Past, Present, and Future
Ontario Provincial Standards for roads and public works

“The Foundation for Sustainable Infrastructure”
A standard set of specifications and drawings to ensure what is being built is safe and reliable.

**OPSS** – Ontario Provincial Standard Specifications

**OPSD** – Ontario Provincial Standard Drawings

- Based on good practices and lessons learned
- Reviewed for safety, durability, constructability
- **Specifications** – outline how the work should be done – construction, materials, measurement, basis of payment
- **Drawings** – show typical layout for various components such as dimensions, rebar, spacing, fill depths
Standardization can limit the unnecessary variety of products and components, simplifying production procedures. OPS have been in use since 1984. Evolved into excellent model of construction standards development, now characterized by consistently well built, cost-effective, safe, and dependable highways and roads in the province. Involvement and support of many other organizations representing contractors, consulting engineers, manufacturers, and their associations.
OPS is mandated to develop & maintain methods (consistent & cost effective) to construct and improve municipal and provincial roads and public works.

**OPS Objectives**

- **Develop and Improve**
  - administration - safety and environmental aspects - cost effectiveness
  - Design and construction of roads – structures – sewers - watermains - electrical services.

- **Review and Update**
  - with a goal of achieving a **five (5) year renewal cycle** to ensure
    - they meet the needs of the users and
    - are current with the technology – material – methods

- **Promote the use of OPS**
  - To achieve province wide harmonized standards
OPS Structure

Advisory Board

Specialty Committee

- Chair
- Vice Chair
- Coordinator
- Members
  - Provincial
  - Municipal Associations
  - Consultant Associations
  - Contractors Associations
Why Use OPS?

- Consistent and cost effective for owners and contractors
- Maximizes return on infrastructure investments
- Reduces contract preparation time
- Products can be sold to a broader area

- Clear and concise
- Ease of communication and interpretation
- Facilitates share of knowledge and experience
- Consistency of training across the province

- Updated regularly by practitioners and experts
- Standards have been time tested and have great track record
Why Use OPS?

• OPS online always has the latest info and archives FREE OF CHARGE!

• Uniform but still Flexible

• Consistency in bidding
Past:
- Background
- OPS Managerial Structure
- Why Use OPS?

Present:
- Documents
- Specialty Committees
- General Conditions
- Communications

Future:
- Participate
- OPS Website
- OPS Training
Specifications and Drawings

- PROV Specs (MTO)
- DWGS (MTO)
- MUNI Specs (MEA)
OPS Documents

- Vol-1 Construction
- Vol-2 Material
- Vol-3
- Vol-4 Electrical
- Vol-5 Construction
- Vol-6 Material
- Vol-7 Construction
- Vol-8 Material

COMMON
COMMON
Drawings
Drawings
PROV
PROV
MUNI
MUNI
• COMMONs to be phased out
OPS SPECIFICATION OR DRAWING REVIEW PROCESS

A review is initiated through a submission for revision or the development of a new specification or drawing to the Head, OPS Administration (Head). The submission must be in proper format.

The Head reviews the submission and decides which stream to send the request through along with instructions and comments.

PROV Specs (MTO) → Head reviews the Draft PROV and either sends the Draft back to the coordinator to work with the developer to resolve issues or if correct to be finalised.

PROV Specs (MTO) → The coordinator reviews the content and format of the submission and either works with the developer to resolve issues or if correct as is sends the Draft PROV to the Head.

Drawings & COMMON Specs (MTO & MEA) → The Draft standard to be reviewed is then distributed by the coordinator electronically to the SC members for their review prior to the meeting where the item will be discussed.

Drawings & COMMON Specs (MTO & MEA) → The SC reviews the Draft and if applicable revises the standard.

Drawings & COMMON Specs (MTO & MEA) → The Draft standard is then forwarded to the Head for review.

Drawings & COMMON Specs (MTO & MEA) → If complete the Draft standard is forwarded to the SMC for review and approval to publish is given to the Head. If incomplete, the standard is sent back to SC for additional revisions.

MUNI Specs (MEA) → Once approval is given by SMC, the Head forwards the Draft Standard to the coordinator to finalise.

MUNI Specs (MEA) → The coordinator sends finalised standard in publish ready format to the Head for publishing.

Head publishes new or revised Standard or cancels those identified as cancelled.

As PROV’s do not go to SC or SMC for review or approval, once published a copy is provided by the Head to the SC Chair and SMC for information purposes only.
OPS Watermains
an OPS Specialty Committee

• Custodian of 75 Standards
• Completely focused on “MUNI” specifications
• 9 meetings every year
• Review cycle 5 years

Membership (Reps.)

- Ontario Ministry of Transportation (1)
- Ontario Ministry of the Environment (1)
- Consulting Engineers of Ontario (1)
- Municipal Engineers Association (3)
- OSWCA (1)
- ORBA (1)
• Specialty committees publish their workplans
• Invitation for comments are advertised
• Specialty committees submits their updates to the Standards Management Committee
• OPS has Bi-annual publications of updated standards
  April & November
OPS Updates

General Conditions of Contract

1. Prompt Payment
2. Claims & Disputes
3. Other Updates
1. PROMPT PAYMENT

General Conditions
**Prompt Payment:** The prompt payment section in the construction act is comprised of a set of statutory deadlines for payments in construction projects. The Prompt Payment is based on the submission, by a contractor to an owner, of a **Proper Invoice**.

