

MTO/ORBA CONTRACTS AND DOCUMENTS SUBCOMMITTEE MEETING NOTES

Date: April 3, 2024

Time: 1:00 to 4:00 pm

Location: MS Teams Meeting

Attendee	Organization	Attendee	Organization
Rebecca Li (Co-Chair)	MTO, Contract Management Office	Jamie Lauzon	MTO, Contract Management Office
Kyle McCutcheon (Co-Chair)	Pioneer Construction Inc.	Marc Coutu	MTO, Contract Management Office
Walid Abou - Hamde	ORBA	Michael Pardo	MTO, Highway Operations Management
Simarpreet Kaur	ORBA	Adriano Cesarone	MTO, Contract Management Office
Frank Lucente	MTO, Construction and Audit Services	Maria Apostolakos	MTO, Highway Design Office
Kevin VanAsseldonk	MTO, Contract Claims	Seyed Tabib	MTO, Contract Management Office
Faheem Muhammad	MTO, Construction Management Office	Nedim Oren	MTO, Maintenance Management Office
Christine Costa	MTO, Major Planning and Innovation	Mike Pearsall	MTO, Highway Design Office
Jeremy Landry	MTO, Major Planning and Innovation	Anna Viscoti	Powell (Richmond Hill) Contracting Limited
Joanna Long	MTO, Capital Planning & Program Office	Kent Dunham	Miller Group
Scott Reid	MTO, Construction Management Office	Zack Weinstock	Colas Canada Inc.
Ed Marcon	MTO, Contract Management Office	Kyle McCutchen	McLean Taylor Construction
Mireya Hidalgo	MTO, Contract Management Office	Ryan McKerracher	MTO, Contract Management Office
Andrew Weltz	BAUER Foundations Canada Inc.		

INTRODUCTION / ANNOUNCEMENTS

1. Previous Meeting Notes

a) General

- Meeting notes will be posted to the MTO Technical Consultation Portal.

b) MTO General Conditions of Contract review update

- MTO will share information in advance however the formal consultation process will be done via the ministry's Technical Consultation Portal (TCP).
- MTO has chosen the following 7 key focus topics:
 - Abnormal Weather
 - Critical Path Schedules
 - Site Overheads
 - Dispute Resolution
 - Advance Payment for Materials
 - Protection, Insurance, Damage
 - Environmental Incident Management
- Related to the "Critical Path Schedule" topic, MTO would like to improve consistency with regards to the submissions received and asked ORBA if there any concerns if MTO:
 - Question 1: Specified a single scheduling software for the preparation of critical path schedules.
 - Question 2: Specified a "summary of changes submission reporting requirement" with all critical path schedule submission updates. GC Section 7.01.07.01.d) already states that "All revisions shall be highlighted on the updated schedule" however, it doesn't provide details on how these revisions should be highlighted.
- For Question 1, ORBA noted that:
 - There would be cost considerations in order to invest in a single software as it could increase administration cost from a contractor but noted that it would be manageable. ORBA explained that contractors may still use their own scheduling software and use MTO's specified software to meet the scheduling deliverable.
 - There are 4 – 5 different types of software to create a schedule. The additional costs would be related to training for project management and administration.
 - It will be important for the schedule that would be specified by MTO be able to convert and interpret the information from other scheduling software.
 - Having a contractor work with a particular software would be challenging and provided as a suggestion for MTO to provide guidance (convertible to a software that can be manipulated and contains information that MTO is looking for) so that MTO staff doesn't have to learn 4 – 5 different software.
- For Question 2, ORBA:
 - Suggested to have language required for what it is that MTO would looking for contractors need to identify in the schedule itself (or else the information is not useful).

