

MTO'S DESIGNATED SOURCES FOR MATERIALS

GENERAL REQUIREMENTS FOR LISTING OF VENDORS and PRODUCTS

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DSM100.01 Background

- 01) The Designated Sources for Materials (DSM) is the Ministry of Transportation (MTO's) official list of pre-qualified products and vendors for use on MTO highway construction and maintenance contracts.
- 02) The DSM is specifically for MTO use of products on MTO contracts. Other parties who use MTO's DSM do so at their own risk.
- 03) MTO has established an arrangement with the Ontario Good Roads Association (OGRA) to support "The Road Authority (TRA)", a web-based database application providing Ontario a one-window information resource on roadway products, services and technologies used throughout the province. As part of the arrangement, OGRA assists the MTO's custodial offices in maintaining its official DSM listing by managing vendor and product information including changes and revisions to the listing. In November 2005, the OGRA took on the additional responsibility of posting the DSM on TRA's website free-of-charge for the public. For an annual membership fee companies currently can register up to 10 products on TRA's website.
- 04) **In the event of a conflict between this document and the product-specific DSM acceptance criteria issued by MTO custodial offices, the product-specific DSM acceptance criteria takes precedence.**

DSM100.02 DSM Criteria for a Product Listing

- 01) The DSM does not include a listing for all product types that MTO specifies in its construction and maintenance contracts. Where no DSM listing exists, products will be

tested and/or inspected on a contract-specific basis for compliance with the requirements of the applicable standard specifications, special provisions and/or drawings in the contract.

- 02) Before a new listing is created, the Manager of the MTO custodial office shall obtain the endorsement of the Manager of the Design and Contract Standards Office. The criteria used to substantiate a new listing shall be included in a request for endorsement.
- 03) In lieu of identifying vendor names or products in standards or special provisions, MTO will create or retain specific DSM product listings based on but not necessarily limited to the following criteria when:
- i) no OPS/MTO standards exist (i.e. for new or proprietary products).
 - ii) special applications are not adequately covered by internal or external standards.
 - iii) consequences of product failure are extremely costly.
 - iv) items are large and expensive.
 - v) public safety concerns with the use of the product are significant.
 - vi) compliance with standards cannot be readily verified because testing can not be completed within a reasonable period of time or within the duration of a typical highway contract.
 - vii) testing for compliance with existing standards does not guarantee quality where it is impossible to determine "after the fact" whether the problem was "manufacturing" or "placement method" related.
 - viii) quality problems with products persist.

Note: In special cases such as trial installations of innovative products, MTO may choose to list vendor names and products in special provisions for a period of time until a decision is made about the products' suitability.

- 04) MTO will reduce the DSM listings based on the following criteria:
- i) Development of OPS or other standards for new products
 - ii) Enhancement of existing specifications as end-result and performance-based specifications.
 - iii) Assurance gained in improved product quality "performance/history" for new/innovative products.
 - iv) Improvement or increased availability of testing facilities and methods over time.
 - v) Introduction of more comprehensive warranties in MTO work
- 05) **A new or revised DSM listing containing only one vendor or one product requires the approval of the Manager of the applicable MTO custodial office and the Manager of the Design and Contract Standards Office.** The MTO custodial office may include an acceptance procedure in contracts requiring the product to attract other vendors. The acceptance procedure shall provide a reasonable opportunity for equivalent products from other vendors to be accepted for use before the applicable work in the contract is expected to be completed.

DSM100.03 TRA Product Registration Process

- 01) The product registration process is initiated by a vendor intending on registering a product in the Designated Source of Materials (DSM) and/or TRA. The process follows two parallel streams of related activities for TRA registration and/or DSM listing.
- 02) The vendor shall approach MTO to have a product listed in the DSM.

03) THE VENDOR IS DIRECTED TO REGISTER THE PRODUCT ON "**THE ROAD AUTHORITY (TRA)**" WEB-SITE.

