

# ORBA-MTO Quarterly Meeting Minutes

**Date:** April 6, 2023

**Time:** 1 p.m. to 4 p.m.

**Location:** TEAMS

ORBA ATTENDEES	ORGANIZATION	MTO ATTENDEES
Mario Villeneuve	President, ORBA	Neil Zohorsky
Andrew Weltz	BAUER Foundations Canada	Brenda Liegler
Kevin Machej	Dufferin Construction Company	Jasan Boparai
Michael McSweeney	ORBA	Dan Remollino
Andrew Hurd	ORBA	Alain Beaulieu
Ashley Mason	ORBA	Brandy Duhaime
Malcom Croskery	Pioneer Construction	Emily Frazer
		Heather Evoy
<b>Regrets:</b>	Jennifer Graham Harkness Michelle Pasqua	Janet Leader

	Item	Lead
1.	<p>Welcome/Introductions</p> <p><b>MTO Updates:</b> Jennifer Graham Harkness was unable to join the meeting today. In addition, there have been some changes within MTO due to the retirement of Steven McInnis. Alain Beaulieu has been appointed the new Director Design and Engineering and Brenda Liegler will be acting in the role Director Standards and Contracts until a competition is held to fill the position permanently.</p>	All
2.	<p>Review of previous minutes/action items:</p> <p>ORBA requested time to review the minutes from the December 8, 2022, meeting. They were accepted in May 2023 and posted on the Technical Consultation Portal (TCP).</p>	MTO
3.	<p>ORBA Lobby Day Recap</p> <p>ORBA provided a summary of the Lobby Day:</p> <ul style="list-style-type: none"> <li>- Very productive conversations with the Premier, Ministers and DMs.</li> <li>- Good exposure and networking for new ORBA members.</li> <li>- A working group to discuss various issues is being struck with Minister, DM and ORBA members. The Premier is to attend to set the tone.</li> </ul>	ORBA

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4.	<p>Capital Program/Highway Projects (A)</p> <p><b>Dan Remollino presented on behalf of Michelle Pasqua:</b></p> <p>23/24 Budget Slide:</p> <p>The total capital budget has increased - it's \$155M more than last year.</p> <p>22/23 Budget:</p> <ul style="list-style-type: none"><li>- The largest increase is in property and design funding (\$206M), which will help us prepare for future construction projects.</li><li>- Construction funding remains at \$2.3B, which we intend to fully spend.</li></ul> <p>Budget Distribution Slide:</p> <p>The annual budget funds both carryover work and the current year value of new procurement activity.</p> <p>The amount of carryover varies from year to year because of the size and composition of contracts. It can often account for a large proportion of the spending in a given year.</p> <p>22/23 Tendering Accomplishments:</p> <ul style="list-style-type: none"><li>- As the budget was just recently announced, MTO is still working on finalizing our tendering program for 23/24. We will share the program when it is finalized.</li><li>- We are pleased to report that we finished Q4 with 57 tenders advertised between January 1st – March 31st.</li></ul>	MTO
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	<b>2022-23 Actual Major Capital Tenders - Quarterly Distribution</b>							
	<u>Actual Tenders for 2022-23:</u>			<u>April 2022 Tender Projections:</u>				
	<small>Major Head Office Tenders</small>	<small>Major Regional Tenders</small>	<small>Total Tenders</small>	<small>Major Head Office Tenders</small>	<small>Major Regional Tenders</small>	<small>Total Tenders</small>		
	Q1: Apr-June	11	9	20	Q1: Apr-June	16-19	16-20	32-39
	Q2: July-Sep	6	6	12	Q2: July-Sep	15-18	9-11	24-29
	Q3: Oct-Dec	11	1	12	Q3: Oct-Dec	28-33	7-9	35-42
	Q4: Jan-Mar	48	9	57	Q4: Jan-Mar	56-65	10-12	66-77
	Total	76	25	101	Total	115-135	42-52	157-187
	Value	\$1,037M	\$79M	\$1,116M	Value	\$1,340M - \$1,672M	\$131M - \$146M	\$1,471M - \$1,818M
5.	<p>Reducing Risk (Indexing and Communications/Relationships)  <b>Steel</b> - Draft Specification posted on the TCP and closed on March 30<sup>th</sup>. Staff are reviewing comments received and will be meeting with ORBA over the next week to review their comments.</p> <p><b>Fuel and AC</b> – MTO to work on additions to the PGAC and Fuel index pay adjustments. MTO plans to add granular sealing, tack coat, CIREAM and Cold-In-Place to the AC index (check surface treatment) and is reviewing consumption rates for caisson piles, HIR and RAP placement to the fuel index adjustments. Fuel will take more time (after tendering period) as estimating section is responsible for that work, and they are focussed on tendering.</p> <p><b>PGAC in DBs</b> - New warrants have been added to the ACPAYADJ NSSP allowing the option for PGAC adjustments for projects with more than 5000 t superpave or more than 1000t in contracts that are longer than 24 months.</p> <p><b>Communications and Relationships</b> – ORBA indicated that they spoke about their concerns regarding communications and relationships in the field during their Lobby day.</p> <ul style="list-style-type: none"> <li>- ORBA would like to see more claims/disputes resolved during staff at the field level.</li> <li>- ORBA suggests there may need to be more training of staff to help manage these relationships on both sides (contractor/MTO).</li> </ul>						ORBA	

