

**CAPITAL PROJECTS ADVISORY REVIEW BOARD**

SeaTac Airport Conference Center  
17801 International Boulevard, Room 6012M  
Seattle, WA 98158

**Hybrid Meeting Minutes – MFA DRAFT**

**May 11, 2022**

<b>Members Present</b>	<b>Representing</b>	<b>Members Absent</b>	<b>Representing</b>
Janice Zahn (Chair)	Ports	Senator Bob Hasegawa	Senate (D)
Bill Dobyns (Vice Chair)	General Contractors	Rep. Mike Steele	House (R)
Corey Fedie	Public Hospital Districts	Rep. Steve Tharinger	House (D)
Lekha Fernandes	OMWBE	Senator Judy Warnick	Senate (R)
Bobbie Forch, Jr.	Disadvantaged Bus.		
Bruce Hayashi	Architects		
Janet Jansen	State Government		
Santosh Kuruvilla	Engineers		
Keith Michel	General Contractors		
Karen Mooseker	School Districts		
Mark Nakagawara	Cities		
Irene Reyes	Private Industry		
Mark Riker	Const. Trades Labor		
Linneth Riley Hall <i>(Eza Agoes Proxy)</i>	Transportation		
John Salinas II	Specialty Contractors		
Mike Shinn	Specialty Contractors		
Kara Skinner	Ins./Surety Industry		
Josh Swanson	Construction Trades Labor	<i>Vacant</i>	Counties
Robynne Thaxton	Private		
Olivia Yang	Higher Education		

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

**CALL TO ORDER & ROLL CALL FOR QUORUM**

*Chair Janice Zahn called the Capital Projects Advisory Review Board (CPARB) virtual meeting to order at 9:12am. A roll call of members established a meeting quorum.*

**WELCOME BOARD MEMBERS & INTRODUCTIONS**

Chair Zahn welcomed members to the hybrid meeting.

**APPROVE AGENDA – Action**

***Janet Jansen moved, seconded by Mike Shinn to approve the agenda. A voice vote approved the motion unanimously.***

**APPROVE 4/13/2023 MEETING MINUTES – Action**

Talia Baker explained that Maul Foster & Alongi (MFA) was brought on to take minutes during CPARB meetings, and so both Puget Sound Meeting Service and MFA provided a draft set of minutes for the April 13, 2023, meeting. MFA was asked to provide a summary style of notes and Olivia Yang voiced a preference for summary style notes since the meetings are recorded. Chair Zahn noted that a benefit of having summary style notes is that they are produced more quickly. Santosh Kuruvilla inquired into whether the recordings are easy to access, and Ms. Baker shared that she is unable to post them on the website, however, she can provide them to anyone upon request. Irene Reyes shared that summary style notes are fine as long as the recordings can be provided if the public ever has any questions. Vice Chair Bill Dobyns noted that CPARB meetings are open to the public and people can always attend live, and Ms. Reyes reiterated that recordings are important for the sake of transparency.

Keith Michel shared that reading through a detailed set of meeting minutes is more helpful than trying to review a video recording of the meeting. Vice Chair Dobyns asked whether an action was needed to approve both sets today and

confirmed with Ms. Baker that the two sets of notes were consistent and not in conflict with each other. Chair Zahn shared that it would be good to approve both sets, reflecting that members would like to maintain the thoroughness of the minutes, have a backup notetaker, and as well as make the recordings more readily available online. As long as CPARB's operating budget allows for both MFA and Puget Sound Meeting Service to continue supporting with minutes, members are in support of having both sets of minutes.

*Irene Reyes moved, seconded by Janet Jansen, to approve both sets of meeting minutes. A voice vote approved the motion unanimously.*

#### **INVITATION FOR PUBLIC COMMENTS – Information**

Vice Chair Dobyms invited public comments.

There were no public comments.

#### **CHAIR REPORT – Information**

Chair Zahn shared that over the last month her focus has been on preparing for CPARB's hybrid meeting and attending several subcommittee meetings. She has also kept a close watch on the SB 5268 and ensured that members were present for the bill's signing. Chair Zahn expressed gratitude to members for keeping their shared commitments and working together to put forth a successful bill.

#### **BOARD ENGAGEMENT – Information**

##### **Board Member Opening Thoughts/Shared Commitments**

Chair Zahn opened the floor to Vice Chair Dobyms and other members to share their opening thoughts. Vice Chair Dobyms expressed that efficiency is a shared value of CPARB, and being able to work efficiently in these meetings is how this group can lead by example. Members shared their appreciation for being able to see each other in person and are motivated to work together today. A few members admitted they felt frazzled getting used to the hybrid setting, especially considering the amount of work there is to do. Members also thanked Vice Chair Dobyms for his service.

#### **LEGISLATION SESSION CONCLUSIONS – Information/Discussion**

Nancy Deakins thanked Ms. Baker for actively updating the weekly legislative reports and walked through last week's report, highlighting bills of interest. HB 5268, HB 1050, and SHB 1621 all passed and were signed this week. SB 5088 was a cleanup bill that added references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statues. Section 1 in SB 5088 changed the mandatory responsibility criteria with references to the licenses that need to be verified at the owner and general contractor level. CPARB maintains guidelines for responsibility criteria, which now need to be updated. Ms. Deakins asked whether this item for discussion would fit best in New Business. Chair Zahn agreed, noting that any bills that were introduced in 2023 are still alive for 2024, so reviewing which bills to track and be proactive on prior to the 2024 legislative session would be a good topic for New Business. Chair Zahn thanked Ms. Reyes, Bill Frare, and Dawn Egbert for attending the bill signing. She highlighted that including the FAQ section in the bill made it successful, with no line item vetoes before the Governor signed the bill.

