

MTO Response to Comments on Engineering RFP - September 2022

Comment #1:

Section: **OVERVIEW / Ministry Supplied Information**

Page 18

Comment:

This potentially creates differences in the work deemed necessary by proponents and thus differing scopes of work. The Ministry should define the scope of work required.

Response #1: For a project to be procured through a model of Request for Proposal, there may be uncertainties in a project which requires proponents to use their expertise, experience, researching capability to establish the requirements and provide a proposal regarding methodologies and corresponding cost estimate. If there is uncertainty based on an omitted document, a Request for Clarification can be submitted to clarify the uncertainty.

Comment #2:

Section: **OVERVIEW / Definitions**

Page 19

Comment:

Not all Joint Ventures have participant firms equally responsible, some have differing degrees of liability. Should be sufficient to require participant firms to be jointly and severally liable / responsible.

Response #2: Agree, will delete “equally”.

Comment #3:

Section: **1.3 Proposal Submission and Award Process**

Page 23

Comment:

ACEC-Ontario notes that this sentence seems backwards. If shortlisting after Phase I, it seems this sentence should be included. If not shortlisting, then this sentence should be deleted.

Response #3: This sentence means that if the MTO project manager/engineer decides not to have shortlisting which generally is after Phase I, then all qualified proponents can submit proposals for Phase I and Phase II.

Comment #4:

Section: **1.4 Proposal Submission Format Phase I and Phase II**

Page 24

Comment:

The Ministry's page limits are typically too restrictive to be able to fully reflect the approach to completing the required tasks in a way which allows a firm to differentiate itself from another. Suggest that additional guidance be given here.

Response #4: The page limits generally are determined by the MTO regional project manager basing on specific project requirements and complexity of the project. A Note to Draft will be included to guide the project managers of typical page limits with a reminder to be mindful of complexity and avoiding unnecessarily restrictive limits.

Comment #5:

Section: **1.5 Proposal Documents to be Submitted Phase I, Phase II and Phase III**

Page 24

Comment:

Please see the above comments about restrictive page limits.

Response #5: Please see the above response.

Comment #6:

Section: **1.5.1.(a) Phase I (EOI) - Staffing and Organization Plan (Envelope No. 1)**

Page 24

Comment:

It is believed the intent is "Signing Principal's Title. This needs to be clarified/reworded.

Response #6: The reference to the signing principal is made in 1.5.1 (a). The information regarding "Owner(s); Partner(s); Corporate Officer(s)/Title" is in addition to a principal.

Comment #7:

Section: **1.5.1. (a) Phase I (EOI) - Staffing and Organization Plan (Envelope No. 1)**

Page 24

Comment:

ACEC-Ontario recommends MTO consider adding text supporting succession management. Examples from Previous RFPs 'have included identification of firm's commitment to Project Management succession management opportunities OR identification of firm's Project Management succession management plan.'

Response #7: This comment is being discussed internally and will be considered in the next update.

Comment #8:

Section: **1.5.1. (b) Phase I (EOI) - Staffing and Organization Plan (Envelope No. 1)**

Page 26

Comment:

",which shall not be unreasonably withheld." needs to be added here.

Response #8: Agree, wording revised as suggested.

Comment #9:

Section: **1.5.1. (b) Phase I (EOI) - Staffing and Organization Plan (Envelope No. 1)**

Page 26

Comment:

",acting reasonably," needs to be added here.

Response #9: Agree, wording revised as suggested.

Comment #10

Section: **1.5.1. (b) Phase I (EOI) - Staffing and Organization Plan (Envelope No. 1)**

Page 27

Comment:

",acting reasonably:" needs to be added here.

Response #10: Agree, wording revised as suggested.

Comment #11

Section: **1.5.1. (d) Phase I (EOI) - Staffing and Organization Plan (Envelope No. 1)**

Page 28

Comment:

These conditions are too broad and subjective and need to be amended. Only actual conflicts should or need to be certified.

Response #11: Actual or perceived conflict needs to be identified by the ESP.

Comment #12:

Section: **1.5.1. (e) Phase I (EOI) - Staffing and Organization Plan (Envelope No. 1)**

Page 28

Comment:

A number of Firms own and operate several labs and the lab certifications and qualifications for each lab can be 10s of pages. It will be easier for MTO and the Consultants if only the required documentation for the labs that the Consultant intends to use for a specific project are provided with the RFP submission.

Response #12: Agree. Wording has been revised.

Comment #13:

Section: **1.5.2.1. Technical Proposal (Envelope No. 1 – Identity & Proposal)**

Page 29

Comment:

This word needs to be deleted. "Best" applies a subjective and unattainable standard which creates potential liability for and is uninsurable by the Consultant.

Response #13: The Ministry requires the proponents to fully understand the project requirements with their best knowledge to successfully carry out the project with balancing the consideration of insurance and liability. We can use the term "competent" instead of best.

Comment #14:

Section: **1.5.2.1. (a) Technical Proposal (Envelope No. 1 – Identity & Proposal)**

Page 30

Comment:

"Project" is an undefined term and should not be in bold font.

Response #14: Agree. Revised.

Comment #15:

Section: **1.5.2.1. (a) Technical Proposal (Envelope No. 1 – Identity & Proposal)**

Page 30

Comment:

It is recommended that "Assignment" be used rather than project, since projects often include construction and different design phases.

Response #15: In the RFP, the scope of work is outlined to ensure the bidding firm understands which phases are in scope.

Comment #16:

Section: **1.5.2.1. (b) Technical Proposal (Envelope No. 1 – Identity & Proposal)**

Page 31

Comment:

", acting reasonably." needs to be added here.

Response #16: Agree, will revise as proposed.

Comment #17:

Section: **1.5.2.1. (b) Technical Proposal (Envelope No. 1 – Identity & Proposal)**

Page 32

Comment:

To ensure the same scope of work among firms, additional engineering work categories should be treated as innovation plans and be accepted by the Ministry as such (with the wording of this paragraph revised). Alternatively, this paragraph should be amended to require proponents that deem extra work to be necessary to indicate this in a clarification request with the with the Ministry. In such a case, if the work is deemed necessary by the Ministry, the RFP should be revised accordingly.

Response #17: For a project to be procured through a model of Request for Proposal, there may be uncertainties in a project which requires proponents to use their expertise, experience, researching capability to establish the requirements and provide a proposal regarding methodologies and corresponding cost estimate. Basing on the proponents' expertise and understanding, the proponents may propose additional engineering work category to ensure the successful completion of the assignment. The proponents may submit a request for clarification when uncertain about the scope of work.

