

# CAPITAL PROJECTS ADVISORY REVIEW BOARD

Via Zoom

## ***SPECIAL Meeting Minutes***

*June 9, 2021*

### **MEMBERS PRESENT**

Rebecca Keith (*Chair*)  
Andrew Thompson (*Vice Chair*)  
Garett Buckingham  
Bill Dobyms  
Bill Frare  
Matthew Hepner  
Santosh Kuruvilla  
Karen Mooseker  
Ahmad Qayoumi  
Irene Reyes  
John Salinas II  
Walter Schacht  
Mike Shinn  
Robynne Thaxton  
Lisa van der Lugt  
Olivia Yang  
Janice Zahn

### **REPRESENTING**

Cities  
General Contractors  
Public Hospital Districts  
General Contractors  
State Government  
Construction Trades Labor  
Engineers  
School Districts  
Counties  
Private Industry  
Specialty Contractors  
Architects  
Specialty Contractors  
Private Industry  
OMWBE  
Higher Education  
Ports

### **MEMBERS ABSENT**

B. Piilani Benz  
Senator Bob Hasegawa  
Linneth Riley Hall  
Rep. Mike Steele  
Rep. Steve Tharinger  
Senator Judy Warnick  
*Vacant*  
*Vacant*

### **REPRESENTING**

Insurance/Surety Industry  
Senate (D)  
Transportation  
House (R)  
House (D)  
Senate (R)  
Const. Trades Labor  
Disadvantaged Businesses

***Staff & Guests are listed on the last page***

### **WELCOME & BOARD MEMBER INTRODUCTIONS**

*Chair Rebecca Keith called the special Capital Projects Advisory Review Board (CPARB) meeting via Zoom to order at 9:01 a.m.*

A meeting quorum was attained.  
Board members provided self-introduction.

### **SPECIAL MEETING PURPOSE - *Elect New Board Leadership***

Chair Keith reviewed the meeting format. The purpose of the meeting is to consider election of new Board leadership. All new recently appointed members were invited to participate to ensure a meeting quorum. The Washington State Transit Association has advised of the selection of Linneth Riley Hall with Sound Transit to represent Transportation on the Board. Ms. Riley Hall was unable to participate in the meeting.

Chair Keith reminded members that the discussion and action would be limited to the election of officers. She reviewed the election process and the opportunity for questions and public comments. Co-chairs of the Board Development Committee plan to provide an overview on the state of nominations followed by each candidate speaking to their interest in serving as an officer. Nominations will be accepted from the floor followed by elections.

Chair Keith advised that her term as the Cities representative expires on June 30, 2021. Until a new appointment is approved, the incumbent has typically continued to serve. The Association of Washington Cities (AWC) is scheduled to meet and discuss potential candidates. Several candidates are interested in serving on the Board. Based on discussions with the Governor's Office, it is likely an appointment would not occur until July. She plans to complete work on formatting the Board's recommendation on the Public Works Study and resign effective June 30, 2021 as Chair while continuing to serve as the Cities representative until AWC recommends a replacement. Election of a new Chair would enable work to continue through the summer to prepare for the September meeting, welcome new members, and continue Board efforts moving forward. The bylaws require the Vice Chair to ascend to the Chair if the incumbent resigns. However, based on the expiration of Vice Chair Thompson's term Chair Keith recommended the Board transition to new leadership by electing both officer positions. At the last CPARB meeting in May, the Board discussed the recommendation and agreed to proceed with a special meeting to elect new leadership. It also appears that initially, the Governor's Office conveyed some concerns and wanted to ensure recent appointments to the Board were invited to attend

the special meeting and counted as part of the quorum, which has occurred; however, she is unsure as to whether the Governor's Office continues to have any other ongoing concerns.

Chair Keith invited comments and questions.