- Is supportive if the information provided doesn't become contractually binding but just submitted with the critical path schedule.

c) Obtention of digital design files

- ORBA doesn't yet have the list of how native format electronic files would be used by contractors.
- ORBA noted that the intent is generally to help with working drawings, for layout purposes when using the GPS. For example, at erection plants if contractors had the digital file (anything related to the structural drawings for example the AutoCAD set for rebars) that it would be useful.
- ORBA noted that contractors are not getting these files consistently.
- **Action:** ORBA to confirm list for how native format electronic files would be used by contractors.

d) AFADs and consistency of usage

- The HTA requirements have to be met. O. Reg. 185/22: PORTABLE TRAFFIC CONTROL SYSTEMS (6) states the following: "An automated flagger assistance device shall not be operated unless a traffic control person is positioned close enough to the device to enable the person to immediately display a traffic control stop or slow sign to approaching traffic if the device malfunctions".
- ORBA thought it was a Book 7 issue and not related to the HTA. ORBA will do more research.
- **Action:** Closed.

e) Health and Safety Accreditation Program

- ORBA took back the previous meeting's action back with their health and safety committee and has drafted a letter response to the MTO.
- **Action:** ORBA will send letter to MTO. Closed.

f) Update to OPSS.PROV 102 (Weighing of Materials)

- Following question from previous meeting regarding if ORBA has concerns if MTO only includes requirements for Non-Automatic Weigh Scales for the purposes of Limits of Error.
- ORBA didn't hear any feedback from its members at this time.
- MTO reminded that ORBA can still comment using the MTO Technical Consultation Portal (TCP) when the updated OPSS.PROV 102 will be available for consultation.
- **Action:** Closed.

g) Update to SSP 199S66 (Quality Conformance Requirements)

- Updated SSP 199S66 should be available in the TCP sometime soon.
- Comments can be provided using the TCP.
- **Action:** Closed.

h) Engineering Materials Testing Companies

- **Action:** Item is deferred to the next meeting.

i) Material Fuel Indices

- For the Recycled Asphalt Pavement (RAP) index: MTO agrees with ORBA's proposed rate (0.21 l/m²).
- For the Hot in Place Recycling (HIR) index, MTO continues to support the creation of an HIR fuel price index rate: MTO does not recommend creating an HIR fuel price index for propane (heaters) since fuel price for propane doesn't fluctuate comparing to diesel. As such MTO's recommended index number (diesel) will be closer to ORBA's proposed rate (0.32 l/m²).
- For the Caisson index: MTO is still working on reviewing the information it has and will provide an update to ORBA at the next meeting. The concern is lack of field data as using theoretical calculation is not the preferred approach.
- **Action:** MTO to provide an update at the next meeting.

j) Interpretation for Access and Egress in Sites

- ORBA noted that concern is on how Contract Administrator interprets lane closures and work on site.
- ORBA noted that in more remote regions, the expectation is to be able to work on Sundays to keep staff busy. Contract Administrators in the northern regions appear to use SSP 199F01 at times to deny work on Sundays (not specific to heavy trucks or deliveries or, even access to pick-up trucks between the barriers.). Some Contract Administrators state that the end of the barrier is the slip on slip off as detailed in the specification. ORBA wants to resolve the issue at the field level and is suggesting that the policy be clarified to Contract Administrators provincially.
- MTO clarified that certain restrictions are imposed for summer cottage traffic in some areas. ORBA explained that MTO should consider situations for example when using portable traffic signals for direction of traffic (impedence to movement of traffic is already there on a Friday afternoon for example through the holiday weekend).
- MTO explained that the purpose of SSP 199F01 is strictly for lane closures, if there is a restriction on the lane closure, the work can be done outside of the lane closures. Based on traffic needs, there are restrictions for lane closures on a contract. MTO understands that it could impact the type of work that could be done but it is not the intent on when work cannot be done.
- **Action:** ORBA to provide contract-specific details for MTO to investigate as required.

OPEN ITEMS		ACTION BY
April-2021-02	<p>SUPPLY CHAIN DELAYS AND IMPACTS ON SCHEDULES</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • Open item to have pro-active discussions regarding supply issues for a range of materials. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • No specific examples from ORBA for electrical supply issues for MTO contracts for this meeting at this time. • ORBA noted that generally, finding a concrete supplier for MTO contracts is still a challenge. • MTO asked ORBA if they are encountering any issues with supply of concrete, steel, or anything else. ORBA noted that it is a bit too early in the season to confirm. <p>Action: Keep as standing item.</p>	ORBA

