

ORBA - MTO Highway Maintenance Committee Meeting Notes

Date: Monday, January 20th, 2025

Time: 9:30 am - 12:00 pm

Location: Teams Video Meeting

Attendee	Organization	Attendee	Organization
Doug Wipperman	The Miller Group	Steven Crombie	ORBA
James Stracey	Emcon Services Inc.	Simarpreet Kaur	ORBA
Frank Rizzardo	Emcon Services Inc.	Jasan Ranger	MTO
John McBride	Fowler Construction	Andrew Alkins	MTO
Paul Krajc	Fowler Construction	James Hamilton	MTO
Abdallah Tannoukhi	Webber Infrastructure	Nedim Oren	MTO
Thelep Ampalavanar	Webber Infrastructure	Michael Sleeth	MTO
Greg Ehman	Ledcor (left at 10:45AM)	Nasr Slabi	MTO
Matt Granger	Ledcor	Valérie Labbé	MTO
Ashley Cate	Ledcor	Brian Utigard	MTO
Brian Green	GIP Highway Maintenance	Neil Pawluk	MTO
Walid Abou-Hamde	ORBA		

Note: Strikethrough = did not attend the meeting

1. PREVIOUS MEETING NOTES / ANNOUNCEMENTS

- a) Previous meeting notes shared January 17th and accepted by all.
- b) Reviewed Action Items from previous meeting notes – items that were carried over include:
 - i. **Action Item:** MTO and ORBA chair to compile topics of discussion for the working groups
 - To be scheduled early February
 - ii. **Action Item:** ORBA to provide “challenge statement” - regarding the DriveOn program. Thelep from Webber to provide this.
 - **Post meeting note:** Thelep advised via email this can be removed from the meeting notes as industry was able to resolve issue.
 - iii. **Action Item:** ORBA to source GIP representative for each Working Group.
 - Doug will attempt to make contact again.
 - iv. **Action Item:** ORBA to provide nominees for the Winter Operations Record sub-working group.
 - Nominees were provided during this meeting.
 - v. **Action Item:** Winter Materials Working Group to add LiDAR to their scope of work.
 - Nedim to make MTO's chair of this group aware
 - vi. **Action Item:** Operator Working Group to add Fair Wage to their scope of work.
 - vii. **Action Item:** Facilities & Equipment Working Group to add Mechanic Experience & Winter Vehicle Contract provision (Table 2002A-1) to their scope of work.
 - viii. **Action Item:** Industry to provide examples of CZ issues (related to agenda item i) under New Business in November meeting notes)
 - ix. Discussion related to agenda item j) “Contract Limitations” under New Business in November meeting notes:
 - IMOS clarified: Agenda item related to Contractor Workload. Asked MTO to confirm if current number is a starting point only & that MTO's intent is to lower the number in future.

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- MTO: Confirm this is our intent (to lower number). The MTO will consult with industry once further progress is made.
- Industry: can the MTO notify industry 18 months in advance of changes to Contractor Workload number so that we can adjust our business plans?
- MTO: we cannot commit to a specific timeframe but can commit to having a conversation with industry on what that can look like.

2. PRESENTATIONS

- a) None.

3. STANDING ITEMS

a) MTO Applications Update

- i. MTO: we have started a project to create an application interface for “utility locates”.
 - **Utility Locate Application Interface volunteers provided from industry during meeting.**
- ii. Digital WOR update: discussed during Previous Meeting Notes review – section 1.
- iii. MTO exploring use of public info. available from 511, ECCC, and other sources to enhance situational awareness. Track My Plow data presented on 511 will indicate which parts of the Hwy. network have been serviced within the last 2 hrs.
ACTION ITEM: Industry to provide information related to routes with connectivity issues if available.

b) Winter Materials Working Group

- i. No updates

c) Operators Working Group

- i. No updates.

ACTION ITEM: Chair and Co-chair of this group to schedule a meeting and discuss TOR.

d) Facilities & Equipment Working Group

- i. No updates.

