

**TCP 000-083 and 000-096 - Qualification Procedures for ESPs for Construction Administration specialties,
High, Medium and Low Complexities - (policies, standards and specifications)**

| Comments received by TCP | | | |
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| ID # | Organization | Comment | Response |
| 206 | Anonymous | <p>Good morning,</p> <p>We agree with the proposed changes.</p> <p>Thank you</p> | <p>Thank you for your comment.</p> |
| 210 | Stantec | <p>Under the Low Complexity Specialty, 2nd bullet, “Demonstrated experience in the last 5 years in the Low Complexity construction projects in Ontario or other similar jurisdictions in Canada or USA”.</p> <p>If a person looking to attain their Low Complexity status, then how can MTO require an applicant already have 5 years experience in Low Complexity projects. This should be changed to just having maybe 3 years of construction project experience of any size of construction projects, as a stepping stone.</p> | <p>Thank you for your suggestion.</p> <p>In the criteria the ministry requests projects within the last 5 years. This is to give the Key Personnel Applicant additional time to gain experience in this specialty and ensures the experience is recent.</p> |
| ? | Civil ArSa | <p>As part of Qualification Procedures for ESPs Construction Administration, for all categories (Low, Medium and High), a reference is being made to “last five (5) years” and another reference to “other similar Jurisdictions in Canada or USA.</p> <p><i>Demonstrated experience in the last five (5) years in the administration of low complexity Low Complexity construction projects in Ontario or other similar jurisdictions in Canada or USA; *</i></p> <p>Does this mean if the duration of the experience is even very short but within last five years, it is acceptable?</p> <p>Also, since acceptance of US jurisdictions is fairly new in the system, my questions is do the US jurisdictions allow Canadian firms, experienced in Canada to do the same? If yes, then is it all the US jurisdictions accepting Canadian experience or some states. If all US jurisdictions give the same privilege to Canadian firms, that is all great but if they don’t or if only some states grant the same privilege to Canadian experience, then our</p> | <p>Thank you for you comments.</p> <p>Yes, if the application includes experience in other jurisdictions in the Construction Administration Low complexity, we will accept this experience.</p> <p>At least 4 months of experience is required for each project listed in the application for this complexity. This specific requirement will be added to the qualification procedures.</p> <p>The ministry cannot comment on what other jurisdictions require for experience on their Construction Administration projects.</p> |

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| | | <p>approach should be mutual. Otherwise, in my opinion, we are only downgrading, downplaying and/or underrating ourselves as Canadians.</p> | |
| 211 | Anonymous | <p>Applicant's Key Personnel shall be a licensed Professional Engineer in good standing with the Professional Engineers Ontario (PEO) or a Certified Engineering Technologist with the Ontario Association of Certified Engineering Technicians and Technologists (OACETT). Would the Ministry also please consider adding a Certified Engineering Technician (C.Tech.) with OACETT as one of the credentials for the Applicant's Key Personnel.</p> <p>The ESP Applicant must have completed three (3) projects of medium complexity with the ministry with the overall performance appraisal rating of satisfactory or better. Many of the Consultant's Key Personnel have completed multi-year high complexity assignments. Would the Ministry consider allowing multi-year projects to count as more than one reference project or change the terms of reference to indicate "completed three (3) construction seasons with the applicant's firm"?</p> <p>Can the Ministry please clarify if there is a renewal period for the Key Applicants or do they maintain their RAQS classification as long as they continue working for the applicant's firm?</p> | <p>Thank you for your comments.</p> <p>The ministry agrees with your suggestion to include key personnel with a Certified Engineering Technician designation. The qualification procedures have been updated.</p> <p>With regards to your suggestion for applicants applying for the CA Medium Complexity to allow a multi-year project to count as more than one reference project, the ministry does not agree and has some concerns On multi-year projects the applicant's work may be impacted by the seasonal work / carry-overs. Also, substitutions of Key Personnel on large projects can be frequent and may impact the applicant's project experience. The ministry reviews and considers the justification of the submission from the ESP applicant on a case-by-case basis, as long as the ESP's applicant has comparable experience as a Project Manager or Construction Administrator.</p> <p>An annual renewal is required to maintain the qualification approval of the Key Personnel. If/when the Key Personnel decide to leave their original firm, to be qualified as a Key Personnel for another firm, they will need to re-submit their application with their new firm, as per the requirements detailed in the updated qualification procedures.</p> |
