MTO - ACEC-ONTARIO EXECUTIVE COMMITTEE MEETING NOTES

Date: May 5, 2025
Time: 1:00 pm – 3:30 pm
Location: MS Teams

ATTENDEES - ACEC-ONTARIO

Duane Girard (GHD)
Sunil Kothari (AtkinsRéalis)
Tanya Cross (Dillon)
Steve Pilgrim (McIntosh Perry)
Bernard James (Parsons)
Doug DeRabbie (ACEC-Ontario)
Andrew Hurd (ACEC-Ontario)

ATTENDEES - MTO

Eric Doidge (regrets)
Alain Beaulieu
Becca Lane (Chair)
Michelle McGrath
Michelle Pasqua
Malvika Rudra
Bruce Cane
Jenn Meleschuk
Megan Chochla (regrets) Tiffany Gulamhussein
Claudette Miscione
Gary Weiss

1. INTRODUCTION / ANNOUNCEMENTS

- Becca Lane is Director of the Design and Engineering Branch (DEB).
- Michelle McGrath is the Director of the Capital Program Delivery Branch (CPDB).
- Gary Weiss is joining us today. Gary is the new Director of the Northern Infrastructure and Partnerships Branch in the Transportation Infrastructure Management Division. He will provide an update on specific transportation commitments related to “Ring of Fire” developments.

OPEN ITEMS		Lead

2.	**CONTRACT MANAGEMENT SYSTEM (CMS) - UPDATE**
	• Continued enhancement and support work for CMS is ongoing.
	• MTO continues to meet monthly with ACEC-Ontario Contract Administration (CA) working group. Valuable feedback provided in the sessions (Dec 6, Feb 7, March 7 and April 4 meetings).
	• Engineering working group to convene first meeting soon.
	  • Tony Tuinstra, EXP - tony.tuinstra@exp.com
	  • Laura Donaldson, Egis - laura.donaldson@egis-group.com
	  • Meredith Irwin, Egis - meredith.irwin@egis-group.com
	  • April Smart, Egis – april.smart@egis-group.com
	• Engineering training session held April 1, 2025, over 500 participants (internal and external).
	
	Recent CMS Updates
	• Contractors have been granted permission to create and submit their own Submittal Packages. This should accelerate the submission process, as it's no longer at the behest of CAs creating packages themselves.
	• Contractors have been granted permission to view Other Payment Adjustment (OPA). When OPAs are calculated and processed, contractors can now view the calculations and supporting documentation for the OPA rather than waiting on the CAs to issue the documentation in an Instruction Notice to Contractor (INC).
	• A new Invoice Report has been created that displays all relevant data pertaining to items, their quantities, prices, changes and percent-completed quantities.
	
	DISCUSSION:
	• N/A
	
	ACTION:
	• N/A
		MTO

OPEN ITEMS		Lead

3.	**UPDATE ON THE CAPITAL PROGRAM, TENDERING ACTIVITY AND PROJECT PIPELINE**
	
	Update on Capital Tenders
	• MTO had some unexpected impacts to the tendering program this year, first due to the PEGO labour disruption and then due to caretaker period protocols. Both impacted the timing of some of the planned tenders, and the caretaker protocols resulted in a four week pause in tendering. However, we were able to successfully mitigate most of the impacts.
	• As a result, MTO's tendering activity in 24/25 fell within the projected volume range and exceeded the expected total value.
	  ○ Quarterly accomplishments show a slightly different distribution than planned, with a good final quarter, with 28 major capital tenders issued.
	  ○ Regional distributions indicate a significant amount of activity in Central region, which included a few higher value projects.
	• Tendering projections for 25/26 will be available after the budget results are announced.
	Ontario Highways Program (OHP)
	  ○ The planned Winter OHP refresh was not published this year, due to the timing of the election and the caretaker period protocols.
	  ○ MTO has started working on the 2025 OHP with the objective of publishing in late June, subject to timing of approvals.
	
	Engineering Project Pipeline
	• The Engineering Project Pipeline was finalized and provided to ACEC-Ontario in October 2024. The next update will be October 2025. The engineering pipeline will use the 2025 OHP data.
	
	DISCUSSION:
	• N/A
	
	ACTION:
	• N/A
		MTO

4.	**ACCELERATED PROCUREMENT** As part of continuous improvement, MTO would like to look at ways to accelerate procurement. We need to work faster, streamline procurements while ensuring transparency. • MTO encourages ACEC-Ontario to provide feedback in general, on what other jurisdictions are doing and what's working well. **DISCUSSION:** • Having MTO in the room is appreciated to address questions rather than speculate when discussing this item. • Would like MTO to provide scenarios that would need to be addressed. • A workshop would be helpful. **ACTION:** • MTO to organize/host a workshop this summer.	**ACEC-ONTARIO/ MTO**

