

MTO Response to Comments on CA RFP – September 2022

Comment #1:

Section: A.3 THE PROPOSAL SUBMISSION INSTRUCTIONS

Page 10 (16)

Comment:

Proof of attending the T131A refresher is not practical, as the ministry distributed emails did not include a recipient name or email address (i.e. the "To:" line was blank). MTO has since confirmed that an internal database is reviewed to confirm listed individuals have this training, and only a statement in the Proposal is required.

Response: "Proof" was replaced with "Statement". Also the dates were updated to reflect the latest training courses offered.

Comment #2:

Section: A.3 THE PROPOSAL SUBMISSION INSTRUCTIONS

Page 10 (16)

Comment:

ACEC-Ontario companies have generally found this page limit to be quite restrictive, particularly when a number of Specialist Service providers are involved. As a minimum, ACEC-Ontario suggests that the Horizontal Bar Chart (e.g. Construction Schedule) not be included as this can often be 5+ pages itself.

Response: The Horizontal Bar Chart will not be included in the page limit. Revised the language and Note to User to reflect this change.

Comment #3:

Section: USE OF WBCMS

Page 21 (27)

Comment:

ACEC-Ontario points out that it is not uncommon for Final Deliverables to be submitted and be pending with MTO for extended periods of time (6+ months), particularly if issues with the contractor impede contract close-out.

ACEC-Ontario's position is that it does not seem reasonable to expect a CA Service Provider to potentially have to renew (4) subscriptions, at \$1350+HST each, for this reason - unless these costs are reimbursed.

Response: The language has been updated to clarify that once the contractor has achieved substantial performance, the CA Service Provider only requires a minimum of one subscription. The subscription model used for WBCMS will be changing with the implementation of the new Contract Management System (CMS). The language will be updated to reflect the new subscription model. In cases where there is a change to the CA contract beyond the control of the CA, which results in extra costs (including extended subscriptions fees) a request for appropriate compensation could be raised to the Contract Services Administrator for consideration.

Comment #4:

Section: USE OF WBCMS

Page 21 (27)

Comment:

The ACEC-Ontario CA Subcommittee has discussed at length the importance of having a 'Project Manager' role that has visibility to the CA Agreement / Contract in WBCMS, while other roles (CA Records Creator, CA Inspector, etc.) do not have this visibility. This is because there is sensitive information (CA Change Orders, financials, etc.) that is generally not privy to all staff.

Also discussed at length has been the importance of document retention after the CA Agreement End Date, as CA Service Providers should have continued access to contract & Agreement documentation & data for future matters such as claims, inquiries, etc.

ACEC-Ontario believes it would be beneficial to know if one of these listed roles (e.g. External User Administrator) would have this continued access.

Response: A project manager role that separates access to confidential information will be reviewed as part of implementation of the new CMS. Consultation with industry will be undertaken to fully understand and address concerns.

Comment #5:

Section: USE OF WBCMS

Page 22 (28)

Comment:

"Google"

Response: "Googleas" was deleted

Comment #6:

Section: Coordination with Specialist Inspectors -N/A

Page 22 (28)

Comment:

ACEC-Ontario is asking whether this section should be revised to 'Coordination with Design Consultant'? Should terms be outlined with respect to the expectations related to this coordination, given that CA Specialists have now been replaced by increased Construction Liaison from the Engineering Design Consultant?

Some items that would be pertinent to CA Service Providers include:

- Communication Protocols (i.e. communication with Design Consultant via MTO CSA or PM, communication directly to a single point-of-contact with the Design Consultant, communication with various technical experts with the Design Consultant, etc.)
- Degree of communication required with Design Consultant so that they are prepared to come out to site during specified milestones (i.e. submission of schedule updates, meeting minutes, general correspondence, etc.)

Response: Revised title to “Coordination with Specialists”. Updated NOTE TO USER to consider communication protocols between specialists.

Comment #7:

Section: Section 1: Technical Standards and Specifications

Page 25 (31)

Comment:

ACEC-Ontario suggests revising to "as available at the date which the Agreement was posted to RAQS ESP". It is not practical to revise a Financial Proposal if the CAIS specification is updated shortly before the submission deadline. This is of more importance now that the CAIS consists of a collective of various specifications, which presumably could be updated regularly and at different times.