TRA Contacts Information:

Phone: (905) 459-9200

Fax: (905) 459-4122

Home Page: <http://www.roadauthority.com/Home.asp>

- 04) Payment of a TRA annual membership fee is required and is a pre-requisite for subsequent MTO DSM listing (if pursued).
- 05) The vendor will self register the company into TRA by adding relevant company information (i.e. name, address, phone, contacts). This process must be completed before any product information can be entered.
- 06) Regarding the specific product(s) being promoted, the vendor will self register the products on TRA's website by providing the following product information using the electronic application forms provided by TRA for review when determining product classification:
- i) Dimensions
 - ii) Design Details
 - iii) Applications
 - iv) Standards & Specifications met
 - v) Lab & Field Testing Results
 - vi) Verification of successful use by others
 - vii) Approval by Other Users
- 07) Based on the above information, a recommendation is made to the OPS Product Management Committee (PMC) on product classification, for one of the following: "Accepted for Use", "Under Evaluation" or "For Information Only".
- 08) When the product is classified by the PMC, OGRA will enter the applicable classification in the Road Authority (TRA) database.
- 09) Completion of the PMC classification process is not a prerequisite for the MTO's DSM product acceptance process. MTO's DSM product acceptance process does not follow the OPS PMC classification process. A product cannot be listed on the DSM unless it is first listed on TRA's website.

DSM100.04 DSM Product Acceptance

- 01) In MTO, a parallel product evaluation exercise will occur if listing in the DSM is desired by the vendor. Following TRA registration of the product, the first step of the appropriate MTO custodial office is to see if there is a DSM listing for the specific product. If there is not, the vendor is advised. If there is, the MTO custodial office supplies the product-specific DSM acceptance criteria for the product listing to the vendor.
- 02) The DSM acceptance criteria for the product listing may include but is not limited to testing in the laboratory, evaluation of the product under field conditions, and inspection of the manufacturer's facilities.
- 03) Once the vendor has met the DSM acceptance criteria for listing, the MTO custodial office will advise the vendor that their product is acceptable for listing on the DSM and will provide the vendor with a letter outlining the conditions, if any, included with the DSM acceptance.

- 04) If accepted, MTO updates the DSM product listing on TRA's website with the appropriate DSM related information, and notifies TRA of the change in status. If the product does not meet the requirements for listing on the DSM, the MTO custodial office will notify the vendor.
- 05) No one other than designated staff members of the MTO custodial offices are permitted to add to or remove products from a DSM product listing.
- 06) The MTO does not warrant that the sources listed in DSM will produce acceptable or sufficient product for any contract. DSM listing only indicates that the listed manufacturer/distributor is capable of producing a product that meets MTO requirements or that it has demonstrated the ability to meet them in the past.
- 07) The MTO evaluates products in the context of its own needs only. MTO acceptance does not constitute a general or specific endorsement, and must not be used by the recipient of such MTO acceptance to promote sale of a product, service, or process. Any violation of this prohibition may result in the withdrawal of any approval granted.
- 08) Whether there is or is not DSM or other pre-qualified listings, vendors are encouraged to register their product at TRA as the one-window source of information for roadway product use in Ontario, for the benefit of other road authorities.

DSM100.05 Continued DSM Product Acceptance

- 01) The general conditions for continued DSM product acceptance are:
 - i) The vendor shall maintain registration with TRA.
 - ii) The product, when used on the provincial highway system or municipal networks, may be, at the MTO's sole discretion, subjected to random evaluation or field-testing in addition to any testing required by the relevant material or construction specification. Product quality deemed unacceptable may trigger a product review and leading to either a warning notice to the distributor/manufacturer, or product de-listing.
 - iii) Vendors shall immediately inform TRA and the appropriate MTO custodial office, in writing, if there is a change to one or more of the following:
 - a) Vendor's ownership or Vendor's solvency;
 - b) Vendor's management or product representative listed on TRA's website;
 - c) Location of production facility (including facilities providing ingredients for the product);
 - d) Production process (including equipment);
 - e) Name of the product
 - f) Ingredient(s) used in the product or how they are handled;
 - g) Suppliers of ingredients used in the product;
 - h) Vendor's Quality Control plan;
 - i) Standards and specifications directly applying to the product (i.e. those which could lead to changes in performance);
 - j) Normally acceptable variation of test results for any attribute that is used for product acceptance;
 - k) Certification or registration status with an accredited certification body or bodies for the product or related processes/facilities, as required by standards.
- 02) In addition to the general conditions for continued DSM product acceptance, product-specific requirements are available from the applicable MTO custodial office.