Comment #18:

Section: **1.5.2.3. Innovation Proposal (Envelope 4 – optional)**

Page 33

Comment:

this sentence needs to be amended to include, ", and shall be kept confidential by the Ministry and not be shared or negotiated with the successful proponent." - To respect and protect intellectual property.

Response #18: Agree. Will revise as proposed.

Comment #19:

Section: **1.6.1. Phase I (EOI) – Project Staffing and Organization**

Page 37

Comment:

ACEC-Ontario believes more member firm discussion is required on the use of this scale and is asking the Ministry to revisit this issue at the earliest possible opportunity. Also, see later comment.

Response #19: The use of this scale was discussed internally; the MTO Project Delivery team is currently satisfied with the current 0/4/7/10 scale.

Comment #20:

Section: **1.6.2. Phase II (RFP) – Technical and Financial Proposal**

Page 40

Comment:

MTO and ACEC-Ontario have had an ongoing discussion for a number of years on the use of this scale. Any scale used must allow for significant differentiation between firms where applicable. Using the current system, too many firms are often grouped too closely together and given all the same marks because the differences are not deemed significant enough to warrant a 3 mark difference in score.

Response #20: Please see the response above comment.

Comment #21:

Section: **1.6.2. Phase II (RFP) – Technical and Financial Proposal**

Page 40

Comment:

Lowest score often reflects an incorrect level of required effort or scope of work. Difference from the median or average price should be used to evaluate with closest to median being the highest score.

Response#21: This item can be discussed at a future ACEC-MTO Engineering Subcommittee meeting.

Comment #22:

Section: **2.3. Irrevocable Proposal after Closing**

Page 41

Comment:

(subject to a modification of the assignment schedule), needs to be inserted to this sentence.

Response #22: Agree to insert as proposed. The additional language clarifies the situation where the 90 day irrevocable period of Phase II proposal may occur.

Comment #23:

Section: **2.5. Clarifications**

Page 42

Comment:

", acting reasonably," needs to be inserted here.

Response #23: Revisions made as proposed.

Comment #24:

Section: **2.5. Clarifications**

Page 42

Comment:

", acting reasonably," needs to be inserted here.

Response #24: Revisions made as proposed.

Comment #25:

Section: **2.6. Right to Accept or Reject**

Page 42

Comment:

", acting reasonably," needs to be inserted here.

Response #25: Revisions made as proposed.

Comment #26:

Section: **2.7. Misleading Information**

Page 42

Comment:

", acting reasonably," needs to be inserted here.

Response #26: Revisions made as proposed.

Comment #27:

Section: **2.10 Failure to Execute Agreement**

Page 43

Comment:

"direct" needs to be inserted before consequential.

Response #27: Agree. Revisions made as proposed.

Comment #28:

Section: **2.10 Failure to Execute Agreement**

Page 43

Comment:

"or indirect" needs to be removed as this is an uninsurable condition.

Response #28: Agree. Revisions made as proposed.

Comment #29:

Section: **2.18 Requirements from the Joint Venture**

Page 45

Comment:

"equally and fully" should be removed as this qualification is unnecessarily restrictive. It is sufficient to say firms are jointly and severally liable / responsible.

Response #29: Agree. Revisions made as proposed.

Comment #30:

Section: **2.18 Requirements from the Joint Venture**

Page 46

Comment:

This condition is unnecessarily restrictive, unequal partners should be acceptable given the nature of the assignment.

Response #30: Agree. Revisions made as proposed.

Comment #31:

Section: **3.2.1 Services Required**

Page 51

Comment:

Where virtual meetings will be approved by the Ministry, that approval needs to be indicated in the RFP, otherwise it will not be possible to ensure that assignments are fairly biddable for all parties.

Response #31: The RFP was updated and a note to draft was added for the project manager to identify the number of face-to-face meetings being held at the Ministry office throughout the assignment.

Comment #32:

Section: **3.2.2 Deliverables**

Page 52

Comment:

ACEC-Ontario suggests a generic address be used.

Response #32: A generic address cannot be used as the address will be the appropriate area office. The address is editable. A note has been added to instruct that each region enters the appropriate address.

Comment #33:

Section: **3.2.2 Deliverables / Design Team Review Meeting**

Page 52

Comment:

"Offices" needs to be inserted following "Functional".

Response #33: Agree.

Comment #34:

Section: **3.2.2 Deliverables / Director Information Session**

Page 56

Comment:

This is the first indication in the document that packages are to be in hard copy for any of the meetings. Clarification is required as to whether digital submissions are sufficient.

Response #34: Some regions still require hard copy of the documents. The requirements vary from region to region and project to project. A note has been added to allow the regional staff to make changes based on their need.

Comment #35:

Section: **3.3.2. Deliverables / Special Requirements for Engineering Work:**

Page 59

Comment:

This wording creates difficulty as some regional offices or Project Managers require stamped drawings prior to the tender ready set. As noted earlier on Page 56, the appropriate time for document stamping is at the tender submission stage.

Response #35: The language does not speak to timing of submission. The statement refers to all final engineering products. If the engineering products are final, they must be stamped and signed no matter which stage they are required. At times, engineering products are required prior to tender submission stage.

Comment #36:

Section: **3.5.1. Services Required / Change Order Process:**

Page 61

Comment:

ACEC-Ontario recommends MTO amend this language to read as:

Any changes in the scope of work (e.g. extra/additional work or reduction in work, Agreement suspension or termination) **shall be provided by written notice to the Service Provider in compliance with** and are subject to the requirements of the Ministry's Change Order process as detailed in Article 12 of the Legal Terms and Conditions. In the event that the assignment timeframe is shortened and/or the staffing complement required is less than anticipated for whatever reason, the Ministry reserves the right to claim cost savings through negotiations with the Service Provider.

Response #36: Agree – revised to state that written notice is required.

Comment #37:

Section: **4.2 Technical Services Required**

Page 68

Comment:

insert "or delimit work zones by a physical barrier or fence as permitted under OHSA."

Response #37: Agree. Revised as proposed.

Comment #38:

Section: **4.3.3. Detail Design Documentation – NA / Reproduction Services**

Page 77

Comment:

ACEC-Ontario notes that we have not been providing hard copy submissions (only electronic) since the start of the pandemic. The number of hard copies required should be reviewed. The pandemic has shown that reviews can be done with digital copies of submissions. Hard copy requirements included in this section should be cut to an absolute minimum.

Is it MTO's intention to return to hard copy submission for FIR's and FIDR's? We also note that there is a listing for 'Foundations Report' (second item in table) but FIR's and FIDR's are listed separately farther down the table. Is the 'Foundations Report' in the second item a duplication?

