

CAPITAL PROJECTS ADVISORY REVIEW BOARD

Via Zoom

Minutes - Amended

February 11, 2021

MEMBERS PRESENT

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

REPRESENTING

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

MEMBERS ABSENT

Brian Belarde
Senator Bob Hasegawa
Barbara Piilani Benz
Mike Shinn
Rep. Mike Steele
Rep. Steve Tharinger
Senator Judy Warnick

REPRESENTING

Construction Trades Labor
Senate (D)
Insurance/Surety Industry
Specialty Contractors
House (R)
House (D)
Senate (R)

Staff & Guests are listed on the last page

WELCOME & BOARD MEMBER INTRODUCTIONS

Chair Rebecca Keith called the regular Capital Projects Advisory Review Board (CPARB) meeting via Zoom to order at 8:00 a.m.

A meeting quorum was attained.
Members provided self-introduction.

APPROVE AGENDA – *Action*

Chair Keith recommended adding a Budget Update.

Irene Reyes joined the meeting.

Walter Schacht will provide the report for the Design-Build Statute Review Committee and Olivia Yang will provide the report for the Education/Outreach Workgroup on behalf of Mike McCormick. Chair Keith recommended extending the meeting from 1 p.m. to 1:30 p.m.

Andrew Thompson moved, seconded by Robynne Thaxton, to approve the agenda as amended. A voice vote approved the motion unanimously.

APPROVE SPECIAL NOVEMBER 19, 2020 MEETING MINUTES – *Action*

The following change was requested to the minutes of November 19, 2020:

- On page five, change references to “NAMCO” to reflect “NAMC.”

Rebecca Keith moved, seconded by Robynne Thaxton, to approve the minutes of November 19, 2020 as amended. A voice vote approved the motion unanimously.

APPROVE DECEMBER 9, 2020 MEETING MINUTES – *Action*

The following changes were requested to the minutes of December 9, 2020:

- Change references within the minutes of “MACC” to reflect “MCA.”
- On page 11, within the last paragraph, change “transcendental” to reflect “tangential.”
- Janice Zahn noted that the intent of her comment on page 10 within the second sentence of the second paragraph was to reflect that the PRC application contains information about training expectations but purposely did not include a list of current training because of the difficulty in updating the list as new training becomes available.

- On page 12, within the seventh paragraph, revise the first sentence to reflect, “Mr. Middleton requested the addition of Barry Sherman with NECA to the committee as a specialty contractor.”

Andrew Thompson moved, seconded by Garrett Buckingham, to approve the minutes of December 9, 2020 as amended. A voice vote approved the motion unanimously.

INVITATION FOR PUBLIC COMMENTS

Vice Chair Thompson reviewed the format for providing comments and invited comments. No comments from the public were offered.

PROPOSED LEGISLATION

SB 5032 Status – Reauthorization Bill – *Informational*

Chair Keith reported the Board’s reauthorization bill passed the Senate and is scheduled for consideration by the House Capital Committee during a public hearing on February 17, 2021 at 8 a.m. Members are encouraged to contact their respective stakeholders and urge them to attend the hearing and support the bill. During the Senate hearing, the committee commented on the substantial amount of support by so many in the industry and no opposition to the bill.

DES continues to maintain a list of public works-related legislative bills that might be of interest to members and stakeholders.

Chair Keith apologized for the oversight of not forwarding the Subcontractor Bid Listing Statute Review Committee Report prior to the beginning of the legislative session. Sponsors of the bill did not have the report when they drafted the bills. Chair Keith, Michael Transue, and other Board members discussed the misunderstanding on whether the Board had approved the report. She invited Mr. Transue to update the Board on the status of changes to the Subcontractor Bid Listing statute.

Mr. Transue reported that because of the delay in the report, MCA agreed the “and/or” resolution was important to resolve during this legislative session. MCA offered bills to both the House and Senate to address the “and/or” issue. When he learned of the Board’s approval of the report, he contacted the prime and co-sponsors of both bills and reminded them of the previous conversations surrounding the report and requested the addition of the two amendments to the RCW that the Subcontractor Bid Listing Statute Review Committee had recommended. The sponsors affirmed the requests and supported adding the two provisions. The Senate bill moved from the Policy Committee and is now in the Rules Committee. The prime sponsor has confirmed the additions will be added as a floor amendment. The House Capital Budget Committee considered the bill during a public hearing. The bill’s sponsor, Representative Keith Goehner, is receptive to include both provisions in the bill prior to moving the bill out of committee to ensure consistency with recommendations by the Subcontractor Bid Listing Statute Review Committee.

Nancy Deakins added that during the House Capital Budget Committee hearing, Representative Tharinger spoke highly of the Board and its work completed to date.

Mr. Transue affirmed Representative Tharinger shared many compliments about the Board’s work and its ability to address and resolve issues prior to introducing bills to the Legislature.

Janice Zahn noted that she testified before the House Capital Budget Committee hearing and reiterated the Board’s unanimous approval of the three components.

