

MTO/ACEC-ON ENGINEERING SUBCOMMITTEE MEETING NOTES

Date: September 19, 2023
Time: 1:00pm – 4:00pm
Location: MTO St. Catharines ‘Niagara Room’ and virtual via MS teams

ATTENDEE	ORGANIZATION	ATTENDEE	ORGANIZATION
Gord Firth	WSP	Douglas Raby	Jacobs
Tanya Cross	Dillon	Keith Dustin	Morrison Hershfield
Steve Pilgrim	McIntosh Perry	Andrew Hurd	ACEC-ON
Duane Girard	GHD	Kevin English	MTO Contract Mgmt
Gregg Cooke	Stantec	Norm Meyers	MTO Eastern PD
Joseph Arcaro	HDR	Joanna Long	MTO Asset Mgmt
Richard Hein	GHD	Michael Pearsall	MTO Hwy Design
Phil Hutton	EXP	Seyed Tabib	MTO Contract Mgmt
Michael Collins	GHD	Erika Varga	MTO Contract Mgmt
Douglas DeRabbie	ACEC-ON	Rebecca Li	MTO Contract Mgmt
Sunil Kothari	Atkins Réalis	Olu Olusanya	MTO Design Stds
Heather Templeton	HDR	Bonnie Murphy	MTO Design Stds
Tim Sorochinsky	AECOM	Jamie Lauzon	MTO Contract Mgmt

1. WELCOME AND INTRODUCTIONS

- a) Updates from ACEC team: Tanya Cross new committee chair, Steve Pilgrim new co-chair.
- b) Updates from MTO team: Marco Mucciarelli is joining from Asset Management Branch, following Dan Remollino’s retirement.
- c) RE meeting notes – It is MTO’s intent to prepare the draft meeting notes and share with MTO team within 3 weeks of the meeting, then share with ACEC members.

OPEN ITEMS		ACTION BY
<p>May 2023 Item #3(h)</p>	<p>AGENDA ITEM - CONTRACTOR-TYPE SERVICES IN DESIGN ASSIGNMENTS.</p> <p>Description:</p> <ul style="list-style-type: none"> • A follow up discussion from the May 2023 team meeting on the same topic <p>Discussion:</p> <ul style="list-style-type: none"> • Contractor Type services have been included in Design Assignments (e.g., pile load tests, sewer flushing). MTO will continue to include these services. MTO is not sure retainers would be suitable for delivery of these services. • An AMC can be utilized as an option, or deliver services under a change order to an adjacent construction contract. • ACEC can seek information to make RFP biddable, via clarification. If information not provided, ACEC can escalate their request to Erika Varga. • RE: Pile load tests, a discussion with Tony Sanguiliano, MTO Foundations lead was suggested. Asked Doug to identify reps to meet with Tony. The risk is being transferred to consultants (Phil Hutton and Mike Collins). Gord: ACEC is asking to do it under CO as opposed to include in RFP. <p>Action – ACEC to identify representatives to attend a future meeting with MTO foundations lead. Seyed Tabib from MTO will schedule the meeting.</p>	<p>ACEC AND MTO</p>
<p>May 2023 TCP Posting</p>	<p>AGENDA ITEM - REVISIONS TO THE QUALIFICATION PROCEDURES FOR ESPS IN THE FOUNDATION ENGINEERING CATEGORY</p> <p>Description:</p> <ul style="list-style-type: none"> • A discussion following a May 2023 TCP posting on the same topic <p>Discussion:</p> <ul style="list-style-type: none"> • Qualification updates for CA is going on the Technical Consultation Portal. The Foundation office is reviewing the comments received from ACEC. MTO will be posting all Qualification updates on TechPubs in a week or so. ACEC inquired regarding the amount of experience for MTO designated contact. MTO advised this was revised / removed. <p>Action - MTO to post decision notices for both CA and Foundation qualification procedures to TCP and then publish the Engineering qualification procedures to TechPubs.</p>	<p>MTO. POST MEETING UPDATE – CA QUALIFICATION DECISION POSTED OCT 5. FOUNDATION DECISION POSTING ESTIMATED BY OCT 17</p>

