

MTO - ACEC-ONTARIO EXECUTIVE COMMITTEE MEETING NOTES

Date: October 24, 2023
Time: 2:00 – 3:00 pm
Location: Collaboration Boardroom, 3rd Floor, 95 Arrow Road, North York

ATTENDEE	ACEC-ONTARIO	ATTENDEE	MTO
Duane Girard (GHD)		Alain Beaulieu (MTO) (Chair)	
Chris McBride (WSP)		Eric Doidge (MTO) (regrets)	
Sunil Kothari (AtkinsRéalis)		Neil Zohorsky (MTO)	
Tanya Cross (Dillon)		Kevin Boudreau (MTO)	
Steve Pilgrim (McIntosh Perry)		Michelle Pasqua (MTO)	
Doug DeRabbie (ACEC-Ontario)		Alain Beaulieu (MTO)	
Andrew Hurd (ACEC-Ontario)		Kevin English (MTO)	
		Claudette Miscione (MTO)	
		Brenda Liegler (MTO)	

1. INTRODUCTION / ANNOUNCEMENTS

- ACEC-Ontario introduced themselves/new members.
- MTO introduced themselves/new members.
- Alain provided a summary of recent organizational changes at MTO.

2. REVIEW OF TERMS OF REFERENCE:

- Discussion about agenda items: in order to make good use of the committee's time, agenda items identified for this committee meeting should be those that have come to an impasse at sub-committee level or where there is a need for executive discussion.
- ACEC-Ontario asked that we schedule the meeting dates for 2024 – Doug DeRabbie to provide Claudette Miscione with some potential dates and Claudette will schedule them.

OPEN ITEMS	ACTION BY
<p>3. CONTRACT MANAGEMENT SYSTEM - UPDATE</p> <ul style="list-style-type: none"> • Approximately 1,500 Users onboarded to date. • For Construction, majority of functionality is fully available for use in CMS. • Some final business processes and enhancements (Release 5) are currently being finalized (e.g., claims, contract completion). • Processing, change orders, OPS invoices etc. is functional in CMS. <ul style="list-style-type: none"> ○ Several fixes have occurred with further enhancements coming. ○ Contract set up and permissions have impacted ability to generate invoices in some cases. • For Engineering, targeting a December release slowly rolling in the engineering program as projects are tendered and awarded with the CMS spec. • Once we get CMS release 5 finalized, including Engineering then we are going to look at setting up groups with stakeholders to seek feedback and build off lessons learned. • Training sessions continue to be developed, delivered, and made available to users. • Response times <ul style="list-style-type: none"> ○ MTO’s CMS Team is tracking all tickets including time to respond to tickets. Responding to tickets is an area of focus for the CMS team and KPMG. KPMG is in the process of adding and training more helpdesk resources to expedite issues. ○ There have been challenges related to the volume of helpdesk tickets. Some issues take time to unravel, and employing MTO business within CMS is still new – new discoveries and limitations are still being realized and worked out. ○ CMS Support has 3 level starting with a dedicated helpdesk run by MTO along with secondary support from KPMG followed by Kahua. ○ With the stabilization of CMS’ Construction suite, increased resources and the reduction in issues that should bring about by the end of this year, the helpdesk turnaround times will improve. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • Lessons learned have been brought into the Engineering side; however, there is a lot of differences between CA and Engineering. <ul style="list-style-type: none"> • Engineering less complex than construction; no data migration. <p><i>ACEC noted that there have been regular instances wherein the only means to progress contractual items such as Change Orders and Payment Certificates forward in a prompt manner is by working outside of the system while technical issues with CMS are addressed. With that said, ACEC is committed to using the system to its fullest extent, where possible, and will work with MTO to identify challenges so that they can be addressed.</i></p> <p>ACTION – MTO to setup working groups with stakeholders over winter.</p>	

