

MTO - ACEC-ONTARIO CONTRACT ADMINISTRATION SUBCOMMITTEE MEETING NOTES

Date: March 5, 2024
Time: 1:00PM
Location: MS Teams
Adjourn: 3:15pm

ATTENDEE	ORGANIZATION	ATTENDEE	ORGANIZATION
Maria Apostolakos	MTO	Dave Currie	McIntosh Perry
Finlay Buchanan	MTO	Doug DeRabbie	ACEC-Ontario
Adriano Cesarone	MTO	Sebastian Flaszynski	AECOM
Marc Coutu	MTO	Helder Melo	HDRINC
Jamie Lauzon	MTO	Phil Hutton	EXP
William Lei	MTO	Bernard James	Parsons
Rebecca Li (co-chair)	MTO	Naveen Kaushik	Conсор
Ryan McKerracher	MTO	Sunil Kothari (co-chair)	AtkinsRéalis
Seyed Tabib	MTO	Bill LaRosa	Morrison Hershfield
Erika Varga	MTO	Graham Sled	GHD
Gary Weiss	MTO		

WELCOME / INTRODUCTIONS / ANNOUNCEMENTS / SAFETY MOMENT

- Kevin English is no longer a subcommittee member.
- Rebecca Li is the acting Manager of the Contract Management Office and subcommittee co-chair.
- Chris McBride is no longer a subcommittee member.
- Sunil Kothari is the subcommittee co-chair.

Safety Moment: Preparing for the 2024 construction season led by Bernard James.

- Reminder to check that CA and contractor safety plans are up to date for the job.
- Be aware that multi-year contracts may have new staff and confirm that they have received all required training.
- A reminder to check for safety certifications, such as working at heights and confined spaces.

OPEN ITEMS:		ACTION BY
Mar-24-01	AGENDA ITEM: SUBCOMMITTEE WORK PLAN <i>Description:</i> <ul style="list-style-type: none"> • Refresh the subcommittee workplan, to support the new Terms of Reference. <i>Discussion:</i> <ul style="list-style-type: none"> • MTO reviewed the workplan. No new items identified. 	

OPEN ITEMS:	ACTION BY
<ul style="list-style-type: none"> MTO provided an update on workplan item 2023-04 (OPSS.PROV 100 (MTO General Conditions of Contract)) focussing on the 5 comments submitted by ACEC-Ontario: <ul style="list-style-type: none"> Critical Path Schedule; Extended Site Overhead Compensation for EoT's; Head office Overheads on Contracts with Winter Work; Clarifications to Contractor Insurance Provisions, and; Contract Bonding, Particularly in Extended Contract Time <p><i>Action – None.</i></p>	
<p>Mar-24-02 AGENDA ITEM: STAFF EXPERIENCE EQUIVALENCY FOR IQAF ASSIGNMENTS</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> On Public-Private Partnership [P3] projects that necessitate a high complexity Independent Quality Assurance Firm [IQAF] role, ACEC-Ontario requested that experience be recognized by MTO. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> ACEC-Ontario noted that some MTO expressions of interest (EOI) note that contract administration experience on Metrolinx assignments will not be considered as an equivalent for MTO assignments. ACEC-Ontario wants to ensure that individuals that provide IQAF services do not receive gaps on their experience profiles. MTO found 1 example that contains restrictive experience language. It is MTO's position that only inspector roles on IQAF assignments for Infrastructure Ontario and Metrolinx projects will be considered as equivalent experience when evaluating EOI's. CA or ACA experience on IQAF Assignments for Infrastructure Ontario and Metrolinx projects is not similar to conventional MTO (DB and DBB) contracts and will not be considered as equivalent CA or ACA experience. In general, it is not ministry policy to set restrictions for IQAF experience. However, the restrictive language may be used in some high complexity CA assignments by exception. <p><i>Action – Keep item open.</i></p>	
<p>Mar-24-03 AGENDA ITEM: CORPORATE PERFORMANCE RATING (CPR) WORKPLAN</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> MTO presented a CPR pause workplan at the May 17, 2023, Engineering Subcommittee meeting. ACEC-Ontario requested the plan to be presented to the CA 	

