MTO/ACEC-ON ENGINEERING SUBCOMMITTEE MEETING NOTES - DRAFT

Date: September 4, 2024 Time: 10:00am to 2:00pm

Location: Stantec Office, Suite 200, 835 Paramount Drive, Stoney Creek

ATTENDEE	ORGANIZATION	ATTENDEE	ORGANIZATION
Tanya Cross	Dillon	Jenn Meleschuk	MTO CMO
Steve Pilgrim	McIntosh Perry	Rina Kulathinal	MTO Program Del
Gregg Cooke	Stantec	Norm Meyers	MTO Program Del
Michael Collins	GHD	Joanna Long	MTO Asset Mgmt
Douglas DeRabbie	ACEC-ON	Michael Pearsall	MTO Hwy Design
Sunil Kothari	Atkins Réalis	Seyed Tabib	MTO CMO
Heather Templeton	HDR	Erika Varga	MTO CMO
Tim Sorochinsky	AECOM	Christine Costa	MTO Maj. Plan&Cl
Michael Murray	CIMA	Melissa Buelow	MTO Project Del
Bernard James	Parsons	Guest: Becca Lane	MTO Des & Eng Br
Douglas Raby	Jacobs		
Guest: Gord Firth	WSP		
Magdy Samaan	EXP		

9-2024-1 WELCOME / INTRODUCTION / ANNOUNCEMENTS

- MTO introduced Jenn Meleschuk as the new Manager of Contract Management Office and co-chair of this committee.
- MTO introduced Melissa Buelow as the new Head of Project Delivery in East, and replacing Norm Meyers, on this committee.
- Everyone in attendance, from MTO, ACEC and member firms, introduced themselves.

NEW ITEN	IS	ACTION BY
9-2024-2	AGENDA ITEMS FROM MTO / ACEC-ON EXECUTIVE COMMITTE	
	None at this time, as the executive committee is scheduled to meet on September 11, 2024	
	ACTION - NONE	

NEW ITEM	IS	ACTION BY
9-2024-3a	AGENDA ITEMS FROM MTO MEMBERS	
	LAST MEETING MINUTES AND ACTION ITEM REVIEW – MAY 8, 2024	
	Description: Status of last meeting minutes and action items.	
	Discussion:	
	The meeting minutes have been posted to the Technical Consultation Portal (August 29, 2024).	
	• Action is ongoing for the MTO review of bid inquiries for repetitive RFP questions, by Engineering Contract policy section.	
	Action is ongoing for the debriefing guide, which has not yet been implemented or published (led by MTO's Finance Branch).	
	Action is complete, by MTO, for updating the subcommittee workplan and CPR pause workplan. Version shared with ACEC and MTO is dated August 30.	
	There were 10 action item related items on the September 4 meeting agenda.	
	ACTION – MTO CONTINUE TO WORK ON THE TWO ONGOING ITEMS	МТО

NEW ITEM	NEW ITEMS	
9-2024-3b	AGENDA ITEMS FROM MTO MEMBERS	
	STANDING ITEM - DISCUSSION ON CPR PAUSE POST IMPLEMENTATION APRIL 17, 2023	
	Description: Update from MTO on the CPR pause.	
	 Discussion: Sixteen months have passed since the CPR pause has been implemented (the removal of CPR from bid evaluation) On July 1, 2024 the Starter CPR and all firm CPRs were refreshed. Next refresh will be October 1, 2024 More time is needed to allow for the completion of more appraisals, using the new streamlined design (and CA) appraisal. The more appraisals completed, the more meaningful and reflective and accurate the firms' CPRs will be. MTO is committed to reinstating the CPR after a 3-year pause period. . MTO advised the work is ongoing on specialty (streamlined) appraisal. ACEC asked what is the average appraisal score using the new streamlined appraisal? ACEC asked if MTO is appraisals are scored consistently? There are ongoing discussions internally at MTO regarding consistency. ACEC asked if the CPR will be reinstated on the 3-year anniversary (April 17, 2026) or sooner or later? Can the plans be shared with ACEC, with at least 6 months notice? ACEC asked if MTO can send a letter documenting this schedule and plan, that MTO is seeking to consult with ACEC and getting agreement, what is plan if appraisal completion rates remain lowetc 	
	ACTION - MTO TO REVIEW SCORES ISSUED USING THE STREAMLINED APPRAISAL AND DETERMINE AVERAGE SCORE ACEC TO SCHEDULE A MEETING FOR MTO & ACEC TO MEET TO DISCUSS CPR PAUSE RELATED WORK.	MTO AND ACEC

