

MTO/ACEC ENGINEERING SUBCOMMITTEE

MEETING NOTES

Date: January 23, 2024
Time: 1:00pm – 4:00pm
Location: Atkins Réalis Office (191 The West Mall, Toronto, ON) & virtual via MS teams

ATTENDEE	ORGANIZATION	ATTENDEE	ORGANIZATION
Tanya Cross	Dillon	Gord Firth	WSP
Steve Pilgrim	McIntosh Perry	Douglas Raby	Jacobs
Gregg Cooke	Stantec	Andrew Hurd	ACEC
Michael Collins	GHD	Kevin English	MTO Contract Mgmt
Douglas DeRabbie	ACEC	Norm Meyers	MTO Eastern PD
Sunil Kothari	Atkins Réalis	Joanna Long	MTO Asset Mgmt
Heather Templeton	HDR	Michael Pearsall	MTO Hwy Design
Tim Sorochinsky	AECOM	Seyed Tabib	MTO Contract Mgmt
Michael Murray	CIMA	Erika Varga	MTO Contract Mgmt
Bernard James	Parsons	Rebecca Li	MTO Contract Mgmt
Magdy Samaan	EXP	Christine Costa	MTO Major Plan & CI
David Zurawel	Atkins Réalis	Jeremy Landry	MTO Major Plan & CI

1. WELCOME AND INTRODUCTIONS (KEVIN ENGLISH, TANYA CROSS)

- a) Updates from ACEC team: The team list has been refreshed
- b) Updates from MTO team: Christine Costa and Jeremy Landry have joined to represent Major Planning & Contract Innovations

2. A) LAST MEETING MINUTES AND ACTION ITEM REVIEW (SEPTEMBER 19, 2023)

Prior Items

- i. Meeting May 2023 – Revisions to the Qualification Procedures for ESP - Foundation engineering.

Description

- The decision for Foundations was posted July 11 and the decision for CA was posted October 5. The Qualification Procedures are posted to the Technical Publications Portal with the 'October 2023' version

Discussion

- ACEC noticed some discrepancies in the current Foundation qualification and inquired on the status of further updates to the Foundations qualifications, to reflect ACEC comments.

Action – ACEC to provide details of comments on Foundation qualification.

2. ITEMS FROM MTO MEMBERS	ACTION BY
<p>i. Meeting Sept 2023 - RAQS Replacement Project Lead</p> <p>Description</p> <ul style="list-style-type: none"> • ACEC had inquired who is leading the RAQS replacement project <p>Discussion</p> <ul style="list-style-type: none"> • Staff from the Labour and Transportation I&IT Cluster are co-leading the project with Kevin English, Manager of CMO, and Jamie Lauzon, Head, Business Solutions, as well as Seyed and Erika. • Current project status is vendor demos are scheduled starting in February for respondents to the Request for Information. <p>Action – MTO will continue to bring further updates to ACEC on RAQS replacement project.</p>	<p>ACEC</p>
<p>2. B) STANDING ITEM: DISCUSSION ON CPR PAUSE POST IMPLEMENTATION APRIL 17, 2023</p> <p>Description</p> <ul style="list-style-type: none"> • To provide an update on CPR-related activities <p>Discussion</p> <ul style="list-style-type: none"> • On January 1, 2024 the quarterly CPR refresh was completed in RAQS ESP. This refreshed all firms' CPRs and the 'Starter CPRs'. So far, the Starter CPRs have not shown a decrease (start of the 'reset'). More time is needed to allow the completion of more appraisals using the newer appraisal forms (Streamlined (design) Engineering and CA) 	