OPEN ITEMS		ACTION BY
<p>May 2023 Item #3(j)</p>	<p>AGENDA ITEM – STREAMLINED CPR</p> <p>Description:</p> <ul style="list-style-type: none"> • A follow up discussion from the May 2023 team meeting on the same topic <p>Discussion:</p> <ul style="list-style-type: none"> • The Streamlined CPR appraisal, for preliminary and detailed design assignments was implemented February 2023 for new assignments or active assignments. <p>Action -.none</p>	<p>NA</p>
<p>May 2023 Item #3(i)b</p>	<p>AGENDA ITEM – PROCUREMENT METHODS</p> <p>Description:</p> <ul style="list-style-type: none"> • A follow up discussion from the May 2023 team meeting on the same topic <p>Discussion:</p> <ul style="list-style-type: none"> • Item 2f on this agenda will discuss procurement methods (RFP posting schedule, RFPs v RFQs) <p>Action -.none</p>	<p>NA</p>

NEW ITEMS		ACTION BY
<p>Sept 2023 -Item 2c</p>	<p>MTO AGENDA ITEM – STANDING ITEM DISCUSSION ON CPR PAUSE POST IMPLEMENTATION APRIL 17, 2023 (INCLUDING CPR WORK PLAN)</p> <p>Description:</p> <ul style="list-style-type: none"> • The CPR was removed from bid evaluation on April 17, 2023 • MTO has formed an internal working group (in 2022) and will continue to work internally on CPR-related activities, and bring updates and information to ACEC for feedback and comment <p>Discussion:</p> <ul style="list-style-type: none"> • A lot of work by MTO and ACEC was completed in the lead up to the CPR Pause. Since April 17 MTO has been monitoring CPR-related items to see if/when changes result: <ul style="list-style-type: none"> • Monitoring the Starter CPRs calculated quarterly. As of July 1, 2023, the CPRs are holding constant. Next score refresh is October 1. • Monitoring the engineering appraisal completion rates • Review of bid evaluation in RAQS ESP to confirm CPR is applied only to pre-April 17 postings. To date no errors found. • MTO to initiate a RFP evaluation review with MTO Project Managers who recently completed an RFP evaluation. This will help understand how the evaluation can be improved. <p>Action - <i>MTO continue to bring updates on the CPR Pause to the subcommittee</i></p>	<p>MTO</p>
<p>Sept 2023 - Item 2d</p>	<p>MTO AGENDA ITEM – PROJECT PIPELINE</p> <p>Description:</p> <ul style="list-style-type: none"> • The project pipeline is a list of upcoming engineering contracts that is tied to the Ontario Highway Program (construction). Joanna Long is the new team member replacing Dan Remollino <p>Discussion:</p> <ul style="list-style-type: none"> • MTO published the OHP at the end of August 2023. ACEC referred to this as not industry relevant (to engineering industry) • MTO is now gathering engineering contract data to share with ACEC (referred to by ACEC as an ‘industry relevant’ pipeline). This is a lot of effort at MTO, trying to streamline it, to help determine what / if engineering assignments are linked to the approved construction program (i.e. MTO may design with in-house staff, or deliver work via existing retainer versus seeking stand-alone engineering services). • Going forward this engineering pipeline list will be generated annually. 	<p>MTO</p>