#### **VICE CHAIR ELECTIONS – Action**

Chair Zahn shared that there was a letter of interest for the Vice Chair position from Keith Michel. Before inviting Mr. Michel to speak, she opened the floor for further nominations or self-nominations. None were given.

Mr. Michel shared that he has enjoyed being engaged in CPARB and the committees and feels proud to be a part of the important work this group does for Washington. He recognized that it will be challenging to fill this role, but he is motivated to learn and serve. Chair Zahn added that Mr. Michel has already stepped up to fill the role of Vice Chair in a previous meeting and expressed gratitude for his efforts to step up. Mr. Kuruvilla shared that he is in support of Mr. Michel being elected to the role of Vice Chair, noting that he has worked with Mr. Michel on two committees and has witnessed his engagement and insight.

*Irene Reyes moved, seconded by Olivia Yang, to appoint Keith Michel to the role of Vice Chair. A roll call vote unanimously approved the motion.*

### **PRC APPOINTMENTS (12 POSITIONS) – Action**

Chair Zahn asked Ms. Baker to provide an overview of the open PRC positions as well as any applicants who were not able to attend today and requested that those appointments be deferred until the September meeting. Ms. Baker shared that 12 positions will expire at the end of June 2023, noting that the two applicants for Owner - Higher Education were unavailable today and requested the Board defer these positions until September. Additionally, one applicant for the WMBE position requested to be considered under the Design Industry - Architect position. Ms. Baker walked through the full list of applicants for the open positions. Chair Zahn outlined the appointment process, which includes inviting the applicant to give brief remarks, holding a Q&A and comment period for the Board, and then a vote to appoint.

Chair Zahn also asked Ms. Yang for her insight on deferring the appointment for the Higher Education position. Ms. Yang shared there are two candidates for the open position, one from Washington State University and one from the Renton School District. Ms. Yang noted that they are looking for owners who provide guidance and advice to help projects be successful, and so the Higher Education seat does not necessarily need to be someone in higher education. Ms. Yang noted that deferring this appointment was ok, as both applicants were experiencing issues with being able to attend today's meeting. Chair Zahn and Ms. Yang agreed that an item for the Board Development Committee to further discuss is the makeup of the PRC, especially as it pertains to the number of seats for Higher Education and School Districts.

### **Architects (1 Position)**

Chair Zahn opened the discussion for the Architect seat. Becky Barnhart is the current incumbent and Tony Udeagbala has applied for both the Architect and the WMBE seats, giving the Board two applicants to vote on. Ms. Yang asked to clarify the number of open seats for Architect, and Ms. Baker shared there is one position available to fill. Chair Zahn clarified that for the WMBE positions, there are two seats open and three applicants.

Chair Zahn invited Ms. Barnhart to speak to her application.

Ms. Barnhart shared that she has enjoyed her opportunity to work with the PRC and hold productive conversations around the process and how to continually improve and make it more accessible. She reflected that she has learned a lot and worked hard to be an active participant in the meetings and would love to continue in that role. There were no questions or comments from the Board.

Chair Zahn invited Mr. Udeagbala to speak to his application.

Mr. Udeagbala shared that he has been at O'Bunco Engineering for a while and has extensive experience working with Sound Transit. He shared that he is glad to be in Washington and is motivated to get involved with PRC and the important work they do for construction.

Ms. Reyes asked whether Mr. Udeagbala was involved in projects in Washington prior relocating to the state. Mr. Udeagbala shared that he started working on Sound Transit projects at O'Bunco Engineering prior to relocating, which included transit stations he designed. A member of the public came to give his support for Mr. Udeagbala's application, sharing that Mr. Udeagbala has been instrumental to the success of O'Bunco Engineering.

Eza Agoes asked Mr. Udeagbala to elaborate on his understanding of different contract delivery methods and how they could impact outcomes. Mr. Udeagbala shared that when the project is taken into consideration, identifying the most effective, efficient way to deliver the project is key, and there are several factors which should be weighed. He noted that JOC allows the project to move forward, and that is built on time and quantities and how that can be brought together to work for the community as well as the project. Design-Build involves exploring project budgets, how that is managed, and how it delivers a good quality project for the community. Using GC/CM, the construction manager represents the interests of the owner.

Ms. Yang shared appreciation for Mr. Udeagbala's experience and sought clarification on the DBE requirements for PRC panels, to which Ms. Baker noted that one DBE is required. Ms. Yang asked that Mr. Udeagbala focus on the DBE position based upon his qualifications.

Ms. Baker provided an overview of the current practice for appointing new PRC members, which includes selecting nominations for the seat, taking a roll call vote on the candidates, and then the candidate with the most votes will be appointed. Bruce Hayashi emphasized the importance that the Architect seat is filled by someone actively practicing as an architect, noting that the roles and responsibilities of an architect on a Design-Build and GC/CM project are significant and that experience is important to bring to the PRC. Mr. Udeagbala shared that he is a registered architect in Ohio and Washington and has worked in this industry for over 35 years and has managed and delivered projects with budgets of \$14 million.

Ms. Deakins reminded the Board that for PRC membership, the Board appoints members by a majority vote, and there is also a final vote to appoint the candidate with the most votes. In addition, the Bylaws specify that members of the PRC should be knowledgeable in the use of Design-Build and GC/CM contracting procedures, however it does not specify experience.