Chair Keith invited comments on other pending legislative bills.

Vice Chair Thompson commented on the amount of legislative activities exclusive of the Board under discussion by member stakeholder groups and his preference for public owners, architects, and other stakeholders represented on the Board to condense or coalesce perspectives and share information during Board meetings. It is incumbent for each member to communicate with their respective stakeholder group about the Board’s initiatives with an understanding that there likely will be differences of opinion within different stakeholder groups.

John Salinas reported on his testimony on one of the bills from a subcontractor perspective related to COVID-19 impacts. Other members of the Board offered different perspectives in direct opposition to his testimony. The Board is comprised of members with diverse opinions and constituency groups that do not always agree on proposed legislation, which is healthy because when the Board is able to attain consensus it was obtained through a process of airing and discussing different perspectives.

BOARD WORK/PRIORITIES – Information/Discussion

Chair Keith referred to information transmitted to members on the Board’s committee structure and competing priorities over the last year. She stressed the importance for members to share their top three Board priorities for this year and next year, as the discussion will help guide a more focused development of a workplan during the May meeting. Chair Keith invited members to share their top three priorities.

Irene Reyes:

1. Focus on reauthorization.
2. Establish core value and guiding principles.
3. MBE inclusion.
4. Add another Board meeting.

Walter Schacht:

1. Assuming the passage of SB 5032 (Reauthorization) in its current form, the bill includes more tasks for the Board to address surrounding diverse business inclusion, which should be the Board’s top priority.
2. Develop a common graphic format for best practices guidelines for clarity, consistency, and easy access.
3. Rebuild CPARB’s website to increase accessibility to the community.

Garett Buckingham:

1. In recognition of the passage of reauthorization, the Board is scheduled to pursue efforts promoting business equity and inclusion, which will impact the work of all committees
2. Complete Best Practices Guidelines.
3. Examine PRC process and how the lens of equity and business inclusion is incorporated within the panel review of applicants, as well as prospective PRC members.

Santosh Kuruvilla commented on the difficulty of the last year contending with a number of issues during the COVID pandemic. He complimented Chair Keith and Vice Chair Thompson for their leadership. During the Board’s decision-making and prioritization, the Board often focuses on issues that can be effected or changed as opposed to things that can be affected or influenced. That distinction is important in how the Board prioritizes and in its decision-making. His top priorities include:

1. Reauthorization – consider what the Board can do as individuals to assist Senator Hasegawa in ensuring the successful passage of the reauthorization bill.
2. Devote at least 15 minutes at Board meetings for a presentation from a project applicant on lessons learned, project problems, and the outcome of the project to assist the Board in understanding situations on the ground and to afford an opportunity to ask questions and receive feedback on lessons learned.
3. Discuss the structure/role of the Board, Chair, and Vice Chair. The chair position should be a public owner and the vice chair should be a private owner.

Bill Dobyns:

1. Continually reevaluate the use and practices of alternative delivery to help prepare for future reauthorizations.
2. Continually educate the industry on the proper use of RCW 39.10 because of its growth in popularity. Alternative delivery methods are becoming the norm versus the Design-Bid-Build process.
3. Support PRC in terms of the increased number of panel reviews as the use of alternative public works increases. PRC is overextended today and will need to contend with the substantial number of future applications.

Jane Wall:

1. Focus on reauthorization.
2. Review and discuss the mission of CPARB, core purpose of the Board, and branding as a way to educate members of the Legislature and others about the role and scope of the Board.
3. OMWBE issues are important and need exploration.

Lisa van der Lugt:

1. Reauthorization – fill Board position.
2. Focus on work not included in the reauthorization, e.g. best practices and Section 20.
3. Pursue Board discussion for clarity on the Board's foundation of core values, process for elections, appointments, training for members and onboarding, clarity of roles of staff, and clarity of roles of committee members when recruiting new members.

John Salinas II:

1. Reauthorization is the most important priority.
2. Complete best practices guidelines to assist the industry.
3. Continue discussions and integration of inclusion of minority businesses and disadvantaged businesses and integrate into practices.
4. Produce a graphical depiction of how committees flow along with a list of acronyms.
5. The Board should focus on its core mission as opposed to assuming new assignments.

Robynne Thaxton:

1. One of the reasons CPARB exists is to provide stakeholder input on legislation. When the Legislature tasks the Board with an issue, the Board should ensure it is a top priority.
2. The Board's commitments to the diverse business community should be a top priority. Develop a set of best practices and tools for owners to assist them in incorporating diverse business inclusion. Provide educational opportunities to the diverse business community to help them understand alternative procurement and ways to participate.
3. Continue work on best practices to lead the state in understanding new delivery methods and how best practices should be implemented.

Janice Zahn:

1. Reauthorization.
2. Complete work directed by the Legislature.
3. Discuss CPARB's internal procedures, role, guiding principles, external tools, best practices, and identify ways to engage the industry to ensure success.

Karen Mooseker:

1. Focus on reauthorization.
2. Education and Outreach – complete Board Development, diverse business inclusion, and best practices.