OPEN ITEMS	ACTION BY
<p>October-2022-01</p> <p>CONTRACT MANAGEMENT SYSTEM (CMS) UPDATE</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • MTO launched its new Contract Management System live in February 2023. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • First ORBA session held in March 2024. Meeting with ORBA again in April to discuss more submitted comments/questions/concerns The session will then pause for summer season 2024 season. • Good feedback from the sessions, this included: <ul style="list-style-type: none"> ○ Invoicing ○ Extracts from the system ○ Change Management and Daily Work Records ○ Equipment Lists ○ Mix Designs • MTO noted that the CMS Claims suite should be going live soon in the month of April 2024 and it will: <ul style="list-style-type: none"> ○ Consists of 4 apps ○ Initial Notice ○ Claim ○ Adjudication ○ Claim Release ○ Fully digitized and integrated ○ Developed and tested with both provincial and regional Claims staff, including multiple ○ Manager, Claims Office • MTO noted that the CMS Completion suite is now live, and that MTO can now issue completion certificates. • ORBA asked how historical data from previous contracts can be pulled from CMS. MTO explained that these can be provided by request from the CMS team. • MTO thanked everyone who volunteered for working group. Next meeting will be held on April 30th. <p>Action: Keep as standing item.</p>	<p>MTO</p>

NEW ITEMS		ACTION BY
<p>April-2024-01</p>	<p>CRASH TRUCK CONSPICUITY</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • MTO provided a presentation to update ORBA on the crash truck conspicuity project. This project started last year (2023). <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • Information session on April 8th with ORBA members and then there will be one with suppliers. • Project scope is to increase safety. • Findings of project for medium sized and construction vehicles. • Future considerations will be: public education and operatory training. • The information MTO presented to the MTO-ORBA Contracts and Documents subcommittee will be available as supporting document with the meeting notes. <p>Action: Closed.</p>	<p>N/A</p>
<p>April-2024-02</p>	<p>OPSS.PROV 127 RATES</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> • OPSS.PROV 127 Rates is posted in the TCP for ORBA to provide comments. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> • Noted that additional info would be helpful. • ORBA will follow-up separately with MTO to confirm if extension to consultation period can be considered. <p>Action: Closed.</p>	<p>N/A</p>

NEW ITEMS	ACTION BY
<p>June 2022-09</p> <p>EXCESS SOIL MANAGEMENT</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> In December 2019, Ontario made a regulation under the Environmental Protection Act, titled “On-Site and Excess Soil Management” to support improved management of excess construction soil. This new regulation resulted in changes to MTO contract requirements. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> ORBA is noticing that now acceptable to go in ASL sites, in particular in northern areas. ORBA noted that it is a good solution. MTO doesn’t have new updates to share at this time as MTO is waiting for the Ministry of the Environment, Conservation and Parks (MECP) to finalize its amendment. MTO encouraged ORBA to continue providing feedback on the excess soils management item. <p>Action: Closed.</p>	<p>N/A</p>
<p>April-2024-04</p> <p>OPSS.PROV 366 (CONSTRUCTION SPECIFICATION FOR REPAIRING CONCRETE PAVEMENT AND CONCRETE BASE)</p> <p><i>Description:</i></p> <ul style="list-style-type: none"> This item is being brought up, at this time, for awareness. <p><i>Discussion:</i></p> <ul style="list-style-type: none"> ORBA is putting forward a letter to MTO to ask for review of OPSS.PROV 366 specifically asking for the removal of the Falling Weight Deflectometer (FWD) testing requirement. ORBA noted that this item may be better suited to the MTO-ORBA Structures subcommittee but will also send an email to the MTO co-chair of the MTO-ORBA Contracts and Documents subcommittee. <p>Action – This item will be discussed at MTO-ORB Structures subcommittee meeting. Closed.</p>	<p>ORBA</p>

INFORMATION SHARED FOR THIS MEETING		
Document Title	Shared By	Format
ORBA Crash Truck Conspicuity Review Information Session	MTO	PDF

NEXT MEETING
<ul style="list-style-type: none">• Thursday, June 27th 2024.• Tentatively for week of November 11th 2024 (November 13th 2024) – ORBA to confirm.