ACTION ITEM: Chair of this group to schedule a meeting to discuss/review TOR.

e) Winter Operations Working Group

- i. No updates.

ACTION ITEM: Chair of this group to schedule a meeting to discuss/review TOR.

f) Summer Operations Working Group (SOWG)

- i. MTO: Kickoff meeting held on Jan 7th. The TOR was reviewed/discussed. The TOR & meeting notes will be published on MTO's Technical Consultation Portal once endorsed.
- ii. At the request of senior management, an Ad hoc meeting is scheduled this week to discuss/review the Enhanced Litter Pickup Quantifiable Maintenance Bid Item.

g) Procurement update (MTO/ORBA)

- i. MTO provided an update on contracts that were recently awarded, current advertisements, and the proposed upcoming maintenance contract procurement schedule.

4. NEW BUSINESS

a) Operator/Labour update:

- i. IMOS: Had to use 2nd string of Operators to a minimal capacity in WR contract, no operational concerns, and no operational concerns in our other contract areas.
- ii. Ledcor: No issues to report. Ongoing attrition & northern area contracts remain at 80-90%. SSM contract has had concerns related to extended severe winter events where we've had to rely on our 2nd string of Operators more heavily.

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- iii. Emcon: Operator recruitment this year has been our best to date. In the north it's very mixed with severe and not severe, and in the south, we have some localized events which is as expected.
- iv. Fowler: Varying degrees of concern this winter related to areas where we've had some very severe events. Had to rely heavily on 2nd string of Operators in the Huntsville area. Support provided from yard to yard and from adjacent contracts when needed during severe winter events.
- v. Webber: No issues to report for Operators. We have used our 2nd string of Operators as well as engaged sub-contractors as a fail safe when absolutely necessary.

b) Severe Winter Events & Winter Preparedness: Outreach to OPP & other stakeholders/municipalities

- i. MTO: we activate "regional action groups" when severe winter events are forecasted; internal procedures are followed including, but not limited to communicating/coordinating with OPP. When activated, we may loop in our maintenance contractors. MTO wants industry to be aware that MTO can help with communication/coordination of OPP if required, and that we may require further info. related to winter operations.
 - o Industry: we acknowledge and see value in this protocol

c) Equipment Challenges

- i. MTO asked if challenges exist with any particular piece of equipment?
 - Webber: Flagging that there are Regulations Amending the Passenger Automobile and Light Truck Greenhouse Gas Emission Regulations of the Canadian Environmental Protection Act coming in 2035 which could affect mobilizations.
 - Emcon: winter maintenance equipment should be exempted from emissions laws similar to EMS (originally brought up in 2021).
 - o MTO: this requires legislative change & endorsement from MECP. EMS are not currently exempt – they need to apply for exemption from MECP under the Act.

ACTION ITEM: MTO will review internally. ORBA to collect & provide statistics/risks on how the regulation is affecting industry. MTO/ORBA will connect and come up with strategy to try and investigate further.

d) Emergency Response Equipment in New Contracts

- i. Industry: we discussed new contract requirements for graders and loaders being equipped with cables/chains to respond to emergency situations to pull/extricate vehicles from the roadway, and would like to make note:
 - our equipment is not built for this type of Work (ex: no winches),
 - our Operators are not trained on proper "pull points" for various vehicle types,
 - there are WSIB/Legal issues (ex: who indemnifies the contractor if something goes wrong and the vehicles is damaged?).

Industry is not supportive of the addition of this item as written.

- o MTO: Acknowledges/appreciates industry's concerns/feedback. Would like to suggest that this is discussed further via the Facilities & Equipment Working Group. To further clarify, this is a contingency item for extreme circumstances under the authority of the OPP and are asking that equipment is outfitted with the appropriate appurtenances.
- o Industry in agreement with the approach of assigning to Facilities & Equipment Working Group for further discussion.

ACTION ITEM: Facilities & Equipment Working Group to add this topic to their work plan.

Post Meeting Note: MTO met with industry and provided clarification on the intent of these items.