NEW ITEMS		ACTION BY
	<ul style="list-style-type: none"> • ACEC is interested to see contract opportunities available to be bid on. • ACEC suggested that MTO focus on developing a pipeline list of DesignBuild projects, as these drive design and networking between engineering firms and contractors. • ACEC asked if MTO could give a heads up on RFPs coming out, a preview / procurement notification (similar to city of Toronto, who publish notifications of upcoming engineering opportunities) <p>Action – MTO to provide ACEC with the latest engineering pipeline list by end of October 2023</p>	
<p>Sept 2023 - Item 2e</p>	<p>MTO AGENDA ITEM – GENERIC ASSIGNMENT DOCUMENT UPDATES – DISCONTINUATION OF EIT, MUST REGISTER WITH OACETT</p> <p>Description:</p> <ul style="list-style-type: none"> • MTO twice a year updates the generic assignment documents to reflect changes in MTO processes, including procurement, ESP qualification, etc. <p>Discussion:</p> <ul style="list-style-type: none"> • In May 2023, PEO discontinued the EIT (Engineer in Training) program. • MTO will be updating documents to state that engineering graduates must seek OACETT designation to work on MTO contracts. • ACEC is aware of the PEO change and has asked PEO to reinstate EIT, and that requiring OACETT designation is adding red tape and expenses to Engineering graduates. • MTO is open to suggestions from ACEC as the key issue is related to vetting of qualifications. There is currently no way to confirm that an international graduate is from a qualified university.. • Doug said ACEC members will regroup and discuss. <p>Action - Draft Engineering RFQ to be posted to TCP in October 2023</p>	<p>MTO</p>
<p>Sept 2023 - Item 2f</p>	<p>MTO AGENDA ITEM – UPDATED RFP POSTING SCHEDULE STATISTICS</p> <p>Description:</p> <ul style="list-style-type: none"> • MTO posts RFP opportunities to the RAQS ESP website. MTO has been sharing the number of RFP postings per month with ACEC over the last two calendar years. <p>Discussion:</p>	<p>MTO</p>

NEW ITEMS		ACTION BY
	<ul style="list-style-type: none"> • MTO provided RFP posting statistics for 2023 January – September to show the monthly distribution of 68 RFP opportunities since January. • MTO also provided a comparison of RFP vs RFQ use for all Engineering assignments (2019-2023), with an indication of complexity by the prime specialty (2023). The data showed MTO typically utilizes RFP for higher complexity specialties. • ACEC asked if MTO could give a heads up notification of a soon to be published contract addendum, and eliminate ‘late’ addendums. ACEC asked what ‘guidance’ and awareness MTO project managers have regarding the impacts of issuing an addendum close to the RFP closing date. • ACEC also asked if MTO could respond to clarification requests within a specified turnaround time, to minimize ‘late’ addendums. • MTO will review with goal to improve. <p><i>Action – MTO to consider setting a timeframe for clarification response and improve timelines for addendums to avoid ‘late addendums’</i></p>	
<p>Sept 2023 - Item 2g</p>	<p>MTO AGENDA ITEM – ISSUING ELECTRONIC NATIVE FORMATS DOCUMENTS</p> <p>Description:</p> <ul style="list-style-type: none"> • MTO is working to update Special Provision related to native electronic format documents. • This item with ACEC is a follow up from ORBA Contract and Documents committee. <p>Discussion:</p> <ul style="list-style-type: none"> • ACEC just issued a bulletin to its members regarding digital document requests that come from contractors. Members are leery about providing CAD files to contractors as paper documents are the master copy, the digital document may not reflect the final design, and liability in the case where a contractor makes changes to the file and then risk of things going wrong. • Highway Design is seeking feedback from ACEC on the sharing of native electronic documents. The MTO is looking into the future of utilizing electronic format design files to construct assets, we would like to be able to turnover native format electronic files. Also, any needed revisions should be done to native format files to ensure that they match digital files used for tendering purposes. This is related to the future readiness of Building Information Modeling (BIM). MTO noted that it is not new for the consultants to provide digital files to contractors. Highway Design Bulletin 2010-001 from 2010 lays out the requirements for providing digital information to the contractor for 	<p>ACEC AND MTO. POST MEETING UPDATE – ACEC SHARED BULLETIN WITH MTO ON SEPT 19</p>

