

ORBA - MTO Highway Maintenance Committee Meeting Notes

Date: Monday, June 2nd, 2025

Time: 10:00 am - 12:30 pm

Location: Teams Video Meeting

Attendee	Organization	Attendee	Organization
Doug Wipperman	The Miller Group	Simarpreet Kaur	ORBA
James Stracey	Emcon Services Inc.	Jason Ranger	MTO
Frank Rizzardo	Emcon Services Inc.	Andrew Alkins	MTO
John McBride	Fowler Construction	James Hamilton	MTO
Abdallah Tannoukhi	Webber Infrastructure	Nedim Oren	MTO
Thelep Ampalavanar	Webber Infrastructure	Michael Sleeth	MTO
Greg Ehman	Ledcor	Nasr Slabi	MTO
Matt Granger	Ledcor	Valérie Labbé	MTO
Ashley Cate	Ledcor	Brian Utigard	MTO
Walid Abou-Hamde	ORBA	Neil Pawluk	MTO
Steven Crombie	ORBA		

Note: Strikethrough in the above table = did not attend the meeting.

1. PREVIOUS MEETING NOTES / ANNOUNCEMENTS
<p>a) Previous meeting notes shared May 21st and accepted by all.</p> <p>b) Reviewed Action Items from previous meeting notes – items that were discussed/carried over include:</p> <ul style="list-style-type: none"> i. Action Item: Schedule C data review <ul style="list-style-type: none"> ▪ Industry: Looking for feedback on Schedule C data provided to MTO. Data supports our position that the info. published in RFP's is inaccurate and/or difficult to bid. <ul style="list-style-type: none"> ○ MTO: we have implemented controls (including a Power BI) to analyze MMIS entries against historical data – these new controls will ID erroneous & varying data, with some variances that may still require manual review. These controls are a placeholder in absence of the modernized system planned for release in future. Transition of LS to QM bid items and re-establishing working groups to allow collaboration prior to items being added to RFP's will also help mitigate this issue. ○ Industry: Looking forward to collaborating on an approach that improves the bidding process. Quantities and scope of work should be the same for all bidders so everyone bidding is on same playing field and no misunderstandings. ii. Action Item: MTO will send a list of all Working Group nominees to Industry for their final review and input. <ul style="list-style-type: none"> ▪ Post meeting note: Email with list of nominees sent to Industry June 2nd – confirmation of nominees received from Webber, Emcon and IMOS.
2. PRESENTATIONS
a) None.
3. STANDING ITEMS
<p>a) MTO Applications Update / Electronic Winter Operations Record (WOR) Working Group:</p> <ul style="list-style-type: none"> i. No updates <ul style="list-style-type: none"> ▪ MTO: will review and consult when Nedim returns from vacation.

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- Industry: glad Electronic WOR is being moved forward.

b) Winter Materials Working Group

- i. MTO: TOR has been drafted – nominees from Industry are required for Working Group participation.

ACTION ITEM: HMC would like this WG to review Material Reconciliation.

c) Operators Working Group

- i. MTO: No updates since last meeting, however there are new items to discuss; 1) integrated employment services and if connection has been made between contractors & Local Rep. (Service Manager) from that Team, and 2) Fair Wage feedback/update (based on recent procurements).

ACTION ITEM: Schedule meeting to discuss these topics. DW will obtain feedback from individual contractors in advance of meeting.

d) Facilities & Equipment Working Group

- i. MTO: Industry provided feedback on the “Spare Winter Equipment” provision in the Sudbury RFP’s – the provision was well received.
- ii. MTO: A final draft of the Equipment Guidelines document will soon be provided to Industry for review/feedback.

ACTION ITEM: HMC would like this WG to review Backup Generators for Emergency Management, and to focus on fostering various equipment trials.

e) Winter Operations Working Group

- i. MTO: TOR has been drafted and ready for review by the Working Group.

ACTION ITEM: Meeting to be scheduled.

f) Summer Operations Working Group (SOWG)

- i. MTO: List of proposed LS items to be transitioned to QM Bid Items has been reviewed by Industry, and Guide Rail & Safety Systems QM Bid Items Final Draft reviewed by Industry. Next meeting scheduled for June 17th. where we will try to choose next item to work on after Guide Rail item is finalized.

g) Procurement update (MTO/ORBA)

- i. MTO: provided update (PP slides) – showing recent awards for Sudbury East and Sudbury West, and shared plans for upcoming RFP’s.