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e) Risk Mitigation for Winter Vehicle Benchmark Hours

- i. Industry: we have concerns related to this item (discussed in previous meetings), which have been exacerbated by the addition of "Fair Wage (guaranteed hours/standby hours)".
 - MTO: we acknowledge the formula was developed prior to Fair Wage being implemented, MTO agrees a review is required. MTO suggests that this item is reviewed by the Operators Working Group.
 - Industry: in agreement with this approach & request that this item becomes a priority.
- ACTION ITEMS: Operators Working Group to add this item to their work plan.**

f) Contract Administration

- i. Industry: Asked if MTO's provincial office gave direction on how to administer contracts where the # of staff listed in Contractor's Proposal differs from what is being provided in reality. Some CA's are telling Contractors they must provide same # of people listed in Proposal's organization chart even if over time there are efficiencies that would result in no longer requiring the same # of staff as originally reflected in the Proposal.
 - MTO: If there are efficiencies/net reductions, the Contractor should be sending a Change Proposal to the ministry that reflects a cost savings to the ministry for our review and execution.

g) RFP's

- i. Bid Enquiries:
 - Industry: Will take forward from the previous meeting. No further discussion required.
- ACTION ITEM: Industry to provide specific examples – also see Open Action Items.**

h) CDMC Minor

- i. Industry: We have further reviewed/discussed this model and feel that it is moving back to creating a "race to the bottom" that has not been beneficial to MTO in the past. We are not supportive of the CDMC Minor model if submission of a Proposal is not required as part of the Bid.
 - MTO: We value the input/feedback brought forward from industry. This new contract model will be evaluated further once it's gone through a trial period, and it will not be used in all contract areas.

i) Turnover Agreements

- i. Industry: Will take forward from the previous meeting. No further discussion required.
- ACTION ITEM: Industry to provide specific examples.**

j) Durham CDMC

- i. MTO: The ministry cannot provide information related to this topic because it's still under evaluation.

k) Engineered Wood Posts

- i. Industry: There's an opportunity for the MTO to save money on wood posts for sign installation. Existing requirements are costly & difficult to source. Wood posts sold by local manufacturers could provide significant cost savings. Buying locally could provide a faster, more cost-effective service & support local economy.
- ACTION ITEM: MTO to review internally.**

l) Crash Systems

- i. Industry: Currently Crash System maintenance is LS work and Cost is shared; MTO pays invoiced cost of materials, & Contractor pays Traffic Control & Labour. Some locations can pose significant risk/increased traffic control cost and number of Crash Systems being damaged is rising year to year. Industry requests these become a Change in the Work.
 - MTO: MTO acknowledges this item is high risk to the Contractor. Plan to address this via the Summer Operations Working Group as a Quantifiable Maintenance Bid Item.

m) End Treatments & Steel Beam

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- i. Industry: similar to item l) above, but MTO gets insurance on all costs.
 - MTO's comments for this item are the same as item l) above.

5. ROUNDTABLE

MTO: MTO appreciates feedback from industry.

Industry: Nothing to add.

DATE	OPEN ACTION ITEMS	ACTION BY
Jan-2024-01	TIME & MATERIAL (ORBA) <i>Description:</i> Time & Material vs Lump Sum for Change Orders. <i>Discussion:</i> ORBA requesting a workshop with MTO to review the use of T&M which has become more commonly used for change order work. Methods used are not consistent across the province and industry would like a more standardized approach. Industry to provide examples to MTO for improper use of Risk Mitigation as well as frequent use of T&M. Action: Keep item open.	ORBA
Mar-2024-01	BID ENQUIRIES (ORBA) <i>Description:</i> Bid Enquiry process for CDMC RFP. <i>Discussion:</i> Industry feels they are not getting answers that assist bidders in providing RFP & price that will be the same for all bidders. Industry to provide examples where info. wasn't sufficient & type of responses industry estimators need so they can provide better RFPs/estimates. Action: Keep item open. DW: will send over examples.	ORBA

Next Meeting: March 17th, 2025.

Adjournment: Meeting was adjourned at 11:57 AM.

Meeting Notes Prepared by: Valérie Labbé