Response #38: The numbers in the table are editable and the hard copies required will either be eliminated or reduced to an absolute minimum. The duplication has been removed.

Comment #39:

Section: **5.1.2. Technical Services Required / Meetings**

Page 82

Comment:

ACEC-Ontario points out that approval of virtual meetings attendance must be indicated at the RFP stage so that firms can bid appropriately and fairly.

Response #39: Please see the Response #31.

Comment #40:

Section: **6.2.3.2.(7) (b) Structural Design Report**

Page 92

Comment:

Recent experience shows these rates to be too high.

Response #40: This can be considered in a future update. ACEC-ON is encouraged to provide substantiating information to their comment which can be given to the Structures Office for consideration.

Comment #41:

Section: **6.4.1 Project Scope**

Page 97

Comment:

ACEC-Ontario notes the reference to selecting project-specific information at the end of this section, and is supportive of this. It has been observed in several previous instances where information in one RFP seems to be copied from another RFP, but is either not relevant, or could be made more specific to the subject RFP.

Response #41: Will emphasize on Note to Draft to include adequate project-specific details

Comment #42:

Section: **6.4.2. Technical Services Required**

Page 97

Comment:

The above comment on Section 6.1 also applies to this section. All general items are self-explanatory but PDR requirements should be more project specific.

ACEC-Ontario is asking whether HM inspection and testing really required at this stage or are they only recommendations? It would be very difficult to price this item at PDR proposal stage.

Response #42: Note to Draft was revised to include adequate project-specific details

Comment #43:

Section: **6.4.3. Deliverables**

Page 99

Comment:

ACEC-Ontario is asking MTO to consider removing requirements for hard copies from RFPs. Deliverables can be provided digitally and would save cost and reduce paper consumption.

Response #43: Will emphasize on Note to Draft to minimize the number of hard copies.

Comment #44:

Section: **7.2.2.4.(6)(b) Structural Steel Fatigue Inspection & Analysis**

Page 126

Comment:

ACEC-Ontario would like to know if it is possible to reduce the number of UT tests and re-word to indicate particular locations? ACEC-Ontario would like MTO to consider the suggestion that it may be excessive carrying out 5 UT tests at the end of each girder and at mid-span. Perhaps consider reducing the requirement to "a minimum of 3 UT measurements of the steel thickness required on each surface, at each test location." An average of 3 UT should be sufficient. When you have many girders with little to no section loss this 5 UT requirement may not provide a lot of additional benefit.

ACEC-Ontario also recommends MTO consider rewording to the following: "Measurements are required at the end of each span of each girder (if expansion joints are present), end of exterior girders and at least one location near mid-span and other areas of significant corrosion."

Response #44: Performing UT thickness checks is quite fast, particularly on areas with little corrosion as there is good probe contact and little surface prep is required, if any. Performing 5 readings instead of 3 at these locations is not going to add much time overall if the inspector needs to be at that location anyway.

UT measurements are useful for quantifying remaining thickness / section loss. If there is no evidence of section loss, there is no real benefit to doing thickness measurements (other than in cases of inadequate drawings or where there is uncertainty about the dimensions of a girder). It is important to focus on localized areas with section loss, where they may need to do more than the specified minimum number of measurements. We do not see a need to require UT unless there is concern with section loss. The wording was changed as stated below:

"Survey areas of significant corrosion to determine the thickness (section loss) of the steel member. Measurements are required ~~at the end of each span of each girder and at least one location near mid-span or other~~ in all areas of significant corrosion as required to quantify the locations and extent of section loss (minimum of 5 ultrasonic measurements of the steel thickness required on each surface, at each test location)."

Comment #45:

Section: **7.2.2.4.(6)(d) Structural Steel Fatigue Inspection & Analysis**

Page 126

Comment:

ACEC-Ontario is asking MTO to consider reducing the percentage tested by MP test for "...connection details where internal cross bracing members are connected to the lower end of transverse web stiffeners...". Consultants visually inspect these areas but would suggest that also doing 50% MP might be more than is necessary.

ACEC-Ontario asks MTO to consider removing 5% UT; this is not something utilized often or at all other than for thickness measurements.

Response #45: The wording was changed from “lower end” to “tension zone” because in negative moment regions of multispan bridges, the tension flange is at the top of girders, and cross frames are commonly connected to transverse stiffeners that are not welded to the top flange. 50% coverage may be somewhat high for bridges that are on the low to moderate range of risk for distortion induced fatigue. For the higher risk bridges, 50% MPI coverage sounds reasonable, but for medium / low risk bridges it seems somehow excessive. In other cases, 20% MPI coverage would be more reasonable.

Comment #46:

Section: **7.2.2.4.(6)(g) Structural Steel Fatigue Inspection & Analysis**

Page 126

Comment:

ACEC-Ontario notes that LP testing is not very effective at low temperatures due to it being time consuming in preparing the surface and difficulty in drying the developer paint. Similar results can be achieved using MP and is more efficient. We suggest that it is not very productive to carry out a minimum of 2 LP when there aren't any cracks identified through visual and/or MP testing. ACEC-Ontario asks MTO to consider deleting the LP requirement or change the wording so that it is only required if cracks are identified through other means and conditions are favorable to perform LP.

Response #46: Wording was revised to require LPI testing when it is warranted.

Comment #47:

Section: **7.2.2.4.(6)(h) Structural Steel Fatigue Inspection & Analysis**

Page 126

Comment:

ACEC-Ontario notes that CWB certification is for visual inspection only and is not for testing. The certification for non-destructive testing is CGSB standard 48.9712. Some CWB inspectors have CGSB certification, however, that combination is very rare. ACEC-Ontario is asking MTO to please consider changing this requirement to only CGSB.

Response #47: Agree in principle that that CGSB certification is required for performing NDT. Inspectors performing visual weld inspection should be CWB certified. The wording was revised to clarify the requirements.

Comment #48:

Section: **7.2.3.3.(6)(b) Structural Design Report**

Page 129

Comment:

Please see comment made on page 92.

Response #48: Please note response to Comment #40

Comment #49:

Section: **7.3.2.2.(1) Detail Design**

Page 133

Comment:

ACEC-Ontario points out that it should be specified if it is DBR or PD in assignments where the DD is not applicable.

Response #49: This document serves as general template for the MTO Administrator. The MTO Administrator would be specific in terms of PD or DD by editing the related paragraph. No changes to the template.