| 239 | SNC | <p>SNC-Lavalin welcomes the opportunity to review and provide its constructive feedback to the Ministry of Transportation's (MTO) changes to the RAQS system Qualifications Procedures for Engineering Service Providers. Our company is committed to working with MTO to support its efforts to plan, design, construct and sustain the transportation portfolio as part of the government's commitment to the resiliency and prosperity of Ontario and its citizens. As part of this commitment, SNC-Lavalin is presenting what it</p> | <p>Thank you for your comments.</p> |

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| | <p>views as some practical solutions to amend the current RAQS system that can provide positive results for both MTO and its Engineering Service Provider partners.</p> <p>Changes to the present system will be most beneficial when they enhance present capabilities supporting the needs of the portfolio by adding greater market capacity, incorporating new and innovative systems, processes, approaches, and capabilities from ESPs with experience and expertise gained from the successful delivery of projects for other clients and jurisdictions. It is SNC-Lavalin's understanding that through this consultation on the proposed changes to RAQS that MTO is seeking to facilitate greater engagement with a broader pool of qualified and experienced engineering firms to deliver its portfolio assignments as efficiently and effectively as possible, providing the greatest value for Ontarians.</p> <p>With this in mind, we have some concerns that the proposed changes to the qualification criteria for the Contract Administration Category, rather than support the positive change all parties desire, will reduce competition, inhibit innovation, and actually prevent additional well-qualified firms from entering the market to partner with MTO to deliver its portfolio. Our specific concerns are as follows:</p> <p>For High Complexity the new criteria include:</p> <ul style="list-style-type: none"> - New ESP firms are required to submit the application for the High Complexity with a minimum of two (2) qualified Key Personnel and - The ESP Applicant must have completed three (3) projects with the applicant's firm of medium complexity with the ministry <p>We interpret this to mean that the applicant (the key personnel) shall have completed 3 medium complexity projects WITH the applicant's firm ONLY (and with no other firm) directly for MTO projects, and that if a qualified person is to leave their qualified firm to join a new firm, they would need to restart the qualification process from Low Complexity.</p> <p>Further, to satisfy the requirement of two (2) qualified Key Personnel, a firm needs to therefore win and perform at least three medium complexity projects with MTO, with one of the Key Personnel as the PM and the other as the CA, or six (6) medium complexity projects if the two key personnel are not working on the same projects. In order to succession plan, the number of required projects to maintain the qualification</p> | <p>The ministry has reviewed you comment and determined the 'with the applicant's firm' requirement is to be removed from all CA complexity levels.</p> |
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| | <p>further increases. If this understanding is correct, we submit that these criteria, rather than facilitating the engagement of additional well-qualified firms to support the delivery of the ministry's portfolio, will instead limit market participation and perpetuate current challenges constraining project delivery.</p> <p>To resolve this situation, we request MTO to consider the following revision:</p> <p>The ESP Applicant must have completed three (3) projects with the applicant's firm of medium complexity with the ministry or with a suitable similar Canadian or US jurisdiction having achieved an with the overall performance appraisal rating of satisfactory or better or similar ratings and/or references for other jurisdictions.</p> <p>We also request MTO to consider certifying firms with the High Complexity qualification if they hire individual(s) that meet the criteria, to waive the requirement of To be eligible for qualification in this Specialty, the ESP firm and proposed Key Personnel shall be prequalified in the Construction Administration - Medium Complexity.</p> <p>For Medium Complexity the new criteria include:</p> <p>The ESP Applicant must have completed three (3) projects with the applicant's firm of Low Complexity with the ministry, with the overall performance appraisal rating of satisfactory or better (Retainer assignments may also be considered Low Complexity with supporting letters of recommendation from the ministry's Area Manager); The ESP shall provide a minimum of 3 Low Complexity projects to support the review of the application; To be eligible for qualification in this Specialty, the ESP firm and proposed Key Personnel shall be prequalified in the Construction Administration - Low Complexity</p> <p>We interpret this to mean that the applicant (the key personnel) shall have completed 3 low complexity projects WITH their applicant firm ONLY (and with no other firm) directly</p> | <p>The Ministry has reviewed this suggestion, to allow for project experience from other similar Canadian or US jurisdictions. Unfortunately, for high complexity CA applications, the ministry has much difficulty confirming the complexity of other jurisdictional project experience. The updated qualification requirements, for high complexity, require MTO experience to ensure the Key Personnel and the ESP firm are knowledgeable and familiar with MTO projects and have delivered satisfactory experience.</p> <p>The Ministry has reviewed this suggestion, to waive the pre-requirement of the ESP firm and Key Personnel to be approved in medium complexity prior to applying for high complexity. For high complexity CA assignments, and to ensure the required MTO experience, this pre-requisite will stand.</p> <p>The ministry has reviewed you comment and determined the 'with the applicant's firm' requirement is to be removed from all CA complexity levels.</p> |