5.	**REPORT BACK ON PROCUREMENT APPROACH – RFS PROCESS (NO UPDATE ON THE TORONTO / OTTAWA EXPRESSWAYS UPLOAD)** • A short presentation was made on the RFS process. **DISCUSSION:** • N/A **ACTION:** • N/A	**MTO**
6.	**PROGRESSIVE DB – ACEC-ONTARIO PARTICIPATION** • Q&As that were developed previously will be updated and shared within the next few weeks. **DISCUSSION:** • N/A **ACTION:** • N/A	**MTO**
7.	**MAJOR PROJECTS UPDATE (Highway 413 /Bradford Bypass/Highway 401 Tunneling Discussion)** • Accelerating Highway 413 project is a high priority. • MTO will be re-engaging with industry over the next few months. • Looking at 2-3 early works projects for this year and next year, where the new environmental impact assessment legislation allows. • Should be wrapping up the Preliminary Design/Environmental Assessment (EA) process end of the year. • Engagement event to be held this summer; seeking input on delivery model. **DISCUSSION:** • Highway 69 is not assigned to the major projects team – discussion is ongoing on delivery. • Highway 17 (Renfrew) – discussion is ongoing on delivery. **ACTION:** • N/A	**MTO**

8.	**ADDITION OF A PROPONENT PRESENTATION MEETING TO EXISTING DESIGN-BUILD MAJOR PROCUREMENT PROCESS**
	• Projects delivered through the Design-Build (DB) Major contracting model are typically of larger size and complexity and proponents put considerable effort to advance the design before submitting their proposals. Receiving technically compliant proposals is important to maintain procurement and project delivery on schedule.
	• The DB procurement process allows proponents the opportunity to present Alternative Technical Concepts (ATC), for review by MTO, that may deviate from specific requirements stipulated in the Request for Proposals (RFP).
	  o The current process provides some opportunities for the ministry to identify potential non-compliances through written feedback.
	• Furthermore, the DB Major process also provides opportunities for proponents to seek clarification on compliance through the bid enquiry process.
	• MTO recommends adding a Proponent Presentation Meeting to the DB Major procurement process.
	  o Other alternative delivery models, including Construction Manager General Contractor (CMGC) and Infrastructure Ontario's Public-Private-Partnership and Progressive Design-Build, include meeting(s) with proponents during procurement that provide an opportunity to discuss the understanding of compliance with the technical requirements and provide feedback that can assist proponents in developing compliant submissions.
	• MTO can leverage success from Construction Manager RFP Proponent Presentation Meetings used in existing CMGC delivery model (Industry is already familiar with this process).
	DISCUSSION:
	• N/A
	
	ACTION:
	• N/A
		MTO

9. **CORPORATE PERFORMANCE RATING (CPR) PAUSE - WORK PLAN** — **ACEC-ONTARIO**

- It has now been two years since the CPR Pause was implemented, where CPR was removed from the bid evaluation for assignment awards.
- On April 1, the Quarterly and firm Starter CPRs were refreshed. The next update will be July 1, 2025.
- Both the CA and the Engineering Starter CPRs show slight decreases, indicating the start of the score 'reset'.

Construction Administration Starter CPRs

April 2024	July 2024	October 2024	January 2025	April 2025
4.21	4.17	4.19	4.23	4.07

Engineering Starter CPRs

April 2024	July 2024	October 2024	January 2025	April 2025
4.16	4.10	4.00	3.98	3.95

- The 2.5 CPR required to bid is being maintained.
- More time is needed to complete more appraisals using the streamlined Engineering design and CA appraisals, and for the development of a streamlined engineering 'functional' appraisal.
- MTO is monitoring which assignments have appraisals due and how many have been completed.
- MTO has publicly committed to reinstating CPR after the 3-year pause period.
- Agreement that MTO and ACEC will work together on the reinstatement of CPR plan (date of reinstatement, percent of CPR in bid evaluation, CPR required to bid). Plan will be communicated publicly and well in advance of reinstatement date.
- Next CPR pause joint working group meeting is scheduled for May 6, 2025.
- Prior to the CPR pause implementation, MTO and ACEC-Ontario developed a CPR Pause workplan that outlined the activities that were agreed to, to complete during the pause period. MTO has updated and shared with ACEC the workplan to reflect the current status, as of December 4, 2024.

DISCUSSION:

- MTO appreciates that industry is open to looking at this.
- MTO is asking ACEC-Ontario for feedback on this pause/work plan (i.e. are we on the right track? Is there a better way?
- Suggestion that a workshop with industry to get feedback on current appraisals and other potential approaches to leveraging performance in procurements.
- Using a facilitator may be helpful.

ACTION

- MTO to organize/host workshop this summer.