Comment #50:

Section: **7.3.2.2.(1) Detail Design / For Water Crossings**

Page 133

Comment:

In most of the cases the GPD is not applicable only in DD assignments.

Response #50: Note the document is an editable template and is customized by the Project Manager. There is no change required to the template.

Comment #51:

Section: **7.3.2.2.(1)(a) Detail Design / For Highway Drainage System**

Page 133

Comment:

ACEC-Ontario notes that the drainage scope of work should be consistent with the particular project characteristics and requirements.

Typically, highways with a rural cross section do not have storm sewers as part of the conveyance system.

Response #51: Note the document is an editable template and is customized by the MTO Administrator. There is no change required to the template.

Comment #52:

Section: **7.3.2.2.(1) (e) Detail Design / For Highway Drainage System**

Page 134

Comment:

Some highways do not have these facilities.

Response #52: Note the document is an editable template and is customized by the Project Manager. There is no change required to the template.

Comment #53:

Section: **7.3.2.2.(10) Detail Design / For Highway Drainage System**

Page 134

Comment:

ACEC-Ontario suggests including this requirement only when applicable.

Response #53: Note the document is an editable template and is customized by the Project Manager. There is no change required to the template.

Comment #54:

Section: **7.3.3.1 (3) General**

Page 135

Comment:

ACEC-Ontario points out that quantity sheets are typically provided by the highway team.

Response #54: This reference to quantity sheets is specific for the drainage section. The section is editable, and the MTO Administrator would customize the wording as required. There is no change required to the template.

Comment #55:

Section: **7.3.3.2 (1) Hydrology and Drainage Reports / For Water Crossings**

Page 135

Comment:

When applicable, or DBR / PD.

Response #55: This is related to a specific project. As the section are editable and should be customized by the Project Manager. There is no change required to the template.

Comment #56:

Section: **7.3.3.2 (2) (g) Hydrology and Drainage Reports/ For Water Crossings**

Page 135

Comment:

These tasks should be more applicable to the structures scope.

Response #56: The section is editable and will be coordinated with Engineering Program Delivery Office as required.

Comment #57:

Section: **7.3.3.2 (2) (m) Hydrology and Drainage Reports/ For Water Crossings**

Page 136

Comment:

These tasks are more suitable under the highway scope.

Response #57: The section is editable and will be coordinated with Engineering Program Delivery Office as required.

Comment #58:

Section: **7.3.3.2 (2) (n) Hydrology and Drainage Reports/ For Water Crossings**

Page 136

Comment:

These tasks are more suitable under the highway scope.

Response #58: The section is editable and will be coordinated with Engineering Program Delivery Office as required.

Comment #59:

Section: **7.3.3.2 (6) Hydrology and Drainage Reports/ For Water Crossings**

Page 136

Comment:

Not always applicable.

Response #59: The section is editable and will be edited as required.

Comment #60:

Section: **7.3.3.2 Hydrology and Drainage Reports/ For Highway Drainage System**

Page 136

Comment:

ACEC-Ontario notes that the drainage and hydrology scope should be more specific to the characteristics and particular requirements of each assignment (less generic).

Response #60: The section is editable and will be edited as required. There is no change required to the template. A Note to Draft was added to provide clear instructions.

Comment #61:

Section: **7.3.3.2 (3)(d) Hydrology and Drainage Reports/ For Highway Drainage System**

Page 136

Comment:

Not always applicable.

Response #61: The section is editable and will be edited as required. There is no change required to the template.

Comment #62:

Section: **7.3.3.2 (3)(f) Hydrology and Drainage Reports/ For Highway Drainage System**

Page 137

Comment:

Not always applicable.

Response #62: The section is editable and will be edited as required. There is no change required to the template.

Comment #63:

Section: **7.3.3.2 (4)(c) Hydrology and Drainage Reports/ For Highway Drainage System**

Page 137

Comment:

These tasks are more suitable under the highway scope.

Response #63: The section is editable and will be coordinated with Engineering Program Delivery Office as required. There is no change required to the template.

Comment #64:

Section: **7.4.1 Project Scope**

Page 137

Comment:

ACEC-Ontario notes the reference to selecting project-specific information at the end of this section, and is supportive of this. It has been observed in several previous instances where information in one RFP seems to be copied from another RFP, but is either not relevant, or could be made more specific to the subject RFP.

Response #64: Please see Response #41.

Comment # 65:

Section: **7.4.2 Technical Services Required**

Page 137

Comment:

The same comment applies to this section. All general items are self-explanatory but DD requirements should be more project specific.

Response #65: Please see the Response #49.

Comment # 66:

Section: **7.4.2 Technical Services Required/ Lighting**

Page 139

Comment:

ACEC-Ontario notes it would be very helpful if specific locations are confirmed.

Response #66: Agreed, locations will be confirmed wherever possible.

Comment # 67:

Section: **7.4.2 Technical Services Required / Traffic Signals**

Page 139

Comment:

We believe this word should be "compliant".

Response #67: Agree.

Comment # 68:

Section: **7.6.2 Technical Services Required / Excess Soil Management**

Page 145

Comment:

ACEC-Ontario points out that new regulations (O. Reg. 406/19) for testing excess soil that will be managed off-site have come into effect in 2022. Requirements of this section should be reviewed with respect to the new legal requirements.

Response #68: MTO is aware of these requirements and will consider this in the next MTO update of the RFP template document. Note that additional wording is included in all RFP documents as required on a project-by-project basis.

Comment # 69:

Section: **7.6.2 Technical Services Required / Excess Soil Management**

Page 145

Comment:

ACEC-Ontario recommends that for projects involving the rehabilitation or replacement of a structures, consider including the requirement for a Designated Substances Survey.

For projects involving the acquisition of properties by MTO, there is typically a requirement for the assessment of these properties via Preliminary Site Screenings, Phase I and II ESAs, etc, as set out in MTO's Environmental Guide for Contaminated Property Identification and Management. This should be included under the Environmental section and should be separate from Excess Soil Management.

Under the Excess Soil Management section, there is a requirement for the project to be designed in conformance with O.Reg. 406/19.

The need to conform with this regulation is dependant on the generation of excess soil that will be reused off-site for a beneficial purposes. If possible, it would be helpful for MTO to indicate if excess soil is anticipated to be generated, if it can be reused on-site or if off-site reuse is required.

O.Reg. 406/19 includes numerous requirements (preparation of planning documents, project registration, use of hauling records, tracking systems, etc.). The current wording in the RFP is vague given these numerous requirements. For clarity in bidding and when performing the work, it would be beneficial for the RFP to list the specific items that are required as part of the project.

