

MTO/ORBA COMMITTEE MEETING NOTES

Date: November 23, 2023

Time: 1 pm

Location: ORBA Office

ATTENDEE	ORGANIZATION
Mario Villeneuve	ORBA
Andrew Weltz	ORBA
Kevin Machej	ORBA
Walid Abou-Hamde	ORBA
Malcolm Croskery	ORBA
Eric Doidge	MTO
Neil Zohorsky	MTO
Alain Beaulieu	MTO
Kevin Boudreau	MTO
Michelle Pasqua	MTO
Malvika Rudra	MTO
Brenda Liegler	MTO
Bruce Cane	MTO
Jasan Boparai	MTO
Frank Lucente	MTO
Sharene Dubroy	MTO
Janet Leader	MTO
Michael O'Morrow	MTO

INTRODUCTION / ANNOUNCEMENTS
<ul style="list-style-type: none"> • Mario kicked off meeting and welcomed everyone. • Eric opening remarks and introduced Malvika as the incoming Director for the Major Projects and Infrastructure Branch and Bruce as the incoming Director for Standards and Contracts Branch.

OPEN ITEMS	ACTION BY
<p>1. PREVIOUS MEETING NOTES</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • Meeting notes from June 2023 were reviewed <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • No concerns (posted on TCP on September 18, 2023) <p>Action – no further action</p>	

OPEN ITEMS	ACTION BY
<p>2. ORBA MINISTERIAL WORKING GROUP (MAJOR PROJECTS WORKING GROUP) UPDATE</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • Major Projects Working Group update <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • <i>ORBA finalizing two-page report to the Premier and longer version for staff</i> • <i>Garden City Skyway procurement update</i> • <i>IO mandate and project involvement during and post-procurement</i> <p>Actions - Neil suggested that the Alternative Delivery Committee be resurrected.</p> <p><i>ORBA committed to reviewing their committee system.</i></p>	

<p>3.</p>	<p>CAPITAL PROGRAM/HIGHWAY PROJECTS PROCUREMENT PIPELINE UPDATE (A) AND FUNDING PREDICTABILITY (ORBA REQUEST)</p> <ul style="list-style-type: none"> • MTO indicated that it was again forecasting to fully spend its construction budget this year, and that work had started on the fall/winter OHP refresh, which was targeting publication in early January. • MTO also provided an update on quarterly tendering accomplishments and forecasts <ul style="list-style-type: none"> ○ <i>Capital tenders issued in the first two quarters were lower than initially forecasted, and projections have been lowered for the remainder of the year.</i> ○ <i>Tender timing is hard to predict in advance and dependent on many factors, including the status of design, EA, and property acquisitions and more recently, the availability of internal resources.</i> ○ <i>MTO is now expecting to issue between 85-102 tenders this year, compared to the initial projection of 100-120 tenders</i> <ul style="list-style-type: none"> ➤ <i>This is in line with 22/23, when MTO issued tenders for 101 contracts, with a high volume in the last quarter.</i> ➤ <i>The highest volume of activity is typically in the final two quarters – MTO always attempts to tender as many construction projects as possible during fall/winter each year, within its allowable financial authority.</i> ○ <i>The planned 4th quarter tenders will be identified in the upcoming refresh of the Ontario Highways program.</i> ○ <i>Important to note that these projections represent MTO-tendered contracts only. In addition to this, there is the Garden City Twinning project, which is currently in procurement as a Progressive Design Build project, in conjunction with IO. This is a significant project, identified on the IO’s Spring 2023 Market Update as being in the \$500M to \$1B range.</i> • ORBA raised a concern about the tendering volume decrease in recent years and the impact of inflation on the budget • ORBA also asked that MTO consider reinstating the distribution of the Early Tender Handout at the annual ORBA convention in February. • MTO and ORBA understood there are resourcing challenges across the industry and MTO is taking multi pronged steps to resolving those challenges including increasing hiring of additional Engineers and Technical Staff while also reviewing compensation concerns. 	<p>MTO</p>
-----------	---	------------

OPEN ITEMS	ACTION BY
<p>4. REDUCING RISK (INDEXING)</p> <p><i>Description:</i></p> <p>Status of active claims (ORBA)</p> <p>Open item on materials indices (ORBA)</p> <p><i>Discussion:</i></p> <p>Nov SCB info - Fuel Price Index -</p> <p>MTO is still reviewing fuel consumption rates for caisson piles, HIR and RAP consumption rates.</p> <p>The ministry is still in the process of reviewing the appropriate methods to determine the fuel consumption rates for caisson piles. No further update to provide at this time. Our normal process involves field data analysis. Further updates will be provided through the MTO-ORBA Contracts and Document Subcommittee meeting. Next meeting is scheduled for March 2024.</p> <p>Pandemic SSP - Provides instructions on how to bid during a health emergency.</p> <p>The Pandemic SSP was brought up as a topic at the recent MTO/ORBA Contracts and Documents subcommittee. No further comments were provided. Recommend that this item be closed.</p>	<p>ORBA</p>
<p>5. PROVINCIAL CLAIMS</p> <p><i>Description:</i></p> <p>MTO provided a summary of the claims' tracker for the period of April 1 to October 31, 2023</p> <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • Received 33 new claims (24 Construction, 1 Contract Administration and 8 Maintenance) compared to 103 in F2022/23. • 44 claim reviews have been completed compared to 130 in F2022/23 • 3 claims were withdrawn compared to 2 in F2022-23. • 4 claims are currently active (i.e., under review) compared to 47 at the end of F2022/23. 	<p>MTO</p>