4. NEW BUSINESS

a) Spring clean-up & Enhanced Litter Pickup:

- i. MTO: Heightened awareness surrounding litter along provincial hways. Provision for Debris management currently exists in all Contracts, but some areas have presence of litter that has escalated significantly beyond the scope or expectation of removal under LS. MTO is exploring options for Enhanced Litter Pickup (including various equipment trials) to mitigate these areas of concern for those Contracts where the Enhanced Litter Pickup QM Bid Item isn’t already included. Flagging to Industry that this is under scrutiny, and we are working towards a solution to remove risk and would like feedback.
 - IMOS: Mechanical equipment is expensive & prone to failure. Equipment may leave behind “shreds of paper, confetti-like material” that will be visible when walking for QA, but not as visible while driving – will this be considered acceptable? It is difficult to hire people willing to pick litter. Our Operators aren’t usually willing to do work other than driving equipment.
 - Emcon: Agree with/same comments as IMOS. Suggest working towards solution to stop people from littering rather than picking up litter & reinstate using the penal institutions and/or high school fund raising programs rather than our Operators.

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- MTO: We are exploring ways to remove barriers for those who want to participate in the AAH program, etc., and we've worked with Comms & other ministries to promote "no littering" (signage, etc.).
- Ledcor: Agree with IMOS and Emcon. This is not an ideal solution to keeping our staff year-round.

b) Contractor Workload Rating Review:

- i. MTO: After some initial discussions with Industry & internal analysis, we believe it's time to review the limit and engage industry in the process, ensuring sufficient time for adaptation.
 - Industry: We appreciate the opportunity & will try to prioritize providing feedback so that it can be implemented within reasonable timeframe.

BREAK – back at 11:20A

c) Update from MTO on Industry Submission of Schedule C data review:

- i. This item was discussed earlier (refer to section 1. b) of these meeting notes)

d) Update from MTO on Industry Submission of unclear BE responses:

- i. Industry: We take BE's seriously and submit them because the contract language is unclear. As shown in provided examples, the typical response is 'read the contract'—but we have, and the ambiguity persists. We've tried to illustrate the impact on bidders when info. is insufficient. Would a working group be appropriate to walk through our examples collaboratively?"
 - MTO: We aim to clarify where possible to ensure consistent bidding. We've encountered cases where the BE process is used to make statements rather than ask questions. When we receive repeated or similar BE's, it may indicate a need to revisit the issue through Working Groups to improve contract language with the overall goal to reduce the number of BE's signaling an improvement in understanding the Scope of Work.
 - Industry: We appreciate your consideration. The BE's are usually linked to Schedule C and if bidder doesn't understand scope, the risk is transferred into the cost.

e) Small Sign Support Posts – material change:

- i. Industry: Some contractors received a directive to change small sign support material (eliminating wood posts), and we're wondering if this will be shared to all?
 - MTO: We've been asked to review the policy internally from a maintenance perspective, & subsequently provided comments & questions. We've not received further direction therefore sign maintenance will remain status quo. We'll communicate next steps as info. becomes available.
 - Industry: A contractor noted they have three skids of wooden posts in inventory & asked the MTO CA if they could be used prior to implementation, & the request was denied.
 - MTO: Existing inventory will be permitted for use initially. A change of this nature will not be implemented without a consistent, province-wide administration plan, which is still under development.

ACTION ITEM: MTO will review internally & provide info. as it becomes available.

f) Intermediate Sign Support (OPSD 992.101, 992.210 & OPSS 709):

- i. Refer to item e) above – similar topic and concern.

g) Contract Administration for CDMC – revised expectations of Contract Admin. Manual on delivery:

- i. Industry: This ties in with the Claims item (i) as well. We're going to share some observations where we are seeing a greater emphasis in particular areas across the province about Contract Administration being "black and white" and wonder if there's been revised direction from senior officials. As it relates to claims we've seen little emphasis on solving at field level (industry's preference) – response back is to go to claim, and we don't see value in this

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approach. Partnering meetings at provincial level are being conducted as well and we'd like to share our experience on those.

- MTO: From a CA perspective, expectation is that MS's & HOM's manage things consistently across the province as much as possible. If there's a non-conformance it needs to be documented as per process which doesn't necessarily result in demerits 100% of the time. We also have internal obligation to report on these and if there are no NNC's being recorded, that would result in concerns on our side. There are administrative ways to resolve these issues in a progressive way. Senior management is not telling CA's to promote going to claim and are discouraged to hear this may be the case. Hoping it's area specific and not provincial. Everything starts as RFC, then follow steps in contract.
- HOM's:
 - Nasr – We always follow process and try to resolve at field level. We do not say to go to claim. We always make sure we have supporting docs & justification.
 - Michael – same as Nasr, I do not direct my staff to go to claim, have open door policy where contractors can come to me as well before it goes to claim, we follow the process.
- Industry:
 - Ledcor – Improvements required specifically related to timeframes where CA isn't responding within appropriate time. We're used to having conversations, rather than submitting documentation, and would like to know if that's the expectation. In Alberta, the DM pushed that the ministry has partnering sessions with contractors to understand what 'partnering' means. We would like MTO to consider doing the same thing. These can help with understanding how to communicate.
 - MTO: we're willing to do partnering sessions & are planning to have next HMC meeting in-person. There've been meetings regionally & we'll ensure the partnering sessions happen consistently. There's an ongoing desire & effort to keep these conversations going to break barriers and discuss nuances.
- Industry: relationships take a lot of work, and communication is not built on INC's and NNC's. There should be face to face chat first before they find their way to a piece of paper.
 - MTO: Generally, contractors shouldn't be surprised when INCs or NNCs are sent, meaning that a conversation should happen first. If there's a decline in this approach, we'll provide a reminder to our MS's that this is a courtesy that should be happening.