The RFP indicates that an Assessment of Past Uses Report and a Sampling and Analysis Plan (SAP) are required to be prepared. However, it is not clear if the implementation of the SAP is required and if a Soil Characterization Report (as per O.Reg. 406/19) are required. Some clarity regarding this would be helpful.

Under Highway Engineering, the Earth Management and Earth Borrow Material sections should incorporate the requirements of O.Reg. 406/19.

Response #69: MTO is aware of these requirements and will consider this in the next MTO update of the RFP template document. Note that additional wording is included in all RFP documents as required on a project-by-project basis.

Comment # 70:

Section: **7.6.2 Technical Services Required / Excess Soil Management**

Page 145

Comment:

New / revised O. Reg. 406/19 requires testing to be done prior to construction. In many instances, subsurface investigations will be required. The design consultant will not likely be able to determine at the time of proposal submission the need or extent of subsurface investigations necessary. The RFP needs to make it clear that such investigations will be deemed as extra work not included in the proposal price. Alternatively, the RFP could outline a base scope for bidding purposes, which will be subject to confirmation/change during the assignment resulting in a credit or need for additional fees.

Response #70: MTO is aware of these requirements and will consider this in the next MTO update of the RFP template document. Note that additional wording is included in all RFP documents as required on a project-by-project basis.

Comment # 71

Section: **7.7 Foundations Engineering - N/A**

Page 147

Comment:

Although MTO has indicated that it made major changes including “Added Structural and Foundation Specialists languages,” the Foundations’ language in the text submitted does not appear to be changed.

Section 7.7 Foundations Engineering is marked N/A, and

Section 7.17 Rock Engineering is also marked N/A

ACEC-Ontario is asking for clarification on which changes to previous languages were made and if 7.7 Foundations Engineering and 7.17 Rock Engineering could be included for reviews and comments.

Additionally, ACEC-Ontario member companies would like to see key NSSP versions (trenchless, dewatering) referenced in this section. MTO is naturally in a constant process of updating NSSP’s and updates can and do happen during the course of a project, often after the draft, or even final, report is submitted. Re-work is then required to update reports to be in accordance with the latest NSSP or directive and is expected at no cost. While this is a bit of a grey area (service providers often have to write specific NSSP’s or adjust the language in existing NSSP’s for items such as obstructions, for example), when the NSSP is more involved (e.g., trenchless) more work can be involved, especially if the report has already been drafted or finalized. It would be helpful to include the relevant NSSP versions for significant works (trenchless, dewatering, etc.) in the RFP so that there is a clear basis for discussion of rework due to changes during the course of a project (recognizing that such NSSP updates may be beneficial to MTO and therefore warranted).

Response #71:

- It was MTO’s intent to enhance designer’s construction liaison within the role of the design engineer services to better support construction oversight for MTO following the QVE reform. For updated language for the Structural and Foundation Specialist, please refer to Section 7.16.

- The N/A mark is used for the purposes of the generic template. It is updated when needed in a project. This is the case for Section 7.7, where the generic RFP document has always been blank, allowing for the specific scope of work to be added by the foundation section of MTO. Updates to Section 7.17 Rockfall Engineering were included in the draft RFP during consultation.

- It is not current MTO practice to include NSSP-related information in the generic terms of reference.

Comment # 72

Section: **7.7.2 Technical Services Required**

Page 147

Comment:

It is worth acknowledging to MTO that while these highlight project specifics as opposed to generic requirements, these are elements for which the generic RFP should provide cues to

ensure that the RFP drafters give due consideration to preparing clear language to create a clear, fair and level playing field for RFP response.

Minimum requirements for foundation investigation should refer to MTO's Guideline for Foundation Engineering Services for simplicity and brevity in this section. However, as this Guideline does not differentiate between investigation levels for preliminary and detailed design, it is essential that MTO provide clarity and a clear bidding basis for project-specific requirements for preliminary design in Section 6.7. It is recommended that the generic plan provide this context and a cue to draft such language.

With changes afoot in MTO's approach to dewatering items (working committee regarding OPSS.PROV 517 and associated special provisions), it will also be critical to provide clear requirements for hydrogeological investigation, in situ testing, and hydrogeological impact assessment and reporting. As pricing comes into play in evaluating RFP responses, it will be necessary to have explicit clarity as MTO effects this change in the industry.

Response #72: The generic and project specific requirements will be added to the RFP for each project and the Guideline for Foundation Engineering Services will be referenced in the RFP. The foundation engineering requirements for investigation, testing, engineering and reporting have been and will be specified under the project specific section which will clearly specify the scope of work

Comment # 73

Section: **7.8.2 Technical Services Required / Design**

Page 148

Comment:

This sentence should include additional language to read as "All surplus stripping, grubbing, earth and rock material is to be used **where possible** within the highway ROW;"

Response #73: Agree.

Comment # 74

Section: **7.8.2 Technical Services Required / Earth Management**

Page 149

Comment:

See comments on page 145 re: new / revised O. Reg. 406/19. This section needs to be reviewed / revised in that respect.

Response #74: MTO is aware of these requirements and will consider this in the next MTO update of the RFP template document. Note that additional wording is included in all RFP documents as required on a project-by-project basis.

Comment # 75

Section: **7.8.2 Technical Services Required / Earth Management / Drainage**

Page 152

Comment:

ACEC-Ontario notes that it is common for this section to contradict the "Drainage Section" 7.3 above. It is recommended that consideration be given to removing this section, or portions of it to avoid this result.

Response #75: This is related to a specific project. Earth Management / Drainage are also important parts of the Highway Engineering. Depending on the specific project, the scope of work will vary. As the section are editable and should be customized by the MTO Administrator. There is no change required to the template.

Comment # 76

Section: **7.8.2 Technical Services Required / Earth Management / Drainage**

Page 152

Comment:

We point out that this requirement as presented is not biddable. The requirement for "providing recommendations for improvements and completing the design for the improvements" is largely subjective. MTO should define how many culverts, sewers, etc. require investigation. The number for rehabilitation, or replacement should also be defined.

Response #76: Note to Draft was added. The requirement to provide recommendations for improvements would be based on the information provided with the RFP at the time of bidding. With each project, an inventory of drainage features, with last known condition is provided. Change management can be invoked to identify changes to scope based on the information provided at the time of bidding .

Comment # 77

Section: **7.8.2 Technical Services Required / Earth Management / Drainage**

Page 152

Comment:

This requirement is also not biddable unless MTO defines the number of culverts "having a history of capacity problems."

Response #77: The regional staff would identify the culverts having a history of capacity problems. This is related to a specific project. As the section are editable and should be customized by the Project Manager. There is no change required to the template.