2. ITEMS FROM MTO MEMBERS	ACTION BY
<ul style="list-style-type: none"> • MTO has initiated an RFP evaluation review, and interviewed project engineers (PE) from Project Delivery offices across MTO. The overall goal is to improve consistency and improve the process of procuring services via RFPs. • Discussion with PEs covered RFP setup, activities during the tendering period, the bidding outcomes and the award. Feedback on the RFP evaluation method (0/4/7/10) was also received. • The review so far has shown consistent approaches with the preparation of detailed terms of reference, utilizing the Phase I and Phase II stages, setting the weight between Phase I and Phase II scores and determining the number of firms to short-list. • ACEC asked if the no change to Starter CPRs is related to: <ol style="list-style-type: none"> 1. no material change in new project appraisals; or 2. a small number of new appraisals scores entered into the system for the quarter. <p>Action: MTO to review the appraisal and CPR data.</p> <p>Action - MTO to continue with the project manager interviews and continue to bring updates to the subcommittee.</p>	<p style="text-align: center;">MTO</p>
<p>2. C. GENERIC ASSIGNMENT DOCUMENT UPDATES</p> <p>Description</p> <ul style="list-style-type: none"> • MTO provided an update regarding the generic assignment documents (for Engineering) <p>Discussion</p> <ul style="list-style-type: none"> • On January 17, the updated proposed language for excess soils was shared with ACEC, based on ACEC comments previously received. • Next version of the Engineering RFP and RFQ are going to the Technical Consultation Portal for a 28-day posting period, and will include updated excess soil language and minor updates, such as schedule table updates. • ACEC inquired regarding the inclusion of succession management language in the next round of document updates. <ul style="list-style-type: none"> ○ See Item 3A below related to succession management. <p>Action – MTO to advise ACEC when the generic documents are being posted to TCP</p>	<p style="text-align: center;">MTO</p>
<p>2. D. CONTRACT MANAGEMENT SYSTEM (CMS) FOR ENGINEERING SERVICES</p>	

2. ITEMS FROM MTO MEMBERS		ACTION BY
	<p>Description</p> <ul style="list-style-type: none"> • Update ACEC on the CMS for Engineering project <p>Discussion</p> <ul style="list-style-type: none"> • Engineering user acceptance testing and final development is ongoing. • Holding CMS year-in-review working groups with ACEC and ORBA. MTO to advise on the dates of these sessions. • Anticipated launch of Engineering assignment date is in spring 2024. • Further communication and training will be provided prior to launch. <p>ACTION – MTO to provide ACEC with the date for CMS in-year review sessions.</p>	<p>MTO</p>

C) AGENDA ITEMS FROM ACEC MEMBERS		ACTION BY
3A)	<p>SUCCESSION/DEVELOPMENT</p> <p>I) MTO’s response to ACEC suggestions for succession management language in RFP</p> <p>Description</p> <ul style="list-style-type: none"> Incorporating succession management into RFP and RFQ documents <p>Discussion</p> <ul style="list-style-type: none"> ACEC suggested forming a smaller joint group for developing new language on succession management MTO suggested starting with the language currently existing (and being used in Eastern Region for an assignment being advertised this week (of Jan 22 / 24)) <p>Action – ACEC to identify reps to participate in the workshop, by February 7.</p>	<p>ACEC (COMPLETE)</p> <p>POST-MEETING UPDATE. WORKING GROUP MEMBERS IDENTIFIED AND POTENTIAL DATES TO MEET ARE MARCH 6 OR 7,</p>
3A)	<p>II) Succession Workshop: Next steps</p> <p>Description</p> <ul style="list-style-type: none"> Outline approach to setting up the succession workshop. <p>Discussion</p> <ul style="list-style-type: none"> The work group will develop a ‘problem statement’ and an ‘opportunity statement’ by mid-February The work group will share recommendations to the MTO/ACEC Subcommittee in early May MTO suggest including team members from both Engineering & CA Subcommittees. The CA language on succession planning is more comprehensive than the engineering language. <p>Action – Work group will share recommendations to the subcommittee by early May</p>	<p>JOINT WORK GROUP</p>
3B)	<p>MTO RESPONSE TO ACEC’S COMMENTS ON THE PIPELINE</p> <p>Description</p> <ul style="list-style-type: none"> Review ACE feedback on the MTO pipeline list, provided by Asset Management Branch <p>Discussion</p> <ul style="list-style-type: none"> The pipeline list is based on the Ontario Highway Program (OHP), which has a 4-year horizon. It is verified by program delivery managers, and TIMD directors, prior to being issued to ACEC 	