NEW ITEM	S	ACTION BY
9-2024- 4.II	AGENDA ITEMS FROM ACEC MEMBERS SUCCESSION MANAGEMENT WORKING GROUP UPDATE Description: ACEC to provide an update on succession management working group. Discussion: Problem and opportunity statements have been drafted. ACEC is committed to fund a 1-2 day workshop, with 10 participants from each side (5 senior, 5 junior), week of January 13, 2025. Participating firms (tbd) will be interviewed before the workshop Workshop to be run similar toa Value Engineering workshop. Facilitators being considered who are knowledgeable on succession management Suggest presentation to MTO directors on day 2 and more senior staff (including chief engineer) subsequent to the workshop ACTION – ACEC TO SHARE DRAFT PROBLEM AND OPPORTUNITY STATEMENT. ACEC TO UPDATE JOINT EXECUTIVE COMMITTEE ON SEPTEMBER 11. MTO TO NOMINATE 5 SENIOR MANAGERS AND 5 JUNIOR PROFESSIONAL/EDPS TO ATTEND. MTO TO SHARE LIST OF 10 ASSIGNMENTS WITH SUCCESSION MANAGEMENT PROVISIONS. AGENDA ITEM FROM ACEC MEMBERS ELECTRONIC NATIVE FORMATS DOCUMENTS WORKING GROUP UPDATE Description: ACEC to provide an update on the electronic native formats documents working group. Discussion: Last meeting of working group was June 26, 2024. Focussed on current RFP, related SP and the ACEC bulletin from 2023 expressing concerns RE electronic documents Problem and opportunity statements have been drafted Some RFP language is dated and needs updating as well as	
	 Discussion: Last meeting of working group was June 26, 2024. Focussed on current RFP, related SP and the ACEC bulletin from 2023 expressing concerns RE electronic documents Problem and opportunity statements have been drafted 	
	 a roadmap for digital delivery. Next meeting is September 9 where the team will discuss contractor input. 	

NEW ITEN	ns	ACTION BY
	ACTION – ACEC TO SHARE UPDATE SLIDE DECK WITH MTO	ACEC
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.III	CURRENT ACEC WORK IN PROGRESS:	
	A. ACCELERATED PROCUREMENT RECOMMENDATIONS	
	Description: ACEC to provide an update on the accelerated procurement recommendations.	
	 Discussion: ACEC is still discussing this item, preparing feedback for MTO ACEC asked if there is any large job (accelerated and confidential) coming up? ACTION – ACEC TO PROVIDE FEEDBACK TO MTO 	ACEC
	B. CONSULTANT INTERACTION WITH MTO Description: ACEC to provide an update on the consultant interaction with MTO.	
	 Discussion: Alain had asked at the Executive committee, what should the engagement be, what would it look like, with regional and provincial office staff? ACEC is still discussing this item, preparing feedback for MTO ACTION – ACEC TO PROVIDE FEEDBACK TO MTO 	ACEC
	C. 24/7 CONSTRUCTION Description: ACEC to provide an update on the 24/7 construction.	
	 Discussion: MTO requested comments by November 30, 2024 ACEC is still discussing this item, preparing feedback for MTO ACTION - ACEC TO PROVIDE FEEDBACK TO MTO 	ACEC
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.IV	PAYMENT OF INVOICES	
	Description: ACEC to provide an update on the payment of invoices.	
	 Discussion: ACEC firms have experienced delays in payment of invoices, some unpaid after 120 days. MTO is catching up now, using eApprovals to expedite approvals prior to payment via PPS. 	