Olivia Yang:

1. Identify core values and mission at an implementation level through the engagement of members on committees.
2. Complete the work on best practices guidelines for GC/CM to include PRC efforts lead by Ms. Zahn.
3. Help the industry and others understand the practice of alternative procurement and its benefits and aspirational aspects of how alternative procurement enables more collaboration resulting in better design and value.

Bill Frare:

1. Focus on reauthorization obligations, e.g. new members/training, best practices, diverse business inclusion, and consider JLARC process and recommendations.
2. Professionalize CPARB's website.
3. Consider increase in PRC workload and consider options to assist PRC in managing the workload.

Matthew Hepner:

1. Focus on passage of reauthorization bill.

Andrew Thompson:

1. Leadership – focus on open process for participants.
2. Ensure clear committee responsibilities and outcomes and ensure appropriate interests are engaged at onset of meetings.
3. Focus on equity. Could CPARB influence the ability of small businesses receiving payments? Many small contractors are experiencing cash flow issues that often prevent participation.

Rebecca Keith:

1. Focus on Board development and ensure members are fully engaged in pursuing the work of the Board by equipping members through increased engagement and training to ensure Board work is completed.
2. Complete the work set out in SB 5032, Sec. 20 (Reauthorization)
3. Facilitate the application of successful public works projects through education, mentorship, and continuous improvement through the PRC process.

Chair Keith asked members to consider the committee process, which affords the opportunity for committees to complete the work for consideration by the Board. The strength of Board committees requires strong leadership and participation by members of the Board. Committee chairs need to have the capacity to develop the work plans and ensure success in pursuing those plans. The Board has struggled on how to interface and empower committees or consider ways for committees to interface with and support Board priorities.

Bill Frare disconnected from the meeting.

Vice Chair Thompson offered that the responsibility of a committee chair and co-chair can be substantial in onboarding the creation and moving forward with responsibilities. Some committees are more effective than others in completing assignments. The issue is identifying the right formula to ensure the success and effectiveness of all committees.

Chair Keith questioned whether another alternative(s) should be considered to complete the work in lieu of committees. When she and Vice Chair Thompson met, they struggled with how to resolve the issues. She realized that although Board leadership provides vision and guidance, the Board should also offer input on ways to complete the Board's work, which speaks to the need for the Board to establish priorities. The issue is how to accomplish those priorities, i.e. schedule more Board meetings, establish committees, or some other method. The issue warrants further discussion at the May meeting now that the Board has identified some priorities. The discussion can focus on how the priorities align and how to complete the work.

Mr. Schacht recalled his involvement on three committees completing substantial work during his 10 years on the Board. The history of the Board as with other organizations or association is that the majority of the work is typically completed through the structure of committees tasked with a mission and responsibilities. Committees are successful when there is a minimum of one champion with the passion, capacity, and supporting resources. The success of CPARB committees over time can be attributed to efforts by one or two committee champions. Many of the priorities offered by members earlier for onboarding and educating members are the same priorities discussed three years ago resulting in the creation of a committee. However, the committee lacked a champion with a passion and consequently no outcomes were achieved. The same is true for the creation of the Education Committee. The Board's previous exercise identified the need for specific committees. The Board moved forward somewhat awkwardly and some work was achieved. However, the Board is no better off than it was three years ago. When assigning committee chairs, it is important to identify a champion with passion and capacity.

Ms. Zahn added that some of the challenges in addition to the committee moving forward is the lack of committee resources. Most of the successful committees included members who were able to identify adequate resources to complete tasks. Budgets for committee work have been inadequate for the efforts required to support a committee. She recommended engaging in a conversation concerning the level of support required for an all-volunteer Board to complete

some of its priorities. Passion may not be sufficient to ensure the work is completed. It is important for the Board to consider ways to create adequate resources to support committees.

Bill Frare rejoined the meeting.

Mr. Kuruvilla agreed the Board's exercise was helpful and would assist the Board in becoming a cohesive group. He suggested engaging in a similar exercise at the May meeting by asking committee chairs or co-chairs to prioritize their committee's three top priorities.

Vice Chair Thompson added that each committee is responsible for preparing minutes. Often, committees are much more effective if another individual takes notes and produces minutes, which creates additional costs. It is important chairs and co-chair are not responsible for minutes, particularly when it involves an expansive amount of work.

Chair Keith said that the Joint Legislative Audit & Review Commission's (JLARC) audit identified that minutes were not posted for all committees. DES and leadership is working to catch up. However, minutes for meetings are costly and time-consuming. The Open Public Records Act does not require verbatim minutes as long as actions are documented at a broader level. It may be worth exploring whether verbatim minutes are necessary and whether documentation could be fulfilled through recording of meetings. She thanked members for their feedback. Both she and Vice Chair Thompson plan to review the feedback to develop some information on next steps for the Board to consider.

COMMITTEE REPORTS

Project Review Committee Report

Ed Peters, PRC Chair, summarized the results of the committee's last meeting.

