MTO – ORBA EXECUTIVE COMMITTEE MEETING NOTES

Date: November 21, 2024
Time: 1:00 pm – 4:00 pm
Location: 365 Brunel Road, Mississauga, ON

ATTENDEE	ATTENDEE
Andrew Weltz (ORBA) (Chair)	Eric Doidge (MTO)
Malcolm Croskery (ORBA)	Alain Beaulieu (MTO)
Walid Abou-Hamde (ORBA)	Michelle McGrath (MTO)
Mario Villeneuve (ORBA)	Andrew Alkins for Jason Ranger
Steven Crombie (ORBA)	Michelle Pasqua (MTO)
Doubra Ambaiowei (ORBA)	Malvika Rudra (MTO
	Bruce Cane (MTO)
	Becca Lane (MTO)
	Frank Lucente (MTO)
	Sharene Dubroy (MTO)

1. INTRODUCTION / ANNOUNCEMENTS

Andrew Weltz opened the meeting and welcomed everyone. A round table of introductions occurred.

MTO

- Jason Ranger new HOMB Director
- Jenn Meleschuk, Manager of Contract Management Office, SCB
- Valerie Sargsyan is a new Advisor in ADMO

ACTION: ORBA requested an updated org chart, MTO will share once it has been finalized.

OPEN ITEMS		Lead
2.	**Review of previous minutes/action items (A)** • Quarterly minutes for June 2024 posted on TCP on September 6, 2024, with supporting documents. ACTION: Notes from previous meeting were shared in advance and all agreed accurate.	**MTO / ORBA**

OPEN ITEMS		**Lead**
3.	**Major Projects Update** • MTO provided an overview of the provisions in Bill 212, which would accelerate delivery for priority projects. Three projects have been identified: Garden City Skyway (GCS) bridge twinning, the Bradford Bypass and Highway 413. • These provisions include streamlining utility relocation process; property acquisition/access; 24/7 construction, among others. In addition, MECP has proposed the Highway 413 Act to accelerate completion of the EA for the 413. • ADMO had sent ORBA communication on these changes a couple of weeks prior to this meeting. • ORBA comments; congratulations on moving forward. Members are asking what about quarry and aggregate resources? • MTO – The Ministry continues to work with contractors to implement 24/7 construction, this is to signalize that the government is serious in moving key projects forward. i.e. Asphalt plants can't run 24/7. • ORBA suggested that the Major Projects Working Group be restarted to work on a roadmap and low hanging fruits, once GCS closes can they get a meeting in the calendars? MTO agreed early 2025 to reconvene. • ORBA shared that the capital update from the Presidents Tour webinar was greatly appreciated and successful. • Regarding Bradford Bypass, MTO is working to accelerate, getting the detail design procurements out in early 2025 and will share greater details once finalized.	**MTO**

4.	**Capital Program Update (A)**
	• MTO provided an update on the tendering accomplishments and revised projections for the remainder of the fiscal year: Overachieved slightly in Q1, within range in Q2.
	  ○ Forecasting a drop in the Q3 projections, with activity moving into Q4;
	  ○ Total volume and value expected to land within the initially forecasted range.
	• MTO indicated that work has started on the fall/winter OHP refresh, which will once again include information on the planned early tenders, targeting advertising between Jan 1 – Mar 31.
	• MTO asked ORBA for their thoughts on the preferred approach/timing this year (i.e. wait for convention, similar to last year, or target publication in early January), as this could help to inform decision-making
	• ORBA indicated their preference was have the OHP published around the convention.
	• ORBA indicated their preference in having tenders issued between Nov to Feb to allow contractors to plan equipment purchase and plan next year's work.
		MTO

5.

Reducing Risk

- Open item on materials indices

  Caisson Fuel Index discussion

New fuel price indices will be provided for caissons in earth and rock based on ORBA's rates using MTO units for material measure. These will be implemented for the 2025 construction season on a trial basis – All agreed to close this item. ORBA would like to see the final version before posting. MTO agreed.

AC Price Index review process and posting

- A Provincial jurisdictional scan has been completed and municipal jurisdictional scan of the use of MTO's AC Price index is ongoing.
- The jurisdictional scan noted that 8 provinces use AC price adjustments with BC, AB, MB and QC using MTO's index in their calculations and some provinces using an AC adjustment only for contracts greater than 1 year in duration.
- In addition to the jurisdictional scans, MTO is investigating multiple index methodologies to determine best practices. We will prepare recommendations for feedback (and consultation with ORBA and others), internal approvals and implementation for winter 2025-26.

ORBA would like a general understanding of how the index is calculated. MTO committed to those conversations and consultation over the next year.

MTO

- Annual OPSS 127 Update to Schedule of Rental Rates for Construction Equipment (2025 planning)
  - The updated annual publishing date from April 1 to July 1 was posted in the TCP and the consultation period has closed.
  - The previously shared schedule for consultation for the 2025 construction season will be followed.

