

MEETING NOTES

MTO/ORBA Contracts and Documents Subcommittee

DATE	November 19, 2025
TIME	1:00 pm – 4:00 pm
MEETING HOSTED BY	MTO
LOCATION	Microsoft Teams

ATTENDANCE:

Attendee	Organization
Jenn Meleschuk (co-Chair)	MTO, Contract Management Office
Kyle McCutcheon (co-Chair)	McLean Taylor Construction Ltd.
Steven Crombie	ORBA
Alexis Del Rosario	ORBA
Ahmed Ouda	MTO, Contract Management Office
Mireya Hidalgo	MTO, Contract Management Office
Ed Marcon	MTO, Contract Management Office
Jamie Lauzon	MTO, Contract Management Office
Carrolyn Rouse	MTO, Contract Management Office
Quinn Mieske	MTO, Contract Management Office
Shumsun Siddique	MTO, Contract Management Office
Amanda Naylor	MTO, Contract Management Office
Saffwan Chowdhury	MTO, Contract Management Office
Ryan McKerracher	MTO, Contract Management Office
Joanna Long	MTO, Capital Planning and Programming Office
Scott Reid	MTO, Construction West
Tyler McQuaker	MTO, Construction Northwest
Dean Thatcher	MTO, Contract Claims
Yolibeth Mejias	MTO, Highway Design Office
Kris Mermigas	MTO, Bridge Office
Kevin English	MTO, Major Projects Delivery Office
Terry Dupuis	MTO, Engineering Northwest
Michael Pardo	MTO, Traffic Office
Gizelle Cotton	MTO, Construction East, QA
Andrea Bulanda	MTO, Environmental Policy Office
Fazan Baig	Black & McDonald Limited
Lawrence Rigatti	Alliance Verdi Civil Inc.

Andrew Weltz	Powell Foundations
Apolone Gentles	RAR Litigation
Alfredo Maggio	Graham Bros. Construction Ltd.
Nelly Aguiar Toledo	Marsh Construction
Kathryn Lack	Dufferin Construction Company
Kent Dunham	The Miller Group

INTRODUCTION / ANNOUNCEMENTS

- Roundtable introduction of all members and guests.

SAFETY TALK

- ORBA gave a safety talk on winter climate for check all vehicle maintenance (snow tires, vehicle fluids, accelerating and braking gradually) and drive safely.

PREVIOUS MEETING NOTES

a) MTO General Conditions

- MTO and ORBA met on October 20th to discuss GC Comments
- ORBA provided action item responses on November 3rd
- MTO provided a response to November 3rd action items from ORBA on November 18th

Action Item: ORBA to review responses and provide comments by December 3rd

b) Obtention of Digital Design Files

- Highway Design Office is updating Special Provision 199S65, which defines requirements for contract documents and native format electronic files.
- This update is part of our broader strategy to modernize project delivery and prepare for future integration of 3-D models through the BIM framework.
- ORBA has provided input on how contractors use native format files, especially for GPS survey equipment as part of previous subcommittee meetings.
- ACEC-ON has raised concerns about editable files and intellectual property.
- The revised draft of SP 199S65 will be posted on the Technical Consultation Portal after we incorporate internal comments and survey results.
- MTO will continue engaging with ORBA and ACEC through the Electronic Native Formats Working Group, and we encourage nominations and active participation.
- ORBA feedback will help MTO shape a digital-first approach that benefits all stakeholders.

c) Proponent Presentation meeting added to DB Major Process

- No new updates

Action Item: Closed.

d) Construction Equipment Index Working Group

- New initiative for the idea of establishing a working group to look at potential construction equipment index
- ORBA recognizes that the OPSS 127 Rates process already includes considerations for construction equipment index

Action Item: ORBA to put members for this working group, otherwise close before next meeting.

STANDING ITEMS

OCTOBER 2022-01, CONTRACT MANAGEMENT SYSTEM (CMS) UPDATE

Description:

MTO launched its new Contract Management System live in February 2023.