NEW ITEN	ns .	ACTION BY
	ACEC asked what action should a firm awaiting payment take? Please advise MTO staff via email, of outstanding invoice, seek status, could escalate to area manager. ACTION – MTO TO SHARE E-APPROVAL WORK FLOW (LEVELS AND TIME)	МТО
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.V	RETAINERS	
	Description: ACEC to provide an update on Retainers.	
	 Discussion on Retainer Work Item Scope: ACEC described effort to develop retainer work order scope is not eligible for compensation. If the work scope is not tailored, it requires a lot of work from the firm. May need some research and/or understanding of the work, and time to put the scope together. ACEC has seen an increase in the time and effort required, lately. It's a symptom of succession management. ACEC asked if retainer work orders could include a 5% contingency, like Owner's Engineer? 	
	 Discussion on Retainer Procurement: ACEC asked why 'multiple award' retainers are being procured differently (one assignment or multiple assignments)? ACEC noticed a very wide-spread between winning fees for identical scope (in multiple award situations). Asked if MTO is seeing value for money. Asked if the retainer evaluation process could be reimagined, specifically regarding the sample assignment approach. MTO advised that each assignment award is to be advertised and awarded separately, a one-to-one ratio, so one RFP with multiple awards should have individual assignments (with identical scope) MTO agrees to add to the subcommittee workplan an item for 'reimagining' the RFP and RFQ retainer scoring. Priority TBD ACTION - MTO, AT NEXT HEADS OF PROJECT DELIVERY MEETING, 	
	DISCUSS SCOPING OF RETAINER WORK ITEMS. MTO TO REVIEW CONTINGENCY SUGGESTION FOR WORK ITEMS. MTO TO ADD RETAINER SCORING REVIEW TO SUBCOMMITTE WORKPLAN	МТО
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.VI	INCIDENTS IN CONSTRUCTION ZONES	
	Description: ACEC to provide an update on incidents in construction zones.	

NEW ITEN	is	ACTION BY
	 Discussion: ACEC has seen an increase in near misses and hits in construction zones, mostly speed related. \$1M in damages/contractor claims on Highway 400 at Highway 9. ACEC has noticed when OPP are onsite, the incidents are reduced. ACEC asked if OPP presence can be made mandatory, at certain times, during certain activities, in the assignment /contract language? ACEC suggested speed camera enforcement could be an option. MTO suggested reducing speed limit in some construction zones versus involving OPP. Team discussed benefit of including variable digital speed signs to raise driver awareness of their speed in the work zone. ACTION - NONE 	
9-2024- 4.VII	AGENDA ITEM FROM ACEC MEMBERS	
	 PROPOSAL OPPORTUNITIES IN NORTHEAST REGION Description: ACEC to provide an update on proposal opportunities in northeast region. Discussion: ACEC has noticed only three RFP opportunities in Northeast Region so far in 2024. In 2023 there were five. Years prior it was eight to nine. MTO informed recruitment of project managers and providing RFP training are both ongoing. ACTION – NONE 	
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.VIII.I	 REQUEST MTO UPDATE ON: Progressive Design Build Consultation Description: MTO to provide an update on progressive design build consultation. Discussion: MTO advised that consultation will be possible once the IO-led procurement of the Garden City Skyway is completed (early in 2025). MTO will keep ACEC posted and advised the team to look for the public award notice for this assignment. ACTION – MTO TO SCHEDULE A FUTURE MEETING WITH ACEC TO DISCUSS AND CONSIDER THE ADOPTION OF A SIMILAR MODEL AT MTO. 	МТО

NEW ITEN	NEW ITEMS	
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.VIII.II	REQUEST MTO UPDATES ON PROCUREMENT ITEMS:	
	1. RESUME DISCLOSURE Description: MTO to provide an update on resume disclosure.	
	Discussion: • MTO advised that this requirement has been removed. ACTION – NONE	
	2. PREVIOUS ONTARIO PUBLIC SERVICE EMPLOYEES Description: MTO to provide an update on previous OPS employees.	
	 Discussion: MTO is reviewing this requirement, and if its necessary. ACEC asked if the 'previous OPS employee' form be deleted (preferred), or the timeframe specified for last 12 months only. ACTION – MTO TO REVIEW CURRENT PURPOSE AND BENEFIT OF THIS FORM 	МТО
	3. STANDARD LIST OF DELIVERABLES Description: MTO to provide an update on standard list of deliverables.	
	 Discussion: ACEC has seen detailed design deliverables listed in preliminary design assignments, or Design Build Ready assignments. ACEC asked if an MTO manager can review repetitive bid inquiries that result in these situations? MTO advised its not resource feasible for managers to review all bid inquiries. 	
	ACTION - MTO WILL DISCUSS INTERNALLY.	МТО
	4. PHASE I DEBRIEFING BEFORE AWARD Description: MTO to provide an update on Phase I debriefing before award.	
	 Discussion: ACEC is requesting Phase I debriefs, for firms not short listed, be completed before the Phase II award. ACEC asked if a 'light' debrief could be offered to identify any fatal flaw, to prevent same issue on a subsequent submission? MTO will have internal discussion about a possible 'light' debrief, to share if something obvious or overt was wrong with the Phase I 	