The committee considered seven applications comprised of one recertification for Design-Build, three GC/CM project applications, and three Design-Build project applications. All applications were approved unanimously.

Chair Keith expressed appreciation of a separate document on lessons learned from Tacoma Public Schools. Of special note is the information on the results of the school district's inclusion goals, which reflects the district's ability to exceed inclusion goals nearly consistently, and in some cases doubling the goals on alternative public works projects. Because of the availability of the information, she reviewed prior PRC project applications for information on inclusion goals and how the owner addresses the goal. She suggested the Board should review the information as the Board pursues goals for diversity and inclusion. She thanked Talia Baker for highlighting lessons learned from Tacoma Public Schools.

Ms. van der Lugt asked about the percentage of applications not approved and the reasons for denial. Mr. Peters said that based on his experience, the majority of applications are approved although not always unanimously. Applicants not receiving approval typically are not prepared, have not thought through the process, lack a plan, or lack team members with expertise familiar with the alternative public works process. In most cases, applicants have resubmitted and corrected all cited deficiencies. Most applicants receive approval. Historically, a majority of applications were not approved because a higher percentage of project proponents lacked familiarity with the requirements of alternative procurement and there was a smaller pool of owners, design teams, consultants, and contractors experienced in alternative procurement.

Mr. Kuruvilla said he found the lessons learned document to be informative and helpful. One of the lessons conveyed was the importance of owners pursuing Design-Build projects to select their Design-Build contractor carefully. He asked Mr. Peters if there was additional information to add as opposed to the Board assuming the intent of that specific lesson learned. Mr. Peters said he participated in other presentations by the owner. The owner works closely with Jim Dugan, who could likely respond to the question, as his answer would likely only be speculation as to the intent of the lessons learned. He offered to follow-up with Mr. Kuruvilla with additional information.

Mr. Peters referred to the Board's prior discussion and a desire to educate public owners about Design-Bid-Build because it continues to be the most common construction method today. Based on his experience, more problems are encountered with Design-Bid-Build projects with owners not receiving good value than with alternative contracting. Although he

realizes the Board is not responsible for Design-Bid-Build contracting, as a taxpayer and as a citizen, he has encountered more issues with Design-Bid-Build than with alternative contracting.

Chair Keith thanked Mr. Peters and PRC members for their work.

Ms. Thaxton referred to Ms. van der Lugt's prior question. As a frequent presenter before the PRC, more owners are experienced in presenting successful applications. She and other project consultants working with owners tend to steer them away from projects not appropriate for alternative procurement. It is also important in the selection of the design builder to ensure the owner understands what the project involves so they can choose the appropriate design builder with the right team and skillset to perform the work and achieve the owner's goals.

Ms. Zahn said a representative of the Tacoma Public Schools is also a member of the Design-Build Institute and is active in the community pursuing Design-Build Best Practices. Additionally, DES maintains data on PRC application approvals and denials. She recommended the Board consider reviewing the statistics each year.

Bill Dobyms disconnected from the meeting.

BUDGET UPDATE – Informational

Mr. Frare advised that expenses for the biennium for CPARB totaled approximately \$336,000 reflecting an overrun of approximately \$75,000. This year, DES was able to absorb the overrun. However, moving forward, it will be important to ensure adequate funding is available.

Chair Keith asked whether the budget reflects the expense for the MRSC Study. Mr. Frare advised that the MRSC Study was funded independently through a direct appropriation. When the Legislature assigned the study, the Legislature did not include funding. DES initially front-loaded the funds until the Legislature approved funding for the study during the following budget cycle.

Ms. van der Lugt asked about any plans to address the budget in the future to avoid a budget shortfall. Mr. Frare reported DES included some CPARB funding within the department's funding as part of the department's budget for the next budget cycle.

Chair Keith inquired as to why the CPARB budget is not a stand-alone budget similar to other boards and commissions rather than incorporated within the DES budget. Ms. Deakins advised that CPARB was created within DES. Funding through DES was the only way to fund the Board. Unless the Legislature funds expenses to a board as a separate entity, the expectation is funding for the Board will continue to reside in the DES budget.

Ms. Zahn commented on the importance of the Board receiving adequate funding. Some prior suggestions included scheduling additional meetings to complete some of the Board's work, which speaks to the need for adequate funding, as well as more outreach to small and minority businesses. Additionally, she asked about any consideration for providing stipends to small business owners who often lack the time to participate.

Ms. van der Lugt responded that the issue has been an area of discussion as it creates exclusion for participation by some businesses.

Mr. Frare affirmed that some conversations could be pursued for possibly increasing the budget or implementing some of the suggestions surrounding inclusion.

Vice Chair Thompson recommended adding a Budget discussion to the May meeting agenda as it might affect resources and other efforts by the Board. Chair Keith confirmed the addition of the topic to the May meeting.