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<ul style="list-style-type: none"> • ACEC requested the inclusion of additional assignments and relevant information that does not link directly with the OHP, and to date, have not been included in the pipeline list, e.g. <ul style="list-style-type: none"> ○ retainer assignments (small or large) ○ bridge inspection assignments ○ large Environmental Assessment and Preliminary Design ○ project outcome (i.e., was the assignment on the list awarded, and if not why). ○ Pre-bid notices to allow industry to plan for upcoming opportunities ○ Major project four-year pipeline (similar to 2018 alternative delivery pipeline) • AMB doesn't currently track or include these, but MTO will look into including. For the current pipeline, AMB is providing ACEC with information we are approved to provide. • ACEC suggested major project updates (Bradford Bypass for example) could be a future agenda item from MTO <p>Action – MTO to review ACEC request for including additional (non OHP) assignments and other assignment information in the pipeline list.</p> <p>Action – MTO to review ACEC suggestion RE agenda item on major project updates.</p>	<p>MTO & ACEC</p>
<p>3C) MTO RESPONSE TO ACEC'S PROPOSED WORDING FOR FLUSHING/CCTV PROCUREMENT LANGUAGE</p> <p>Description</p> <ul style="list-style-type: none"> • Review ACEC feedback on MTO's proposed wording for flushing/CCTV procurement. <p>Discussion:</p> <ul style="list-style-type: none"> • MTO reviewed ACEC feedback and options provided. • MTO agrees that Option #1 is ideal, but improbable due to MTO staffing levels. • MTO thinks Option 2ii is reasonable and provided additional comment: <ul style="list-style-type: none"> i. MTO project managers will be challenged to come up with a reasonable contingency (provisional) bid amount. Do ACEC members have input on some other reasonable costs for non-freeways, or more urban areas that they could provide? ii. For a contingency/provisional bid item, it might be better to scope the biddable amount of work as opposed to picking an overall lump-sum fee. 	<p>ACEC</p>

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<p>Discussion</p> <ul style="list-style-type: none"> MTO intends to clearly identify when/if (in DB ready assignment) if there is a bidding restriction MTO wants as much as possible, to have the firm bid on the DB <p>Action – none</p>	
<p>3D) IV.CPR Pause Updates (combine with Item 2b)</p> <p>V.RFP RFQ Addendum and Clarification Response Timing</p> <p>Description</p> <ul style="list-style-type: none"> ACEC commented on situations where responses to clarifications take a long time to post, while firms prepare their proposals without responses/additional information. <p>Discussion</p> <ul style="list-style-type: none"> ACEC seeking an (advance) notification from MTO when an addendum may be coming. ACEC asked if MTO could provide responses within a specified number of days (similar to construction contracts) and an addendum to be published within a specified number of days before closing date (e.g. more than one week). ACEC stated concern regarding quality of some responses is poor (e.g. ‘see RFP’ response from MTO not helpful). Also seeking prompt responses to ‘simple’ questions, e.g. number of pages allowed in proposal. <p>Action – MTO is reviewing the RAQS capability to notify bidding firms of an addendum being prepared. MTO will discuss clarifications with Heads of Project Delivery (Jan 31/24)</p>	<p>MTO</p>
<p>3D) VI.Delayed evaluation of proposals / awards, resulting in overlapping outstanding proposals</p> <p>Description</p> <ul style="list-style-type: none"> Review of impacts/outcomes of delays in awarding engineering assignments <p>Discussion</p> <ul style="list-style-type: none"> Delayed awards impact both MTO and bidding firms. After 90 days the bids are past the irrevocable period, and must be confirmed by the ESP before award. ACEC currently refers to the planned award date provided in the RFP and RFQ for planning purposes ACEC commented on a contract where Phase III (post-award) process was underway before Phase II proponents were notified they were unsuccessful 	