Response: A specific update to the TORs will be published to implement the CAIS. All references to CAIS have been removed.

Comment #8:

Section: Notice to Proceed by CA process

Page 26 (32)

Comment:

ACEC-Ontario is asking for clarity on the following question: If a Notice to Proceed is dependent on Construction Liaison support for Structural Engineering or Foundations Engineering - will the CA be held accountable for a timely response (i.e. Site Visit, Technical Review, etc.) by the Design Consultant?

While it may not appear that this would be the case; it can be argued that the onus should not be placed on the CA Service Provider to have the Engineering Design Consultant to respond in a timely manner.

Response: This clause specifically addresses the measures and actions taken by the CA and is not related to the Construction Liaison support. The CA is responsible for their own actions and would not be held accountable for the actions of others.

Comment #9:

Section: 2.1 Staffing Proposal

Page 27 (33)

Comment:

ACEC-Ontario is asking for clarity on whether MTO wants to keep this statement? Every RFP includes notes that Specialty Staff and PM are not to be included.

Response: The statement was removed.

Comment #10:

Section: 2.3.1 Staff Qualifications and Credentials

Page 33 (39)

Comment:

ACEC-Ontario suggests revising this period to 4-months to be in line with a typical co-op or summer student term. It is not feasible or beneficial to the student to hire someone for 3-months

over the summer months. Also, it is recommended that "Assistant Junior Inspector" be removed as this is not a formal position.

Response: Agree and revised as suggested.

Comment #11:

Section: Project Manager

Page 34 (40)

Comment:

Can this be a statement as well as MTO has indicated it no longer provides confirmation e-mails for these past courses?

Response: Agree, revised as stated in response to Comment #1.

Comment #12:

Section: Contract Administrator

Page 35 (41)

Comment:

Can this be a statement as well as MTO has indicated it no longer provides confirmation e-mails for these past courses?

Response: Agree, revised as stated in response to Comment #1, and Note to User on how to seek confirmation was added.

Comment #13:

Section: Senior Inspectors (-N/A)

Page 39 (45)

Comment:

High

Response: Revised as suggested.

Comments #14 and #15:

Section: Office Person/Inspector (-N/A)

Page 39 (45)

Comment:

It is noted that the Office Person requirements here specify an RCJI (Junior) designation.

The experience requirements below then require individuals that have experience on 2+ projects, with minimum value thresholds. If an individual has been on 2+ projects, and particularly at an established threshold, then they generally are not RCJI.

ACEC-Ontario is asking for clarity as to whether this should be RCSI and the position identified in Table 8-5-A as Office Person/Senior Inspector. The Medium complexity experience requirements note Senior Inspector experience.

Alternatively, if MTO does not want to have this position staffed with someone possessing a RCSI, then ACEC-Ontario suggests having no experience requirements for Office Person /

Junior Inspectors. Experience requirements could be applicable for Office Person / Senior Inspectors.

Response: Revised medium complexity experience requirement to Junior Inspector. MTO wishes to have the Office Person role fulfilled by someone with relevant work experience to assist the Contract Administrator, with the flexibility of being able to provide inspection as required.

Comment #16:

Section: Senior Structural Inspector (-N/A)

Page 40 (46)

Comment:

ACEC-Ontario suggests that meaningful consideration should be made of what constitutes the 'entry point' to this position & succession management. If all assignments require an individual with X experience in Structural Inspection & Engineering, will there be a Junior level position that does not require this same experience?

Presently, there is more ability to move Senior Inspectors across various operations as required so that they are knowledgeable in various disciplines; however, given these specific requirements, this will become more restrictive - which will create a barrier to entry for the Senior Structural Inspector role.

A detailed discussion on what a sustainable what a sustainable way forward looks like it warranted.

Response: Note to User was updated to clarify intent of SSI position and how the experience should be evaluated.

This is not meant to be an entry-point position. This position is specifically a more senior role, to ensure that staff inspecting elements of a structure, have experience in structural work and is reserved for assignments involving complex structural work. MTO can explore creating a separate role: Structural Inspector, however the current activities are more geared towards someone with more experience.

Succession management is important to the ministry to ensure capacity to oversee the province's construction program.