NEW ITEMS		ACTION BY
	<p>the purpose of building a project. MTO/ACEC can work collaboratively to determine how to best address ACEC's concerns.</p> <ul style="list-style-type: none"> ACEC advised that, in DB contracts, they do submit files to contractors, however for DBB it is different. Important to know what goes into the files. MTO responded that right now Open Road files need to be submitted. <p>Action – ACEC to share the bulletin with MTO. MTO to review.</p>	
<p>Sept 2023 - Item 2h</p>	<p>MTO AGENDA ITEM – CONTRACT MANAGEMENT SYSTEM (CMS) FOR ENGINEERING SERVICES</p> <p>Description:</p> <ul style="list-style-type: none"> MTO provided an update on the new Contract Management System, soon to be implemented for Engineering contracts <p>Discussion:</p> <ul style="list-style-type: none"> CMS for Engineering will go-live this fall or winter. Exact implementation date being finalized. MTO to provide information when available. Training will be offered and will be recorded for replay. MTO to provide information when available. Generic assignment documents are being updated to request CMS. Assignments undergoing tendering this fall (could be postings during November) will have an addendum issued to request CMS. MTO implemented CMS for Construction last February, and has lessons learned that will aid in implementing CMS Engineering. CMS contains several of the same components/Apps as construction, like file manager, change orders, reports and communications, appraisals, submittals, ACEC has experience with CMS, for Construction, that change orders and financial payments are an issue requiring manual work outside CMS. MTO is aware of some CMS issues and the system is being updated weekly to address these issues ACEC also mentioned the need for timely user support / help. MTO trying to respond quickly to many inquiries from CMS users. <p>Action – MTO to share the CMS slide deck. MTO to provide CMS implementation date and training dates. ACEC members can volunteer to test CMS and provide user feedback to MTO.</p>	<p>MTO AND ACEC.</p> <p>POST MEETING UPDATE – CMS SLIDE DECK INCLUDED WITH DRAFT MEETING NOTES (SENT OCT 13)</p>
<p>Sept 2023 - Item 2i</p>	<p>MTO AGENDA ITEM – CONSULTATION AND THE USE OF TECHNICAL CONSULTATION PORTAL</p> <p>Description:</p>	<p>MTO</p>

NEW ITEMS		ACTION BY
	<ul style="list-style-type: none"> • General discussion on the use of the Technical Consultation Portal Discussion: • MTO reminded ACEC that all items for consultation are posted to the TCP and advised ACEC to check on a regular basis. • MTO acknowledged that the ACEC tag to generate notifications has had issues and notifications were not sent out in the past, which resulted in ACEC missing the opportunity to review and comment on several significant items (i.e. Road safety manual, design supplement). • ACEC requested that MTO notify them via email when a TCP posting is made, and that this was previously agreed to. • ACEC confirmed that comments they provide represent one voice from the member firms / the industry's position. • ACEC asked how they can request further adhoc communication or raise concerns with any TCP decision posted. MTO said they are open to comments and discussion at forums like these subcommittee meetings. • MTO advised that decisions on TCP will not always be shared with ACEC beforehand, unless there is a previous commitment or request to do so. <p>Action – MTO will endeavour to share major TCP decisions with ACEC before posting to TCP</p>	
<p>Sept 2023 - Item 3a</p>	<p>ACEC AGENDA ITEM – DESIGN-BUILD READY (OR PROCUREMENT READY DBR) RFPS</p> <p>Description:</p> <ul style="list-style-type: none"> • ACEC question for MTO regarding design-build ready RFP <p>Discussion:</p> <ul style="list-style-type: none"> • ACEC asked if MTO is being strategic or not when trying to seek contract liaison with a Design-Build RFP. And asked if MTO will restrict a design firm from bidding later phases for related contracts. • MTO advised that there is RFP language stating that the successful proponent for DB Ready will not be restricted from the DB phase. <p>Action - MTO will review internally and reply to ACEC.</p>	<p>MTO</p>
<p>Sept 2023 - Item 3b</p>	<p>ACEC AGENDA ITEM – LARGE VALUE RETAINER (LVR) RFP TEMPLATE MODIFICATIONS</p> <p>Description:</p> <ul style="list-style-type: none"> • ACEC question for MTO regarding recent language and templates utilized for Large Value Retainer acquisition. <p>Discussion:</p>	<p>MTO</p>