Comment # 78

Section: **7.8.2 Technical Services Required / Earth Management / Drainage**

Page 152

Comment:

Similarly to the above noted conditions, this is not biddable unless the numbers of locations is defined by MTO.

Response #78: The regional staff would provide detail information regarding inventory and locations of culverts.

Comment # 79

Section: **7.8.2 Technical Services Required / Earth Management / Water Taking Permits**

Page 152

Comment:

ACEC-Ontario notes that this material seems much more involved than previous RFP's and difficult to estimate the amount of effort required prior to investigations. It is also noted that the language from previous RFP's, where a Category 3 PTTW, would be an extra (a Category 2, roughly equivalent to an EASR, was included in the effort in previous RFP's). Some additional language here setting some limits would help even the bidding field. Generally speaking, from a foundations and rock mechanics viewpoint, this section presents as incomplete. ACEC-Ontario would like to work with MTO staff to amend this section.

Response #79: The wording under "Water Taking Permits" is identical to the wording used in RFP V9.3-May 2021. The second paragraph on Page 154 reads "*Assume the proposed water taking activity/activities to be a Category 2 application. If MECP determines the activity/activities to be a Category 3, the additional work and administration fees will be negotiated with the firm as additional work or by separate competitive assignment*"

Comment # 80

Section: **7.8.2 Technical Services Required / Property/Corridor Management**

Page 156

Comment:

This requirement has been in the RFP for a long time. It is not biddable. It is best if MTO undertakes a change order for this work once the location and number of test pits is known. MTO has recently been defining that a certain number of test pits are required for bidding purposes. Although this does help somewhat, this requirement is still not biddable. Consultants need to know the number of test pits, the depths of the test of the pits, the location of the test pits (on road, or off road), what access issues are present to complete the test pits, etc. All of these conditions are not possible to scope until the utility plan is assembled and potential utility conflicts are defined. This cannot happen until closer to the 30% design complete stage.

Response #80: Improvements to this section will be considered in the next update.

Comment # 81

Section: **7.9 Pavement Engineering - N/A**

Page 160

Comment:

ACEC-Ontario notes that the document is strongly tailored to Northern work.

Soil investigation requirements reference Northeastern Area Pavement Design Practices and Guidelines (PDP&G). No reference is made to the Provincial Pavement Engineering Guidelines. Based on experience ACEC-Ontario firms typically know which investigation guidelines to use. However, it is suggested that MTO consider adding that the works shall be completed in accordance with the desired guidelines they wish and that if the consultant wishes to deviate from the guidelines, the burden is on the consultant to justify the change to the Ministry's satisfaction. ACEC-Ontario firms have seen this approach used before in

Central and West region RFP's, and would suggest that it would be beneficial to adopt this approach province wide.

ACEC-Ontario points out that Traffic Data information is rarely provided to the pavement engineering team. We suggest a hyperlink to MTO's iCorridor or technical publication library be provided in its place.

ACEC-Ontario notes that no reference to Falling weight deflectometer testing or ground penetrating radar testing is made in the document. Both technologies are used frequently in the West, East and Central regions.

Response #81: Agree, revisions were made to address all the above comments. References were made to Provincial Pavement Engineering Investigation Guidelines. Requirements for Falling Weight Deflectometer testing and Ground Penetrating Radar were added

Comment # 82

Section: **7.9.1 Project Scope**

Page 161

Comment:

ACEC-Ontario points out that as this is a Generic Proposal to be used by all Regions, this RFP should refer to the Provincial Guidelines for Geotechnical Investigations.

Response #82: Agree. Revisions made.

Comment # 83

Section: **7.9.2.3 General Information / Pavement Structure Information**

Page 163

Comment:

These elements should be fillable fields.

Response #83: Agree. Revisions made.

Comment # 84

Section: **7.9.2.3 General Information / Structures**

Page 164

Comment:

This should be a fillable field.

Response #84: Agree. Revisions made.

Comment # 85:

Section: **7.9.2.4 (b)(vi) Site Investigation and Field Testing / Soils Investigation**

Page 167

Comment: "sufficient"

Response #85: Agree. Revision made.

Comment # 86:

Section: **7.9.2.4 (b)(vii) Site Investigation and Field Testing / Soils Investigation**

Page 167

Comment:

This requirement should apply to all types of pavements including; Surface Treated, Hot Mix Asphalt, Concrete and Composite.

Response #86: Agree. Revisions made.

Comment # 87:

Section: **7.9.2.6 Design Services / Aggregate Information**

Page 174

Comment:

This should be a fillable field.

Response #87: Agree. Revisions made.

Comment # 88:

Section: **7.9.2.6 Design Services / Aggregate Information**

Page 174

Comment:

This should be a fillable field.

Response #88: Agree. Revisions made.

Comment # 89:

Section: **7.14.2 Technical Services Required**

Page 204

Comment:

Instructions to staff should be given as to which of these reviews are required, given that recent assignments have not required all of these reviews to be completed.

ACEC-Ontario suggests that CR's could be in the Planning, Planning & PD, or PD & DD, then CR's within each design phase need to be clearly outlined.

MTO should ensure the project schedule allows time for the number of CR's being requested.

Should External (Contractor) Review – Read “External Contractor or Construction Admin Service provider Firm at X% Completion phase?”

Response #89: The CR will depend on the specific requirements of an assignment. External review means the review is carried out by the contractor. Note to Draft was added to address the comment above.

Comment # 90:

Section: **7.14.2 Technical Services Required**

Page 205

Comment:

ACEC-Ontario is asking MTO to please separate the Phase 1 and Phase 2 requirements separately. Accordingly, the past experience of the Constructability Review Team should be given in the Phase 1 stage of the process and not in Phase 2 as now indicated in this section of the RFP.

Response #90: The Constructability Review plan is a Phase II requirement, for the short listed firms to respond to.

Comment # 91:

Section: **7.14.2 Technical Services Required**

Page 205

Comment:

ACEC-Ontario points out that a note to staff is required to specify when a CR review is to be completed. Recent experience is that different sections of the RFP require different timings of CR review(s).

Response #91: Agree. A note to the MTO user was added to describe the option of including CR and provide suggested timing of performing the CR review. The review timing will depend on the specific requirements and complexity of the assignment. The note also refers the user to the MTO's Constructability Review Guide document.

Comment # 92:

Section: **7.14.2 Technical Services Required**

Page 205

Comment:

ACEC-Ontario points out that a note to staff to include or not to include this requirement is necessary. Timing to accommodate these reviews also needs to be considered.