*Robynne Thaxton nominated Becky Barnhart to serve on the PRC representing Architects. Santosh Kuruvilla seconded the nomination.*

*No other nominations were offered.*

***Santosh Kuruvilla moved, seconded by Kara Skinner, to appoint Becky Barnhart to the PRC position representing Architects. A voice vote unanimously approved the motion.***

Chair Zahn congratulated Ms. Barnhart on her appointment to the PRC on behalf of the Board.

### **Construction Manager (3 Positions)**

Ms. Baker shared there are three positions for Construction Manager expiring in June and four applicants. Chair Zahn invited Jeff Jurgensen to speak to his application.

Mr. Jurgensen shared that he currently serves as Chair of the PRC, noting that he has served one full term and gained an extra year as the Chair. He shared that many improvements have been made to PRC this year, including eliminating introduction of members' companies and asking members to review applications in advance and send questions to the panel's chairperson. Mr. Jurgensen's goal for the next three-year term is to continue working with Kyle Twohig to improve the committee's function as well help with recruitment. He noted that he knows two people who perform a lot of alternative delivery, and he is working to get them involved with PRC committees, which will help with the candidate pool for PRC positions.

Chair Zahn invited David Beaudine to speak to his application.

Mr. Beaudine shared that he is currently on the PRC and had served a term in the past as well. He is currently the Vice President of Turner & Townsend Heery and has been working with this company and in the public sector for over 20 years. While he is currently based in Spokane, Mr. Beaudine oversees operations on both sides of the state. He shared that he has a passion for alternative delivery and has had the opportunity to be a part of over three dozen alternative delivery projects, including Design-Build and GC/CM. He expressed his excitement to continue to support the growth of these delivery methods.

Chair Zahn invited Jim Dugan to speak to his application.

Mr. Dugan shared that he currently serves on the PRC and is finishing his seventh year. He has also been a past Chair and Vice Chair. His motivation for applying relates to the increased volume and complexity of project applications. Mr.

Dugan has a desire to bring his extensive experience and knowledge in alternative delivery to a mentoring and training role in order to help clients and the PRC be successful.

Chair Zahn invited Gina Hortillosa to speak to her application,

Ms. Hortillosa reported that she is a project manager with KBA and a licensed professional engineer in Washington State and California. She has 27 years of public works industry experience, including 18 years with government agencies. Most recently she has been involved in a progressive Design-Build project for M Street, a King County Wastewater Treatment Division project, as part of the owner-advisory team. Ms. Hortillosa has broad experience in different alternative delivery methods, including JOC as well as Design-Build earlier in her career in the private sector.

Mark Nakagawara noted that there are many nuances in RCW 39.10 that require awareness and an ability to navigate that complexity. Members discussed the issue of term length and having multiple seats expire at once, and Robynne Thaxton shared that the Board Development Committee is working through some of these issues and will provide a recommendation to the Board for approval at the next meeting.

Ms. Reyes asked what the learning curve is for filling this position, given that one of the four candidates is not currently serving on the PRC. Mr. Jurgensen shared that the learning process is ongoing, and one of their priorities for the year has been focusing on getting the mentorship program established to provide more support and training for new members. Another priority is to develop a formalized training program for panel chairs. While there are a lot of written rules in the RCW, there are also a lot of unwritten applications for how it is implemented. Mr. Beaudine added that it often takes several meetings to engrain yourself into the PRC, learning how to provide accurate feedback, guide questioning, and ultimately be part of a cohesive team.

Members discussed the nomination and voting process for the three positions, and Chair Zahn asked for nominations for the positions.

*Lekha Fernandes nominated Gina Hortillosa and Jeff Jurgensen to serve on the PRC representing General Contractors. Mike Shinn nominated Jim Dugan to serve on the PRC representing General Contractors. Bruce Hayashi nominated David Beaudine to serve on the PRC representing General Contractors.*

*A roll call vote was held for present members to name the three candidates they would like to appoint: 12-Jeff Jurgensen; 12-Gina Hortillosa; 11- Jim Duggan; 10-David Beaudine; 2-abstentions. The top three candidates each received a majority vote.*

***Janet Jansen moved, seconded by Irene Reyes, to appoint Jeff Jurgensen, Gina Hortillosa, and Jim Dugan to the PRC representing General Contractors. A voice vote unanimously approved the motion.***

### **Specialty Subcontractors (2 Positions)**

Ms. Baker shared there are two positions for Construction Manager expiring in June and four applicants. Chair Zahn invited Kurt Boyd to speak to his application.

Mr. Boyd reported that as a diverse committee member, his passion is to mentor and advocate for the state's RCW 39.10 procurement process. As the construction industry and project requirements have become more challenging and complex, he believes his experience will maintain continuity within the committee. Mr. Boyd shared that he has been in the construction industry for over 40 years and has been actively involved in Design-Build, GC/CM, CM/GC, EC/CM, and Design-Assist procurement. In his senior leadership role with Valley Electric Co. he leads the teams in Design-Build and EC/CM procurement. He has extensive experience on CPARB committees and PRC, and recently chaired the PRC's Onboarding and Mentoring Development Committee. He is a Practitioner Industry Partner-Specialty through DBIA, a Board Member of the AGC Board of Trustees, and a teaching assistant in the University of Washington Construction Management Graduate Program.

Chair Zahn invited Chris Thomas to speak to his application. Mr. Thomas was not present in the meeting. Chair Zahn invited Mike Pellitteri to speak to his application.

