

**CONTRACT MANAGEMENT OFFICE
PROVINCIAL CONSTRUCTION MEMORANDUM**

PCM #2020-04 (May 29, 2020)

Material Sampling COVID-19 Guideline

Provincial Construction Memorandum **PCM #2020-04** directs PHM Operations staff and Contract Administration staff to use these COVID-19 outbreak guidelines when sampling from material suppliers on MTO contracts.

Implementation:

This guideline is effective immediately and applies to all PHM Operations staff and Contract Administration staff on MTO contracts. The ministry will provide further instruction once it is determined that this PCM is no longer required.

Purpose:

The purpose of this guideline is to provide a common method for MTO Operations and Contract Administration staff to sample materials from Suppliers (plants, pits and quarries, etc.) on MTO contracts during the COVID-19 outbreak.

The ongoing rehabilitation and expansion of the provincial highway network is critical to ensuring that highways, roads and associated elements, including bridges and culverts, are safe for use by the travelling public including commercial vehicles. Consequently, construction projects and services required to ensure safe and reliable operations of critical provincial transportation infrastructure were included on the List of Essential Workplaces released by the Government on March 23, 2020 and updated on April 3, 2020. The health and safety of all personnel involved on ministry projects is always imperative and during the current COVID-19 outbreak there is an increased focus to ensure appropriate responses and control measures are adopted to maintain everyone's health and safety.

It is the responsibility of the Contractor to ensure that Ministry representatives have the right to carry out sampling as provided for in section 5.02.04 of the General Conditions (GC 5.02.04 - *The Contractor shall obtain for the Contract Administrator the right to enter upon the premises of the Material manufacturer or supplier to carry out such inspection*).

During the current COVID-19 outbreak, additional protective measures may be required for sampling and inspection of materials. Any Contractor proposals for altering current processes for materials sampling in response to COVID-19 should be reviewed with consideration for administration of other contracts across the province. It is important

that sampling protocols maintain compliance with MTO contract requirements to verify materials.

The expectation is that Ministry representatives will continue to obtain and/or witness material and product sampling in accordance with the contract requirements, while following recommended COVID-19 protection practices such as physical distancing, and/or using appropriate personal protective equipment (mask, gloves etc.).

Guidelines:

All PHM Operations staff and Contract Administration staff on MTO contracts shall review and follow the guidelines below:

1. Sampling or witnessing of sampling by MTO staff or representatives shall be carried out in accordance with conventional procedures modified only as reasonably necessary to accommodate the current recommended COVID-19 protection practices and protocols.
2. Where sampling or witnessing of sampling of materials by MTO staff or representatives using physical distancing is not possible due to documented COVID-19 protection policies in place in contractor or supplier facilities or production sites, MTO shall be provided with the option to observe the sampling by alternative means and in real time.
3. Alternative means of observation can include visual oversight of the sampling process from a safe location, either present at a safe distance from the point of sampling, or from within a vehicle in proximity to the point of sampling, as long as Item 10 below is met.
4. In the event that no alternate physical means of observation can be accommodated where sampling is to take place, then MTO shall be provided with the ability to observe the sampling in real time by electronic means using videotelephony (i.e. videoconferencing or videophone systems).
5. Sampling shall be carried out by qualified personnel and shall be according to the applicable Contract Documents, CAITM, Field Guides and other related documents. It is the Contractor's responsibility to ensure that personnel carrying out sampling are thoroughly familiar with the specified test methods and best practices applicable to the sampling process as specified in the Contract Documents.
6. The Contract Administrator shall contact the Contractor or Supplier to schedule sampling and confirm sampling procedures (providing 24-48 hours advance notice is considered reasonable).
7. The videotelephony system, if required, shall be started at the agreed-upon date and time when the source material is to be sampled and not until the ministry representative has arrived at the facility to observe and collect sample(s). It must be confirmed that connectivity (e.g., audio-video signal) has been established so that the Contract Administrator or other ministry representative can observe the material

sampling in real time. *If the Contract Administrator or other MTO representatives have tried unsuccessfully to establish remote observation or a failure of remote observation occurs during sampling, sampling shall cease and shall not recommence until connectivity is reinstated, as soon as possible.*

8. All personnel to be involved in the sampling process shall provide their name and company affiliation to the Contract Administrator, and if applicable, provide confirmation of certification or training as required to carry out the sampling prior to sampling being carried out.
9. The Contract Administrator shall ensure that the sampling process to be followed is discussed with the Contractor (by telephone, or at a progress meeting) in advance so that the Contractor understands the sampling process and can ask questions or clarify the process so that compliance with contract sampling requirements can be properly managed to accommodate the needs of MTO. The Contract Administrator shall document the process of how sampling is to be witnessed and how samples are to be received and provide this to the Contractor and MTO.
10. The MTO staff and the MTO's representatives observing the sampling shall be provided with a clear and unobstructed view of the sampling location that allows them to:
 - a. Identify the sampling location in accordance with the sampling requirements of the contract;
 - b. View the sampling procedures and equipment used as it occurs;
 - c. Verify the sample location and condition of the materials being sampled; and
 - d. if applicable, view equipment display/readings and data recorded during the sampling.
11. All samples shall be obtained when the Contract Administrator or other MTO representative is in or outside the facility or site where the material is to be sampled.
12. Throughout the sampling procedure, continuous connectivity for Ministry observation with electronic means shall be maintained, so that the Ministry representative can observe the entire process, with chain of custody maintained. The Contractor is responsible to ensure this continuous connectivity and any delays associated with the lack of connectivity are those of the Contractor.
13. The Ministry will not accept samples for testing unless the contractor is able to confirm to the satisfaction of the Contract Administrator that the samples have been both properly sampled and packaged.
14. After the sample has been taken and is properly packaged by the Contractor, the MTO representative will take responsibility to retain possession of all bags and seals, and to properly apply security seals to sample bags.
15. Sample data sheets shall be placed in a plastic bag and along with the SDS labels, either placed inside the sample container or securely taped to the outside of the sample container.

16. Depending on the type of material, obtained samples can be tagged with security seals by one of the following methods:

- a. The personnel in charge of sampling may place the contained sample on the floor or ground, and physically stand back at a minimum distance of 2 meters. The MTO representative will then proceed to package and/or apply a security seal to the sample while wearing personal protective equipment (e.g. gloves).
- b. The personnel in charge of sampling may place the contained sample in a separate container or box. The sampler should exercise appropriate care in not touching the container in order to avoid contamination. The MTO representative, wearing personal protective equipment (e.g. gloves), will then place the container into the security bag and/or proceed to apply a security seal, or will tag the security seal to the container directly, in order to provide a secure seal until delivery to the laboratory.

17. All samples shall be clearly labelled by the MTO representatives according to the requirements specified in the CAITM and the Contract Documents.

18. If the CA is not allowed to observe and/or maintain chain of the sample, the CA is to immediately notify the regional Head, Quality Assurance.

MTO recognizes that the current situation is evolving, and this approach may change. The ministry will continue to follow advice and direction from the Ministry of Health and/or local health officials, as they provide ongoing information and will continue to keep you informed.

You can also visit ontario.ca/coronavirus to learn more about how the province continues to protect Ontarians from COVID-19.

We appreciate your cooperation during this time.