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	<ul style="list-style-type: none"> <li>- ORBA hopes that improving communications will lessen the amount of time claims/disputes are taking to be resolved and may diminish the number of claims/disputes.</li> </ul> <p>MTO supports looking at opportunities for improvement and continuing conversations about field resolutions. Discussions will continue on the best venue or method, i.e., Spring meeting updates, training, etc.</p>	
6.	<p>Municipal Uptake – Indices and Recycled Materials</p> <ul style="list-style-type: none"> <li>- Discussion on municipal vs MTO standards and specifications.</li> <li>- Various OPS and municipal committees discussing tendering and standards benefits.</li> <li>- ORBA has made some outreach presentations on best practices.</li> </ul>	ORBA
7.	<p>Garden City Sky Sounding (A)</p> <p>IO-MTO recently held market sounding/project structuring commercially confidential meetings with interested parties for the Garden City Skyway (GCS) procurement opportunity, during the week of March 20, 2023. There was limited involvement of traditional Ministry contractors.</p> <p>Project Details:</p> <ul style="list-style-type: none"> <li>• The GCS is a new 2.25km twinned structure to carry QEW Toronto bound traffic once in final configuration over the Welland Canal between St Catharines and Niagara on the Lake. The bridge will be built to the north of the existing structure. Bridge type has yet to be determined and will be selected within the context of the procurement model, when selected.</li> <li>• The Reference Concept Design (RCD) design is a concrete deck on steel girders</li> <li>• In addition to the RCD, MTO has completed a Preliminary Design and obtained environmental approvals for the project. Baseline information exists regarding stakeholder consultants / agreements, utilities, foundations and other investigations.</li> <li>• Interim staging will see both directions of travel on new structure while existing structure is rehabilitated in the future. The project includes numerous realignments of local roads, relocation of affected utilities.</li> <li>• The existing bridge has 48 spans, while the new structure has 24 proposed spans, with a 145m-160m steel girder main span.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Construction is expected to start in summer 2024, and end in winter 2028/spring 2029.</li> <li>• There are numerous stakeholders including the Saint Lawrence Seaway Management Corporation, Transport Canada, Niagara Airport Authority, Niagara Region, City of St. Catharines, utility companies, property owners.</li> </ul> <p>The ministry is interested in industry feedback on:</p> <ol style="list-style-type: none"> <li>1. The risk profile of the project, and how this may impact the select delivery model             <ul style="list-style-type: none"> <li>- forms of contract delivery may include DBB, DB, DBF, CMGC or other forms of progressive delivery models such as Progressive DB.</li> </ul> </li> <li>2. Are there aspects of these models that create barriers or concerns with the industry, and if so, what are the major concerns of industry? Are there suggestions/mitigations that can help overcome these barriers?</li> <li>3. How does the industry see participating in this project?</li> <li>4. Does the industry foresee any capacity issues related to the construction timing – summer 2024 through spring 2029?</li> <li>5. Does the size of project create insurance and bonding issues? Does the model selected impact insurance and bonding requirements?</li> </ol> <p>ORBA reported that they have done some reach-out with certain members and there are many concerns related to risk, financial and project outcomes.</p> <p><b>Action:</b> MTO will continue to review project delivery model and consult with industry on potential impacts.</p>	
8.	<p>Provincial Claims (A)</p> <ul style="list-style-type: none"> <li>• MTO provided a summary of the claims' tracker for the period of April 1, 2022, to March 31, 2023.</li> <li>• 130 claim reviews have been completed compared to 111 in F2021/22</li> <li>• 47 claims are currently active (i.e., under review) compared to 62 in F2021/22</li> </ul>	MTO