OPEN ITEMS	ACTION BY
<p>4. UPDATE ON THE CAPITAL PROGRAM, TENDERING ACTIVITY AND PROJECT PIPELINE</p> <ul style="list-style-type: none"> • The Summer edition of the 2023 OHP was published in August, providing details on over 650 projects planned or underway. • MTO planning a refresh for fall/winter, as we have done in the past two years. • MTO also compiling statistics on our construction tendering activity and updating forecasts for the remainder of the year. We expect to have this ready in November and will share a copy with ACEC-Ontario. • MTO close to finalizing the Project Pipeline – this will be shared later this month. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • ACEC-Ontario asked some questions: <ul style="list-style-type: none"> ○ Can MTO put a flag next to status changes? ○ Has there been an increasing in funding for design and property? Yes, there has been a significant increase. • ACEC-Ontario asked if MTO can do something to capture engineering activity? The highways program is limited and not what ACEC needs. Engineering activities are more fluid - many issues may affect the timing of engineering activities. What was provided in 2018 was better than what is being provided in 2023. Any information provided to ACEC-Ontario is now on MTO’s Technical Consultation Portal (TCP) to be open and transparent. <p>ACTION –</p> <ul style="list-style-type: none"> • It was noted that MTO has made substantive improvement to the published Ontario Highways Program (OHP), in particular delivery model identification where known, and an interim update shared partway through the fiscal year. MTO always welcome input on improvements. MTO to investigate feasibility of flagging changes on OHP releases • ACEC to review 2023 and 2018 versions of pipeline information provided to determine if there were additional information they would like to see and how this information adds value for member firms. 	

OPEN ITEMS	ACTION BY
<p>5. EXCESS SOIL REGULATION</p> <ul style="list-style-type: none"> Indigenous Relations and Environmental Policy Branch (IREPB), formerly Environmental Policy Office (EPO) is currently working on the Environmental Guide for Earth Management Best Practices incorporating 2010 Earth Best Practices and recommendations for Design and Construction as well as best practices for management of excess soil during design and construction. Currently comments from the internal working group are being reviewed and addressed. In addition, IREPB needs to review proposed amendments posted on the Environmental Registry of Ontario on October 17, 23 to encourage greater reuse of excess soil. The goal was to post the guide on MTO Technical Consultation Portal (TCP) mid to end of November 2023 though the recent proposed amendments may impact the timing of the posting. ACEC-Ontario has asked to review the guide in advance. <p>Discussion:</p> <ul style="list-style-type: none"> MTO is interested in knowing why ACEC would like to see the guide in advance. <ul style="list-style-type: none"> ACEC-Ontario would like to make it better, stronger product for the industry. ACEC-Ontario has received notice of MECP’s proposed amendments currently on the registry; MTO will provide comments directly to MECP and would appreciate seeing ACEC-Ontario’s comments. MTO suggests a meeting with IREPB and ACEC-Ontario to provide highlights and discuss, rather than sharing a copy in advance. <p>ACTION – MTO to set up a separate meeting to present proposed changes to the guide.</p>	
<p>6. CONSTRUCTION MATERIAL PRICE INDICES</p> <ul style="list-style-type: none"> CAIS update to include payment adjustments including those for steel and PGAC price indices is underway. It will be added to CAIS 100. The CAIS will reiterate the need to reconcile the quantities for payment adjustment. Administration and payment reconciliation can occur without the update to CAIS. <p>Discussion:</p> <ul style="list-style-type: none"> Updates will be posted on TCP for feedback. <p>ACTION – ITEM CLOSED</p>	

OPEN ITEMS	ACTION BY
<p>7.</p> <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"> ▪ For Pile Loading test: Action from Sept 19 meeting: ACEC to identify representatives to attend a future meeting with MTO foundations lead. Seyed Tabib from MTO will schedule the meeting. ▪ For flushing sewers: MTO advised ACEC on Sept 19 that MTO will continue with CCTV in RFPs but will do the following in order of preference: <ul style="list-style-type: none"> ○ Option 1 – add CCTV work to nearby construction contract through CO ○ Option 2 – get CCTV work completed by MTO Maintenance ○ Option 3 – Add to RFP/RFQ. When added to RFP/RFQ the work will be fully scoped and biddable (i.e., 2 flushes then CCTV btw location x and y). If 2 flushes do not clear pipe then recognize that no CCTV inspection will be provided or that additional flushing to be done via a change order. <p>ACTION - ACEC to provide a summary of issues as well as prosed RFP wording that would help scope work required for MTO’s consideration and review.</p>	

NEW ITEMS	ACTION BY
<p>8.</p> <p>FEEDBACK FROM THE MTO SEPT 18TH PROGRESSIVE DB (PDB) WORKSHOP</p> <ul style="list-style-type: none"> • PDB being contemplated going forward for certain MTO Major Projects • Q&A from the session will be shared and then posted on the TCP when finalized. • MTO is planning to continue to consult on PDB model develop (generic/general basis) • MTO would like to know ACEC-Ontario’s feedback on the session and interest in having more consultations (i.e., what forum would be best – with ORBA or separate). <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • Feedback on the session from ACEC-Ontario: <ul style="list-style-type: none"> ○ Session needed more organization/structure; went straight through to Q&A ○ Conflicting commentary; perception not truly a progressing DB (common feedback expressed); lump sum contract, not on a collaborative path; ○ ACEC asked for more information regarding the Progressive P3 model and if a single-phase Progressive Design-Build i.e., no RFQ is an option. • Future consultations – ACEC-Ontario’s preference is to have an engineering only session first, then together with ORBA <p>ACTION – ITEM CLOSED</p>	