Response #92: Agree. A note to the MTO user was added to describe the option of including CR. The note also refers the user to the MTO's Constructability Review Guide document.

Comment # 93:

Section: **7.14.2 Technical Services Required**

Page 206

Comment:

ACEC-Ontario points out that a note to staff is needed to specify the timing of CR review(s) and report(s) (instead of just indicating prior to design complete presentation).

Response #93: Agree. A note to the MTO user was added to describe the timing of CR reviews and reports. The note also refers the user to the MTO's Constructability Review Guide document.

Comment # 94:

Section: **7.16 Additional Biddable Work**

Page 207

Comment:

ACEC-Ontario is asking whether additional biddable items for Foundation Specialist services be clearly identified with unit rates and no. of units in a cost table for bidding purposes? This is typical on current assignments for labour (hours) or site visits, but how can a cost estimate be prepared for instrumentation or equipment before investigation and detail design is complete? For example, at the proposal stage, it may not be clear if caissons will be selected for detail design, and if a monitoring system such as a SQUID device is recommended during construction, how can the foundation consultant be expected to reasonably include or cost this

item until it is confirmed that caissons are selected after investigation and detail design is complete?

Additionally, there are questions pertaining to foundation site visits during construction. The concern is the Consultant receiving sufficient notice from the CA / Contractor if the foundations team is in future retained by the Designer for construction review. Currently, the foundations team forms a legal agreement with the CA that includes the need for sufficient notice for foundation site visits. ACEC-Ontario firms are concerned that sufficient notice will not be provided by the CA to the Designer / Foundations team for site visits. The industry is asking the Ministry to identify how the issue of sufficient notice will be addressed.

Finally, and equally important, ACEC-Ontario is asking for clarifying language for foundations engineering specialist involvement in temporary works to be included in the generic document. The presently proposed language includes a requirement to “check” temporary protection systems and “have oversight of” complex dewatering systems. Such language implies that the foundation engineering service provider could be taking ownership of or liability for such temporary works, which are clearly the responsibility of the contractor. If temporary works are to be included as part of the foundation engineering service provider role, ACEC-Ontario suggests that the FES would “monitor” such works. In the case of protection systems, there are clear performance requirements for deformation against which monitoring data can be compared. For dewatering, the specification is less quantitative in terms of performance requirements (although this is being addressed to some extent through MTO’s work to update OPSS.PROV 517 and associated special provision).

Response #94:

The intent for these changes was not to create a new Foundations Specialist services position but to utilize the existing project design foundations engineering team services during construction liaison.

The ministry will compensate for these services fairly including for labour (hours) or site visits.

If additional hours and/or equipment is required as part of construction liaison services that was not specified in the project’s terms of reference, the ministry will make the decision on a project-by-project basis and will administer the necessary change order when required.

The ministry encourages effective communications and collaboration between the design, CA and contractor teams. Notices to the designer from the CA are addressed as a CAIS requirement. Additionally, this can be re-emphasized by the Ministry CSA, Area Manager – Construction at pre-start meetings.

The roles of the Contractor, CA per the MTO General Conditions or Contract and design teams have not changed per the Legal Terms and Conditions. The expectation is for the design team to support the CA and owner in assisting with construction liaison.

Comment # 95:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 207

Comment:

It is assumed that the list and hours will include those for the newly added tasks indicated on the following pages for structural and foundation specialists. Otherwise the firms will not be able to estimate required scope and level of effort that may be requested.

Response #95: This is correct, the template bidding tables were not submitted as part of the TCP consultation, but it is the ministry's intent to compensate for the construction liaison services fairly. As a reminder there are no additional structural or foundation specialist roles, these are just the existing structural and foundations designer roles within the project.

Comment # 96:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

It needs to be clear at the RFP stage if these services will be requested and if the cost is to be included in the proposal lump sum price. Furthermore, the Ministry must indicate / list the number of hours to be assumed for this task.

Response #96:

Yes this is correct as explained in previous responses.

The design consultant is already required to consider CA contract implications when preparing a construction tender in accordance with the CDED. This is not really a service as part of construction liaison but before design handover to construction staff.

The expectation would just be for the designer to produce a CAIS schedule at the end of the contract (similar to the construction schedule in the construction tender)

For designer NSSPs: There is already a requirement in the CDED to consider CAITM amendments when writing specifications (NSSP for example). As the CAIS is a new product, MTO would support the design team in creating a CAIS (instead of putting the requirements in an NSSP for example).

To help with the process, the ministry will support the design team so minimal impacts are expected at this time and work with the design teams for fair compensation given that this is a new product.

Comment # 97:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

The format of these requirements could be problematic when determining liability for the actual scope of work required for a specific assignment, particularly after the fact during claims. The RFP forms part of the agreement and will define scope unless a change order is issued at the time the Ministry requests the services. It should be mandatory that change orders are issued

with defined specific scope which supersede any requirements stated in these sections which start with "for example".

Response #97:

This additional designer construction liaison support is not meant to replace the Contractor and CA's liability and responsibilities as explained above.

The purpose is to provide support as part of the existing construction liaison / design services to MTO and that would include construction liaison

It is important to note that the ministry's intent of including this language in the generic RFP/RFQs as part of construction liaison services is to provide bidders with potential provincial standard requirements. These would be customized on a project-by-project basis and any concerns discussed with the MTO Administrator accordingly.

The designer's support during a claim (construction, property, etc.) process would not be different than under current designer role to the ministry where proper compensation would be due.

Agree that change orders will be issued when defined scope supersedes requirements of the RFP/RFQ.

All "for example" references were deleted. The intent of this was more to help the MTO project manager and team putting the terms of references together, as internal guidance

Comment # 98:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

Indent the next 3 bullets for clarity.

Response #98: Agree. Revisions made.

Comment # 99:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

There are 3 limited requirements to review, verify and review (see highlights) portions of the deck placement plan, the falsework drawings and the load imposed on the girders. These limited reviews could create liability issues for the design engineer if there were other deficiencies with the contractor's drawings / submissions and the design engineer was not tasked with reviewing the whole submission. It may not be sufficient for the reviewing engineer to document the scope of the requested reviews. It would be better for the Ministry to retain the engineers to review the complete submissions.

Response #99:

Working Drawings are submitted by the Contractor to the CA for information purposes only.

Working Drawings are created by the Contractor's Engineer so the liability remains with them.