ACTION ITEM: MTO will discuss internally.

h) Britt Contract update:

- i. MTO: This is an indigenous procurement – we can't offer more on that at this time.

i) Claims – resolving at field level vs going to claim:

- i. Refer to item g) above – similar topic and concern.

j) Lump Sum Payments – prompt payment:

- i. Industry: we owe ministry more info. for this item & work is ongoing. We really want the MTO to find a way for separate invoices (LS, Change Order) to have more prompt payment. However, we have seen improvements – thank you!
 - MTO: we are putting some metrics in place to monitor this.

ACTION ITEM: Industry to provide more information to the MTO for review.

k) Benchmark Hours (BH) – risk sharing:

- i. Industry: BH are viewed as a penalty b/c we're being hit financially twice. We recommend a working group to fix this issue prior to next winter, b/c the penalties are larger than NNC's.
 - MTO: This is a priority for us & we're reviewing it internally. Once ready, we'll engage industry on this item. We recognize the importance & the necessity for revision.

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- Industry: What is the timeline & can we help expedite? Would a document from industry outlining the magnitude/urgency of this issue along with suggestions be helpful?
- MTO: Currently there is no timeline, but it's high on our priority list and we will need prompt feedback from industry once engaged for prompt resolution. A document from industry to help expedite this may be helpful.

ACTION ITEM: Industry to provide document with suggested improvements to MTO for review.

5. ROUNDTABLE

a) ORBA: Tariffs

- ORBA: We received MTO response to our letter last week stating where the MTO's focus will be. As an update and for discussion, we've identified that the capital cost of equipment purchase is particularly challenging/problematic.
- Industry:
 - IMOS: Bids are based on MTO specs and pricing from cab, chassis, and body builders, financed over 7+ years. Due to long lead times (18+ months), final costs often exceed bid prices. Price increases occur even pre-tariffs and exclude key components like Rexroth systems. Suppliers report 20–30% cost hikes on consigned stock (e.g., steel beams, attenuators) but won't itemize tariff impacts, creating financial risk. Ministry support is needed to validate cost increases despite limited documentation.
 - Emcon: Contract-specific age restrictions also create barriers.
 - Ledcor: Industry also bears full risk because the equipment is Ontario-specific.
 - ORBA: Tariffs have exposed risks in capital equipment; construction vs. maintenance should be treated differently for the reasons mentioned, and industry is seeking a process outside of claims to address the tariff impacts.
 - MTO: Acknowledge need for post-award pricing language; clearer language from industry is needed to distinguish construction vs. maintenance bidding practices.

ACTION ITEM: Industry to provide revised submission.

DATE	OPEN ACTION ITEMS	ACTION BY
Jan-2024-01	<p>TIME & MATERIAL (ORBA)</p> <p><i>Description:</i> Time & Material vs Lump Sum for Change Orders.</p> <p><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.</p> <p>Industry to provide examples to MTO for improper use of Risk Mitigation as well as frequent use of T&M.</p> <p>Action: Keep item open.</p>	ORBA
Apr-2025-01	<p>REGULATIONS AMENDING THE PASSENGER AUTOMOBILE AND LIGHT TRUCK GREENHOUSE GAS EMISSION REGULATIONS OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT (ORBA)</p>	ORBA & MTO

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<p><i>Description:</i> Upcoming changes to legislation could affect equipment costs and contract mobilizations.</p> <p><i>Discussion:</i> Industry requests that maintenance equipment, specifically Winter maintenance equipment, is exempt from this legislation. Note: The proposed changes may or may not be implemented due to the economic unrest related to tariffs being imposed by the US. Industry to collect & provide statistics/risks on how the regulation is affecting industry. MTO to continually monitor this issue.</p> <p>Action: Keep item open.</p>	
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Next Meeting: July 28th, 2025.

Adjournment: Meeting was adjourned at 12:30 PM.

Meeting Notes Prepared by: Valérie Labbé