3:45

Analyzing the Latest Case Law and Legal Updates which Shape Your Construction Reality

Marcia Oliver

Certified Specialist – Construction Law
Partner, Advocates LLP

Howard Krupat

Partner
Heenan Blaikie LLP

- Latest case law in the area of procurement
 - how do you manage your procurement strategies in the face of these developments?
 - overview of new procurement rules that are governing more and more organizations
- Analyzing the impact of the impact on trust fund provisions addressed in *Colautti v. Ashcroft* released by the Ontario Court of Appeal
- Reviewing the treatment of “Mary Carter” type agreements by Ontario courts, and specifically in *Aecon Buildings, a Division of Aecon Construction Group Inc. v. Brampton (City)*: what must be disclosed?
- Ensuring you get paid, by understanding the latest amendments to the *Construction Lien Act*
 - continuing to monitor the fall out from the *Kennedy Electric case*
 - what future amendments are being proposed for the *Act*
- Highlighting trends in construction dispute resolution and best practices to avoid expensive litigation through Alternative Dispute Resolution (ADR) tactics

4:45

Concluding Remarks by the Co-Chairs Program Concludes

Who Should Attend

- Owners/Developers
- In-house Counsel
- Government Counsel
- General Contractors, Subcontractors and Suppliers
- Construction and Project Managers/Coordinators
- Construction, Municipal, Environmental and Real Estate Lawyers
- Human Resource Managers
- Risk Managers and Officers
- Foreign Recruiters
- Engineers, Architects and Design Consultants
- Federal, Provincial and Municipal Government Representatives
- Contract Managers, Administrators and Officers
- Procurement and Purchasing Managers/Coordinators
- Utilities, Hospital and School Board Representatives
- Insurance/Surety Bond Company Representatives
- ADR Professionals
- Construction Finance Professionals
- Construction Consultants
- Land Use Planners

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Pre-Conference Seminar
Monday, December 5, 2011
1:00 p.m. – 4:00 p.m.

A

Fundamentals of Construction Law

Glenn Grenier
Partner
McMillan LLP

Get prepared to fully engage in the conference ahead through understanding essential construction law concepts that structures the construction reality you deal with on a daily basis. In this interactive workshop, gain a solid grasp of the following fundamentals

- Considerations to address at the outset of a construction project
 - reviewing procurement models
 - contractual structures
 - pricing models
- Reviewing the standard CCDC contract
 - what is the proper form for construction contract?
 - what are the typical clauses that are included and why?
 - what are critical elements of successful contracts?
 - how to identify and manage risk in the contract drafting phase
- Analyzing construction management, Design-Build, EPC Contracts, etc.
- How to identify and manage risk throughout the construction project
- Understanding the key statutes and legislation impacting the construction industry

Post-Conference Seminar
Thursday, December 8, 2011
9:00 a.m. – 12:00 p.m.

B

Step-by-Step Guide to Negotiating Change Orders and Managing Contract Work Delays

Robert Keen
Senior Consultant
Revay and Associates Limited

Nancy Rogers
Partner, Grant Thornton LLP

The majority of projects experience significant delays. The ability to effectively manage the impacts of delays on a project can be the difference between a successful project and a failed project. This practical, interactive workshop will give you the skills to identify the true causes of delays, assess the real impacts of delays, including concurrent delays, provide schedule recovery strategies that actually work and discuss the essential elements for developing and assessing a delay claim. Attend this workshop and learn how to properly manage a work delay situation.

Topics will include:

- Identifying the specific delay
- Correctly categorizing the delay
- Ensuring the correct contract procedures are followed
- Negotiating the appropriate change order
- Assessing the impact of delays on the work
- Schedule recovery strategies (what works and what does not)
- Developing and assessing a claim for delay
- Pricing the delay and impacts

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practice is a leading provider of commercial management, planning and scheduling, cost analytics, and dispute resolution services on large, complex projects across all construction and engineering industries. www.fticonsulting.com/industries/construction-solutions/index.aspx



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General contractors have relied on the OGCA (Ontario General Contractors Association) for up-to-date, reliable advice on handling contracts and working with architects, engineers and owners. OGCA members have daily access to trendsetting, leading-edge information vital to their business success. They receive timely updates on changes to government rules and regulations, the introduction of new tools and training for site safety, and trends in best practices. Joining the OGCA gives you immediate and unparalleled access to a province wide network of contractors, trades people, consultants and experienced knowledgeable staff. www.ogca.ca

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Project Manager, Risk Manager, Legal Counsel



Top Reasons to Attend

- ✓ Profit from the increasing trend of partnerships
- ✓ Develop strategies to manage the labour shortage
- ✓ Identify the best contract models for your projects
- ✓ Successfully manage delays and cost overruns

5 EASY WAYS TO REGISTER

- Phone:** 1-877-927-7936 or 416-927-7936
- Fax:** 1-877-927-1563 or 416-927-1563
- Email:** CustomerService@CanadianInstitute.com
- Mail:** The Canadian Institute
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STEP 1

PROGRAM CODE: 329A12-TOR

For group discounts call 1-877-927-7936!

YES! Please register the following delegate for the 21st Annual Construction Superconference

FEE PER DELEGATE	Register & Pay by Oct. 21, 2011	Register & Pay by Nov. 8, 2011	Register & Pay after Nov. 8, 2011
<input type="checkbox"/> ELITEPASS*: Program + 2 Seminars	\$3085 + 13% HST	\$3185 + 13% HST	\$3385 + 13% HST
<input type="checkbox"/> Program + 1 Seminar	\$2490 + 13% HST	\$2590 + 13% HST	\$2790 + 13% HST
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<input type="checkbox"/> Please add a copy of the *Program Proceedings (BINDER) to my order for \$195 + \$21.95 (S&H) + applicable taxes *Published and shipped within 4 weeks from program			
<input type="checkbox"/> I cannot attend, but I would like to purchase the CD-ROM for \$320 + 15.95 (S&H) + applicable taxes			

*ELITEPASS is recommended for maximum learning and networking value.

STEP 2

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TYPE OF BUSINESS _____ NO. OF EMPLOYEES _____

APPROVING MANAGER _____ POSITION _____

STEP 3

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I have enclosed my cheque for \$ _____ including applicable taxes made payable to **The Canadian Institute** (GST No. 84221 1153 RT0001)

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Please quote the name of the attendee(s) and the program code 329A12 as a reference.
Beneficiary: **The Canadian Institute**
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ADMINISTRATIVE DETAILS

VENUE: Marriott Bloor Yorkville
ADDRESS: 90 Bloor Street East, Toronto, ON
TEL.: 416-961-8000

Hotel Reservations

For information on hotel room availability and reservations, please contact the Marriott Bloor Yorkville at 416-961-8000. When making your reservation, please ask for "The Canadian Institute's Preferred Corporate Rate".

Registration Fee

The fee includes the program, all program materials, continental breakfasts, lunches and refreshments.

Program Materials

Program participants will receive a comprehensive set of program materials prepared by the speakers. If you have paid and are unable to attend, these will be shipped to you upon request only. Request must be received within 30 days upon conclusion of the program.

Payment Policy

Payment must be received in full by the program date to ensure admittance. All discounts will be applied to the Program Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization. For groups of 4 or more please call 1-877-927-7936 for additional discounts.

Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the program date and a credit voucher will be issued to you for the full amount paid. Credit Vouchers are valid for 1 year and are redeemable against any other program by **The Canadian Institute**. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the program date. **The Canadian Institute** reserves the right to cancel any program it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.