OPEN ITEMS		ACTION BY
6.	<p>QUALIFICATION COMMITTEE QUORUM</p> <p><i>Discussion</i></p> <ul style="list-style-type: none"> • Review of infractions requires quorum that includes two non-MTO members. • This presents some scheduling challenges that have delayed resolving issues and, in some cases, required rescheduling of service provider presentations. • MTO is reviewing an adjustment to the quorum that would allow quorum for infractions to include one of two non-MTO members, with all efforts to have full complement at all meetings. • Adjustments would be proposed through the Technical consultation Portal for comment. • We're looking for early input as we deliberate on this potential change. 	NO ACTION REQUIRED
7.	<p>MUNICIPAL UPTAKE – INDICES AND RECYCLED MATERIALS</p> <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • <i>ORBA formulating a response to proposed amendments to Excess Soils regulations.</i> 	ORBA

OPEN ITEMS		ACTION BY
<p>8.</p>	<p>CMS UPDATE</p> <p><i>Discussion:</i> Contract Management System Update</p> <ul style="list-style-type: none"> • Majority of functionality is available for use in CMS. • Some final business processes and enhancements (Release 5) are currently being finalized (e.g., claims, contract completion) • Planned system improvements/enhancements to tender item list, including Lump Sum functionality and Unit Price administration. • 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. ○ Priority has been set for change management fixes. • Finalize remaining business processes and enhancements prior to end of 2023 except material laboratory functionality testing requirements. <p>CMS Team plans to set up groups with stakeholders to seek feedback and build off lessons learned over the winter now that one construction season with CMS is complete</p>	<p>MTO</p>
<p>9.</p>	<p>GENERAL CONDITIONS UPDATE</p> <p><i>Discussion:</i> No comments were received from ORBA on the GC update. MTO is progressing with internal review of various sections of the GCs. Instead of consulting on all the proposed changes at once, MTO is considering consulting on the various section as they are drafted. This should make the consultation process easier as specific areas can be reviewed individually. For example, the section on scheduling is under review and could be consulted on separately when ready. MTO will present any significant changes to the appropriate ORBA sub-committee before they are posted on TCP.</p>	<p>MTO</p>

OPEN ITEMS	ACTION BY
<p>10. Maintenance Updates</p> <p>Discussion:</p> <ul style="list-style-type: none"> • MTO and ORBA continue to hold regular monthly meetings to discuss and progress items. • Procurement of four (4) maintenance contracts were completed in 2023 – Owen Sound CDMC, London CDMC, Chatham CDMC and Thunder Bay West CDMC. • MTO is in the process of developing and implementing several new clauses in maintenance procurements with input and feedback from maintenance contractors. These include: <ul style="list-style-type: none"> ➢ Itemized sign replacements ➢ Dedicated summer patrolling • 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"> ➢ Niagara CDMC – advertise as new procurement. ➢ Bancroft CDMC – advertise as new procurement. ➢ Huntsville CDMC – advertise as new procurement. ➢ Kingston East CDMC – advertise as new procurement. ➢ Kingston West CDMC – advertise as new procurement. ➢ Hamilton CDMC – advertise as new procurement. <p><u>Legislation:</u></p> <ul style="list-style-type: none"> • Amendments to the Highway Traffic Act (HTA) came into effect on September 15, 2023, that prohibits the overtaking of snowplows working in echelon formation, on provincial highways with a posted speed limit of 80 km/hr or higher. • The amendment is expected to enhance safety by helping reduce unsafe passing manoeuvres around working snowplows. 	<p>NO ACTION REQUIRED</p>

OPEN ITEMS		ACTION BY
	<p style="text-align: center;"><u>Shortage of Operators</u></p> <ul style="list-style-type: none"> • Operator challenges is an industry-wide issue that has a bearing on all sectors that require AZ/DZ licence. • Discussions continue within the Highway Maintenance Committee and contractors continue to actively recruit operators. • For the 2023-24 winter season, MTO’s maintenance contractors have not identified the same level of operator shortages as of 2022-23. <ul style="list-style-type: none"> • MTO would appreciate assistance from ORBA members in encouraging their AZ and DZ drivers to work for the maintenance contractors during the winter season. 	NO ACTION REQUIRED
	<p><u>Start of CPI for New Contracts</u></p> <ul style="list-style-type: none"> • MTO has updated new procurements to include CPI from the date the tender closes. For existing contracts that have been impacted by the recent high inflation, MTO has reviewed and developed framework to resolve this issue. 	MTO
11.	<p>President’s Tour 2023 and ORBA Convention 2024</p> <ul style="list-style-type: none"> • ORBA thanked MTO for their strong participation at all tour locations. • ORBA provided an update on MTO’s participation at ORBA Convention 2024 	NO ACTION REQUIRED
12.	<p>Housekeeping</p> <p>Next Meetings: March, June & November 2024 TBD</p>	

INFORMATION SHARED FOR THIS MEETING		
Document Title	Shared By	Format
MTO/ORBA Exec agenda	Sharene Dubroy	PDF
MTO/ORBA Exec previous meeting notes	Sharene Dubroy	PDF

NEXT MEETING

- March 21, 2024 TBC