Mr. Pellitteri reported that he is just completing his first term on the PRC representing Specialty Subcontractors. He became interested in joining the PRC after originally being a part of CPARB's Reauthorization Committee. Mr. Pellitteri is the former president of National Utilities Contractor Association, a current member of the AGC Association, and a veteran of the US Military. He offers a unique perspective as a specialty contractor that is not doing EC/CM or MC/CM. Mr. Pellitteri is passionate about improving public works contracting and is dedicated to serving on the PRC.

Chair Zahn invited Lance Thomas to speak to his application.

Mr. Thomas shared that he has been in the industry for over 30 years and has been involved in multiple public projects. He brings a unique perspective having worked primarily in the Design-Build and Design-Bid-Build process and transitioning into GC/CM projects and MC/CM delivery methods, which he believes brings a more inclusive process for the taxpayer. Mr. Thomas shared that he would bring smaller businesses and other DBI efforts into the GC/CM and Design-Build process.

Chair Zahn invited the Board to make comments and asked for nominations for the positions.

John Salinas shared that he has known Mr. Pellitteri for over a decade and that he is a good subcontractor, and from a legislative and association standpoint he has advocated for subcontractors. Mr. Salinas shared that he backs Mr. Pellitteri's nomination and hopes he continues to serve on the PRC.

*John Salinas nominated Mike Pellitteri to serve on the PRC representing Specialty Contractors.*

*Lekha Fernandes nominated Lance Thomas to serve on the PRC representing Specialty Contractors.*

*Robynne Thaxton nominated Kurt Boyd to serve on the PRC representing Specialty Contractors.*

*Olivia Yang nominated Chris Thomas to serve on the PRC representing Specialty Contractors.*

*A roll call vote was held for present members to name the two candidates they would like to appoint: 14-Lance Thomas; 10-Mike Pellitteri; 8- Kurt Boyd; 2-Chris Thomas; 1-abstention.*

Candidates need to receive a majority vote, and with Lance Thomas being the only candidate to receive the majority vote, Chair Zahn inquired about how to proceed with appointing the second candidate. It was determined that a voice vote can be done to appoint the second candidate.

***Olivia Yang moved, seconded by Bill Dobyms to appoint Lance Thomas to the PRC representing Specialty Contractors. A voice vote unanimously approved the motion.***

***A roll call vote of present members approved the appointment of Mike Pellitteri to the PRC representing Specialty Contractors: 11-Mike Pellitteri; 6- Kurt Boyd.***

### **Design Industry Engineers (2 Positions)**

Ms. Baker noted there are two positions for Design Industry Engineers expiring in June and two applicants. Chair Zahn invited Karl Kolb to speak to his application.

Mr. Kolb shared that he has been a practicing consulting engineer for 31 years. He is completing his first term on the PRC and has learned a lot throughout his time, understanding the nuances of RCW 39.10 and how it can be best applied and used in the best interest of the taxpayers. He looks forward to continuing his work for another term on the PRC.

Chair Zahn invited Ron Paananen to speak to his application.

Mr. Paananen reported that he has 32 years of experience in the public sector and has been in the consulting industry for the last 12 years. He has been involved in Design-Build, some GC/CM, as well as Progressive Design-Build. Mr. Paananen shared excitement about being considered for this position and noted he can learn a lot from Mr. Kolb as he knows there will be a learning curve to serving on the PRC.

Chair Zahn asked for nominations for the positions.

***Santosh Kuruvilla moved, seconded by Lekha Fernandes, to appoint both Karl Kolb and Ron Paananen to the PRC representing Design Industry Engineers. A voice unanimously approved the motion.***

#### **Owner – State (1 Position)**

Chair Zahn invited Jeff Gonzalez to speak to his application.

Mr. Gonzalez shared that he is completing his first term on the PRC, has been representing owners for the last 17 years, and has been employed with DES since 2015. As a member of the PRC, he is able to see both sides of the RCW as well as the practical application of managing projects. Mr. Gonzalez is involved in work on both the west and east side of the state and would like to continue in his role on the PRC.

***Lekha Fernandes moved, seconded by Irene Reyes, to appoint Jeff Gonzalez to the PRC representing Owner – State. A voice vote unanimously approved the motion.***

#### **WMBE (2 Positions)**

Chair Zahn noted there are two open positions for WMBE and three applications. She invited Ato Apiafi to speak to his application.

Mr. Apiafi shared that he is an architect and Managing Principal of Ato Apiafi Architects. He noted that a lot of work still needs to be done for WMBE firms to get their projects in the public arena and has done his part to bring WMBE to the forefront, especially for large agencies that come before the PRC. Mr. Apiafi noted his work to support candidates who come before the PRC to get approval and educate them as it relates to WMBE.

Chair Zahn invited Catina Patton to speak to her applications.

Ms. Patton reported that she is an owner of a general contracting company as well as a consulting company. She currently works on the SR 509 / SR 167 with Atkinson Construction as their administrator for their DBE inclusion plan and is also working with Northshore School District on their DBE inclusion plan. Ms. Patton noted the primary focus for her career is working with WMBE and DBE businesses to help them be more successful and have more opportunities with public works and federal and government contracting. She shared that she has construction experience but has shifted her focus to consulting as it aligns with her passion.

Chair Zahn noted the Board has heard from the third candidate, Mr. Udeagbala, and in the interest of time opened it up to the Board for comments, questions, and nominations.

***Lekha Fernandes nominated Tony Udeagbala to serve on the PRC representing WMBE.***

Mr. Kuruvilla commented that all three candidates are strong, but that new and fresh perspectives help CPARB and the PRC continuously improve.