NEW ITEMS		ACTION BY
	<ul style="list-style-type: none"> • ACEC identified two retainers that utilized two different versions of the Terms of Reference document and different appendices (Version 6.5 current vs Version 6.4 previous), resulting in bidding confusion as the bid requirements are different or missing. • MTO advised that staff are directed to use the current version of the documents. <p>Action - MTO Provincial Contract Management Office will remind regions to use the current version of documents in their contract package.</p>	
<p>Sept 2023 - Item 3c</p>	<p>ACEC AGENDA ITEM – LONG COMBINATION VEHICLE (LCV) ROUTE ASSESSMENT QUALIFICATIONS</p> <p>Description:</p> <ul style="list-style-type: none"> • ACEC question for MTO regarding LCV qualifications specified by the trucking association. <p>Discussion:</p> <ul style="list-style-type: none"> • ACEC advised that MTO’s corridor management office requested a list of consultants qualified in LCV route assessment. ACEC asked if this is legitimate. • MTO requested additional information from ACEC so they can investigate and respond. <p>Action – ACEC to provide MTO with additional details. MTO to review.</p>	<p>ACEC AND MTO. POST MEETING UPDATE – ACEC PROVIDED DETAILS ON LCV TO MTO ON SEPT 20</p>
<p>Sept 2023 - Item 3d</p>	<p>ACEC AGENDA ITEM – QUALITY CONTROL (QC) PLANS</p> <p>Description:</p> <ul style="list-style-type: none"> • ACEC question for MTO regarding Quality Control Category plans <p>Discussion:</p> <ul style="list-style-type: none"> • ACEC brought forward a concern regarding MTO’s required QC plans. • MTO acknowledged that an earlier discussion between MTO and Morrison Hershfield identified concerns with the Category Plan for Highway Planning and Highway Engineering (combined plan), and suggested separating and revising the plans. • MTO had suggested that MH raise this concern with ACEC team to hear from ACEC as a whole / all member firms. • ACEC agrees this change makes sense. 	<p>ACEC AND MTO. POST MEETING UPDATE – ACEC PROVIDED DETAILS ON QC PLANS</p>

NEW ITEMS		ACTION BY
	<ul style="list-style-type: none"> MTO and ACEC agreed to initiate work on new QC plans with representatives from Program Delivery, and add this item to the subcommittee workplan. ACEC will send to all subcommittee members additional information regarding the QC plan suggestions and concerns. <p>Action - ACEC to provide additional information on suggested changes to QC plan. MTO to add this item to workplan.</p>	ON SEPT 20
Sept 2023 - Item 3e	<p>ACEC AGENDA ITEM – INDUSTRY SUCCESSION</p> <p>Description:</p> <ul style="list-style-type: none"> ACEC question for MTO regarding the issue of industry succession planning. <p>Discussion:</p> <ul style="list-style-type: none"> ACEC has noticed some wording in RFP Terms of Reference regarding the ability to include succession planning, although not frequently utilized by MTO. ACEC asked if there is a better way to do this, can we think ‘outside the box’? Would MTO be open to other solutions besides having a deputy project manager? Could a roster rotation work? MTO and ACEC agreed to initiate work on new approach / TOR language to support succession planning. <p>Action - MTO to add this item to workplan.</p>	MTO
Sept 2023 - Item 4a	<p>JOINT MTO/ACEC AGENDA ITEM – WORKPLAN WORKING GROUP</p> <p>Description:</p> <ul style="list-style-type: none"> ACEC question for MTO regarding setting up a joint team to focus on activities on the subcommittee workplan. <p>Discussion:</p> <ul style="list-style-type: none"> ACEC identified Sunil Kothari, Doug DeRabbie and Steve Pilgrim MTO to identify three team members (e.g. Erika Varga, potentially Norm Meyers, TBD others) TBD how to start, proceed, whose accountable, timelines <p>Action - MTO to identify team members and schedule a meeting.</p>	MTO. POST MEETING UPDATE – MEETING SCHEDULED FOR OCTOBER 31 AT 11AM.

INFORMATION SHARED FOR THIS MEETING		
Document Title	Shared By	Format
MTO-ACEC Eng Subcom DRAFT Agenda 2023 09 19.doc	Erika Varga	MS Word
2c CPR Pause WORK PLAN w ACEC-ON 2023 09 19.xls	Erika Varga	MS Excel
MTO_ACEC-ON ng Submte Work Plan 2023 09 19.xls	Erika Varga	MS Excel
2b Whats new in RAQS bid disclosure information 2023 09 11.pdf	Erika Varga	PDF
2f Summary RFP Postings per month (to Sept 8 2023) .xls	Erika Varga	MS Excel
MTO ACECON Eng Subcom Meeting Notes DRAFT May 17 2023 (v Aug 29).doc	Erika Varga	MS Word

NEXT MEETING
<ul style="list-style-type: none">January 23, 2024, hosted by Sunil Kothari (in person) and option for virtual attendance (MS Teams)