

Report to CPARB Regarding 2021 Re-authorization
with
Proposed Work Plan and Timeline for CPARB Input and Comment

Issue

As provided by RCW 43.131.407, the alternative public works contracting procedures under chapter [39.10](#) RCW (the “Statute”) shall be terminated June 30, 2021.

While RCW 39.10.490 allows the Statute to remain in effect for alternative public works contracts signed before July 1, 2021, unless the Statute is re-authorized, no new alternative public works contracts may be entered on or after July 1, 2021.

Purpose of Report

This report is provided in two parts. The first part provides a high- level summary of the last re-authorization process and timeline. The purpose of the first part is to give Board members a sense of the work that went into the last re-authorization. The second part is a high-level proposed work plan and timeline provided for Board review and input. Additional fleshing out of the work plan and timeline will require committee and Board member input and assistance.

High-Level Summary of CPARB’s 2013 Re-authorization Work

The current Statute was re-authorized during the 2013 Legislative Session. Below is a summary of the efforts to get to re-authorization.

1. CPARB 2013 Committee Work

- a. December 2011 - CPARB appointed a Re-authorization Committee in late 2011 (the “Committee”) that met for the first time in December 2011.
- b. The Committee had 20 members with representation that largely paralleled and duplicated stakeholder representation on CPARB. The Committee also included several members with lobbying experience. Approximately half the Committee members were also CPARB members.
- c. The Committee held open meetings and there was regular participation from non-voting stakeholders who also provided input. The Committee

also established several topic focused subcommittees/work groups to report to the Committee.

- d. The Committee met frequently between April 2012 and November 2012. Each month was focused on addressing specific portions of the Statute as follows: (i) subcontracting, (ii) GCCM, (iii) CPARB, (iv) Design Build, (v) alternative public works, (vi) JOC, and (vii) data collection requirements. The schedule of topics to be addressed was adopted by the Committee in December 2011. This gave time for stakeholders to come to the meetings prepared with their issues and proposals.
- e. The topic-focused meetings were structured around written proposals from stakeholders, committee members, and participants. The meetings were focused on discussions of written proposals rather than general discussion and discussion was limited to the specified topic.
- f. A matrix was developed and used to track comments and proposed changes to the Statute.
- g. Time was built into the Committee schedule for statute drafting and clean-up beginning in October 2012.
- h. In December 2012 CPARB approved the draft bill re-authorizing the Statute.

2. CPARB Work

Concurrent with the 2013 Committee work, the CPARB Chair and Vice-Chair worked to obtain joint Senate and House sponsors for the re-authorization bill. Following CPARB approval, CPARB members and stakeholder groups worked with their individual connections and lobbyists to support and advance the re-authorization bill.

3. JLARC Review process

By June 2012, the Joint Legislative Audit and Review Committee (“JLARC”) staff began preparing a Sunset Review Report. The purpose of JLARC’s report was to provide independent review and evaluation of the use of alternative public works procedures and to make recommendations to the Legislature regarding re-authorization of the statute.

July 2012, CPARB provided information to JLARC about how the Statute and CPARB met performance measures from prior re-authorization.

The public owner chair worked with DES to provide JLARC with CPARB’s factual input and technical review. The chair was responsible for providing a written response to the final audit report.

Re-authorization Committee High-Level Proposed Timeline

2019

February

CPARB to appoint re-authorization committee members and provide committee goal/purpose at the February 14, 2019 meeting.

April

Committee holds first meeting with following agenda: elect chair/vice chair or co-chairs; meeting schedule; review 2013 JLARC report and CPARB reports to JLARC and make any recommendations to the Board about areas to address before next JLARC review.

May

Committee to report to CPARB on results of first meeting, receive Board input regarding topic areas to be addressed by committee.

By May 31

Committee meets to identify issues in statute for review and formulate plan and schedule for stakeholder meetings.

September

Committee begins meetings on topic areas.

October

Committee report to CPARB at September meeting to include following: plan for stakeholder meetings and schedule; CPARB to provide input.

**October –
December**

Committee meetings to address topic areas and draft bill.

2020

January - August

Continue Committee meetings to address topic areas and draft bill.

September

Committee present draft bill to CPARB for input.

**October -
November**

committee collects and incorporates CPARB input, addresses issues in preliminary JLARC report as needed, does additional outreach and clean-up.

December

CPARB approval of bill

High Level JLARC Review Timeline

[Note: this schedule is dictated by JLARC and is provided for information]

2019

December JLARC begins review and report preparation.

2020

January JLARC begins review and report preparation.

July / August CPARB Chair provides technical review of confidential JLARC draft.

Mid-September JLARC staff present preliminary report to JLARC.

November CPARB chair provides formal response, which is incorporated into final report.

December CPARB proposed final report presented to JLARC.

Questions for CPARB input:

1. Question: Should CPARB incorporate re-authorization related tasks in other committee goals, for example the data collection committee's goals?
2. Recommendation: CPARB should appoint members to the committee at the February meeting, allowing time for people to assess the time commitment and do outreach to respective stakeholder groups. CPARB should use a nomination process at the February meeting, and people should be allowed to self-nominate. CPARB members should be on the committee, but the committee members need to carefully consider the time commitment.
3. Recommendation and Request for Input: the committee should include at least one representative from each voting stakeholder group listed below. CPARB should consider additional expertise and knowledge that would be helpful for the committee, provide additional categories, and determine target size of the committee.

DES	OMWBE
General Contractors	Cities
School Districts	Insurance/Surety
Specialty Contractors	Public Hospital District
Higher Ed	Sound Transit
Construction Trades Labor	Small Business
Counties	Women and Minority Owned Business
Architects	
Ports	
Engineers	