Bill Frare shared that he engaged in a number of conversations with representatives from the Governor's Office. Based on those discussions, the Governor's Office would prefer the Board delay elections until all vacant positions are filled. Mr. Frare said he shared information with members from the Governor's Office on the need to maintain continuity in leadership and to continue meeting preparations over the summer for the first meeting in the fall and how it would be detrimental to the Board's work if it lacked leadership. Although members of the Governor's Office acknowledged the Board's needs, their preference was to delay elections while acknowledging that as an independent body, the Board has the option of electing leadership based on procedures the Board outlined for the special meeting.

Vice Chair Thompson acknowledged the appointment and attendance of Ahmad Qayoumi to his first meeting.

Chair Keith thanked Mr. Frare for sharing information from the Governor's Office. She cited the vacant positions of Construction Trades Labor and Disadvantaged Businesses. During her discussion with representatives from the Boards & Commissions Office, they indicated the timing of any future appointments would not occur until mid- to late-July. The Board has the option of scheduling another special meeting to conduct elections or deferring elections until the September meeting. While her intent is to maintain a good relationship with the Governor's Office, she does not fully understand the reasons for the concerns.

Walter Schacht referred to the importance of continuing Board leadership. Several positions are nearing the end of their respective terms and although the Governor's Boards & Commissions Office has the authority to appoint Board members on behalf of the Governor, the office and the Governor typically seek input from the Board by forwarding applications to DES to share with the Chair and Vice Chair. The Board would be unable to support that process without elected leadership. The Board has received self-nominations from one candidate for Chair and one candidate for Vice Chair and he does not anticipate that situation changing should the Board elect to defer elections to either July or September. It is also unlikely a newly seated member would consider self-nomination for a leadership position as it would be difficult for a new member to assume a leadership role. As Co-chair of the Board Development Committee, both he and Mr. Frare are committed to conducting a new member onboarding process that might not be possible as it requires close coordination with the Chair and Vice Chair. It is in the Board's best interest to select a Chair and Vice Chair at that time.

Lisa van der Lugt encouraged the Board to move forward with the purpose of the special meeting. The Governor's Office reached out to her late last week on the process for candidates. The Boards & Commissions Office understands the role of the Board and the process in place. The office is much more interested in assisting in completing appropriate appointments. She recommended against discussing whether the Board should or should not pursue elections as the Board already agreed to a special meeting. She encouraged members to move forward.

Chair Keith reported on a recent email communication from the Washington State Building and Construction Trades Council on its efforts to recruit a member for representation on the Board.

Chair Keith invited the Co-chairs of the Board Development Committee to provide an update on the last meeting to discuss the election of Chair and Vice Chair. The Board asked the committee to meet and provide advice on the election process.

Mr. Schacht reported the Co-chairs developed some initial bullet points to consider as potential issues for candidates to respond to in their letter of interest. The committee added and clarified some of the potential issues and developed three categories of qualifications for leadership. Both candidates responded to the committee's outline.

Chair Keith said the committee's discussion was robust with many individuals participating. Members received a copy of the letter forwarded to the Chair from the Board Development Committee.

With no further questions from the Board, Chair Keith invited the candidates to speak to their respective candidacy.

Bill Dobyms reported he has been a general contractor for public works for nearly 30 years. Earlier in his career, he believed there was a better method for delivering public works contracts other than the typical Design-Bid-Build method, a very contentious process with attorneys often having a larger role in contracting. His project experience spanned the Western United States and he was able to view firsthand how different agencies delivered contracts. Upon his arrival to Washington in 1997, his company was one of the first pioneers participating in alternative delivery. Since then, he has become aware of how alternative delivery is a much better way to deliver public works contracts because it is more beneficial to contractors, owners, and designers. Washington is a leader in changes within the industry and is on the cutting edge of completing better public contracting. Other states continue to refer to Washington in terms of how the state continues to improve its process and how other states can model their processes to follow Washington's success. It is important for CPARB to have strong leadership, continue to evolve the processes within the state to improve and increase efficiencies, and defend practices created to avoid increasing cumbersome and bureaucratic methods while ensuring appropriate checks, balances, and controls. He is passionate about delivering public contracts a better way and it speaks to why he became involved in CPARB and the Project Review Committee to ensure contracting in Washington is the best method. He believes in contributing because he and his family have benefitted from alternative delivery contracting by providing a good living for his family and a good environment for delivering good projects. It is important for him personally to give back. As a hands-on contractor, he believes in the importance of strong leadership. He has managed operations in most of his projects and is aware of the day-to-day business of contracting and how it affects businesses. It is important for the Board to have that representative viewpoint, as well as all other viewpoints represented on the Board. Those reasons speak to his decision to be considered for Vice Chair because he is passionate about the work, the delivery methods, and wants to continue his involvement at a meaningful level.