OPEN ITEMS:	ACTION BY
<p>Subcommittee and become a routine item at future meetings.</p> <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • MTO provided an update on the CPR pause • January 1 quarterly CPR refresh <ul style="list-style-type: none"> • On January 1, 2024, the Quarterly CPRs were refreshed for all firms and the 'Starter CPR' was also refreshed. • So far, the Starter CPRs have not shown a decrease (start of the 'reset'). • More time is needed to allow the completion of more appraisals using the newer appraisal forms (for both streamlined Engineering (design) and CA) • RFP Evaluation Interviews <ul style="list-style-type: none"> • Meetings with MTO Project Managers have been initiated, to discuss the RFP evaluation. • Discussion was regarding RFP scope, setup of the acquisition and scoring, activities during the tendering period (RFCs, addendums), overall outcome (number of proponents) and the awarded firm. • Other questions to seek feedback on the RFP evaluation method (0/4/7/10) and the supporting excel spreadsheet. • Overall – goal is to improve consistency between the regions. • For example, PMs described similar approaches with: <ul style="list-style-type: none"> • The preparation of detailed terms of reference. • Utilizing the Phase I and Phase II stages. • Use of minimum scores for critical components only, else don't use minimums. • The weight between Phase I and Phase II scores. • How to determine the number of firms to short-list. <p><i>Action – None.</i></p>	
<p>Mar-24-04 AGENDA ITEM: CONTRACT MANAGEMENT SYSTEM (CMS) UPDATE</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • MTO's Contract Management System (CMS) launched on February 13, 2023. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • ACEC-Ontario working group has started to meet and will hold monthly meetings. • 1,500 users. • 88 unique security profiles (roles). • 40 Permission groups. 	

OPEN ITEMS:	ACTION BY
<ul style="list-style-type: none"> • 87 Apps, not including MLT. • Received 454 total tickets and resolved 420. • >100 changes/fixes/updates since April 2023. • 23 release notes since April 2023. • Improvements continue to Invoicing, Change Orders, Material Testing, App Functionality, Diaries, User Guides and Video Tutorials and Training. • Ability to address concerns is appreciated by ACEC-Ontario. • ACEC-Ontario has a few remaining concerns: <ul style="list-style-type: none"> • Roles can not be delegated, and; • There are still certain tasks that must be done outside of CMS (work around processes). <p><i>Actions – None.</i></p>	
<p>Mar-24-05 AGENDA ITEM: SUCCESSION MANAGEMENT</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • Succession management is an item being discussed at the Executive Committee and the Engineering Subcommittee. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • MTO has received ACEC-Ontario’s comments on succession management. • ACEC-Ontario has acknowledged that there is good language in the RFP but they are unclear on how it is being scored. • MTO and ACEC-Ontario see benefit in coordinating with the Engineering Subcommittee. <p><i>Action – Schedule a separate, small group meeting to plan for a workshop.</i></p>	<p>MTO & ACEC-ONTARIO</p>
<p>Mar-24-06 AGENDA ITEM: QUALIFICATION CRITERIA FOR CONSTRUCTION ADMINISTRATION – REVISIONS</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • Qualification criteria for construction administration were updated. • ACEC-Ontario requested additional context for the change: what were the challenges that drove the changes? What are the changes trying to address? <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • MTO explained that there was an issue in one of the regions where the key person (KP) left the CA firm and a replacement KP was not found within a reasonable length of time. • Heads of Construction Team proposed a review and reconsideration of the KP for high complexity assignments, as the situation left MTO in a high-risk position. 	

- Specifically, if a key KP for a high complexity assignment leaves the firm and the firm cannot find a replacement within 120 days, what will be the corrective action plan?
- It was decided that the action was to demote the firm to medium complexity assignments.
- Since there was no guideline for that scenario, a decision was made to include a second KP for high complexity assignments.

Action – *hold workshop to address the issue.*

**MTO & ACEC-
ONTARIO**

NEW ITEMS:	ACTION BY:
<p>Mar-24-08 AGENDA ITEM: SUPREME COURT JUDGMENTS - R. V. GREATER SUDBURY (CITY)</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • ACEC-Ontario asked if MTO has an update on the supreme court judgement. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • MTO is in the process of reviewing existing contract administration processes to make sure they demonstrate due diligences. • Occupational Health and Safety oversight will be a topic at the 2024 Construction Spring meeting <p>Action – Item closed.</p>	
<p>Mar-24-09 AGENDA ITEM: 2024 CONSTRUCTION SPRING MEETING</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • ACEC-Ontario asked if a date and location has been set for the spring construction meeting. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • The 2024 Construction Spring Meeting has been scheduled for Wednesday April 24, 2024. • There will be a single provincial update in the morning followed by local meetings in each of the 5 areas in the afternoon. <p>Action – Item closed.</p>	

STANDING ITEMS:		ACTION BY:
Mar-24-07	<p>AGENDA ITEM: FUTURE MEETINGS</p> <ul style="list-style-type: none"> Meetings for 2024 to be held on: <ul style="list-style-type: none"> Tuesday June 25, 2024 (9:00am – noon). Hybrid meeting: MTO Centre of Excellence in Transportation Infrastructure (CETI) - 95 Arrow Rd, North York, ON M9M 2L4 and MS Teams. Tuesday November 5, 2024 (9:00am – noon). Hybrid meeting: Location to be determined and MS Teams. 	

INFORMATION SHARED FOR THIS MEETING		
Document Title	Shared By	Format
MTO-ACECO Contract CA SubComm Work Plan June 27, 2023 (revised November 7, 2023)	MTO	Excel