

MTO-ORBA CONTRACTS AND DOCUMENTS SUBCOMMITTEE MEETING NOTES

Date: Tuesday, February 28, 2023
Time: 1:30 pm to 2:40 pm
Location: Teams Meeting

ORBA ATTENDEE	ORGANIZATION
Malcolm Croskery (MC), Co-Chair	Pioneer
Steven D'Orazio (SD)	Clearwater
Don Gardonio (DG)	Facca
Steve Gardonio (SG)	Facca
Andrew Hurd (AH)	ORBA
Kent Dunham (KD)	Miller Group
Alfredo Maggio (AM)	Graham Bros.
Brianna Puigmarti (BP)	ORBA
Anna Visconti (AV)	Powell
Kyle McCutcheon (KM)	McLean Taylor
Ken McIntyre (KeM)	Tomlinson Group
Andrew Weltz (AW)	Bauer Foundations
Mark Mallett (MMa)	Kiewit

MTO ATTENDEE	OFFICE
Kevin English (KE)	MTO - CCO
Peter Gorzynski (PG)	MTO - CMO
Jamie Lauzon (JL)	MTO - CMO
Rebecca Li (RL)	MTO - CMO
Michelle McGrath (MM), Co-Chair	MTO - CMO
Karen Smith (KS)	MTO - CR CO
Scott Reid (SR)	MTO - WR CO
Zsolt Katzirz (ZK)	MTO - CMO
Mike Pearsall (MP)	MTO - HDO

WELCOME AND INTRODUCTIONS		
<ul style="list-style-type: none"> MTO introduced and welcomed new member ZK. 		
SAFETY ITEM		
<ul style="list-style-type: none"> MTO discussed a safety item related to work stress and burnout. 		
FOLLOW UP ACTIONS FROM PREVIOUS MEETINGS		ACTION BY
1.	<p>Review of October 19, 2022, Meeting Notes</p> <ul style="list-style-type: none"> MTO and ORBA clarified the meeting notes review process: <ul style="list-style-type: none"> MTO requires approximately three weeks after the meeting to prepare and review the initial draft; After this the notes will be sent to ORBA for review; ORBA shall review and provide feedback within two weeks of receipt, after which the notes shall be finalized and published on TCP. MTO advised that a committee tab is now available on TCP - MTO-ORBA Contracts and Documents Subcommittee MTO Technical Consultation Portal (gov.on.ca) ORBA indicated that their member list may need updating. ORBA to provide comments regarding subcommittee TOR. <p>Action Item:</p> <ul style="list-style-type: none"> ORBA to provide updated member list and comments surrounding subcommittee TOR. 	ORBA

<p>2.</p>	<p>Standard Special Provision for Future Pandemic/Epidemic [previously Draft NSSP SCBXXXX (Pandemic Contract Language)]</p> <ul style="list-style-type: none"> MTO stated that a response is forthcoming. <p>Action Item:</p> <ul style="list-style-type: none"> <i>MTO to respond to ORBA communication of February 22, 2022.</i> 	<p>MTO</p>
<p>3.</p>	<p>Contract Management System Update</p> <ul style="list-style-type: none"> MTO noted that CMS is live and progressing with onboarding and data migration. MTO advised that the TCP contains a CMS tab which includes tip sheets, user guides, training presentations, and supporting materials. ORBA noted that there are no means to download/extract submitted documents. MTO to review this capability in the future. ORBA indicated that there is a concern with invoicing and processing payments. MTO explained that the process is delayed due to launch and data migration, however, a resolution is anticipated shortly. MTO asked for the specifics and would follow up on those contracts. 	
<p>4.</p>	<p>SSP199F45 – Seasonal Shutdown</p> <ul style="list-style-type: none"> MTO confirmed that a response is forthcoming. MTO identified outstanding comments which are being reviewed internally with the intent of providing further guidance. <p>Action Items:</p> <ul style="list-style-type: none"> <i>MTO to respond to ORBA.</i> 	<p>MTO</p>
<p>5.</p>	<p>General Conditions Review Update</p> <ul style="list-style-type: none"> MTO noted that Phase I is underway – Special Provisions (which would have gone through consultation previously) are being rolled into the General Conditions. MTO recommended that ORBA propose 3 to 5 high-priority topics they would like to address within the General Conditions for Phase II – clauses which ORBA identifies as needing further attention to update language. MTO requested topics/ items by March 24, 2023. MTO to send an email to ORBA. <p>Action Items:</p> <ul style="list-style-type: none"> <i>ORBA to provide MTO with a list of priority topics to address for Phase II of the General Conditions review.</i> 	<p>ORBA</p>
<p>6.</p>	<p>Instruction to Bidders/ Conflict of Interest</p> <ul style="list-style-type: none"> MTO indicated that revised Instructions to Bidders are available in CPS as of January 31, 2023. Any tender documents generated from CPS after that date contained the new information. In the case of CTS, contracts advertised on or after February 1 include the new instructions and submission forms. MTO advised that the submission of the Persons who Participated in the Preparation of the Tender is to be submitted by the 3 low bidders via email within 24 hours of publishing the Summary Bids. 	
<p>7.</p>	<p>NSSP ACPAYADJ – Warrant in DB Contracts</p> <ul style="list-style-type: none"> MTO noted that this is already a Special Provision implemented in CPS, however version January 2023 has been updated with a warrant to indicate when it is applicable in a DB contract. 	