Chair Keith invited questions and comments.

Mr. Kuruvilla spoke to his appreciation of Mr. Dobyms' willingness to be considered for the position and for his comments. As a representative for Engineers, engineers have historically treasured the relationship with owners. With the onset of alternative delivery, some project outcomes are good while some outcomes are poor. During his conversations with colleagues up and down the West Coast, some like alternative delivery and some do not. One case in point is the number of Washington State Department of Transportation (WSDOT) projects ending in lawsuits. Although many projects apply alternative delivery methods correctly in vertical projects, his request is considering the tension between designers and builders that often results in collateral damage to small businesses more than to the larger design and architectural firms. He asked Mr. Dobyms to consider RCW 39.10 and what he intends to accomplish in a leadership role as Vice Chair.

Mr. Dobyms replied that a substantial challenge facing the entire industry is the lack of inclusion for disadvantaged businesses as it speaks to a different meaning and perspective than it did ten years ago. It has always been challenging for the construction industry to address inclusion. He hopes to bring discovery in ways to improve how disadvantaged businesses are included while still ensuring processes are efficient and less cumbersome to ensure taxpayer dollars are expended wisely rather than on bureaucratic processes that do not deliver better projects. The issue is challenging and most would agree RCW 39.10, especially for GC/CM, has not been very successful improving inclusion. It is not an effort materializing in results overnight but requires much work and input from many in the industry. He offers the Board his experience in delivering contracts as a contractor and representing that aspect for making improvements. Previously, many efforts tended to glaze over the issues without really addressing ways to improve the process. He is hopeful he can bring that perspective by being part of meaningful change.

Ms. van der Lugt thanked Mr. Dobyms for applying for the position as it likely was not an easy decision because of the time commitment. She listened closely to his comments and his passion around the work, but there was no comments offered specific to equity and MWBEs. She asked how his comments pertaining to a passion to deliver contracts more effectively speaks to equity and ensuring MWBEs have access.

Mr. Dobyms said it plays a big role because it does not mean the same thing as it did 10 years ago. It has changed both in contracting and in society in general because it has a different meaning and more people have become aware of the

importance and the need for change. Within his company, leadership and employees participated in a review of the issue and questioned the company's efforts to increase diversity, equity, and inclusion. No one in the company was happy with the answer. As a result, the company implemented some changes culturally and through processes to elevate the importance it deserves, which is also reflective of recent changes to RCW 39.10 by the Board. It is no longer possible to gloss over the issue of diversity, equity, and inclusion. Changes are necessary that are effective and occur now rather than later. It is difficult to summarize the changes as the issues are difficult. However, collectively, the Board can provide the answer while providing different perspectives from each member's experience and the constituents they represent to make meaningful change while protecting what the Board has created. He believes the state has the best alternative delivery system in the country and the Board needs to defend it.

Irene Reyes said she appreciates Mr. Doby's interest for the Vice Chair position. She recalled some of the values stated by him, which is important to the Board in terms of serving the community. As a small business owner, she seeks both local and federal contracts and also served as a developer in the construction of her company's building. As an owner, she was conscious of the ability to achieve goals with contractors and subcontracting. She questioned whether his position with Lydig Construction enables him to move the company toward more contracting with small minority businesses. She recalled her outreach to Lydig Construction several years ago to sell safety supplies and how she encountered resistance by the company. She questioned how he plans to articulate to small businesses that have encountered similar experiences with other large corporations that the industry is changing and smaller and minority-owned businesses will have opportunities to compete in this new environment.

