

IMPORTANT NEWS FOR USERS OF OPS TAKE TIME TO READ THIS NOTICE

New Initiatives for the Ontario Provincial Standards

Beginning with the April 2007 publication, the Ontario Provincial Standards for Roads and Public Works (OPS) organization will be:

- Publishing three types of Ontario Provincial Standard Specifications (OPSS)
- Changing its once a year publishing to twice a year.

These new initiatives may affect infrastructure owners' (Owner) tendering and contract documents. Below are some notes to help familiarize you with the changes taking place and changes that you may need to make when tendering a contract after April 30, 2007.

This notice will provide you with information regarding:

- The OPS Review Process
- Specifications Produced Through This Process
- Publishing of OPS Specifications
- Twice-A-Year Publishing
- Changes to Owner Tendering And Contract Documents

The Revised OPS Review Process

This initiative affects only OPS specifications. The OPS drawings in OPS Volume 3, Drawings for Roads, Barriers, Drainage, Sanitary Sewers, Watermains, and Structures, and OPS Volume 4, Drawings for Electrical Work, are not affected.

The revised OPS review process is a joint undertaking by the Municipal Engineers Association (MEA) and Ontario Ministry of Transportation (MTO), co-owners of the Ontario Provincial Standards for Roads and Public Works (OPS) organization.

The revised OPS review process now allows for the development of OPSSs by municipalities through the MEA and by MTO. See the next section of this notice, Specifications Produced Through This Process, for an explanation of the types of OPSSs.

Specifications developed by municipalities are forwarded to the MEA and MEA determines whether the specification is one that can be used by other municipalities. If they determine that the specification can be used by many municipalities in Ontario, it will be forwarded to the OPS organization for publishing as an OPSS. Similarly, MTO may develop specifications for its use and forward them to OPS for publishing as OPSSs.

Once OPS has received the specification, it will be reviewed by OPS to determine if the specification submitted by one OPS owner can be used by the other OPS owner. For example, if MTO submits a MTO specification, it will be reviewed in OPS to determine if it can be used in municipal contracts without any changes to its technical information. Similarly, a municipal specification submitted through MEA will be reviewed to determine if it can be used by MTO without any change to its technical content.

Once a determination has been made, the specification is published as an OPSS.

- If the determination for a MTO specification is that it can be used by municipalities without changing its technical information, it is published as a municipal and provincial common OPSS. This applies to municipal specifications also.

- If the determination for a MTO specification is that municipalities cannot use it without changing its technical information, it will be published as a provincial-oriented OPSS. This applies to municipal specifications also, except a municipal specification will be published as a municipal-oriented OPSS.

When a provincial-oriented OPSS is published, there may or may not be a corresponding municipal-oriented OPSS published. If there is a need for a municipal-oriented specification, either an OPSS specifically written as a municipal-oriented OPSS will be written or the existing municipal and provincial common OPSS will be republished as the municipal-oriented OPSS. See the Publishing of OPS Specifications section of this notice for more details.

Specifications Produced Through This Process

Before an Owner uses any of the following specification types in their contracts, they should become familiar with the type and understand the purpose of them. See the notes under the Changes to Owner Tendering and Contract Documents section closer to the end of this notice for more details.

Each type of OPSS is identified by the designation at the top and in the footer of its first page, by its description in the Specification Significance and Use subsection in the Scope section and by the introduction of the Reference section. Existing specifications will not be updated with this information until they have received a complete review by the responsible OPS Specialty Committee.

The three types of OPSSs will be:

- **Municipal and provincial common OPSSs**

Construction and material specifications developed for use in both provincial and municipal Contracts. The administration, testing, and payment policies, procedures, and practices reflected in this type of specification correspond to those used by many municipalities and the Ontario Ministry of Transportation (MTO) alike. This is the same type of specification that has been published by OPS since its inception.

This type of OPSS is identified by the specification designation: OPSS *nnn*, where *nnn* is the number that represents the subject matter of the specification (e.g., [OPSS] 410 is Pipe Sewers).

If there is a municipal and provincial common OPSS, there will not be a provincial-oriented OPSS or a municipal-oriented OPSS.

- **Municipal-oriented OPSSs**

Construction and material specifications developed to reflect the administration, testing, and payment policies, procedures, and practices of many municipalities in Ontario. Produced mainly for municipal contracts, they may also be used in provincial contracts, when specified in the Contract Documents.

This type of OPSS is identified by the specification designation: OPSS.MUNI *nnn*, where *nnn* is the number that represents the subject matter of the specification (e.g., [OPSS.MUNI] 410 is Pipe Sewers).