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<ul style="list-style-type: none"> ACEC is seeking a notification from MTO if an award will be delayed, and prompt notification following Phase I evaluation, for both successful and unsuccessful proponents MTO shared RAQS statistics of the days, on average, between contract closing and award (Phase II of RFP, see table below) <p>Review of RAQS data history 2019-2023 to see how many days between closing and award of RFP Phase II</p> <table border="1" data-bbox="344 590 1182 928"> <thead> <tr> <th>Region</th> <th>Avg Days to Evaluate & Award</th> <th>Maximum seen</th> <th>Minimum seen</th> </tr> </thead> <tbody> <tr> <td>CR</td> <td>46</td> <td>183</td> <td>25</td> </tr> <tr> <td>ER</td> <td>46</td> <td>124</td> <td>23</td> </tr> <tr> <td>NER</td> <td>55</td> <td>163</td> <td>14</td> </tr> <tr> <td>NWR</td> <td>36</td> <td>128</td> <td>22</td> </tr> <tr> <td>WR</td> <td>57</td> <td>133</td> <td>10</td> </tr> <tr> <td>PROV OFFICE</td> <td>40</td> <td>60</td> <td>21</td> </tr> </tbody> </table> <p>The provincial Average is 43</p> <p>Action – MTO to review potential of issuing notification of pending addendum on RAQS. MTO will review and consider how to minimize the activities that could result in award delays.</p>	Region	Avg Days to Evaluate & Award	Maximum seen	Minimum seen	CR	46	183	25	ER	46	124	23	NER	55	163	14	NWR	36	128	22	WR	57	133	10	PROV OFFICE	40	60	21	<p>MTO</p>
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<p>3D)</p> <p>VII.Issuance of Electronic Native Formats Documents</p> <p>Description</p> <ul style="list-style-type: none"> Update from MTO on electronic native format documents <p>Discussion</p> <ul style="list-style-type: none"> MTO has reviewed the ACEC bulletin titled “Managing the Risk of Sharing Editable Documents”. MTO understands the concern with sharing editable documents. MTO agrees with the need for a secure and non-editable version, especial for the documents shared as part of the tender process. However, editable documents are currently shared for construction. Providing editable documents will continue to be a requirement and important to support the future of Building Information Modeling (BIM) implementation in MTO. MTO also asked ACEC to provide example assignments where electronic documents have been asked, even when it’s not required according to the terms of reference. ACEC clarified this is not a concern for MTO assignments. To be future ready, MTO is seeking input from ACEC on the requirements and on the additional terms of reference language to support BIM implementation. 																													

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	<ul style="list-style-type: none"> MTO shared that some US DOTs have referred to a 3D model as their legal document. ACEC requested that MTO do not include electronic documents as legal document at this time. ACEC suggest forming a working group with MTO to discuss this further. <p>Action – ACEC to identify staff members to work with MTO on the BIM, to form a small group for ongoing discussion.</p>	<p>MTO</p>
<p>3D)</p>	<p>VIII.LCV qualifications</p> <p>Description</p> <ul style="list-style-type: none"> An update from MTO on Long Combination Vehicles (LCV) <p>Discussion</p> <ul style="list-style-type: none"> MTO advised that there is no list of qualified LCV firms available. The Ontario Trucker’s association does not have a list. It is not a RAQS prequalification. Any firm could do this. <p>Action – ACEC to advise MTO if they see any future reference to a list of qualified LCV companies.</p>	<p>ACEC</p>
<p>3D)</p>	<p>IX.Excess Soils meeting with Indigenous Relations and Environmental Policy Branch (IREPB)</p> <p>Description</p> <ul style="list-style-type: none"> Update from MTO on excess soils <p>Discussion</p> <ul style="list-style-type: none"> ACEC’s response to the draft language proposed by MTO is due by February 9, 2024. MTO informed that the Best Practices Guide is not ready yet and therefore a meeting with IREPB representatives will need to be postponed until further notice. <p>Action – MTO will notify ACEC when the IREPB is ready to meet to discuss the Best Practices Guide. MTO to post Engineering RFP with updated excess soil language to the Technical Consultation Portal (date TBD)</p>	<p>ACEC & MTO</p> <p>ACEC</p>
<p>3D)</p>	<p>X. Invitation only projects</p> <p>I. What is the criteria for identification of ‘invitation only’ RFPs?</p> <p>Description</p> <ul style="list-style-type: none"> Update from MTO on recent invitation only RFP, criteria for identifying projects 	