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9.	<p><b>New Contract Management System Update</b></p> <ul style="list-style-type: none"> <li>• While CMS went live on schedule on February 13, delays to the migration of the data from WBCMS were experienced.</li> <li>• Migration of contracts was prioritized. Priority contracts (active and carry over contracts) were the first to be migrated and are available in CMS. All contracts (non active carry over contracts) are targeted have migration completed by May 19<sup>th</sup>.</li> <li>• All contracts in CMS are available for use, however, it's noted the format of some of the migrated data is not user friendly. Both the CMS vendor and MTO are working at addressing the issues around the migration to minimize impacts.</li> <li>• New contracts are being added to CMS and MTO regions are coordinating access with the Contractors and CA users.</li> <li>• There are numerous training resources available on the MTO's Technical Publications Website, including Manuals/Guides, Recorded training sessions and FAQs. Encourage your staff using the system to leverage these resources and reach out the support team if challenges are experienced.</li> </ul>	MTO
10.	<p><b>General Conditions Update</b></p> <ul style="list-style-type: none"> <li>• MTO General Conditions of Contract (OPSS 100) are being reviewed and updated in two phases.</li> <li>• First, the already implemented Special Provisions that modify GCs (which would have gone through consultation previously) will be rolled into the General Conditions. This will occur in early-mid 2023 as an administrative update.</li> <li>• Second Phase: specific sections of the General Conditions will be reviewed in greater detail including broad consultation. Anticipated this will occur in 2024.</li> <li>• In February, MTO requested that ORBA review with members and submit 3 to 5 high-priority topics they would like to see addressed in phase two.</li> <li>• Encourage ORBA follow up with MTO.</li> <li>• Proposed changes to the GCs will be posted to the TCP for formal consultation.</li> </ul>	MTO
11.	<p><b>Cross Slope Bulletin (A)</b> Will be posted on TCP in the coming weeks.</p>	MTO

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12.	<p>OPSS 127 Rates – Update</p> <p>Draft rates were initially provided to ORBA on February 3, 2023.</p> <ul style="list-style-type: none"> <li>• MTO had experienced challenges in receiving pricing from some suppliers. ORBA offered to contact these suppliers.             <ul style="list-style-type: none"> <li>○ ORBA offered to contact suppliers which resulted in improved response.</li> <li>○ March 21<sup>st</sup>, MTO received additional pricing information and updated the draft rates.</li> </ul> </li> <li>• The Draft Rates were provided to ORBA, as well as all of the variables used for the 2023 calculation Feb 3,2023</li> <li>• 2023 Draft Rates External V3 file is attached             <ul style="list-style-type: none"> <li>○ The only revisions to the previous Draft of Feb 01, 2023                 <ul style="list-style-type: none"> <li>▪ the additional data inclusion and recalculation of the .02.05 Crushing Equipment category (resulting in minimal to no change of previously provided draft rates)</li> <li>▪ completion of the outstanding .02.04 Concrete Placing Equipment category                     <ul style="list-style-type: none"> <li>• Concrete Pump, Trailer Mounted</li> </ul> </li> <li>○ No additional pricing was received</li> </ul> </li> <li>• The Ministry/ORBA consultation period ends March 31, 2023</li> <li>• There are no specific identified issues outstanding.</li> <li>• The final data has been entered, all calculations have been completed, the final Draft Rates are attached.</li> <li>• The final publication document remains to be prepared, finalized, and submitted for OPSS Publication within the next few weeks in order to meet the publication for April 2023.</li> </ul> </li></ul>	MTO
13.	<p>Maintenance Updates</p> <ul style="list-style-type: none"> <li>• MTO and ORBA continue to hold regular bi-monthly meetings to discuss and progress items.</li> <li>• Procurement of four (4) maintenance contracts are ongoing – Owen Sound CDMC, London CDMC, Chatham CDMC and Thunder Bay West CDMC. MTO has also completed procurement and awarded two pavement marking contracts Kenora and Sault Ste. Marie.</li> </ul>	MTO

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	<ul style="list-style-type: none"> <li>• MTO has recently implemented several new clauses in the ongoing maintenance procurements with input and feedback from maintenance contractors. These include:             <ul style="list-style-type: none"> <li>○ CPI for new contracts to apply effective month of tender close</li> <li>○ Maximum Workload Limit clause in new procurements.</li> <li>○ Fair Wage and Guaranteed Hours clause</li> </ul> </li> <li>• Following discussions with maintenance contractors regarding existing contracts that are near the end of the term, MTO is proceeding as follows:             <ul style="list-style-type: none"> <li>○ Huntsville CDMC – advertise new procurement</li> <li>○ Sudbury CDMC – extend existing contract by one year</li> </ul> </li> <li>• The spring RTR (Red Tape Reduction) policy proposal is expected to include a recommendation to amend the HTA (Highway Traffic Act) related to overtaking snow plows working in echelon formation on highways with posted speed of 80 km/h or higher</li> <li>• Discussions continue with ORBA on several items:             <ul style="list-style-type: none"> <li>○ Shortage of operators of winter vehicles, especially for the current winter season</li> <li>○ Winter materials reconciliation/ calibration</li> <li>○ Schedule C Data</li> </ul> </li> </ul> <p><b>Action:</b> ORBA has requested data on highway closures regarding number of closures in 2022 vs 2023.</p>	
14.	<p>Housekeeping:</p> <p style="text-align: center;">MTO/ORBA Triannual Exec Meeting - 2023 Series:</p> <p style="text-align: center;"><b>June 21, 2023, 1 to 4 p.m. – CETI</b></p> <p style="text-align: center;"><b>November 23, 2023, 1 to 4 p.m. - ORBA</b></p>	