

# ORBA-MTO Quarterly Meeting Minutes

**Date:** June 21, 2023

**Time:** 1 p.m. to 4 p.m.

**Location:** CETI

ORBA ATTENDEES	ORGANIZATION	MTO ATTENDEES
Mario Villeneuve	President, ORBA	Neil Zohorsky
Andrew Weltz	BAUER Foundations Canada	Brenda Liegler
Malcom Croskery	Pioneer Construction	Jasan Boparai
Michael McSweeney	ORBA	Michelle Pasqua
Andrew Hurd	ORBA	Alain Beaulieu
		Brandy Duhaime
		Jennifer Graham Harkness
		Michael O'Morrow
<b>Regrets:</b>	Kevin Machej	Janet Leader
		Stephanie Sura
		Lauren Peponoulas

	Item	Lead
1.	Welcome/Introductions	All
2.	Review of previous minutes/action items:  April 6, 2023, Minutes approved and posted on TCP on June 20, 2023.	MTO
3.	ORBA Ministerial Working Group <ul style="list-style-type: none"> <li>• First meeting to be held, Monday, June 26, 2023. (Rescheduled to July 17, 2023)</li> <li>• ORBA has concerns with the progress being made to address issues.</li> <li>• ORBA has reviewed the Terms of Reference.</li> <li>• Jennifer Graham Harkness confirmed the commitment at all levels of the ministry and that action items from the Working Group should be brought to the executive and sub-committees.</li> </ul>	ORBA
4.	Capital Program/Highway Projects (A) <ul style="list-style-type: none"> <li>• MTO is forecasting to fully spend its capital budget this year</li> <li>• MTO is expecting to issue between 100-120 tenders this year. In addition to this, we have the Garden City Twinning project, a procurement being led by IO.</li> </ul>	MTO

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	<ul style="list-style-type: none"> <li>• These tenders provide opportunities across the province, with approximately ½ in the south and ½ in the north.</li> <li>• A budget distribution slide was presented, showing how we have allocated the 23/24 construction budget to the 5 regional areas. This budget funds carryover work, plus the current year impact of new tenders.</li> </ul>	
5.	<p><b>Reducing Risk (Indexing and Communications/Relationships)</b></p> <p>Steel - The Decision posting for the draft special provision was posted on the Technical Consultation Portal (TCP) on May 26, 2023. MTO met with ORBA on April 14, 2023. The meeting was to go over all the comments posted by ORBA via the TCP. The Decision posting reflects responses provided at the meeting with one exception. The reinforcement steel bar payment adjustment was changed from the date the reinforcement steel bar was installed to when it's delivered to the Working Area. The updated SP was implemented on CPS on June 15, 2023.</p> <p>AC – The Decision posting for Payment adjustment for tack coat and granular sealant was posted on May 29, 2023. The NSSPs are awaiting implementation in the next update on CPS scheduled for mid-August 2023.</p> <p>The Special Provisions for payment adjustment for changes in PGAC for Cold In-Place Recycling and Cold In-Place Recycled Expanded Asphalt Mix have been posted on TCP for consultation. Comments are due by June 29, 2023.</p> <p><b>Fuel Price Index</b> - MTO is reviewing fuel consumption rates for caisson piles, HIR and RAP placement and will provide a progress update this fall.</p> <p><b>Pandemic SSP</b> - Providing instructions on how to bid during a health emergency.</p>	ORBA
6.	<p>Municipal Uptake – Indices and Recycled Materials</p> <ul style="list-style-type: none"> <li>- MTO will continue to promote/encourage municipalities to utilize new indexes as they are implemented. (MTO will not mandate their use, but will support and encourage use by others)</li> </ul>	ORBA