***Santosh Kuruvilla nominated Tony Udeagbala and Catina Patton to serve on the PRC representing WMBE.***

Eza Agoes asked Ms. Patton to clarify her understanding and knowledge of alternative delivery methods. Ms. Patton shared that she has experience in Design-Build through her work on the central terminal for the light rail link in Tukwila, as well through her work on the SR 509 project. In Design-Build, the contractors, subcontractors, and owners work

together to build for that project and stay within budget. She noted that she only has about five years of experience in alternative delivery methods. This limited knowledge is part of her motivation to apply—so she can learn more and help other WMBEs and DBEs be more successful.

Ms. Thaxton noted that Mr. Apiafi has been a strong representative on the PRC for the past several years, with respect to WMBE businesses. She shared that when going in front of the PRC, Mr. Apiafi asks tough questions and expects detailed answers on what the plans are regarding inclusion.

*Robynne Thaxton nominated Ato Apiafi to serve on the PRC representing WMBE.*

Ms. Reyes commented that extensive experience is not needed in this position, but rather knowledge. She noted that as a founder of a nonprofit and being engaged in the community, what is needed is someone who is engaged and focused on WMBE and DBE businesses. Josh Swanson seconded the nomination for Ms. Patton, noting that she comes from a union company, which is important background for the position, especially as it pertains to understanding how unions and minority businesses co-function within this space.

Bobby Forch seconded the nomination for Mr. Apiafi, noting that he is engaged with and has a strong voice for the WMBE and DBE community. Mike Shinn added that when people come before the PRC, applicants have already decided what kind of alternative delivery method they will carry out. This means that experience in Design-Build is not necessary, but rather practical experience of the process and knowledge of the RCW. Ms. Reyes agreed that there is a fine line with experience and knowledge and instead the focus should be on engagement.

Ms. Fernandez shared that she is excited to see three highly qualified candidates for this position and believes that each candidate would represent the WMBE well. She also requested that the role call vote be reversed for this next vote.

Mr. Michel asked Ms. Patton whether she expects to spend the majority of her time in the next five years in her consulting or general contracting business. Ms. Patton answered that she plans to work in the consulting business because working with WMBE and DBE businesses is her passion.

Ms. Reyes asked Mr. Udeagbala and Mr. Apiafi which WMBE organizations they are a part of. Mr. Udeagbala shared that he is the current treasurer of NAAMAC and a member of WMBE and Mr. Apiafi shared he is a member of Tabor 100 and has been Vice President of NAAMAC.

*A roll call vote was held for present members to name the two candidates they would like to appoint: 15-Catina Patton; 14-Tony Udeagbala; 5-Ato Apiafi.*

***Lekha Fernandes moved, seconded by Santosh Kuruvilla, to appoint Catina Patton and Tony Udeagbala to the PRC representing WMBE. A voice vote unanimously approved the motion.***

*Chair Zahn recessed the meeting at 12:09 p.m. for lunch.*

*Chair Zahn reconvened the meeting at 12:36 p.m. A meeting quorum was confirmed.*

## **COMMITTEE & WORKGROUP REPORTS**

### **Board Development Committee– Information/Action**

Co-Chair Thaxton provided a report from the Board Development’s May 2 meeting, noting that the Board positions and expectations document has been finalized, which includes expected hours for each role. The mentorship guidelines have been finalized and, with many new members joining in September, current members are encouraged to be mentors. One of the expectations of being on CPARB is that all members participate in a committee or as a mentor. The Vice Chair of CPARB oversees the mentorship program and recruiting new mentors. It was noted that the number of mentees is currently unclear, however mentors will be needed for each person.



One of the issues the Board Development Committee will discuss is how to stagger terms for each position on PRC, in order to ensure there are only a certain number of new positions open each time. Currently membership is at two-thirds private industry and one-third public industry and the goal is to ensure there is a balance within the Committee. The PRC should reflect the same percentage as CPARB and it currently does not. The Board Development Committee is also looking to do conflict of interest training.

Co-Chair Fernandes encouraged members to join a committee or serve as a mentor if they were not already, as it is critical for members to be active and engaged. Co-Chair Thaxton noted she will no longer be on CPARB but will remain involved with the Board Development Committee.

Co-Chair Thaxton noted the process for getting new members brought into a committee was more of an informal discussion rather than a formal process so as to not overwhelm them. The focus should first be on getting the mentor process in motion. Ms. Reyes inquired into the process for inviting other board members to become mentors and whether those hours are available. The job descriptions for CPARB members and mentors/mentees will be on the CPARB website on the resources page along with the Bylaws.

### **Education Connections Committee – Information**

The Education Connections Committee did not meet last month; however, their next meeting will take place the last week of May. In meetings past, the committee has had discussion about putting available trainings on the website.

Chair Zahn noted the committee has not yet established co-chairs and noted the importance of doing so. Ms. Yang confirmed the committee is not ready to appoint chairs due to several members not being able to attend the meetings. However, now that SB 5268 has been signed and the FAQ has been distributed, Ms. Yang asked that the CPARB work with an education committee to hold a webinar about the small works roster. Chair Zahn requested to table that conversation until the discussion around the Small Works Committee.

### **GC/CM Committee – Information**

Chair Nick Datz noted the GC/CM Committee spent their last meeting in March to go over the last two chapters regarding total contract cost. The final chapter to address is the procurement chapter and they are approaching being able to finalize the final document.

Chair Zahn noted there have been conversations around the formatting and editability of the document, clarifying that the Design-Build training materials are in a format that is only available to view with Adobe InDesign. The document should be able to be edited and updated without requiring a certain software that not everyone has access to. Chair Datz agreed there is a need to determine the preferred file format so that it is both accessible to the public and editable by the Board as updates are made.