Comment #17:

Section: Senior Structural Inspector (-N/A)

Page 40 (46)

Comment:

ACEC-Ontario suggests removing the "in the last 10 years" provision. If an individual is not on a rehabilitation project for 10 years (i.e. is assigned to 3 multi-year structure replacement projects) it should not preclude them to being on a rehabilitation project in the future.

This is of particular note if the experience requirement is in terms of projects (i.e. 3 rehabilitation projects in the last 10 years), which may preclude certain individuals that have been on long-duration projects over the 10-year period.

Response: Agree. Revised as suggested. Note to User was updated to clarify intent of SSI position and how the experience should be evaluated.

Comment #18:

Section: Senior Structural Inspector (-N/A)

Page 40 (46)

Comment:

In reviewing this requirement, ACEC-Ontario wishes to bring to MTO's attention that the typical Senior Structural Inspector would have an rcsi designation and not be involved with structural design. That requirement would likely only be met by Structural Engineers who have done structural design. However, this position does not seem to be for a Structural Engineering Specialist, but more so for the senior inspector who will be witnessing 100% of concrete removals on a bridge rehabilitation project. As such, we are unsure of the intent of this requirement, or how it would be demonstrated by a typical Senior Structural Inspector, who is not an engineer and has not done any structural design work. There may be some inspectors in the marketplace who are P.Eng's that would meet this requirement, but for the most part they won't. Further, the typical Structural Engineer doing design work would not have 10 years of experience inspecting bridge rehabilitation work. We do expect the ministry intends to have structural engineers doing this inspection work.

ACEC-Ontario is asking MTO to re-examine this requirement with the intention of providing clarity as to what it is trying to achieve. As presently written, it is unlikely that this requirement will be fulfilled.

Response: This requirement is not meant for the inspector to take on design engineering duties. Expectation for this is currently civil engineering technology and civil engineering university programs. Wording was revised to clarify required credentials.

Comment #19:

Section: Senior Structural Inspector (-N/A) NOTE TO USER

Page 40 (46)

Comment:

ACEC-Ontario points out that if there is a combination of years experience and # of projects within last 10 years, MTO needs to acknowledge the ability to count multi-year contracts as multiple projects (i.e. 4 years on a high complexity contract, where each year had relevant scope of work counts as 4 projects), otherwise it is detrimental for the qualifications of inspectors who stay on projects in continuity.

Response: Deleted "within the last 10 years". Note to User was updated to clarify intent of SSI position and how the experience should be evaluated.

Comment #20:

Section: Services and Deliverables

Page 44 (50)

Comment:

ACEC-Ontario is of the understanding that this position is being taken over by the detail design consultant and their geotechnical engineer. MTO is asked to please clarify and confirm.

Response: See response to Comment #21 below.

Comment #21:

Section: FOUNDATIONS SPECIALIST SERVICES

Page 45 (51)

Comment:

ACEC-Ontario notes that it appears the FES role has been removed from this generic RFP. Might this be too early for such removal?

Not all design assignments will have FES roles included as additional biddable items for contracts going to construction over some period of time during the transition to having FES addressed under the RFP for design.

Should the generic RFP for CA services include a placeholder for identification of CA interface with the Foundation Engineering Specialist to understand the level of effort the CA team may have around foundation engineering elements, as well as requirements for notice periods to the FES who will be retained through a separate contract (as noted above)?

Response: Yes that is correct, there will be a transition that needs to take place. These terms of reference were not meant to be part of the generic RFP/RFQ in the long term but can be available in a separate guiding document as terms are obtained from the functional offices. The placeholder is available under Specialty Plans and the details are not required in the generic RFP/RFQ since it does not capture all current project-specific requirements.

Comment #22:

Section: Services, Deliverables and Records

Page 51 (57)

Comment:

How will this "on-call" provision for immediate assistance to the CA be preserved?

Response: This coverage will be provided in the Engineering Terms of Reference, under construction liaison.

Comment #23:

Section: Scope of Work

Page 52 (58)

Comment:

If Design Consultant Structural Specialist is visiting the site at a minimum frequency, it should be made clear that all communication with the Contractor shall flow through the Contract Administrator.

Response: Yes, that is correct; the CA's role is maintained. This is also explained in the CAITM and CAIS.