Annual OPSS 127 Rates Consultation Timeline	
Milestone Activity	**Timeline**
MTO provides ORBA with the equipment list subject to detail review (one third of the equipment table).	Early January

ORBA to provide their initial feedback	February
Finalize the list at the fall ORBA-MTO Contract and Documents Subcommittee Meeting	February - March
ORBA to provide all equipment data that they would like MTO to consider as part of the detailed review list	Late April
MTO to provide Global variables for 127 Rates to ORBA	May
ORBA – MTO consultations completed	June
MTO Posts 2025 – 127 Rates to Technical Consultation Portal.	June
2025 - 127 Rates Publication	July

- Construction Act Review – (included also in the GC Update)
  - MTO is aware of the Ontario Construction Act Review, which could result in changes to GCs and is reviewing the potential impacts this may have on the GC language.
- Excess soils update **(ORBA item)**: ORBA member survey and meeting with DM Jones
- Lack of info on excess soils, DM asked to learn about members experience and what it meant for project delivery. Shared risks with the DM. It is a regulatory requirement. ORBA commented on the lack of information (soil characterization details) in contract pkgs regarding excess soil which puts added risk in the bidding and contract execution. MTO stated that at the beginning of the implementation, soil characterization reports could not be consistently provided without delaying the tenders. By now, MTO should be consistently providing the reports and requested ORBA to provide specific project examples to allow for a forensic review.

Cross Fall Specification update (ORBA item)

- ORBA raised concerns with the new crossfall spec, especially on one lift treatments to achieve all asphalt requirements.

	○ MTO requested ORBA to provide specific project examples. ○ Municipal Specifications update **(ORBA item)**: PGAC spec in the GTA (letter to Durham Region attached).	
6.	**CMS Update** Recent Implementation of enhancements to facilitate $0 mechanisms such as Compensation Request, Change Initiation and Change Order and Other Payment Adjustment (OPA) enhancements, including Fuel Price Index which allows custom reporting of payments made for individual fuel price adjustments, ○ Time Management enhancements include the intelligent linking of key contract dates into the Contracts app that aids in tracking and managing all contract time. This affects many apps including Compensation Request, Change Order, Claims, Statement of Working Days, Contracts app and more. ○ Fall CMS Feedback Survey administered with approximately 200 responses. Very valuable feedback provided that will be used to facilitate Contractor working group sessions this winter. Re-establish working group from last year with opportunity for new members. ○ MTO asked to encourage their members to respond to the survey to help gain feedback provided that will be used to facilitate Contractor working group sessions this winter.	**MTO**
	Maintenance Updates • MTO – ORBA Partnering session – October 17th ○ Covered Adjustment to Monetary Damages ○ Covered New Contract Model (CDMCMi) ○ Provided update on Crash Truck Conspicuity ○ Covered quantifiable maintenance items ○ <u>Session format</u>: Presentation, then breakout session to review material and take notes for MTO consideration. • Recent Contract Awards ○ Hamilton CDMC – Webber Infrastructure ○ Peel Halton West CDMC – Emcon Services ○ Durham CDMC – Under Evaluation • Upcoming Contract Advertisements ○ Sudbury East (TBD) - December ○ Sudbury West (TBD) - January	**MTO**

9.	**Provincial Claims (A)** MTO provided an update on Claims, Referee and Adjudication from April 1, 2023, to September 30, 2024 MTO asked ORBA to review claims information and clarify what parts are helpful and what are not, all agreed to remove cumulative. ORBA suggested that training for their members on the claims process may be beneficial, with the potential of joint training.	**MTO**
NEW ITEMS		
11.	**GC Update** ORBA was provided the Critical Path, Abnormal Weather and Advance Payment drafts on November 4, 2024, for preliminary comments. • Fuel Price Calculation was clarified to mean the month prior to Tender opening for consistency. • Fuel consumption rates will be posted to TCP and then added to the GCs for HIR, RAP and Caissons. • MTO is aware of the Ontario Construction Act Review, which could result in changes to General Conditions. MTO is reviewing the potential impacts this may have on the GC language. • GC updates next steps – anticipated schedule: ○ TCP is now targeted for early 2025. MTO has extended the period for preliminary comments for both internal and external stakeholders.	**MTO**
12.	**O/O permit turnaround time** • Working with clients to improve application submission process as incomplete and incorrect submissions delay timely permit issuance. • Online training modules available to walk through step-by-step process for submission - https://mto.bluedrop.io/storefront/o-o-permits. • Additional training videos on how to submit applications electronically to be posted soon – goal is to have only online submissions by end of 2025. • HOPO team expediting time critical applications when notice provided, and submission criteria timelines have been abided by.	**MTO**

13.	**PEGO work action** ORBA, shared that there is concern across the membership that engineers are on work to rule. ORBA offered to support any way they can. ORBA shared with PEGO that this is a government matter and will support the decision of delivery partners. MTO indicated that steps are being taken to mitigate the impacts of the labour disruption.	**ORBA/MTO**
15.	**Housekeeping:** • Propose dates for March, June and November 2025 meetings • March 20, MTO hosting and Chairing, June 19 for virtual, Nov 20 for ORBA host and Chair • ORBA 2025 Convention planning: MTO to continue providing update on the Capital Program. • Conflict avoidance on construction projects (brief attached; 3:15pm on Day 1; plenary session) • A major project focused panel (theme and outline currently being developed; 2pm on Day 1; plenary session) • Talk about Claims trends at Convention • Canadian Technical Asphalt Association CTAA for next year is hosted in Ontario in 2025 and the asphalt seminar ORBA hoping to combine to a single event and leaning on MTO for attendance support. Format for tour for this year to include a provincial webinar and in person regional events and evening social in GTA, Kingston, London and Sudbury.	

INFORMATION SHARED FOR THIS MEETING

Document Title	Shared By	Format
Capital Program/Highway Projects Update	MTO	PDF
Claims, Referee and Adjudication Update from April 1, 2024, to September 30, 2024	MTO	PDF
MTO Executive Org Chart (to be finalized)	MTO	PDF

NEXT MEETING
• March 20, 2025 at CETI, 95 Arrow Road, North York