Mr. Doby's shared how Lydig Construction examined its practices, was not happy with the results, and embarked on efforts to change processes. Those efforts included hiring several consultants to review company processes and its culture. The consultants assisted the company in implementing meaningful and significant changes in the way the company transacts business. The outcome will be gradual because of the difficulty in making major cultural changes in an organization. Most general contractors likely experience similar experiences, which is likely reflective of Ms. Reyes' experience as well as other small companies. His role representing general contractors provides real-time experience of what occurs as contracts are developed in conjunction with processes that impact owners, designers, subcontractors, and suppliers. The rules and regulations developed by the Board and adopted as legislation affect everyone.

Aleanna Kondelis requested information as to the applicant's involvement and experience in other committees, board, or advisory committees.

Mr. Doby's responded that he was a member of the Eastside Rebuild Together Board, as well as serving on several industry publication editor boards. He volunteered in his children's activities involving sports, church, and school organizations and served in several board positions within those organizations. As a golfer, he serves on the board at the golf club and serves as the President of the Men's Club. His CPARB committee experience was serving as a member of the Project Review Committee (PRC), CPARB Subcontractor Bid Listing Statute Committee, and he also actively participated in Reauthorization Committee meetings.

Ms. Kondelis asked whether his participation in Design-Build and GC/CM public works projects included serving as the project manager, senior project manager, or principal in charge.

Mr. Doby's advised of his involvement at all levels to include project manager and project executive. As a shareholder of Lydig Construction, he was involved at every project level. He served as the project executive on a Design-Build project for a correctional center, which at the time was the largest Design-Build project in the State of Washington. After completion of the project, he participated in several speaking engagements with the executive of the Department of Corrections on how the Design-Build project was completed successfully. That experience was a turning point for him personally in terms of the merits of alternative delivery.

Vice Chair Thompson remarked that during a recent meeting to discuss the statutory framework of RCW 39.10 and potential inclusion of some thematic language to incorporate values inherent to fairness for small and minority-owned businesses, some consternation by some participants was evident because it speaks to an industry with a clear framework legally but with different cultures and mindsets. While not everyone may be on board, as leaders representing the Board,

it may be possible to affect rapid changes and it speaks to the importance of Board leadership to work and move the Board in the right direction.

Chair Keith invited Janice Zahn to speak to her interest for serving as Chair.

Ms. Zahn conveyed appreciation for having the opportunity to be considered for the Chair position. She has been a bridge builder her entire life and has a heart for service. Her career has spanned manufacturing with Weyerhaeuser and as a structural designer for many years. During a project at the airport, she observed the benefits of collaboration between the construction teams and after more than half of her 33-year career, she focused on alternative delivery projects during her employment with the Port of Seattle. Her participation with the Board began as a proxy member sharing a position representing counties, ports, and cities. Over the years, she has served on nearly a dozen CPARB committees including the PRC. It is important to give back to the community and within her different roles she has learned the importance of bringing different voices together in all aspects of a project. Her role at the Port also includes oversight of Project Labor Agreements and priority hire and Apprenticeship Utilization. She acknowledged the importance of contractors and labor working together to advance projects and promoting inclusion within projects. The Port of Seattle has a proud history of its work in diversity in contracting and ensuring pipelines and access to opportunities were created. It is important to recognize that as stewards of public money how an inclusive economy must include all voices of small and diverse contractors. She believes that part of the Chair's role is to spend extra time with new members to ensure all new and existing members have an equal voice and are understood. If elected, she pledged to work together with members and engage in tough and respectful conversations while recognizing that sometimes in spite of best efforts, the Board may experience some challenges. It is important for the Board to develop, grow, and advance issues that can be modeled for the industry during a time of change while recognizing that it is not necessarily only about the small and WMBE firms as a liability and challenge, but it is about the billions of dollars of construction moving forward that will require efforts by all companies to include small and disadvantaged businesses, contractors, and labor. She believes that with alternative public works, much more so than with Design-Bid-Build, it is an opportunity to work in partnership to meet the goals and become better stewards of the public's money.