Mr. Kuruvilla asked about any implications to the Board because of the budget shortfall. Mr. Frare reported EAS receives an appropriation for project management for all projects. Utilizing some of those funds for the Board results in fewer resources for project management staff. As mentioned earlier, DES was adequately funded and it did not affect the

department's ability to deliver projects. Mr. Kuruvilla asked whether the lack of funding might lead to a reduction in support by staff. Mr. Frare advised of no reduction in Board support is anticipated if expenses exceed the budget.

*Chair Keith recessed the meeting at 10:10 a.m. for a break.
Chair Keith reconvened the meeting at 10:20 a.m.*

Local Government Public Works Study (SB 5418) – Information/Action

Chair Keith reported the Legislature directed CPARB to complete the study by the 2021 session. The House of Representatives Local Government Committee conveyed the importance of CPARB's vetting of issues and recommendations. The majority of the requirements for the report were completed by Municipal Research & Services Center (MRSC) as research work. The Board's responsibility moving forward is to determine which recommendations to forward to the Legislature as recommendations supported by the Board. The work does not necessarily end with the recommendations submitted to the Legislature. However, this element of the work satisfies the original request by the Legislature. She invited Jon Rose with MRSC to provide an overview of the process followed by a review of the committee's recommendation for the Board's consideration.

Mr. Rose reported research for the study included stakeholder interviews, extensive surveying of agencies and business contractors, and analyzing Labor and Industries data and working with the department's economist. Prior conversations surrounding the study questioned whether small and minority business voices participated in the research phase. Early in the process, Vice Chair Thompson worked with MRSC and stressed the importance that for the process to succeed, voices from the small and minority business community must be included. MRSC identified different paths to include those voices by interviewing individuals, such as Olivia Yang and other small businesses. During outreach efforts, MRSC learned many entities did not have the time to participate. Shifting tactics involved reaching out to OMWBE and Procurement Technical Assistance Center (PTAC) as both organizations work closely with small and minority-owned businesses. Consequently, MRSC was able to engage in many conversations with both organizations and receive feedback. The survey included questions on diversity goals contained in public works contracts, potential barriers that might exist in working with minority and women-owned businesses, and what specific steps have been pursued to increase diversity in contracting.

Ms. van der Lugt noted that OMWBE has a responsibility to assist in connecting with minority and women-owned businesses. Often, many businesses are often tapped for time and some owners lack trust in state government. In the past, OMWBE has often initiated conversations with businesses to stress that it would be in their best interests to participate. She offered to provide assistance in connecting with minority and women-owned businesses for future endeavors.

Chair Keith clarified that the stakeholder interviews and surveys pertained to Design-Bid-Build and local government contracting thresholds.

Mr. Rose reviewed the unanimous recommendations by the Local Government Public Works Study Committee and invited questions:

- **Recommendation 1:** Adjust Port District and Irrigation District Small Works Roster Statutes to refer to [RCW 39.04.155](#). Currently, Port and Irrigation Districts authorizing statutes refer to number values for a small works roster limit. Revise authorizing statutes [53.08.130\(2\)\(a,b\)](#) and [87.03.436](#) to refer to RCW 39.04.155 and remove any reference to a threshold dollar amount. More information is available in the "Uniform Thresholds" section of the report. Today, irrigation and port districts using the small works roster are limited to \$300,000 because the controlling statute includes a specific dollar amount.

Chair Keith recommended voting on each recommendation. She pointed out that the recommendations to approve would include incorporating the recommendation into the report that is transmitted to the Legislature. The Board is not committed to offering changes to the statute or undertaking additional work.

Ms. Zahn recommended approval of the recommendation as presented as the threshold only applies to ports and irrigation districts.

Mr. Frare supported recommendations 1, 5, and 8 as presented to include a higher threshold for #5 to increase the \$5,000 to either \$25,000 or \$35,000.

Mr. Rose said the \$5,000 was recommended because of different perspectives on risk level. Some feedback recommended increasing the threshold to \$50,000; however, there was support for establishing \$5,000 as it served as a safe level with minimal risk. Mr. Frare affirmed his support for \$5,000.

- **Recommendation 5:** Remove retainage and bond requirements for projects under \$5,000. Paying retainage and for performance bonds were identified both as a barrier to small and minority-and-women owned businesses as well as causing more paperwork and less efficiency for local government. The recommendation was unanimous by voting members.
- **Recommendation 6:** Create a centralized list of rosters. Requires any agency, collection of agencies or roster service to register in a centralized list of all small works rosters in the state for businesses to understand what sources of work are available. Questions centered on what entity would administer the list, as well as a desire not to create a burden for agencies to report.
- **Recommendation 7:** Create list of certification/registration programs for disadvantaged businesses. Requires any agency, collection of agencies or service to register in a centralized list of all small business, minority, women, disadvantaged business enterprises, and veteran-owned programs in the state for businesses to understand what resources are available. Confusion surrounds the lists of certifications and registrations for small businesses and minority, women-owned and disadvantaged businesses in terms of the benefits of submitting for certifications or registering and what lists exist in the state. Although OMWBE is the sole issuer of certifications, it is often confusing, such as the difference between being certified versus registered with King County. The recommendation could help eliminate confusion as to the specific certification or registration a company is seeking to obtain.
- **Recommendation 8:** Define small business in the public works contracting statute. Currently, no definition for small business exists in the public works contracting statute. It is recommended to either define small business for local government or refer to the definition found in the state goods and services statute [39.26.010](#).