If there is a municipal-oriented OPSS, there will not be a municipal and provincial common OPSS, and there may or may not be provincial-oriented OPSS.

- **Provincial-oriented OPSSs**

Construction and material specifications developed to reflect the administration, testing, and payment policies, procedures, and practices of the Ontario Ministry of Transportation. Produced mainly for provincial contracts, municipalities may use this type of OPSS, if their contracts are set up similar to MTO.

This type of OPSS is identified by the specification designation: OPSS.PROV *nnn*, where *nnn* is the number that represents the subject matter of the specification (e.g., [OPSS.PROV] 410 is Pipe Sewers).

If there is a provincial-oriented OPSS, there will not be a municipal and provincial common OPSS, and there may or may not be municipal-oriented OPSS.

Publishing of OPS Specifications

When the type of OPSS to be published has been determined, the OPS Unit prepare the specification for publishing by adding the appropriate designation, specification significance and use description, and reference introduction to the specification.

In the case of a municipal- or provincial-oriented OPSS, the date of publication will be added to it. The publication date is the date that the OPSS was published. If an existing municipal and provincial common OPSS is being published as either a provincial- or municipal-oriented OPSS, the specification will be identified as described above, but the date of publication will remain the same as the last time the specification was published as the municipal and provincial common OPSS (e.g., when OPSS.PROV 904 was published during the April 2007 publication cycle, its publication date became April 2007. The current OPSS 904, dated January 1995, was republished during the April 2007 publication cycle, and because a new municipal-oriented OPSS had not been developed retains the January 1995 publication date until such time as it receives a complete review and is revised or a new municipal-oriented 904 is written and published.).

The Ontario Provincial Standards are published in an eight-volume format in hardcopy, CD, and online.

Municipal and provincial common specifications will continue to be published in the current binders:

- OPS Volume 1, General Specifications and Construction Specifications (renamed)
- OPS Volume 2, Material Specifications (renamed)

Provincial oriented specifications will be published in two new binders:

- OPS Volume 5, MTO General Conditions of Contract and General Specifications & Construction Specifications
- OPS Volume 6, Material Specifications

Municipal oriented specifications will be published in two new binders:

- OPS Volume 7, OPS General Conditions of Contract and General Specifications & Construction Specifications
- OPS Volume 8, Municipal-Oriented Material Specifications

The OPS drawings will continue to be published in OPS Volumes 3 and 4.

Twice-A-Year Publishing

Ontario Provincial Standards ready and approved for publishing in April or November of each year will be published at the end of that month. The April publication will be for municipal- or provincial-oriented OPSSs, time sensitive municipal and provincial common OPSSs, and to correct errors in published

standards. The November publication will contain the OPS specifications and drawings developed and revised by the OPS Specialty Committees and municipal- and provincial-oriented OPSSs.

Changes to Owner Tendering and Contract Documents

As the Ontario Provincial Standards evolve, time will be needed for everyone to become familiar with the three types of specifications and how they relate to an Owner's contract and the twice-a-year publication cycles. To make the transition smoother, municipal Owners should consider the following.

It is suggested that municipal Owners indicate clearly in their Contract Documents which type of Ontario Provincial Standards apply to their Contract, for example:

- *“Only the municipal and provincial common standards in OPS Volumes 1 to 4 and the municipal-oriented specifications in OPS Volumes 7 and 8 apply to this Contract, unless specified otherwise in the Contract Documents.”*

The once-a-year publishing of the Ontario Provincial Standards began in 1999 to avoid problems and claims that arose because some municipal Contract Documents contained statements such as, *“The most current Ontario Provincial Standards apply to this Contract.”* When Contract Documents contain this sort of statement and, a standard is revised and published part way through the term of a Contract and it contains new or changed material, construction methods, quality assurance, measurement, or payment information, there is a chance that confusion, disputes, and claims may occur when one party or the other of the Contract attempts to apply the new or old standard. This situation was mitigated with the once-a-year publication.

Now, due to the revised OPS review process and the need for publishing specifications twice-a-year, Owners are encouraged to review their Contract Documents and revise the above such statements to, *“The Ontario Provincial Standards in effect immediately prior to the call for Tenders for this Contract shall apply for the duration of the Contract,”* or some other such wording.

This initiative affects all OPS specifications and drawings used in municipal contracts. This problem does not occur in MTO contracts as the Contract Documents identify the standards that apply to the contract by standard designation and by publication date.

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