*Chair Keith acknowledged Karen Mooseker's arrival to the meeting.*

Ms. Reyes thanked Ms. Zahn for her interest in serving as the Chair. She asked Ms. Zahn to identify three things of most importance if elected, as well as why.

Ms. Zahn replied that the first is ensuring Board meetings are as inclusive as possible. The second is moving meetings to other locations. The continuation of zoom meetings might provide an opportunity to host meetings in other locations other than Olympia. It is important for the Board to consider the time expended by members to attend meetings. The Board represents the entire state while its work and presence tends to be Western Washington centric. It is important to ensure voices that have not been heard are engaged in ways that are the most meaningful. Finally, at times there has been some "stickiness" in terms of reauthorization efforts and working with the Legislature to ensure against unforeseen amendments to the RCWs that often requires a rapid response by the Board. The process might lend itself to improvements to ensure the Board serves as the best advisory to the Legislature.

Ms. Reyes acknowledged Ms. Zahn's extensive participation on all CPARB committees as well as other external committees.

Vice Chair Thompson referred to comments about a more direct line with the Governor's Office and the "stickiness" with the Legislature and no surprises. He asked Ms. Zahn how she plans to navigate those issues with a board that serves as an advisory board to the Legislature. The Governor's Office has stepped in recently in ways that he perceives has influenced the Board's outcome and some belief by some members that the energy and collaboration during meetings can be influenced greatly by the Executive Office. He asked Ms. Zahn how she plans to remain true as a Chair as a representative of the Board while meeting everyone's expectations.

Ms. Zahn admitted that she cannot share what she has not encountered and that part of her efforts as Chair would be to seek an understanding of nuances and recognizing the need to discover the best way to collaborate and communicate to

the best extent possible. The issue appears to be an ever-elusive goal the Board strives to achieve. Often, efforts can resemble threading a needle very carefully through all the different voices and interests, which is similar to the Board's process as members represent many different voices with different ideas and thoughts. If the Board can coalesce into some shared values of advancing alternative public works in a way that is best for the State of Washington, then perhaps it is possible for the Board to find a way to glean from the Governor's Office some areas of concern enabling the Board to respond while recognizing legislative activities often require flexibility by the Board to anticipate and respond to issues that might involve either the Legislature or the Governor's Office.

Chair Keith called for nominations for Chair.

*Walter Schacht nominated Janice Zahn to serve as Chair. Santosh Kuruvilla seconded the nomination.*

Following a request for additional nominations three times, Chair Keith closed nominations for Chair.

***By a unanimous voice vote, Janice Zahn was elected to serve as Chair of CPARB.***

Chair Keith congratulated Ms. Zahn on her election and thanked her for her willingness to serve as Chair.

Chair Keith opened nominations for Vice Chair.

*Robynne Thaxton nominated Bill Dobyms to serve as Vice Chair. Matthew Hepner seconded the nomination.*

Following a request for additional nominations three times, Chair Keith closed nominations for Vice Chair.

***By a unanimous voice vote, Bill Dobyms was elected to serve as Vice Chair of CPARB.***

Chair Keith thanked Mr. Dobyms for his willingness to serve. She and Vice Chair Thompson will follow-up with the new appointees to provide support. She added that it has been an honor and privilege to serve as Chair. She thanked Mr. Thompson for his support and to Mr. Schacht for his support provided as Past Chair. She thanked members for their support and acknowledged Ms. Thaxton for her service as Co-chair of the Reauthorization Committee.

#### **ADJOURNMENT**

***With there being no further business, Chair Keith adjourned the meeting at 10:02 a.m.***

#### ***Staff & Guests***

Talia Baker, Department of Enterprise Services

Nancy Deakins, Department of Enterprise Services

Steve Goldblatt, Resolve Disputes

Valerie Gow, Puget Sound Meeting Services

Janet Jensen, Department of Enterprise Services

Kelci Karl-Robinson, Washington State Legislature

Aleanna Kondelis, Akana

Michael Transue, MCA

Jerry Vanderwood, AGC

Melissa Van Gorkom, Washington State Legislature Staff