NEW ITEMS		ACTION BY
	submission. MTO advised this is 'light' debrief is also resource dependent. ACTION – MTO WILL DISCUSS INTERNALLY.	МТО
	5. LATE ADDENDA / RESPONSE TO BID ENQUIRIES Description: MTO to provide an update on late addenda / response to bid inquiries.	
	 Discussion: MTO advised that staff in project delivery have been reminded to allow adequate time following each addendum and /or response to bid inquiry. This is documented in internal policy guides and the RFP notes to user. ACTION – NONE 	
	6. SCORING (0, 4, 7 AND 10) AND IS IT BASED ON RFP REQUIREMENT Description: MTO to provide an update on scoring (0, 4, 7, 10) and is it based on RFP requirement.	
	 Discussion: MTO project managers are currently being trained on RFP development, including RFP evaluation. The RFP scoring levels have been defined for MTO project managers, and discretion does exist. Some evaluation criteria are pass/fail while others use 0/4/7/10. MTO project managers follow an evaluation guide / instructions during RFP evaluations. ACTION – MTO CONTINUE TO DELIVER RFP TRAINING TO PROJECT MANAGERS 	мто
	7. UPDATES FOR OPPORTUNITIES THAT ARE DELAYED IN SHORTLISTING / AWARDS Description: MTO to provide an update on opportunities that are delayed in shortlisting/awards.	
	 Discussion: ACEC commented on the lack of consistent communication regarding shortlisting notification (for unsuccessful firms) and award information for successful and unsuccessful firms). ACEC asked that MTO contact the unsuccessful firms immediately at the time the Phase II shortlisted firms are invited to submit the RFP. ACEC asked that MTO publish list of firms who submitted Phase I, list of firms who submitted Phase II and which firm was awarded the assignment. MTO will provide an update at the next meeting. 	

NEW ITEM	IS	ACTION BY
	 MTO advised that extensions of time are communicated via addendum to the participating firms. In the case of RFP time extension, only invited firms would receive this notification. ACEC provided a list of assignments where award information was outstanding. MTO reviewed the list and found all but one had not been published publicly. Because the Phase II assignment is invitational, when the award is published, only the invited firms see the award results. MTO provided the award information to ACEC team members in advance of the September 4 meeting. MTO will be updating the RAQS website with the outstanding award information. ACEC asked that MTO remind all regional staff of the scope of information to be disclosed during a debrief. ACTION – MTO TO PUBLISH OUTSTANDING AWARDS. MTO TO REMIND STAFF ON AWARD PUBLISHING AND BID DISCLOSURE POLICIES. 	МТО
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.VIII.III	REQUEST MTO UPDATES ON: DBR BIDDING RESTRICTIONS	
	Description: MTO to provide an update on DBR bidding restrictions. Discussion:	
	 Used in cases where MTO seeks to keep design firm on board during the construction bidding phase (as they are the knowledgeable service provider). 	
	ACEC suggest using a consistent approach.	
	ACTION – DISCUSS AT HEADS OF PROJECT DELIVERY TEAM. MTO TO BRING UPDATE TO NEXT SUBCOMMITTEE MEETING.	МТО
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.VIII.IV	REQUEST MTO UPDATES ON: PROVISION OF THE ENVIRONMENTAL GUIDE FOR EARTH MANAGEMENT BEST PRACTICES	
	Description: MTO to provide an update on provision of the environmental guide for earth management best practices.	
	 Discussion: The development of best practices is progressing. MTO is expecting MECP to propose additional regulatory amendments this fall. The best practice's release will be delayed incorporating the amendments that will be enacted as a result of MECP's fall proposal. 	