Mr. Kuruvilla suggested the file format should be transitioned to a PDF. Chair Zahn noted that the Board is forward looking and would like to ensure that legacy documents are easily editable and viewable. Ms. Fernandes asked that when creating this document, to consider those with varying accessibility needs. The GC/CM document may be a good test case to ensure that CPARB documents are accessible and inclusive. Chair Zahn asked if people understand the software to work with Ms. Baker to get it converted to a PDF. Mr. Kuruvilla offered to provide resources to help with that.

Ms. Yang inquired into the trainings for GC/CM and Design-Build best practices training, noting the GC/CM training is more instruction based and the Design-Build is more of a panel discussion. Chair Zahn agreed, however there are nuances in GC/CM and the instructions can blend that practical knowledge.

Chair Datz inquired into whether DES has guidelines for accessibility requirements for documents. Ms. Baker confirmed they do, and Chait Datz indicated he would work with Mr. Kuruvilla to work on accessibility.

### **JOC Evaluation Committee**

Co-Chair Linda Shilley reminded everyone that CPARB adopted and published the JOC best practices guidelines documents back in November 2021. Since then, the committee has conducted four separate workshops. These workshops were developed in a PowerPoint format with the intention of it being a training tool. Since CPARB last met, Co-Chair Shilley and Co-Chair Quinn Dolan conducted a workshop for Pierce Transit staff. In April, three of the committee members went to the AGC Educational Foundation building in Seattle to conduct a training for anyone interested. While the participation was not what was expected, there was a lot of interest in the training.

### **Subcontractor Bid Listing Policy Evaluation Committee – Information**

Vice Chair Dobyns noted the committee was unable to meet quorum and as a result did not hold a meeting. Chair Zahn asked if there was anything that could be done to reach quorum, noting it is a larger committee with 12 members. One solution would be to ask members if they would like to not be on the committee. Ms. Baker noted that quorum is based on the total number of voting positions, and there are a few open positions, making it difficult to reach quorum. Chair Zahn volunteered for the Ports seat to be removed and Mr. Kuruvilla suggested removing WSDOT as well.

Mr. Michel inquired about what the current path of this committee is and whether it is needed or not. Vice Chair Dobyns noted there has not been representation from the groups that expressed concern. The committee's task is to hear the concerns and decide whether they need to modify their recommendations. Mr. Michel noted that the listing of subcontractors was expanded a few years ago, which adds complexity and process to the procurement method, but it has been successful. It may not be valuable to continue to expand that list, and of the interested parties who would like to weigh in on the conversation, it appears to not relate to their role in the industry.

Ms. Yang shared that the committee was first created to address how many subcontractors were listed. She noted there is an issue with bid shopping and in some instances, there is an exploitation of firms, which is part of the reason this committee has not been sunset.

Ms. Fernandes noted that she has been providing nominations for the OMWBE seat on these committees and would like Sharon Harvey to represent OMWBE on this committee, clarifying that there is a vacancy.

Mr. Swanson agreed with the notion that it is a bid listing issue rather than a bid shopping. According to the Department of Commerce, there are no bid shopping violations, because once someone is cited for a violation, they will have difficulty in getting another job. This occurs in all of the crafts, with mechanical crafts being one of the four crafts that have the opportunity to ensure that a bid listing is legitimate. The other industries, especially in the highway arena, do not have this ability. It was reiterated that this is a bid shopping item.

Chair Zahn reiterated the issue with bid shopping and commoditizing and expressed a need for this committee to address it. Ms. Yang noted if the committee included "bid shopping" in its name, it would more accurately describe the issue, however if bid listing continues to resurface as a solution, then the issue is not addressed with bid shopping. Chair Zahn agreed that bid listing has a confusing message and inquired into whether it is a bid process or policy evaluation.

Ms. Reyes noted the committee must be succinct with how it is listed and that changes in the wording may help to reflect the core of the issue. This committee was created at the request of the legislature to review the bid listing law, and Chair Zahn noted that these are two separate but related issues and asked whether this committee can be retooled to focus on the issue of bid shopping.

Mr. Kuruvilla suggested sunseting the committee because it has completed its task of reviewing the bid listing law and asked to create a new committee. Chair Zahn noted a need to listen to voices of the Board and suggested to sunset the Subcontractor Bid Listing Policy Evaluation Committee and create a new committee to address bid shopping.

***Lekha Fernandes moved, seconded by Irene Reyes to sunset the Subcontractor Bid Listing Policy Evaluation Committee.***

Mr. Jurgensen offered an amendment to the motion to sunset the Subcontractor Bid Listing Policy Evaluation Committee and create a new committee to address bid shopping.

***Lekha Fernandes accepted the amendment and moved, seconded by Irene Reyes to sunset the Subcontractor Bid Listing Policy Evaluation Committee and create a new committee. A voice vote approved the motion unanimously.***

Ms. Yang added that both the committee recently created, and the project feedback process workgroup have a common theme of handling complaints and should be framed as the “process improvement department.”

#### **BE/DBI Committee – Information**

Co-Chair Yang explained this committee was reconstituted after the Legislative Drafting Committee was put on hiatus. This committee will now focus on discussing issues and may transition back into the Legislative Drafting Committee to implement legislation based upon these discussions. Co-Chair Yang shared her intentions to step down as Chair and asked Ms. Baker to invite members of the Legislative Drafting Committee and BE/DBI Committee for a meeting, during which time they will establish a new Co-Chair.