Aleanna Kondelis questioned whether the recommendation is similar to a change in RCW 39.10 for diverse business definitions. Mr. Rose explained that a definition for small business is lacking in the statute for local government. Judy Isaac, MRSC, noted the discussion did not include which applicable statute but acknowledged that the definition was not included in [RCW 39.04](#). One of the reasons for including the recommendation was for a determination of where the definition should be included.

Chair Keith said the recommendation, as drafted, is confusing as RCW 39.10 includes a definition. If the recommendation is intended to apply to other specific statutes, she suggested an option of defining small business in local government public works or Design-Bid-Build. Ms. Isaac agreed clarification is warranted, as the definition for small business should be included in local government contracting statutes.

Chair Keith recommended revising the recommendation to state, "Define small business in local government public works contracting statutes where there is no definition."

Chair Keith moved, seconded by Andrew Thompson, to approve Recommendations 1, 5 and 8 (as revised).

Mr. Schacht offered a friendly amendment to Recommendation 8 to reflect, "Define small business as defined in [RCW 39.10](#) item #17."

Discussion ensued on ensuring the correctness of the definition in the proper statute(s). Ms. Zahn pointed out that the text of Recommendation 8 as presented to the Board in September refers to the definition found in the state goods and services statute 39.26.010. Mr. Rose affirmed the text following each recommendation represents the information the Board should consider.

The makers of the motion withdrew their motion.

Rebecca Keith moved, seconded by Bill Frare, to approve Recommendations 1, 5, and 8 as presented in Recommendations for Consideration (presented during the September meeting) with the exception that Recommendation 8 should include the definition in RCW 39.04.

Ms. Zahn offered a friendly amendment to correct Recommendation 1 to change “58.08.130(2)(a,b)” to reflect [“53.08.120\(2\)\(a,b\)”](#)

The makers of the motion agreed with the friendly amendment.

A roll call of voting members present unanimously approved the motion:

- **Recommendation 10:** Coordinated schedule for significant outreach events between public agencies and other stakeholders. Designate or establish an agency, collection of agencies, or service as a resource to create a calendar of major outreach events as a central place for businesses to find outreach information and to ensure similar events do not conflict.

The Board agreed to complete the review of unanimous recommendations, and if time permits, consider the recommendations with dissenting opinions. The Board discussed the possibility of potential resource needs by the OMWBE for recommendations 6, 7 and 10, and the importance of differentiating between statute provisions versus best practices and guidelines. It was noted that any proposal with implementation speaks to whether the proposal should be codified in statute or pertain to best practices for applicable agencies to implement.

Vice Chair Thompson questioned whether the three recommendations could be addressed in Section 20 of the reauthorization bill.

Ms. Zahn said the three proposals relate to the recommendations from the Disparity Study and from the work of the Business Equity/Diverse Business Inclusion Committee. She asked for feedback from Ms. van der Lugt as Recommendations 6, 7, and 10 that might require resources from OMWBE. Ms. van der Lugt advised that the recommendations are best practices and resources; however, more details on each recommendation is necessary in order to understand the request.

Chair Keith reviewed the Legislature’s directive to the Board.

Mr. Rose provided additional details on how the recommendations might entail some responsibilities for OMWBE; however, the Board could have other parties administer components, as it is a matter of scope and responsibility for each recommendation. For example, the centralized list of rosters is a concept for one centralized repository listing all small works rosters in the state accessible to businesses. Various entities could play a role, which entails some flexibility in the implementation of the action but it would require much more discussion.

Ms. van der Lugt noted that the recommendations are not OMWBE responsibilities, as the recommendations would likely involve other agencies. Although OMWBE is working on some of the elements, the recommendations require much longer conversations.

Chair Keith offered that should the Board forward the recommendations, it would be important to include a caveat. She has received information from legislators complaining about the number of requests for bills to increase limits or changes to address problems with contracting. Out of frustration, the Legislature turned to the Board for assistance. She is concerned that some of the recommendations are not addressing the concerns, as well as agreeing with comments that the recommendations would require a substantial amount of work to implement. She is unsure whether the Board has sufficient time to draft some caveats.

Vice Chair Thompson offered the option of the Chair sending a letter with the recommendations addressing the Board's discussion and concerns.

Ms. Deakins referred members to the full text of the recommendations as presented in September to provide the entire context of each recommendation.

Ms. Zahn supported a letter from the Board Chair if it clarifies the intent of the recommendations to avoid misinterpretation and thus becoming unfunded mandates supported by the Board.