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<p>Discussion:</p> <ul style="list-style-type: none"> Invitational acquisition is not our preferred approach, and it is used by exception only. MTO must obtain Treasury Board approval for this approach. <p>Action – none</p>	
<p>3D) XI. What is the criteria for identifying invited consultants?</p> <p>Description</p> <ul style="list-style-type: none"> Update from MTO on recent invitation only projects, criteria for identifying consultants <p>Discussion</p> <ul style="list-style-type: none"> Criteria can include a summary of assignment awards over the last three years, review of past performance and review of the capacity and ability to deliver an assignment of similar scope ACEC stated the use of one phase lacks transparency from the industry prospective <p>Action - ACEC to follow with MTO at the MTO-ACEC Executive meeting.</p>	<p>ACEC</p>
<p>4) Joint ACEC/MTO Items</p> <p style="padding-left: 40px;">I. Updated Subcommittee Workplan</p> <p>Description</p> <ul style="list-style-type: none"> Update from MTO and ACEC on the updated subcommittee workplan. <p>Discussion</p> <ul style="list-style-type: none"> Since the September 2023 meeting, there were two meetings held (October 1 and December 1), attended by MTO and ACEC team members, to update the subcommittee work plan. The most recent version (December XX) has been shared with the team ACEC requested that MTO provide an update on the work plan items at the next meeting (May 8, 2024) <p>Action - At May 8, 2024 meeting, MTO to provide update on work plan items.</p>	<p>MTO</p>

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5)	<p>New Items</p> <p> II. Question from ACEC RE: RFP Resume disclosure consent</p> <p>Description</p> <ul style="list-style-type: none"> • ACEC seeking a consistent requirement for resume disclosure consent <p>Discussion</p> <ul style="list-style-type: none"> • ACEC seeing inconsistent requirement for resume disclosure consent in assignments. Could MTO develop a standard consent form to be included in all assignments? Is disclosure even required anymore, as employers have permission from employees to use their resumes • MTO will look into this issue <p>Action - MTO to confirm if resume disclosure consent is still required, and consider a standard form be added to document appendix / forms.</p>	MTO
6)	<p>Upcoming Meetings & Hosts</p> <p>The committee has selected the following meeting dates, and hosts, for 2024:</p> <ul style="list-style-type: none"> • May 8th, 2024, from 10am to 2pm with MTO to host (95 Arrow Road location at Finch/Highway 400) • September 4th, 2024, from 10am to 2pm with ACEC Stantec to host (Stoney Creek office) 	
	Other – meeting notes will be prepared by MTO and shared with ACEC within three weeks of the meeting date (By February 13, 2024)	MTO (COMPLETE)
	Adjourn	

INFORMATION SHARED FOR THIS MEETING		
Document Title	Shared By	Format
MTO-ACEC Eng Subcom DRAFT Agenda 2024 01 23 v jan 22.doc	Erika Varga	MS Word
Bulletin to Members: Managing the Risks of Sharing Editable Documents	Doug DeRabbie	Email September 19, 2023

DRAFT MTO-ACEC ENG Subcommittee Meeting Notes 2013 09 19.docx	Erika Varga	MS Word
Succession Planning Language (West Region RFP (3016-E-0003))	Norm Meyers	MS Word
Feedback from Environmental Policy Office in response to ACEC comments on Excess Soil Language	Seyed Tabib	MS Word and .PDF

NEXT MEETING

- May 8, 2024 at 10am, with MTO to host (MTO CETI building at 95 Arrow Road)