8.	<p>Contractor Subletting</p> <ul style="list-style-type: none"> MTO proposed minor administrative changes to Subcontracting/Consent to Sublet contract language, and forms for clarity and ease of administration that can be viewed on TCP: Administrative Revisions to SP100S70 Payment for Equipment and Minor Additions to PH-CC-742 Consent to Sublet and PH-CC-762 Subcontractor's Consent to Audit MTO Technical Consultation Portal (gov.on.ca). 	
9.	<p>Concrete Pavement 7-Year Warranty NSSP</p> <ul style="list-style-type: none"> MTO advised that the 7-year warranty concrete pavement performance specifications (DB and DBB) and associated BITU administration and smoothness NSSPs have already completed the formal consultation on TCP and a Decision Notice was posted in August 2022. The MTO technical review team identified many similarities between the two specs and decided to streamline the NSSP to have it refer to OPSS 1350. MTO explained that a revised OPSS 1350 is intended to be published in April 2023, and the publication of all the above-noted NSSPs will follow. 	
10.	<p>Bonding Requirements</p> <ul style="list-style-type: none"> MTO inquired about industry feedback surrounding concerns with providing bonding for 50% of the tender value on large assignments (valued at >\$100 million). MTO explained that the ministry may be looking into the possibility of tendering very large value contracts, and how the qualification system and bonding requirements would impact this type of tendering. <p>Action Items:</p> <ul style="list-style-type: none"> <i>ORBA to provide feedback.</i> 	ORBA
STANDING ITEMS		ACTION BY
11.	<p>DSM</p> <ul style="list-style-type: none"> MTO noted the following items are anticipated for TCP over the coming year: <ul style="list-style-type: none"> Working on developing a DSM for Post-Tensioning Systems. Working on developing a DSM for steel piles. MTO advised ORBA of the following: <ul style="list-style-type: none"> Renewal of product drawings to ensure they are up to date (within 10 years) is underway - suppliers are being contacted directly. RSS DSMs (9.70.52, 9.70.53, 9.70.56, and 9.70.59) – Letters have gone out in January 2023 to all the concrete-related RSS DSM suppliers to require a submission showing that current DSM requirements are met, to maintain the listing. Joint Sealant for Concrete Pavement (DSM 3.20.45) – added an extra column called Categorical Use Description which states what type of joint the sealant can be used for. Ultra-High Performance Fibre Reinforced Concrete (UHPFRC) for Field Cast Joints (DSM 9.25.50) – relatively new list, 2 suppliers are listed, and another one is anticipated at the next update. 	

<p>12.</p>	<p>Supply Chain Delays and Impact on Schedules</p> <ul style="list-style-type: none"> ORBA identified concerns with cement shortage and ready-mix suppliers shying away from contracts due to penalties in specifications. ORBA described concerns with the supply of steel girders. 	
<p>13.</p>	<p>New Business</p> <ul style="list-style-type: none"> ORBA inquired about the steel index status. MTO confirmed that the steel index payment adjustment SP will be posted to TCP very soon. ORBA asked about the PGAC and fuel adjustment items. MTO advised that the focus is on the steel, followed by PGAC, and finally the fuel. MTO requested that ORBA members and contractors complete the Trenchless Working Group survey by March 31, 2023: Trenchless Survey. ORBA noted concerns surrounding: <ul style="list-style-type: none"> Obtaining digital design files at the start of a project and consistency of files Submitting paper documents once digital versions are submitted – MTO to review. Tender openings and getting a possible extension due to overlap between March Break and Conexpo – MTO to review. AFDs and consistency of usage – MTO to confirm. MTO inquired about ORBA’s experience with migrant workers. Some firms have been sourcing employees this way, but ORBA noted that there are challenges with the requirement to identify resourcing challenges and prove a lack of resource supply well enough before work begins. <p>Action Items:</p> <ul style="list-style-type: none"> <i>MTO to review information/ concerns from ORBA.</i> 	<p>MTO</p>
<p>14.</p>	<p>Next Meeting/Adjournment</p> <ul style="list-style-type: none"> Meeting adjourned at 2:40 pm. MTO proposed the following dates for upcoming meetings – ORBA to confirm availability: <ul style="list-style-type: none"> Meeting no. 2 Friday, June 16, 1:30 pm – 4:00 pm Meeting no. 3 Friday, October 13, 1:30 pm – 4:00 pm 	