John Starbard, Deputy Director of Public Works with the City of Kirkland, reported the City would like to work with the committee to develop a metric or threshold to enable cities to make more efficient and equitable use of its pavement overlay dollars. Like many cities, the City of Kirkland is comprised of a combination of arterials and small residential streets with residential streets of shorter lengths or ending in a cul-de-sac. The City is able to maintain arterial streets to the City's target level but is falling short on maintaining residential streets and serving its citizens. Often, the more profitable pavement overlay jobs are along arterials where the pavement company can complete long runs of multiple lanes. However, for shorter residential streets, overlay projects are often less profitable and less appealing to paving companies. Past experience has reflected higher bids for residential paving than the engineer's estimate. In order to use funds efficiently, the City has focused on paving arterial streets, as the bids are closer to the engineer's estimate; however, it is also at the expense of residential streets and citizens who live on them. The City has made an investment to purchase equipment to grind and overlay pavement and staff is trained to complete the work. The City uses the equipment to repair wheel ruts along streets or for failing cul-de-sacs. However, there is a provision in state law that enforces a dollar limit on local governments' ability to complete the work. The City acknowledges that for certain paving companies, small residential jobs may not be as profitable or appealing. Rather than seeking a change to the dollar limit, the City would like to work with the committee to find some metric, percentage, or threshold that would give Washington cities the ability to complete residential paving work using staff in the event bids exceed the engineer's estimate. The City's wants to use overlay funds efficiently to thoroughly maintain infrastructure and to be equitable to residents regardless of the type of street they may live on.

Chair Keith advised that she believes it is warranted to convene the committee to continue working on the recommendations with additional Board member participation. The City of Kirkland testified on the Board's reauthorization bill and originally sought to add an amendment to address the issue of the dollar limitation because of the expectation by the House of Representatives and some local governments that the Board would offer some solutions to address some issues. Her concern is that the Board has identified some issues that everyone agrees warrants more resources. The recommendations could be forwarded with the caveat that much more discussion is required in terms of the process of implementation. Other recommendations did not attain consensus by the committee and have not been reviewed by the Board. She asked for feedback on convening the committee for additional work.

Mr. Rose confirmed the request to convene the committee. However, the most popular recommendations are the most challenging with much more time expended to reach a majority agreement to move the recommendation forward, but not necessarily a consensus.

Ms. Zahn noted that based on the recommendations, the request from the City of Kirkland aligns with some of the recommendations; however, she does not believe any of the recommendations speak to self-performance. If the topic is of interest by the Board, it might be important to assign the topic to the committee for discussion. She suggested Recommendation 4 on unit price contracting authority to all local governments might be a tool the City of Kirkland and other cities might find useful. The committee could continue the work and reach consensus as that might address the City of Kirkland's concerns. She asked about the timing for forwarding recommendations to the Legislature.

Chair Keith advised that SB 5418 directed the report to the Legislature by November 2020; however, she committed to forwarding recommendations as early as February but no later than May. It is possible to forward the report noting the recommendations were discussed but not fully vetted or approved by the Board.

Vice Chair Thompson noted the recommendations were unanimous and he supports moving a motion forward to move the recommendations to the Legislature with clarification from the Chair that Recommendations 6, 7, and 10 could require additional resources and/or funding.

Ms. van der Lugt questioned whether more time is warranted to deliver the product later as the Board has raised questions and asked for more details.

Chair Keith noted that another aspect of the issue is the budget and contract with MRSC for the analytical work. Flushing out the recommendations will require more work and the issue is whether the Board wants to invest the time or forward the report and indicate the Board was unable to reach consensus, which could entail some risks.

Vice Chair Thompson offered to participate and continue working with Mr. Rose. However, it is important other members engage in the process to complete the work by May. Chair Keith offered to participate and recommended finalizing the recommendations in May. Mr. Frare, Ms. van der Lugt, Ms. Zahn, and Ms. Wall volunteered to participate.

Mr. Frare advised that based on conversations with Representative Paulette and other legislators, the important aspect of the report centers on the Legislature constantly receiving requests from agencies for adjustments to the RCW on bid limits and other issues. He recommended focusing the committee's work on bid limits. Another aspect of the request is the Board's recommendations. Three of the recommendations were adopted by the Board and three are pending. The last three have created some hesitancy by the Board because of the work required for implementation that might require a funding appropriation by a state agency or other entity to implement the recommendations. He would prefer not broadening the scope of work especially with the lack of resources. It is important to be clear with the House Local Government Committee and the sponsors that the Board has reached resolution on three recommendations but has additional ideas with respect to the last three requiring more time by the committee to resolve the issues.

Ms. Wall agreed the Board should be responsive to the Legislature and that it would be acceptable to convey that the Board did not reach on some of the recommendations. The other issues will not be resolved unless the committee meets again. She is willing to participate. However, as a participant in the process, the committee invested much effort and the Board has asked some good questions that are worthy of consideration. She urged members with strong feelings to participate. The committee invested much time to develop the recommendations that have been reviewed by the Board several times with no resolution. It would be important to provide further direction to the Committee.

Chair Keith remarked that she does foresee the second set of recommendations as responsive to the concerns of Representative Paulette and others.