#### **SHB 1621 Review Committee – Information/Action**

This committee has only met one time and has not yet established a Chair nor a complete member list. Chair Zahn noted there is a fixed timeline to complete the review and provide any recommendations to the legislature by December 31, 2023. Ms. Yang explained that the bill focuses on a specific group of owners, and they should be included in the committee. It is important to ensure that this committee has the right members who can be efficient and meet the timeline of providing a recommendation that is voted on by the Board by the end of the year.

Ms. Yang noted it would be helpful to limit the scope to just those owners and Chair Zahn asked Ms. Yang to bring additional owners together from special purpose districts. Bringing those voices to the table would ensure a thoughtful recommendation.

Mr. Michel noted they had a meeting but did not reach a quorum and the takeaway was that more recruitment was needed to contribute to providing feedback on the bill. Chair Zahn inquired about whether there was a specific area of the Board that should be reached out to, to be included in this committee, and Mr. Swanson offered support on the committee.

Work with specialty subcontractors is an area of participation that would be beneficial, and Mr. Michel noted he would continue his recruitment efforts. Chair Zahn asked whether they are able to list specialty subcontractors without including a name. Ms. Deakins noted additional roles that should be recruited include public utility districts, fire districts, and water sewer district.

#### **Small Works Committee & SB 5268 implementation plan/status/road show – Information**

Co-Chair Frare reviewed the language on the website as well as the purpose of the committee, noting the task is complete but the work is not. He proposed to the Board that the committee continues its work through the implementation of the bill in order to monitor the work being done by multiple agencies and to ensure collaboration.

The first item of work needing to be addressed is establishing a state-wide roster, which will help with responding to inquiries in a timely manner. They are currently putting together a roster advisory team, who will provide direction to MRSC. This team will need to finish their criteria development by mid-September of this year to develop the new program and have it implemented by July 1, 2024. The next item to consider is rulemaking, which is a lengthy public process, and Co-Chair Frare noted a need for coordination to ensure clarity in what is being done.

Co-Chair Frare shared that OWMBE is doing their small business certification program, and he had the opportunity to meet with OMWBE. He noted that one of the responsibilities of DES is developing contract templates and putting them on the website, a task that is not anticipated to begin until they are at the end of their rulemaking, so they have the opportunity receive public feedback. The final item is to develop best practices for public agencies when implementing this bill.

Co-Chair Frare suggested modifying the mission of the committee from writing legislative language to implementation of the small works legislation. Co-Chair Reyes noted that she encouraged Co-Chair Frare to act as a spokesperson for the bill and receive any feedback.

Chair Zahn acknowledged the hard work done by the committee in drafting a bill that ultimately passed. She inquired whether there was a slide deck the Board can use when speaking with their own constituents about the bill. Co-Chair Frare said he will share with the Board the slide deck that he has been using for presentations.

Ms. Yang noted it is important to not lose sight of the other parts of the bill, including the state certification for small business as well as the provision added to the intent. They have been using that as questions in the RFQ/RFP for the Design-Build process. It would be beneficial to make those components of the bill known and Ms. Yang suggested Ms. Fernandes join the roadshow to explain the state certification and address the access to training and capital issues.

Chair Zahn suggested working with the PRC to update the applications so that owners are reminded of this provision and include how they are incorporating it in the RFP.

Ms. Fernandes extended an invitation for the Board to attend the Small Works Committee where they will discuss the implementation of the small business certification program.

Chair Zahn noted a need to align one road show, not lose sight of other elements, and consider what it takes to work in partnership so that the statewide roster works for each agency. The goal is to have shared resources so that contractors do not have to go through many different portals in order to access jobs. DES is moving forward with using the statewide roster instead of their own.

Ms. Yang suggested regarding the road show it would be beneficial to connect with Dan Morris at the AGC Education Foundation as it tends to draw a wide audience. Ms. Yang also suggested taking the road show to the PRC and explaining the BE/DBI portion of bill so that all PRC members are aware of what questions to ask.

Ms. Jansen noted that ACG trainings are often costly, and suggested recording the presentation so that it may be shared easily with the opportunity to ask questions at some point.

*Chair Zahn recessed the meeting at 2:05 p.m. for a break.*

*Chair Zahn reconvened the meeting at 2:16 p.m. A meeting quorum was confirmed.*

### **Project Feedback Process Workgroup – Information**

Ms. Fernandes shared that the committee discussed the process and scope of CPARB and the PRC. The question was raised about whether they should be holding people accountable to be following the RCW, and where does that accountability lie. The question was also raised around if things are falling out of scope, is CPARB educating and informing rather than punishing. The focus may lie in establishing a good set up and system for those not meeting RCW requirements, so that members know how to proceed.

Ms. Yang expressed similar feedback as Ms. Fernandes, noting a need for a good process to be set up and when something goes wrong, ensuring that there is proper feedback and processes. Ms. Yang suggested creating a process that may be equated to a dispute process, while ensuring that CPARB does not hold the role of policing activity.

Mr. Shinn shared his own experience as a specialty subcontractor, noting many issues have arisen between owners and subcontractors. Chair Zahn shared agreement that there is a desire to decrease the number of problematic owners or contractors, however the focus is on considering the role of this workgroup, CPARB, and the PRC in this process.

Mr. Kuruvilla inquired whether this workgroup has an opportunity to take the feedback and suggestions and put recommendations into play. Chair Zahn reflected on the work that is being done by the committees and workgroups, all of

which work towards a goal of creating a repository of resources and ensuring that best practices are in place. This was the primary reason this workgroup was set up, to ensure that a feedback loop was created. The Board has already discussed what is within the purview of PRC, if there are issues, what action is taken. This workgroup is still working through its scope and missions.