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	<ul style="list-style-type: none"> <li>- All recycled materials should be promoted, i.e. CIREAM, CIR, HIR, etc...</li> </ul>	
7.	<p>RAP and Excess Soil</p> <ul style="list-style-type: none"> <li>- The ministry has managed excess soil within various projects in the past and is aware of the challenges and opportunities.</li> <li>- MTO's Environmental Policy Office is working on finalizing Best Management Practices for excess soil. Once these are available, we will be providing additional design guidance as needed.</li> </ul> <p>RAP:</p> <ul style="list-style-type: none"> <li>• MTO is participating on MNRF's "Recycled Aggregate Working Group" and recently presented MTO's approach to the responsible use of RAP, including the promotion of the responsible use of RAP and demonstrating the long history of using RAP in MTO projects.</li> <li>• MTO incorporates up to 20% recycled content of aggregates annually, including a high proportion of RAP and in-place recycling of asphalt.</li> <li>• MTO is a leader in allowing the use of RAP, as highlighted by the Environmental Commissioner of Ontario and various agency surveys.</li> <li>• MTO sets the allowable limits for the use of RAP in OPSS.PROV standards, including 1001, 1010, 1003, 1151, for both granular and hot mix asphalt.</li> <li>• The limits for the use of RAP are evidence based and are set according to the applicable engineering limits for the particular application.</li> <li>• MTO allows the use of RAP in significant quantities in many applications.</li> <li>• Oversight and testing during construction to ensure the quality of materials containing RAP is essential, same as it is for virgin materials.</li> <li>• MTO is supporting a new Transportation Association of Canada (TAC) task group to develop "Guide to Using Recycled Asphalt Pavement in Asphalt Mixtures"</li> </ul>	MTO

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	<ul style="list-style-type: none"> <li>Trials are underway with projects with RAP in the surface course asphalt, with associated enhanced testing, and field performance monitoring, along with control sections. These studies are intended to move towards the responsible use of RAP in surface course asphalt.</li> </ul>	
8.	<p>Provincial Claims (A)</p> <ul style="list-style-type: none"> <li>MTO provided a summary of the claims' tracker for the period of April 1, 2022, to June 15, 2023.</li> <li>Received 3 new claims (3 Construction, 0 Contract Administration and 0 Maintenance) compared to 103 in F2022/23.</li> <li>13 claim reviews have been completed compared to 130 in F2022/23</li> <li>No claims were withdrawn compared to 2 in F2022-23.</li> <li>35 claims are currently active (i.e., under review) compared to 47 at the end of F2022/23.</li> </ul>	MTO
9.	<p>New Contract Management System Update</p> <ul style="list-style-type: none"> <li>While CMS went live on schedule on February 13, unexpected delays to the migration of the data from WBCMS were experienced.</li> <li>Migration of contracts was prioritized. Priority contracts (active and carry over contracts) were the first to be migrated and are available in CMS. All contract migrations were completed May 19<sup>th</sup>.</li> <li>Read only WBCMS access will be maintained at minimum until late August for users to reference and confirm migration.</li> <li>All contracts in CMS are available for use, however, it's noted the format of some of the migrated data is not user friendly. Both the CMS vendor and MTO are working at addressing the issues around the migration to minimize impacts.</li> <li>Several enhancements and bug fixes have been deployed and continue to be deployed as issues are identified.</li> <li>Additional functionality is also targeted for release over the next 4 to 12 weeks (e.g., Contract Completion, Claims, Material Testing – will be rolled out as they are fixed).</li> </ul>	MTO