Discussion:

- Manually-entering invoices – issues and ways to prevent it
- Negative Lump Sum Change Orders are now functional in CMS
- Road Report reconfiguration
- History on MLT
- MTO is scoping Change Request 4 (CR4), for new enhancements to the system.

Affected apps include:

Item	
1	Cost Sheet Improvements – enhance the SOV User Interface to better illustrate the contract financials, particularly around progress items (showing how progressed certain items are)
2	Late/Early lane openings OPA – invoice alterations
3	MLT microsurface and CIREAM mix design types
4	OPA - Steel Price Index category type (with report)
5	Construction Act Changes to Invoice to make a proper invoice Part 1 A Proper Invoice which shall contain: a) Contractor's name and address; b) Date of the Proper Invoice and the period for Work performed; c) Information identifying the Owner and Contract number for Work performed; d) A description, including quantity where appropriate, of Work performed; e) The amount payable for the Work performed and the payment terms; f) The name, title, telephone number, and mailing address of the Person to whom payment is to be sent; and g) Tender item numbers, description, unit of measurement, original tender quantity, agreed upon changes to the tender quantity, total quantity completed to date, quantity completed previous Proper Invoice, quantity completed this period, unit price, dollars this period, and total dollars to date.

6	Stored Materials (Advanced Payment of Materials)
7	Invoice functionality improvements for AD contracts.
8	Dates Integration with CDMS
9	MTO Only Sections - confidential sections from all external users in CI/CO, CP, CR, IR, CPR, Infraction Process, Engineering Performance Appraisal and Change Request (Engineering/CA)
10	Infraction Process
11	New fuel consumption OPAs for Caisson Earth, Caisson Rock, Piles (the piles is an existing rate in the GCs) work.
12	Construction Act amendments
13	Changes to NCR as per 199S66

Action Item: MTO to share survey

Action Item: ORBA to complete the survey to identify items that are not working and get member involvement

NEW ITEMS

NOVEMBER 2025-01, EXCESS SOILS

Description:

MTO is looking to address all excess soil management challenges and address any new opportunities. Feedback will be requested through a MS Form/Survey.

Discussion:

- MTO's Environmental Policy Office gave a short presentation on excess soil management.
- ORBA members concerns with the owner to provide the historical site information/reports.
- ORBA members indicated it is the best solution to recycle on the same site or even a site nearby owned by MTO.
- ORBA suggested to address risk mitigation to move excess soil to other sites owned by MTO.
- MTO has to consider liability tolerance and avoids moving to landfill as much as possible.

Action Item: MTO to provide presentation and survey/form for feedback.

[ORBA Feedback on Excess Soil Challenges](#)

NOVEMBER 2025-02, PROPOSED AMENDMENTS TO OPSS 706

Description:

MTO is sharing proposed amendments to OPSS 706 regarding traffic control.

Discussion:

- MTO has identified a lack of clarity over where traffic control costs should be included in a bid.
- The Temporary Traffic Control Signs item covers long duration traffic control staging which applies to the entire project.
- Traffic control for item work is to be included in the price for the associated item.
- Including traffic control in the price for each item ensures fair compensation for traffic control on items whose quantities have increased, without requiring burdensome administration like keeping DWRs.
- The proposed changes address the above by clarifying the intent, making requirements clear to bidders:
 - A minor change was made to the definition of Temporary Traffic Control Signs to avoid confusion over the word “supply.”
 - The title of the Item will be changed to Temporary Traffic Control Staging.
 - The work under the Item was specified to include only traffic control that persists longer than 24-hours, leaving shorter term traffic control to be paid under the associated Items.
- MTO is looking to avoid administrative burden.

**NOVEMBER 2025-03, ADMINISTERING QUALITY CONFORMANCE REQUIREMENTS
FOR DEFICIENT MATERIALS POLICY**

Description:

MTO is in final stages of finalizing a policy called Administering Quality Conformance Requirements for Deficient Materials, which relates to SSP 199S66 which went live January 2025.