For temporary, proprietary works, an Engineer from the Contractor still has to issue a Certificate of Conformance

Errors can still be found in Working Drawings and it is important that these are addressed by the Contractor before construction/fabrications starts. As such the Contract Administrator still must review the Working Drawings. The Contractor remains liable for any errors or omissions in the Working Drawings, whether or not they are identified by the Ministry's agents in their review. Working Drawings and Work Plans are provided for information purposes, and not for "acceptance".

It was the ministry's intent for the designer to support the CA when there are issues or when there is an engineering opinion required from the designer, as part of the existing design construction liaison role (for example if the CA finds the screed rails are not over the girders, then we can ask the designers to do the required analysis at that time or when need to verify that unplanned interruptions during the pour are considered and where is it acceptable to have a cold joint/ create a construction joint).

Rephrased this requirement as "to assist MTO with the review Bridge Deck Placement Plan".

Comment # 100:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

ACEC-Ontario notes that this item may be difficult to bid. This has to be done in a timely manner (no timelines are given) so that the consultant does not delay the contractor. There could be more delays if there is disagreement. ACEC-Ontario is asking MTO to confirm the Consultant's role and whether are they expected to assume liability for this task. In the past it was up to the Contractor's engineer.

Response #100: Same responses as above, including suggestion in response #99 to make requirement more generic for the purposes of the generic document. It is MTO's intent for the design team to support the ministry as part of its designer role only when there are issues requiring designer engineering judgement.

Comment # 101:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

OPSS 919 does not indicate a tolerance of 100 mm away from centerline of girder. Checks are required by OPSS 919 if supports are located outside of the web centerline. A consistent approach should be adopted

Response #101: These have been removed.

Comment # 102:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

There are 3 limited requirements to review, verify and review (see highlights) portions of the deck placement plan, the falsework drawings and the load imposed on the girders. These limited reviews could create liability issues for the design engineer if there were other deficiencies with the contractor's drawings / submissions and the design engineer was not tasked with reviewing the whole submission. It may not be sufficient for the reviewing engineer to document the scope of the requested reviews. It would be better for the Ministry to retain the engineers to review the complete submissions.

Response #102: Reworded this as explained in Response #99.

Comment # 103:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

ACEC-Ontario points out that 5mm is very prescriptive and very small. It is recommended that the language be amended to say "no more than 5mm unless there are adequate calculations to demonstrate that a greater value is acceptable."

Response # 103: Reworded this as explained in Response #99.

Comment # 104:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

There are 3 limited requirements to review, verify and review (see highlights) portions of the deck placement plan, the falsework drawings and the load imposed on the girders. These limited reviews could create liability issues for the design engineer if there were other deficiencies with the contractor's drawings / submissions and the design engineer was not tasked with reviewing the whole submission. It may not be sufficient for the reviewing engineer to document the scope of the requested reviews. It would be better for the Ministry to retain the engineers to review the complete submissions.

Response #104: Reworded this as explained in Response #99.

Comment # 105:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 208

Comment:

The format of these requirements could be problematic when determining liability for the actual scope of work required for a specific assignment, particularly after the fact during claims. The RFP forms part of the agreement and will define scope unless a change order is issued at the time the Ministry requests the services. It should be mandatory that change orders are issued with defined specific scope which supersede any requirements stated in these sections which start with "for example".

Response #105: See response to #97. Removed “for example” as explained above; the intent was to provide guidance internally. Reworded the requirements under Concrete Removal to only require designer support when removal quantities exceed... and when conditions are different than what was expected during design

Comment # 106:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 209

Comment:

This items may be difficult to bid. The assignment could be several years in duration. Having someone knowledgeable and always available would come with a significant cost, it may also require several engineers to be available. It would be preferable if the MTO quantified this e.g. available within 24 hours (not immediate), or limited to certain operations as well as the method of payment that would be used.

Response #106:

Reasonable notification will be provided to the design consultant and immediate should be within 24 hours but it is best to be agreed to with MTO and agree that more than one engineer could be required.

The intent is for the designer to be compensated fairly as part of its design construction liaison duties, including any required change orders to help resolve issues, within the role of the designer, during construction.

Staff changes are always a risk, and would be addressed as any other staff changes as part of the design RFP/RFQ process with MTO.

Comment # 107:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 209

Comment:

Potential liability issues arise again if the design engineer is only asked to review certain aspects of the reinforcement installation while on site. It should be stated in the RFP and the scope of services specifically requested, that such reviews do not relieve the Contractor's QVE for certifying the reinforcement placement.

ACEC-Ontario is asking MTO to confirm that it not the intention / plan to remove existing QVE requirements and replace them with these reviews.

Response #107: The QVE has already been removed from 905 since 2018.

MTO confirms that it is not the intention to replace the Contractor or CA role and liability with the design engineer's liability or role but to just support the ministry as part of the designer's existing role during construction liaison.

Comment # 108:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 209

Comment:

These requirements should be combined with those similar highlighted on p. 208.

Response #108: Rephrased this to just capture the fact that assistance is required to resolved issues related to falsework during construction.

Comment # 109:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 209

Comment:

ACEC-Ontario notes that this entire section appears to render the QVE requirements in OPSS 903 redundant. Furthermore, the design engineer would have to include tender items and specifications which would require the contractor to undertake the tests / cooperate with the design engineer during installation, testing and monitoring. This work would be better handled by creating a standard Nssp to address changes to OPSS 903 if OPSS 903 is not to be re-written before this agreement language is implemented.

Response #109: The QVE role has been removed from 903 since 2018. As explained above, the role of the foundation designer team support is not replacing the Contractor's, Contractor's Engineer or CA. If there is additional support needed and not scoped as part of the Engineering design RFP/RFQ that would be handled through a change order or if the services will be better suited via the CA or elsewhere. This will be determined on a project by project basis

Comment # 110:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 210

Comment:

ACEC-Ontario is asking MTO to confirm that the ministry is expecting the Consultant to be conducting the testing.

Response #110: Yes on a project-by project level. The ministry will work with the consultant teams as explained in Response #110

Comment # 111:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 210

Comment:

MTO needs to clarify whether both the engineer and the Contractor to produce driving records. If this the intent then this will lead to conflicts. Contract documents should specify which records will be considered the actual driving records.

ACEC-Ontario is also asking for clarification on whether the ministry is expecting the Consultant is actually measuring the set for all the driven piles.

Response #111: This requirement was removed as the ministry agrees that this is in conflict with 109F57.

Comment # 112:

Section: **7.16.1 Design Support and Liaison during Construction**

Page 210

Comment:

ACEC-Ontario is asking MTO to clarify if the ministry is expecting the Consultant to be conducting the testing.

Response #112: Yes on a project-by project basis as explained above in Response #109