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	<ul style="list-style-type: none"> <li>• There are numerous training resources available on the MTO’s Technical Publications Website, including Manuals/Guides, Recorded training sessions and FAQs. Encourage those using the Migration of contracts was prioritized. Priority contracts (active and carry over contracts) were the first to be migrated and are available in CMS. All contracts (non active carry over contracts) are targeted have migration completed by May 19<sup>th</sup>.</li> <li>• All contracts in CMS are available for use, however, it’s noted the format of some of the migrated data is not user friendly. Both the CMS vendor and MTO are working at addressing the issues around the migration to minimize impacts.</li> <li>• New contracts are being added to CMS and MTO regions are coordinating access with the Contractors and CA users.</li> <li>• There are numerous training resources available on the MTO’s Technical Publications Website, including Manuals/Guides, Recorded training sessions and FAQs. Encourage your staff using the system to leverage these resources and reach out the support team if challenges are experienced.</li> </ul>	
10.	<p>General Conditions Update</p> <ul style="list-style-type: none"> <li>• MTO General Conditions of Contract (OPSS 100) are being reviewed and updated in two phases.</li> <li>• The updated GCs rolled in seven SPs (SSP 100S02, SSP 100S15, SSP 100S17, SSP 100S19, SSP 100S55, SSP 100S59 and SSP 100S70) into the main document. This was completed May 2023. Second Phase: specific sections of the General Conditions will be reviewed in greater detail including broad consultation. Anticipated that the MTO General Conditions will be revised and posted on MTO’s Technical Consultation Portal, for the fall of 2024.</li> <li>• In February, MTO requested that ORBA review with members and submit 3 to 5 high-priority topics they would like to see addressed in phase two. We are still waiting for input from ORBA.</li> <li>• Encourage ORBA follow up with MTO if they have any questions.</li> </ul>	MTO
11.	<p>OPSS 127 Rates – Update</p> <ul style="list-style-type: none"> <li>• The 2023 OPS 127 rates were published on April 30<sup>th</sup>, 2023, on MTO’s Technical Publications website. MTO reviews rates on a</li> </ul>	MTO

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	<p>3-year cycle (1/3 categories per year). Any proposed changes for 2024 will be posted on the Technical Consultation Portal for review and comment.</p> <p><b>Recommend closing this item.</b></p>	
<p>12.</p>	<p>Maintenance Updates</p> <ul style="list-style-type: none"> <li>• MTO and ORBA continue to hold regular bi-monthly meetings to discuss and progress items.</li> <li>• Procurements:             <ul style="list-style-type: none"> <li>○ Owen Sound – awarded (IMOS).</li> <li>○ Thunder Bay West – awarded (Emcon).</li> <li>○ London – awarded (Emcon).</li> <li>○ Chatham – under procurement (RFP closes on Jun 21).</li> <li>○ Contract packages are being developed for 6 contract renewals. More details will be shared in due course.</li> </ul> </li> <li>• Contract Extensions (One Year):             <ul style="list-style-type: none"> <li>○ Sudbury CDMC</li> </ul> </li> <li>• Specification and Policies:             <ul style="list-style-type: none"> <li>○ MTO's Patrol Yard Guideline is being finalized.</li> </ul> </li> <li>• The spring RTR (Red Tape Reduction) bill has passed readings in the Legislature, and it is planned that the HTA (Highway Traffic Act) amendment will be in place for the upcoming winter season - overtaking snow plows working in echelon formation on highways with posted speed of 80 km/h or higher.</li> </ul> <p><u>Shortage of Operators</u></p> <ul style="list-style-type: none"> <li>• Operator challenges is an industry-wide issue that has a bearing on all sectors that require AZ/DZ licence and has started to impact the delivery of winter maintenance services, especially in Northern Ontario.</li> <li>• Discussions are ongoing with Ontario Road Builders' Association (ORBA) Highway Maintenance council and contractors continue to actively recruit operators.</li> </ul>	<p>MTO</p>

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	<ul style="list-style-type: none"> <li>MTO has also engaged SOLGEN to explore opportunities to recruit and train suitable parolees as snow plow drivers.</li> </ul>	
13.	<p>Winter maintenance operators (AZ &amp; DZ drivers) assistance from ORBA</p> <ul style="list-style-type: none"> <li>MTO requested ORBA to play a more active role in assisting with shortage of winter vehicle operators.</li> <li>Since capital construction slows down significantly during winter season, there may be opportunities for interested AZ and DZ drivers of capital contractors to work with maintenance contractors and operate winter units.</li> <li>MTO informed that ministry staff could work collaboratively with capital contractors to facilitate arrangements and resolve impediments to increased participation of AZ and DZ drivers of capital contractors.</li> </ul>	MTO
14.	<p>Housekeeping:</p> <p style="text-align: center;">MTO/ORBA Triannual Exec Meeting - 2023 Series: <b>November 23, 2023, 1 to 4 p.m. – ORBA</b></p> <p><b>ORBA President tours November 2023 – Dates TBC</b></p>	ALL