Discussion:

- The purpose of the policy is to replace the, now outdated, Policy Construction Memo 2007-04 Administering Quality Control Compliance for Deficient Materials.
- The policy is to clarify the determination of deficient materials. As a result of different acceptance criteria for different materials, clarification is required for the administration of non-conformances and deviations. The intent of this process is to identify and track deficiencies, promote reviews of quality control processes and construction methods, and implement corrective actions to prevent future occurrences.
- Nothing has changed from what MTO currently does.
- MTO highlighted item 4 on this list as it might be perceived as a change but it's not new. It is to provide provincial consistency and clarify how to address combined pay factor less than one with multiple deficient attributes, and how to track those occurrences. MTO has expanded the example to show multiple attributes not meeting contract requirements and adjusted it to reflect the elimination of the bonus system.

- Item 5 has been expanded to clarify that when multiple criteria apply, only one deviation shall be assessed per non-conformance.
- Item 6 is different than the original statement in the old policy. MTO used to separate issues by tender items when it came to material deficiencies, now MTO is going to look at them together when looking at similar occurrences irrespective of tender items.
- MTO did not change any definitions included in 199S66 using the proposed policy

Action Item: Share the new policy.

NOVEMBER 2025-04, CONSTRUCTION ACT CHANGES

Description:

MTO is developing a Standard Specification to amend the General Conditions of Contract to align with the Construction Act Amendments, when they come into force. The proposed specification will only make amendments to the GCs based on the Construction Act amendments. Likewise, MTO will be updating the CAIS 100, training materials and the Prompt Payment Manual and Holdback Release Manual to align with the Act and new spec.

Discussion:

- MTO is aware of Bill 60, Fighting Delays, Building Faster Act, which is seeking further Construction Act amendments (and reversions).
- MTO presented draft specifications. Note: this is a draft only and may have changes to it after further consultation.
- From presentation: per GC 8.02.04.06.02.02 ORBA concern with 45 Days to 50 Days window, wording does not indicate holdback payment will be released if invoice sent after 50 Days. ORBA concerned with CMS system of requiring the invoice.
- MTO will still release holdback payment if receiving invoice after 50 Days. This was the math to simply meet the 74 Days.

Action Item: MTO to share Construction Act Changes Presentation.

Action Item: MTO to consider language updates per proposed discussion for GC 8.02.04.06.02.02.

NOVEMBER 2025-05, CANADIAN STRUCTURAL STEEL INCENTIVE

Description:

MTO is working on a policy to further encourage the use of Canadian-produced and fabricated steel in transportation infrastructure projects. This action is intended to increase opportunities for Canadian suppliers and fabricators, support the development of local capacity, and contribute to a more stable and reliable domestic supply chain. The policy includes direction to designers to select certain products that are available domestically in preference of others that are only available internationally and uses incentives to strongly encourage domestic supply.

Discussion:

- MTO is revising the SP 199S60 Incentive for Supply of Canadian Steel, to include more steel items including sheet piles, tube piles, H-piles, caisson piles, reinforcing steel bar, fabrication of structural steel, metal railings, high mast light poles, and structural plate corrugated steel products.
- Incentive payments will be paid per item, and the incentive % amounts will vary between 10% and 50%, depending on the steel product.
- MTO is targeting to implement by December 12.

NOVEMBER 2025-06, CONTRACTOR PERFORMANCE RATING UPDATE

Description:

MTO is implementing the new Contractor Performance Rating.

Discussion:

- Following November 2024 meeting, MTO is working on implementing the new Contractor Performance Rating presented last year that was being piloted by MTO.
- MTO provided a presentation to cover the updates to CPR since the last meeting.
- MTO is aware of the VMR review project and understand vendor performance is part of scope but still proceeding with implementation as discussed last year.

Action Item: MTO to share presentation for CPR

ROUNDTABLE

- No items from roundtable.

Information Shared for this Meeting

DOCUMENT TITLE	SHARED BY	FORMAT
Excess Soils Management Presentation	MTO	PDF
NSSP Construction Act Changes Presentation	MTO	PDF
New Contractor Performance Rating Presentation	MTO	PDF

Next Meeting

March 4, 2025. MTO to host via teams..