- 03) MTO custodial offices will review DSM listing content unchanged for 3 to 5 years to confirm or update the content.

DSM100.06 Removal from the DSM

01) Removal from the DSM listing by the MTO custodial office shall be based on:

- i) Product not performing to MTO expectations;
- ii) Product no longer meets current specifications and standards;
- iii) Excessive maintenance costs during the product's life;
- iv) Product durability below expectation (relative to other products in the same category);
- v) Producer cannot consistently produce a product of acceptable quality;
- vi) Producer engages in illegal or unethical business practices;
- vii) Failure of vendor to inform appropriate MTO custodial office of one or more changes listed in paragraph 01) of DSM100.05 "Continued DSM Product Acceptance";
- viii) Change in MTO business needs (i.e. the entire product category is removed).
- ix) The product has not been supplied to the MTO from a particular source for a period exceeding five (5) years, or less when so stipulated for a specific product.
- xi) Vendor or producer's use of MTO's acceptance to promote the sale of a product, service, or process.

02) When MTO initiates the removal as in 01) above, the MTO custodial office will notify the vendor in writing, with copy to TRA, of the removal of a product from the DSM listing. Note: OPS PMC may also review product classification based on notice of removal from DSM.

03) Products may be removed from the DSM listings if the supplier does not maintain their registration with TRA in good standing. In the case of lapsed TRA registration, depending on the circumstances, TRA Contact Staff will give the vendor a reasonable amount of time to renew the annual membership before taking one of the following actions:

- i) Removing the vendor's address and all vendor contact information from view on TRA's website for all applicable DSM and non-DSM product listings,
- ii) Requesting MTO to completely remove the vendor's products and all vendor information from all applicable DSM listings. MTO may decide that complete removal is not in the MTO's best interests and that action i) above is sufficient until such time as complete removal becomes feasible.

04) When TRA initiates the removal of information as in 03) above, TRA Contact Staff will notify the MTO and the vendor.

DSM100.07 Reinstatement to the DSM

01) To be re-instated to the DSM, a vendor must follow TRA Product Registration Process and the MTO Process for initial DSM Product Acceptance. When evaluating the product for reinstatement, the MTO may, at its sole discretion, use product acceptance criteria that are different than the criteria used when the product was first accepted.

02) The MTO may, at its sole discretion, waive any of the acceptance criteria when:

- i) removal from the DSM was because the product had not been supplied to the MTO for a period exceeding five (5) years, or less when so stipulated for a specific product, or
- ii) removal from the DSM was solely due to lapsed TRA membership and the vendor has renewed the membership.

03) All testing costs associated with reinstatement, calculated using standard industry rates at the time of occurrence, will be borne by the vendor.

DSM 100.08 DSM Updates and MTO Contractual Implications

- 01) DSM updates are performed by the MTO's Design and Contract Standards Office on a regular, bi-monthly basis. The Design and Contract Standards Office reviews and verifies changes to all DSM listings made by authorised MTO staff and then publishes the changes directly to TRA. Files are also posted in the MTO's Contract Preparation System (CPS) for internal use.
- 02) DSM listings can be accessed through TRA's web site or through the MTO Library website by a direct link to TRA's website.
- 03) When a DSM listing exists for a given product type, the MTO General Conditions of Contract state that the product must be on the DSM listing at the time of supply to the MTO construction contract.
- 04) The MTO General Conditions of Contract cover the contractual procedures that apply when a product is added to, or removed from, a DSM listing during the term of a construction contract.

MTO Contacts:

Queries or requests for additional information about the DSM should be directed to one of the following:

Standards Engineer
Design and Contract Standards Office
Ministry of Transportation
Ph: (905) 704-2483
Fax (905) 704-2051

Design Applications Analyst
Design and Contract Standards Office
Ministry of Transportation
Ph. (905) 704-2289
Fax (905) 704-2051