Payment request **can be** initiated after receipt of Payment Certificate  
(OPS.MUNI.100 Nov.2018)

**PAYMENT CERTIFICATE**  
Pre Oct 1, 2019  

**PROPER INVOICE**  
Post Oct 1, 2019

Payment request **is** initiated by submitting a Proper Invoice  
(OPS.MUNI.100 Nov.2019)
Prompt Payment: The prompt payment section in the construction act is comprised of a set of statutory deadlines for payments in construction projects. The Prompt Payment is based on the submission, by a contractor to an owner, of a Proper Invoice.

Pre Oct 1, 2019
- Contractor
- Owner or CA
- Payment Certificate
- Owner issues it to contractor
- Payment request is initiated after receipt of Payment Certificate
- (OPS.MUNI.100 2018)

Post Oct 1, 2019
- Proper Invoice
- Contractor issues it to owner
- Payment request is initiated upon the owner's receipt of the invoice
- Owner has 28 days to make payment
- Owner disputes payment and have 14 days to provide notice of non-payment
- (OPS.MUNI.100 2019)
**OPS.MUNI.100** requires the following for a Proper Invoice:

- ✓ Quantities of work performed
- ✓ Value of work performed
- ✓ Any advanced payments for materials
- ✓ The amount of statutory holdback, liens, owner's set-off
- ✓ The amount of any acceptable taxes
- ✓ The amount due to the contractor
- ✓ **Any info that may be prescribed in the Contract Document**
- ✓ Requirements as set out in Section-6 of the Construction Act
**Timeline**

Submission of **Proper Invoice** starts the clock for payment

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**Action**

A. Submission of Proper Invoice
   - Clock Starts *(Day 0)*

B. Payment by Owner
   - 28 Days after A

C. Contractor to pay subcontractors
   - 7 Days after B

D. Subcontractor to pay their subcontractors
   - 7 Days after C

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1 If the owner wishes to dispute invoice, they have **14 days** to provide a notice of non-payment specifying amount of “Proper Invoice” not being paid along with detailed reasons for non-payment.

2 After submission of Proper Invoice to Owner, the contractor has **7 days** to either fully pay its subcontractors or provide a notice of non-payment to the subcontractors.
• **Interest Rate:** Would be calculated base on:

  – The prejudgment interest rate determined under **subsection 127(2)** of the *Courts of Justice Act* (Ministry of Attorney General publishes the rate on quarterly basis: [https://www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.php](https://www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.php)) or;

  – if the contract or subcontract specifies a different interest rate for the purpose
2. CLAIMS & DISPUTES
General Conditions
Detailed Claim:
• Identify items in respect of which the claim arises
• State the grounds upon which the claim is made
• Include the records supporting such claim
3. OTHER UPDATES

General Conditions
• **Warranty Period**

For the purposes of determining whether Final Acceptance has occurred, the Contract Administrator shall not take into account, in determining the discharge of the Contractor’s obligations, any warranty obligation of the Contractor to the extent that the warranty extends beyond **12 months** after Substantial Performance.

• **Substantial Performance and Completion Payment**

Prior to the CA issuing Certificate of Substantial Performance or Completion Certificate, the Contractor shall submit a *Proper Invoice*. In addition to the requirement of the proper invoice, this invoice shall include:

1. Value of work performed to the date of substantial performance
2. Value of outstanding work (only for substantial performance)
3. Amount of statutory holdback
4. Amount due to contractor
• By contacting OPS with any questions or concerns (e.g. Peel Region on Watertight System >> Drainage Committee)

• By providing technical feedback on existing standards

• By notifying OPS of any *NEW* standards that could better or further assist the materials adoption and/or construction practices

• [https://www.library.mto.gov.on.ca/SydneyPLUS/TechPubs/Portal/tp/opsSplash.aspx](https://www.library.mto.gov.on.ca/SydneyPLUS/TechPubs/Portal/tp/opsSplash.aspx) >> Contact Us

• Once submitted:
  • Will be reviewed by OPS Head and shared with Watermain Committee for input Committee then reviews collectively and decides on next-steps
Come and Participate

• Join a committee:
  o Stay informed
  o Be influential
  o Sharing of information
  o PEO PEAK Hours
  o Public and private sector participation
  o Appreciation certificates

• Members represent the following associations
  MEA, MTO, OGRA, ORBA, CEO, OSWCA, ECAO, ESA, IMSA, OWWA, MECP
OPS Next Steps

• New OPS Website
  • MEA, OGRA and MTO
  • Ability to provide comments on stds.
  • AODA compliant
  • Forums
  • Subscription to OPS news and updates
By the end of this 1-day course, participants will learn how to apply OPS to:

• Improve contract preparation and management
• Build efficient and industry standard specifications
• Mitigate financial and legal risks for your Organization

More specialized OPS courses are in plans
- 90+ Committee Members
- 2 Owners and 11 Partners
- 90+ Meetings Per Year
- 9 Specialty and 2 Management Committees
- 2 Publications Per Year (April and November)
- 280+ Standard Specifications (OPSS)
- 760+ Standard Drawings (OPSD)

All add up to enhancing billions of dollars of capital infrastructure in Ontario per year.
Questions?

www.MunicipalEngineers.on.ca/Resources/Ask-An-Expert.html

Amin Mneina, MSc. EIT.
Amin.Mneina@MunicipalEngineers.on.ca