NEW ITEMS		ACTION BY
9.	<p>INDUSTRY SUCCESSION PLANNING AND WORKFORCE DEVELOPMENT</p> <ul style="list-style-type: none"> • ACEC-Ontario highlights the urgent need for succession planning and workforce development. • Would like to accelerate development as developing staff is critical to success of ACEC-Ontario and MTO. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • Also raised at the September 19/23 meeting of MTO/ACEC-Ontario engineering subcommittee. • Will be on workplan of engineering sub-committee. • Need to find ways to support each other. • Beyond allowing assistants; including internationally trained professionals. • Include on next meeting agenda (after engineering sub-committee meeting) <p>ACTION – ITEM CLOSED. Will work on developing ideas at the sub-committee level and bring back to the Executive committee when further developed.</p>	
10.	<p>EIT PROGRAM DISCONTINUATION</p> <p><i>Background:</i></p> <ul style="list-style-type: none"> • In May 2023, PEO discontinued the EIT (Engineer in Training) program. • For Construction Administration assignments, MTO considers certified EITs equivalent to OACETT’s RCSI or RCJI certification. • Without EIT, MTO was considering requiring graduate Engineers to become certified with OACETT, to be eligible for MTO contracts. • ACEC 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. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • OACETT accreditation costs more and includes more paperwork; ACEC is concerned that MTO was moving forward with this proposal. • OACETT not preferred method; can we consider alternate arrangements. • MTO not committed to OACETT idea; what are other options? • PEO has equivalency list; ACEC meeting with PEO on Thursday and will try to get it. • ACEC-Ontario will explore other options. <p>ACTION – ITEM CLOSED – will work at the sub-committee level.</p>	

NEW ITEMS		ACTION BY
11.	<p>PUBLICLY PUBLISHING BID AMOUNTS</p> <ul style="list-style-type: none"> • ACEC-Ontario requested that MTO provide a full bidders list for Engineering Services assignments which would include all the financial bids received for the assignment. • MTO provided the history to support the decision not to publish bid prices that includes discussions with ACEC and ORBA over many years. <ul style="list-style-type: none"> ○ MTO has concerns with sharing the non-winning prices and how this information may influence bidding behaviour on subsequent contracts. ○ MTO doesn't see a benefit to providing this information. ○ Providing too many data points can allow for the calculation of CPRs. The CPR paus is only a temporary practise ○ Procurement and Legal were consulted and support the decision. • MTO provided ACEC-Ontario with a copy of a document entitled: Disclosure of Design-Build, Construction Manager General Contractor and Highway Maintenance Contracts Evaluation Results (this document was provided to ACEC-Ontario in the past) and provided some history to help with understanding. <p><i>Discussion:</i> How does winning proponent improve their bids when their bid is published, and others aren't; best value award (combination of criteria);</p> <ul style="list-style-type: none"> • MTO has been listening to concerns from ORBA and ACEC over the years and increased the info we provide based on the feedback. • MTO can't provide info that could be used to determine others' Corporate Performance Rating (CPR). • ACEC-Ontario requested to publish further award/bid info anonymously. • Debriefings are offered to successful and unsuccessful proponents that provide feedback on strengths and weaknesses to help improve future submissions. 	
12.	<p>QUALIFICATION COMMITTEE MEMBERSHIP</p> <ul style="list-style-type: none"> • The ministry is proposing changes to QC membership. The changes will help the ministry to address the infraction review process more efficiently. One of the changes includes: <ul style="list-style-type: none"> ○ For review and decision-making on an infraction report, the quorum shall include at least one of the two (2) non-MTO members (rather than the current two (2) non-MTO members are need for quorum) • The revisions will be posted on TCP for consultation. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • There was a review 6 or 7 years ago which included adding 2 non-MTO members for quorum. • Looking at quorum change from 2 to 1 for infractions as having 2 for quorum is creating scheduling delays. • Will be consulting with ORBA as well. • ACEC-ONTARIO indicated that the sooner it's dealt with the better; they support only needing 1 for quorum. <p>ACTION – ITEM CLOSED</p>	

INFORMATION SHARED FOR THIS MEETING		
Document Title	Shared By	Format
ACEC-Ontario – MTO Executive Committee Terms of Reference	MTO	
DB CMGC and HMC Disclosure January 2022	MTO	

NEXT MEETING
<ul style="list-style-type: none">• TBD