Comment #24:

Section: Structural Steel Inspection Services

Page 53 (59)

Comment:

ACEC-Ontario is seeking clarity from MTO whether it is intended to remove Structural Steel Fabrication & Erection Inspection Services? These services are generally provided by firms with CWB Certified Inspectors & NDT Specialists, which are often separate from the Design Consultant and separate from the General Structural Specialists.

It is suggested that this remains a CA Service Provider retained Specialty, similar to Coating Specialists.

Response: The MTO intends to move to a provincial retainer to provide structural inspection services, much like the provincial precast retainer.

Comment #25:

Section: Scope of Work

Page 54 (60)

Comment:

Various CA Assignments have included a Precast / Prestressed Erection Specialist, to oversee girder erection and placement. Is it correct to anticipate that this will now be covered by the Senior Structural Inspector, while Precast / Prestressed Fabrication will be covered through MTO's Retainer?

Response: Correct.

Comment #26:

Section: ELECTRICAL SPECIALIST SERVICES

Page 56 (62)

Comment:

Agree with removing this, as there is significant overlap with Electrical Inspector position, including qualification requirements.

Response: Thanks for the comment.

Comment #27:

Section: Public Information Plan (-N/A)

Page 63 (69)

Comment:

It is suggested that consideration be given to removing the local newspaper advertisement, as this does not have significant reach these days.

Response: Requirements for newspaper advertisement will remain in the Public Information Plan at this time. This task may be a commitment made during the environmental assessment process on some MTO projects. At times this task is delegated to the contractor and may be removed from the construction administration assignment, on a case-by-case basis.

Comment #28:

Section: 3.4 Equipment and Supply

Page 69 (75)

Comment:

Suggest removing fax machine requirement - possibly telephone as well.

Response: Agree, the fax machine requirement was removed.

Comment #29:

Section: 3.5 Status Report

Page 71 (77)

Comment:

With this being an RFP Template, Weekly Status Reports are typically not required, only Monthly Status Reports. Could consider revising.

Response: Weekly Status Reports benefit both the Service Provider and the Ministry. It allows the CSA to understand the contractor's and consultant's activities on a weekly basis. It also allows any comments, betterments and/or concerns to be addressed earlier, which benefits both the Service Provider and the Ministry.

Comment #30:

Section: 3.5 Status Report

Page 71 (77)

Comment:

For Lump Sum contracts, this should be removed. MTO is asking for an increasing amount of financial information on Lump Sums, and on recent RFPs suggests that firms credit back to the ministry any savings realized on reduced staffing levels (without a corresponding commitment to paying for increased staffing level requirements). The contract is becoming increasingly unbalanced, and unfairly tilted in favour of MTO. There is no reason, in a fairly balanced Lump Sum contract, for MTO to require this information.

Response: Same as response to Comment #29.

Comment #31:

Section: 3.6 Project Specific Deliverables

Page 72 (78)

Comment:

Suggest revising.

Response: Revise to USB or other most current form of digital sharing such as ministry's web based contract management service, etc.

Comment #32:

Section: Payment Schedule for Services

Page 90 (96)

Comment:

ACEC-Ontario is asking MTO to explain how firms are supposed to budget for this, within a competitive environment. Unfair use of competitive tension here.

Response: The paragraph was deleted.

Comment #33:

Section: Speciality Work Plan

Page 91 (97)

Comment:

There are no Form 9-5 and 9-5-A.

Response: Revised to Forms 8-5 and 8-5-A

Comment #34:

Section: Change Order / Change Request for

Page 91 (97)

Comment:

ACEC-Ontario is asking MTO to clarify if this means that the Service Provider is to pursue additional compensation whenever increased staffing complement is required (extended lane closures, contractor error's requiring duplication of CA work, design errors etc.).

Response: The paragraph is deleted. Service Providers can submit a change request to the ministry Agreement Administrator.

Comment #35:

Section: Form 8-4-A: Engineering Materials Field Testing Price Reference

Page 97 (103)

Comment:

Can MTO highlight the tests that are actually applicable to the assignment?

Response: The table should be edited to only include the applicable tests. The Note to User was edited to include this instruction.

Comment #36:

Section: Form 8-5-A: Contract Administration Staff Pricing

Page 99 (105)

Comment:

Will these line items need to be maintained?

Response: Will be maintained for the transition period and as a placeholder, for CA Assignments where the Engineering Assignment did not include the appropriate Construction Liaison Services.