NEW ITEM	IS	ACTION BY
	ACEC asked if they could see the best practice guide prior to the amendments? MTO advised the guide won't be released for public comment until the draft is complete, post amendments from MECP.	МТО
	ACTION – MTO TO ADVISE ACEC WHEN THE GUIDE IS RELEASED FOR PUBLIC COMMENT.	МТО
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.VIII.V	REQUEST MTO UPDATES ON: CPR PAUSE AND IMPLEMENTATION – STREAMLINED APPRAISALS FOR SPECIALTY OFFICES	
	Description: MTO to provide an update on CPR pause and implementation of streamlined appraisal for specialty offices.	
	Discussion:CPR pause update was provided under Item 9-2024-3b.	
9-2024-	AGENDA ITEM FROM ACEC MEMBERS	
4.VIII.VI	REQUEST MTO UPDATES ON: RAQS REPLACEMENT	
	Description: MTO to provide an update on RAQS replacement.	
	 Discussion: Supply Ontario is the lead for a new provincial digital procurement system, being prepared as a request for bid, to procure a new system for all OPS to use, including MTO. Timing of the RFB to be advertised is unknown. 	
	 MTO has outlined functionality beyond tendering that will be required, to support qualification and performance management. MTO will continue to utilize the two RAQS systems (construction and engineering) until October 2027. 	
	ACTION – MTO WILL BRING UPDATES ON THE RAQS REPLACMENT PROJECT TO ACEC AT UPCOMING SUBCOMMITTEE MEETINGS.	МТО
9-2024- 4.VIII.VII	AGENDA ITEM FROM ACEC MEMBERS REQUEST MTO UPDATES ON: R VS GREATER SUDBURY	
	Description: MTO to provide an update on R vs Greater Sudbury.	
	Discussion: No update was provided by MTO.	

NEW ITEMS				
	ACTION – MTO TO PROVIDE UPDATE AT JANUARY MEETING.	МТО		
9-2024- 4.VIII.VIII	AGENDA ITEM FROM ACEC MEMBERS REQUEST MTO UPDATES ON: UPLOAD OF TORONTO/OTTAWA EXPRESSWAYS			
	Description: MTO to provide an update on the upload of Toronto / Ottawa expressways.			
	 Discussion: MTO advised that an update will be provided at the September 11 meeting of the MTO/ACEC executive committee. 			
	ACTION – MTO TO PROVIDE UPDATE SEPTEMBER 11 TO EXECUTIVE COMMITTEE.	МТО		
9-2024- 4.VIII.IX	AGENDA ITEM FROM ACEC MEMBERS REQUEST MTO UPDATES ON: DEBRIEFING GUIDELINES			
	Description: MTO to provide an update on the debriefing guidelines.			
	 Discussion: MTO advised that the debriefing guidelines have not yet been implemented. 			
	ACTION – MTO WILL UPDATE ACEC WHEN DEBRIEFING GUIDE IS IMPLEMENTED.	МТО		
9-2024- 4.VIII.X	AGENDA ITEM FROM ACEC MEMBERS			
	REQUEST MTO UPDATES ON: MAJOR PROJECT UPDATE			
	Description: MTO to provide an update on major projects.			
	 Discussion: MTO advised that new projects are dependent on funding approvals, and no comment or commitment can be shared at this time Highway 413 is in preliminary design; a public information session is coming in the new year. Watch for news updates and shovels in the ground soon. Bradford bypass CMGC, the evaluations are ongoing. Additional sections of this bypass are coming, led by MTO, end of 2024, the delivery model is to be determined. 			

NEW ITEMS		ACTION BY
	ACTION – MTO TO CONTINUE TO SHARE UPDATES ON MAJOR PROJECTS	мто
9-2024-5	JOINT MTO/ACEC-ON ITEMS	
	None	
	ACTION – NONE.	
9-2024-6	NEW ITEMS	
	None	
	ACTION – NONE.	
9-2024-7	SCHEDULE OF UPCOMING MEETINGS AND HOSTS	
	• January 22, 2025 (virtual)	
	May 14, 2025 (in person at MTO CETI)	

INFORMATION SHARED FOR THIS MEETING							
Document Title	Shared By	Format					
CPR Pause Work Plan 2024 09 04	Erika Varga	MS Excel					
MTO ACEC Engineering Subcommittee Work Plan 2024 09 04	Erika Varga	MS Excel					
List of Delayed Awards	Erika Varga	Outlook Email					
Agenda Draft MTO ACEC Engineering Subcommittee 20240904	Erika Varga	MS Word					
MTO ACEC Engineering Subcommittee Notes 2024 05 08 Draft	Erika Varga	MS Word					

N	NEXT MEETING			
•	January 22, 2025 (virtual)			