Mr. Kuruvilla reiterated the question regarding continuing to hold discussions without action and inquired what the group's next steps may be. Chair Zahn expressed hope that this workgroup would home in on the deliverable or mission of the group and return to the Board to provide suggestions for efforts needed in certain areas. The focus should be on what problems they are trying to fix and recommendations to address them.

Mr. Kuruvilla shared that normally when committees are formed, there is more of a purpose and mission, however with this committee, it was formed with members who were tasked with determining their purpose. Chair Zahn noted the goal is for the workgroup to determine what problem are they trying to fix.

Ms. Reyes shared that RCW 39.10 prescribes what CPARB is able to do, and it contains language that needs clarification. There needs to be clarification regarding the Board's process when receiving complaints. Ms. Reyes suggested obtaining an opinion from the AG or DES to clarify what is needed and prescribe what has been discussed. Chair Zahn agreed and reiterated that this is the reason this workgroup exists, so they can determine what issues are they encountering and potential solutions.

Ms. Yang shared that CPARB is not able to fix all of the problems, however they can understand the scope of the problem, identify trends, and create solutions to address them. Ms. Fernandes agreed and shared that CPARB is continuing to receive feedback and it's important to determine what to do with that feedback. Chair Zahn noted that she is hearing that the scope of this workgroup is important, but they are still attempting to determine a focus.

Mr. Pellitteri noted that the problem is not with the entity, but rather the general contractor. There is a disconnect between the owners and the subcontractors. Mr. Bruce Hayashi noted that with their contracts with DES, they do a monthly report in paying subcontractors, and that here is an opportunity to set it up similarly.

Chair Zahn noted the importance of this workgroup, and the hope is for this group to meet throughout the summer to determine co-chairs, mission, and what they will be working on.

### ***New Business- Information***

Chair Zahn noted that due to time constraints, they are not able to accept any new business. The only exception is related to SB 5088. Ms. Deakins shared that SB 5088 passed, which corrected cross references to the newer licensing statute related to electrical and elevator contractors. Part of it is updating the responsibility criteria statute, which affects all public owners and contractors that need to verify those licenses are in place at the time of bid. CPARB has guidelines for the responsibility criteria, so those guidelines need to be updated. With the bill going into effect July 23, 2023, but the Board not meeting until September, Ms. Deakins asked if the Board would like to approve someone to make updates to the guidelines or publish a draft until the Board approves it in September.

Chair Zahn suggested creating a draft that will then be adopted by the September board meeting and asking a few board members to review the draft that will retroactively be adopted in September by the Board. Mr. Kuruvilla, Mr. Hayashi, and Mr. Riker volunteered to help with this process.

Mr. Michel asked to what degree the changes are and whether this group could instead coordinate over email rather than meet. However, ratifications can be done over email. Mrs. Deakins noted things have been sent out via email for comment and will allow Chair Zahn to approve the final. With members willing to meet and review, that will move forward with the goal of having a draft by July 1, 2023.

**NEW BUSINESS**

**SHB 1621 Review Committee set up – *Information/Discussion***

*Lekha Fernandes moved, seconded by Janet Jansen, to establish the new committee for the review of Senate House Bill 1621. A voice vote approved the motion unanimously.*

**ADMINISTRATIVE**

**Budget Report – Information**

Chair Zahn pointed the Board to look at the budget on the website, noting there was no pressing need to discuss the budget.

**September 14, 2023 – Meeting Planning & Draft Agenda**

Vice Chair Dobyns provided an overview of the September meeting agenda, which included PRC Higher Education appointment and a report of the Bid Shopping Committee. Chair Zahn recommended the JOC Committee to not attend as there is no new information to report on. Ms. Deakins added to the agenda the updates to the bidder responsibility guidelines.

Mr. Kuruvilla shared it would be beneficial to find a time to discuss larger projects and report out, which helps the Board stay in touch with what is going on. Ms. Baker also noted from the last meeting there would be a final report from the WSU presentation.

Chair Zahn shared that in times where there is not a lot of PRC appointments, there are opportunities to include project highlights in future meetings.

**Closing Thoughts of Board Members**

Chair Zahn invited members to share closing thoughts. Members shared their thoughts, expressing gratitude for being able to meet in person and thanking those whose terms are ending.

**ADJOURNMENT**

*With there being no further business, Chair Zahn adjourned the meeting at 3:00 p.m.*

**Staff & Guests**

Ato Apiafi, Ato Apiafi Architects	Don LaFord
Talia Baker, Department of Enterprise Services	Brynn Linville
Becky Barnhart, Integrus Architecture	Monique Martinez, Department of Enterprise Services
David Beaudine, CBRE Heery	Art McCluskey, WSDOT
Kurt Boyd, Valley Electric	Claire Moerder, Maul Foster Alongi
Danielle Creech	Colleen Newell, Maul Foster Alongi
Nick Datz, Sound Transit	Ron Paananen
Nancy Deakins, Department of Enterprise Services	Catina Patton, PNW Diverse Solutions
Jim Dugan, Parametrix	Brenda Pellitteri
Bill Frare, Department of Enterprise Services	Mike Pellitteri, Pellco Construction
Theresa Gonzalez	Cathy Robinson, University of Washington
Jeff Gonzalez, Department of Enterprise Services	Linda Shilley, Pierce Transit
Valerie Gow, Puget Sound Meeting Services	Young-Sang Song, Song Consulting
Gina Hortillosa, KBA, Inc.	Michael Thomas
Jeff Jurgensen, OAC Services	Michele Willms
Karl Kolb, Coffman Engineers	Charles Wilson, Department of Enterprise Services