

MTO/ACECO-Ontario Meeting | Minutes

June 29th, 2023, | 1:00 – 2:30 p.m. | TEAMS

Chair Alain Beaulieu (MTO)

Invited Attendees

Doug DeRabbie (ACEC-Ontario)	Jennifer Graham Harkness (MTO)
Bruce Matthews (ACEC-Ontario)	Neil Zohorsky (MTO) – Gary Weiss (delegate)
Duane Girard (GHD)	Michelle Pasqua (MTO)
Chris McBride (WSP)	Alain Beaulieu (MTO)
Gord Firth (WSP)	Brenda Liegler (MTO)
	Kevin English (MTO)
	Claudette Miscione (MTO)

Items		
1	Introductions	Alain Beaulieu
2	<p>TOR document updates</p> <ul style="list-style-type: none"> a) CA and Engineering Subcommittees TORs have been posted on the Technical Consultation Portal (TCP). b) Updated Dispute Resolution Process for Engineering and CA services. Review has closed and Decision is posted. Final documents have been published. <p>Close Item</p>	Kevin English
3	<p>Contract Management System</p> <ul style="list-style-type: none"> • While CMS went live on schedule on February 13, unexpected delays to the migration of the data from WBCMS were experienced. • Migration of contracts was prioritized. Priority contracts (active and carry over contracts) were the first to be migrated and are available in CMS. All contract migrations were completed May 19th. • Read only WBCMS access will be maintained at minimum until late August for users to reference and confirm migration. • 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 on addressing the issues around the migration to minimize impacts. 	Kevin English

	<ul style="list-style-type: none"> • Several enhancements and bug fixes have been deployed and continue to be deployed as issues are identified. Additional functionality is also targeted for release over the next 4 to 12 weeks (e.g. Contract Completion, Claims, Material Testing – will be rolled out as they are fixed). • There are numerous training resources available on the MTO’s Technical Publications Website, including Manuals/Guides, recorded training sessions and FAQs. Encourage those using the system to leverage these resources and reach out to the support team if challenges are experienced • MTO walked through the planned roll out schedule for adding Engineering with system go live scheduled for September 5, 2023. • ACEC-Ontario raised concerns around response times when issues are identified with the system. ACEC-Ontario’s concerns were shared with KPMG after they were raised at the CA subcommittee meeting on June 27, 2023 and MTO anticipates improvements. • ACEC-Ontario raised concerns with zero dollar change orders. Some member firms received zero dollar change orders earlier in the CMS roll out and have issues with agreeing to them. ACEC-Ontario noted significant rework and work arounds during data migration that resulted in additional work in entering data into CMS. • MTO said that issues and additional work with CMS need to be looked at on a contract-by-contract basis. ACEC-Ontario suggested that it may be appropriate to have a more holistic approach of dealing with additional compensation due to CMS issues. MTO will discuss with internally. • ACEC-Ontario also mentioned potential issues with adding users to company domain and the rollout to Engineering: this is a challenge in of itself. They asked if MTO looked at improvements. <p>Action:</p> <ul style="list-style-type: none"> • MTO will discuss with CMS team as well as look into tracking response times when issues are raised with CMS. 	
4	Estimating Guide	Kevin English

	<ul style="list-style-type: none"> • New Guide provides guidance to designers on MTO projects on estimate development and oversight. • Decision was posted on TCP March 2, 2023. New Guide and was posted on the MTO Technical Publications site May 2023. <p>Close Item</p>	
<p>5</p>	<p>Update on the capital program</p> <ul style="list-style-type: none"> • 23/24 Budget Our total capital budget has increased - it's \$155M more than the spring 22/23 budget • The largest increase is in property and design funding, which will help us prepare for future construction projects • Construction funding remains at \$2.3B, which we intend to fully spend <ul style="list-style-type: none"> ○ 23/24 Tendering Forecast We are expecting to issue between 100-120 tenders this year, which is a bit higher than the 101 contracts tendered last year • Important to note that these projections represent MTO-tendered contracts only (excludes IO-led procurements) • These tenders provide opportunities across the province, with ½ in the South and ½ in the North <p>Budget Distribution</p> <ul style="list-style-type: none"> • The 23/24 construction budget has been allocated across the 5 regional areas • As a reminder, the annual budget funds carryover work, plus the current year impact of new tenders • We are targeting early July for publication of the Spring/Summer OHP <p>This update/presentation will be posted on the MTO Technical Consultation Portal.</p> <p>ACEC-Ontario's request for Project Pipeline</p> <ul style="list-style-type: none"> • Project Pipeline list was provided to ACEC-Ontario May 5, 2023 • Received favourable response • MTO requested feedback so MTO can consider improvements for the next update 	<p>Michelle Pasqua</p>