10.	**SUCCESSION MANAGEMENT UPDATE AND CREATION OF AN MTO/ACEC-ONTARIO SUCCESSION MANAGEMENT SUB-COMMITTEE**
	
	• MTO and ACEC-Ontario participated in a workshop on March 25th and 26th.
	• The facilitated workshop was attended by approximately 25 people and looked at broad industry issues around attraction, retention and succession management.
	• The final report has not yet been received; however, three actionable items are anticipated to be included in the report as follows:
	  ○ A request for the ACEC-Ontario / MTO Executive Committee to endorse the creation of a permanent Succession Management Subcommittee to combine the mandates of the CA and Engineering Subcommittee Succession Management working groups and add items from the workshop to their mandate
	  ○ Delivery of school program (grade 9)
	  ○ Revisions to staffing requirements in contract documents
	
	DISCUSSION:
	• MTO agrees in principle for a sub-committee.
	• Once report is final, details will be provided to MTO for consideration and for their endorsement/support for the other two items.
	
	ACTION:
	• ACEC-Ontario (Mike) to connect with Jenn Meleschuk.
		ACEC-ONTARIO/

11.	**ANTICIPATED IMPACTS OF US TARIFFS** Questions from ACEC-Ontario: Will tariffs stimulate any further policy changes? As firms secure teaming partners for large engineering and/or construction projects, it's important to have as much insight into restrictions on "US-based companies". Further, the industry needs clarity on the definition of "United States -based companies". For example, how are firms with a US parent with a Canadian subsidiary/division treated? • How will tariffs affect the capital program? (i.e., will there be an expected increase or decrease to the capital program?) MTO Response: • The Ministry has assembled a working group to address and respond to industry concerns. • The current MTO General Conditions of Contract includes standard contract language on how changes to Canadian Federal and Provincial taxes are addressed, similar to the Canadian Construction Documents (GC8.06). • Information has been posted to the RAQs MERX homepage and will continue to be updated. "The Ministry of Transportation (the "MTO") will continue to monitor the uncertainty surrounding tariffs and their potential impacts. If tariffs are levied, MTO will assess the situation. If MTO determines the effects of the tariffs as well-defined impacts, MTO will provide appropriate relief to those specifically affected." Posted on February 14, 2025. • Various concepts being considered for resolution of the Ontario Road Builders' Association (ORBA) and ACEC-Ontario's concerns about the Impacts of tariffs when bidding on MTO construction contracts. • On March 4th, a Procurement Restriction Policy that defines and restricts United States businesses from accessing public sector procurements in Ontario became effective. As part of each procurement process Bidders, Service Providers, and Proponents will be provided with a declaration form to confirm their eligibility to bid under the policy. Additional policy background information is available at Procurement Restriction Policy • Response for how tariffs will affect the capital program: TBD **DISCUSSION:** • The tariff situation is dynamic. • Sensitivity for travel (US) could come up as well. **ACTION:** N/A	**ACEC-ONTARIO/ MTO**

12.	**UPDATE ON SPECIFIC TRANSPORTATION COMMITMENTS RELATED TO "RING OF FIRE" DEVELOPMENTS**
	
	• The Ring of Fire (ROF) is an area of **major mine development opportunities including critical minerals potential (e.g., nickel, copper, platinum and chromite)** that could bring a multi-generational economic opportunity to northern Ontario communities, including for First Nation communities.
	• Continued interest from major international mining companies highlights the value of the mineral potential, especially for **critical minerals** for an **electric vehicle battery supply chain** in Ontario.
	• Wyloo Canada and Juno Corp are the two largest claimholders in the Ring of Fire.
	• Since 2014, Ontario has publicly committed $1 billion to support critical infrastructure in the Ring of Fire area, including developing the proposed all-season road network, investing in high-speed internet, road upgrades and community supports.
	• Planning for the following proposed road projects is currently underway:
	  ○ **Webequie Supply Road** (WSR) - a future all-season road connecting the First Nation to the Ring of Fire mining area
	  ○ **Northern Road Link** (NRL) - building from a section of the proposed Marten Falls Community Access Road to the Ring of Fire
	  ○ **Marten Falls Community Access Road** (MFCAR) - a community all-season road
	  ○ **Anaconda and Painter Lake Roads** (APLR) - upgrades to existing roads
	
	DISCUSSION:
	• N/A
	
	ACTION:
	N/A
		ACEC-ONTARIO/ MTO

13.	**VENDOR MANAGEMENT MODERNIZATION** • There are four main pillars: Pre-Qualification; Procurement; Performance Assessment; Oversight and Performance Management. • It's a review of the system – end to end. **DISCUSSION:** • History of what is driving this initiative: based on continuous improvement, various anecdotal issues, a good time to take a look at what are best practices, what others are doing. **ACTION:** N/A	**MTO**

INFORMATION SHARED FOR THIS MEETING		
Document Title	**Shared By**	**Format**
MTO Capital Program Update	MTO	PDF
Procurement Approach – RFS Process	MTO	PDF
Ring of Fire Overview	MTO	PDF
Vendor Management Modernization	MTO	PDF

NEXT MEETING
September 10, 2025