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| | <p>for MTO, and that if a qualified person is to leave their qualified firm to join a new firm, they would need to restart the qualification process from Low Complexity.</p> <p>We are concerned that this is not an achievable criterion due to the low volume of Low Complexity Contract Administration MTO assignments that are available in the market, which are typically released as RFQs when they are available. The price points to win an RFQ requires firms to lose money to win, especially if new staff that were previously qualified under High Complexity must requalify through Low Complexity projects. In other words, these criteria are promoting a pay to play culture.</p> <p>We request MTO to consider the following revision:</p> <p>The ESP Applicant must have completed three (3) projects with the applicant's firm of Low Complexity with the ministry, with a suitable similar Canadian or US jurisdiction having achieved an with the overall performance appraisal rating of satisfactory of 3.00 or better (Retainer assignments may also be considered Low Complexity with supporting letters of recommendation from the ministry's Area Manager) or similar ratings and/or references for other jurisdictions.</p> <p>For all</p> <p>In the spirit of trying to achieve the best potential outcome as previously defined, the new criteria as presented do not provide a means for practical and qualifications-based entry into the MTO CA market; they will serve only to perpetuate the group of firms already providing these services for MTO. The criteria will also create a barrier for firms to attract good staff. Qualified personnel will be limited in their mobility to other firms as any such move will require a multi-year repeat of the qualification process. Firms that are qualified will find it difficult to manage a succession plan if their qualified personnel leave their firm, and will suddenly face re-qualifying as if they are new to the market. Therefore, it only benefits large established CA groups (only 3 or 4 companies) and prevents new CA consultants from emerging.</p> <p>Further, the new criteria prevent firms from pursuing work with other clients that use MTO's RAQS as a qualification criterion thereby perpetuating current broader market capacity problems, negatively contributing to an already frustrated condition.</p> | <p>The Ministry has reviewed this suggestion, to allow Canadian or US jurisdiction projects as reference projects for medium complexity CA applications. MTO does not accept this suggestion and the qualification procedures will be maintained to include three low complexity CA projects with the ministry.</p> <p>The ministry has considered the suggested changes.</p> |
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| | | <p>To promote competition, succession planning, and address the overall workforce availability challenges the industry is facing, we respectfully request the following changes:</p> <ol style="list-style-type: none"> 1. Consider complex work completed for municipalities in Ontario or similar Ministry/Department of Transportation agencies in Canada or USA as acceptable medium or high complexity experience. 2. Consider provide defining characteristics to more clearly explain the differences among Low, Medium and high complexity CA assignments, or only the specific differences between the three, thereby simplifying the interpretation and make less ambiguous for a common understanding to those applying and to those evaluating. 3. Consider experience of our key personnel completed while employed at other firms. 4. Consider allowing a firm entry at medium or high complexity if the key personnel have the appropriate experience. <p>Thank you for the opportunity to provide comments on this proposed change to Qualifications Procedures for Engineering Service Providers. Should you have any questions, please do not hesitate to contact us. We look forward to continued collaboration with MTO and a positive outcome on this matter.</p> | <p>For point 1, the ministry will accept non-MTO projects for low complexity CA only.</p> <p>For point 2, the updated qualification procedures include both a description and examples of project activities related to the three CA complexity levels.</p> <p>For point 3, as stated above, the requirement for a key personnel to quote experience gained 'with the applicant's firm' has been removed, allowing a key personnel to bring experience from other firms with them.</p> <p>For point 4, as stated above, the ministry requires firms to apply, starting at low and work to medium and high complexity, to ensure knowledge of MTO projects and to ensure satisfactory performance.</p> <p>The Ministry has reviewed the concerns raised for these RAQs complexities. The ministry feels strongly that these changes are required to enhance performance, improve consistency and encourage the industry to retain qualified staff.</p> |
| 241 | SNC-Lavalin | <p>Comment 241 contains the same feedback from SNC-Lavalin as Comment 239 from SNC-Lavalin.</p> <p>-</p> | <p>The ministry response to Comment 241 is the same as Comment 239.</p> |