ACEC - Capital Engineering List for
 Program Update Feb 'ACEC - May 5 2023 u

- ACEC-Ontario pointed out that the last couple of updates showed very few Central Region projects;. MTO indicated that this could be due to the value of carryover work and changes in program composition; for example, lower volume may be due to higher value projects.
- The Ontario Highways Program is expected to be published in a couple of weeks.

6	<p>Excess Soil Regulation:</p> <ul style="list-style-type: none"> • An information exchange meeting on Excess Soil regulation was held between ACEC-Ontario and MTO staff on March 9. The meeting discussion covered topics including an overview of the regulation, the existing best practices document, and challenges with past design and construction projects. • MTO informed ACEC-Ontario in early May 2023 that the ministry had updated the generic terms of reference (for both CA and Engineering) including revised language on excess soil management. • ACEC-Ontario was also informed that the ministry was in the process of updating the Earth Management Best Practices. It was determined from this meeting and confirmed at the MTO-ACEC-Ontario Engineering Subcommittee meeting that a working group will not be required. MTO and ACEC-Ontario will continue to work together and will share experiences and best practices as needed through regular avenues. • ACEC-Ontario would like to see a copy of the revised best practices guide before it is posted. MTO will look to see what we can be provided. • ACEC-Ontario reported that on the CA side process seems to be going well to track excess soil hauling; reuse plans seem to be going well; may need clarification on different material types if they fall inside the regulation or not - worked through that with various specialists; no major flags; contractors adopting Apps. 	Kevin English
7	<p>Construction material price Indices</p> <ul style="list-style-type: none"> • Steel – The Decision for the draft special provision was posted on TCP on May 26, 2023. MTO implemented the SP June 15, 2023. 	Kevin English

	<ul style="list-style-type: none"> • AC – The Decision posting for Payment adjustment for tack coat and granular sealant was posted on May 29, 2023. The posting for Cold in Place Recycling and Cold in Place Recycled Expanded Asphalt Mix are currently on TCP. Comments close on June 29, 2023. • Fuel Price Index- MTO is reviewing fuel consumption rates for caisson piles, HIR and RAP placement and will provide a progress update this Fall. • ACEC-Ontario asked if a Construction Administration and Inspection Specification has been developed. <p>Action:</p> <ul style="list-style-type: none"> • MTO to confirm if a Construction Administration and Inspection Specification has been developed. 	
8	<p>HiCo Updates</p> <ul style="list-style-type: none"> • Updates to HiCo are being made including a requirement to upload substantiation/ documentation for manual estimates to the HiCo file. Provision of this information with CTS submission is currently a requirement in RFP/RFQs but is not consistently provided. • IT has finalized them and the updates will be tested July/August prior to full implementation • ACEC-Ontario asked if a designer needs to upload an attachment to submit a manual estimate. <p>Action:</p> <ul style="list-style-type: none"> • MTO to check if a designer needs to upload an attachment to submit a manual estimate. 	Kevin English
9	<p>Construction and/or or unbiddable items in Design Assignments: Concerns that Construction type items are being placed into Design assignments</p> <ul style="list-style-type: none"> • ACEC-Ontario brought issue up at the Engineering sub-committee on May 17, 2023 specifically related to pile loading tests and sewer flushing prior to CCTV camera inspection. • Concern was around insurance issues for engineering service providers and not enough detail to properly bid items, particularly sewer flushing (as it was noted that pile load tests are generally managed via Change Orders vs in the original Terms of Reference/RFPs, which affords all 3 parties more time to assess and price). 	Gord Firth

	<ul style="list-style-type: none"> • MTO noted these activities are required in order to complete design. It is not possible to simply remove the work. For example, designers need to flush the sewer to complete CCTV investigations. This said, MTO acknowledged the challenge, as MTO is having similar challenges during construction. • ACEC-Ontario thought these items would be better suited to an AMC contractor or standalone assignment (perhaps via Retainer) or a change order after assignment award (similar to pile load tests). • ACEC-Ontario was concerned that there were too many unknowns about CCTV inspection task and said the Terms of Reference should be very clear (e.g., number of flushing attempts to be assumed for bidding) or the item is not biddable. ACEC-Ontario also noted that even when biddable, Engineering Service providers are often unable to obtain a lump sum price for this work, so needs to add risk \$, which can be greater than the anticipated margins on a project, and may significantly impact Value for Money results, or impact the award results. • Foundation section advised that they plan to continue using consultants for pile loading as they found it a feasible and preferred approach. • At the Engineering sub-committee meeting, MTO committed to reviewing the concerns and reporting back. • ACEC-Ontario stated that they are looking for different avenues for these types of items. <p>Action:</p> <ul style="list-style-type: none"> • As MTO discussed at the Engineering Subcommittee meeting on May 17, 2023, MTO understands ACEC-Ontario concerns and will review internally and discuss further at the Engineering sub-committee level. 	
10	<p>Influx of Design opportunities: Concerns around the significant increase of opportunities posted immediately before summer and Christmas</p> <ul style="list-style-type: none"> • ACEC-Ontario has previously raised the concern that at times there is a significant increase in engineering assignments that are posted. • MTO indicated that: <ul style="list-style-type: none"> ○ It is not always possible to spread procurement postings out evenly throughout the year and there may be 	Gord Firth

times with an increase in posting (or decrease).

- The recently provided pipeline of engineering assignments, which included planned timing, should help ACEC-Ontario plan for upcoming engineering work going forward.
- Likely the summer rush is due to PM/PEs delivering the last contracts of the season in the spring then moving on to posting the new assignments.
- The Christmas rush is likely due to working around black outs / shutdowns in CTS.
- Normally when assignments are posted around holiday times like Christmas, there would be accommodations such as adding extra time to the submission schedule.
- MTO shared the following data at the meeting:

Total RFP Postings (Engineering & CA Combined)

Month	RFP Posting Year			TOTAL
	2021	2022	2023	
Jan	9	15	10	34
Feb	9	18	10	37
March	11	16	20	47
April	21	15	13	49
May	8	12	8	28
June	8	10	18	36
July	11	6		17
Aug	10	5		15
Sept	11	3		14
Oct	18	7		25
Nov	6	8		14
Dec	20	10		30
TOTAL	142	125	79	346

- MTO agreed that the work is not evenly distributed throughout the year though there are a number of factors that may impact this, such as when approvals are received and when projects need to be delivered for construction.

Action:

- As MTO noted at the Engineering Sub-committee, MTO will review.

	<ul style="list-style-type: none"> • ACEC-Ontario asked if there is a guideline for clarifications needing to be out before the proposal closes. MTO will confirm. 	
11	<p>Update on General Conditions</p> <ul style="list-style-type: none"> • MTO General Conditions of Contract (OPSS 100) (GCs) are being reviewed and updated in two phases. • The updated GCs rolled in seven SPs (SSP 100S02, SSP 100S15, SSP 100S17, SSP 100S19, SSP 100S55, SSP 100S59 and SSP 100S70) into the main document. This was completed May 2023. • Second Phase: specific sections of the General Conditions will be reviewed in greater detail including broad consultation. Anticipated that the MTO GCs will be revised and posted on MTO's Technical Consultation Portal, for the fall of 2024 • ACEC-Ontario expressed interest in participating in any working groups set up to review the GCs. 	Kevin English
12	<p>Other:</p> <ul style="list-style-type: none"> • ACEC-Ontario asked about the revised Qualification procedures for low, med, high complexity. They are concerned that proposed changes may create barriers to entry. One of their main concerns was around experience being tied to a firm and not the people making it harder for firms to be qualified and potentially individuals from leaving one firm and going to another. <p>Action: MTO listened to ACEC-Ontario concerns at the June 27, 2023, CA subcommittee meeting and are reviewing them now. They will share proposed changes prior to finalizing the qualification procedures.</p>	

Next Meeting Date: TBD