Mr. Rose agreed and added that the last three recommendations are much more difficult to solve and the issues identified by the legislators are included on the list that lacked consensus by the committee.

Chair Keith supported convening several more committee meetings and only focusing on the proposals that did not achieve consensus.

Ms. Wall recommended forwarding the Board's list of concerns to the committee to help focus its discussion. She agreed the committee should focus on the issues that did not attain consensus by the committee.

Ms. van der Lugt advised that it would be helpful if she received notification of any requests for assistance or participation by OMWBE.

Mr. Rose offered that the Board is struggling to vote on recommendations that are complex and have many different perspectives. The challenge is approving recommendations that require extensive discussions.

Mr. Frare cautioned that the focus on the recommendations should be the recommendations that address the proviso language, such as CCI impacts to small business and threshold limits.

Following additional comments by members on proposed next steps, Chair Keith recommended concluding the discussion acknowledging the Board approved three recommendations. She will work with Vice Chair Thompson and Mr. Rose to convene up to two committee meetings for recommendations in May. She queried members on interest in scheduling another Board meeting to discuss the recommendations.

Mr. Schacht offered that based on the earlier exercise for Board priorities, he is uncertain if the Board discussed whether the issue is central to the Board's focus. The purpose of the study was because of a prior legislative request to JLARC and because of the lack of funds, CPARB was asked to complete the study. The study reflects good work and the Board would be responsive to submit the approved recommendations indicating that a one-size option might not be compatible for all. He does not believe the Board should dedicate a meeting on the issue but rather should discuss Board priorities. The issue has deferred the Board from its fundamental initiative of establishing goals and he supports deferring the issues to the committee.

Chair Keith affirmed she would follow up with Vice Chair Thompson, Ms. Wall, and Mr. Frare.

Members discussed appointing additional members to the committee. Mr. Buckingham offered to participate. Chair Keith offered a self-nomination to the committee.

Vice Chair Thompson nominated Mr. Buckingham to serve on the committee. He asked Ms. van der Lugt to serve or nominate a staff member representing OMWBE.

Mr. Rose advised a representative from OMWBE attended some of the meetings in an advisory capacity but not as a voting member.

Chair Keith nominated a representative from OMWBE to be designated by Ms. van der Lugt as a voting member.

Ms. van der Lugt preferred to pursue some off-line conversations, as she would like information on the subject of the discussions, expectation of OMWBE, and how best for OMWBE to provide value. She is willing to commit the time but would like more information to ensure OMWBE can provide value to the process.

By voice affirmation of members present, Rebecca Keith, Garrett Buckingham, and a designee from OMWBE were appointed as members to the Local Government Public Works Study Committee.

Chair Keith reordered several of the agenda items.

JOC Evaluation Committee – Information

Chair Keith advised of the intent for the Board to approve the Best Practices Guidelines. However, the Board's custom is to provide the document to the Board prior to the Board's review and decision. The draft was scheduled for posting as a pre-read but because of the delay in the receipt, action has been deferred until the May meeting.

JOC Evaluation Committee Chair Linda Shilley encouraged members to contact her or Vice Chair Quinn Dolan with any questions or concerns regarding the draft of the JOC Best Practices Guidelines.

Ms. Shilley said the Best Practices Guidelines are intended to serve as a living document and regularly updated to reflect changes in the industry. The document was formatted to serve as a training tool based on feedback from public owners using JOC. The collaborative effort included several public agencies as voting members, as well as other stakeholders who provided input and attended meetings. Based on direction from CPARB and others, the focus was on diverse businesses by emphasizing a focus on utilization. A bibliography is included, as well as a sampling of many examples and templates from public agencies that have used JOC. The committee was contacted by the American Public Works Association's (APWA) Contract Administration Education Committee (CAEC) to present the draft during a workshop. The workshops are held four times a year at different venues across the state attracting public agency professionals from different agencies. The note sections are an integral part of the guidelines. The format also features a contractor's perspective, as the JOC is a collaborative process with contractors.

Mr. Dolan reviewed the contents and format of the document. Slides were developed of the document to serve as a training tool during workshops similar to GC/CM and Design-Build workshops. The topics follow a typical Washington State Public Owner's creation of a JOC Program, Request for Proposal (RFP), and the flow of a typical JOC Contract. The topics cover what a public owner needs to consider when developing the RFP to managing a JOC contract. The guidelines includes specific sections tailored to the contractor not experienced with JOC. The guidelines include frequently asked questions and lessons learned by public owners and contractors. The committee is working to include an additional document of examples of RFPs from different public agencies. For example, the City of Seattle utilizes specific forms for contracting.

Mr. Schacht recommended scheduling a meeting with committee chairs of committees working on best practices guidelines to review the graphic format and ensure a sense of consistency between all best practices guidelines.

Chair Keith affirmed the intent to schedule a meeting of the committee chairs from the Business Equity/Diverse Business Inclusion Committee, JOC Evaluation Committee, Design-Build Statute Review Committee, and GC/CM Committee to align the overlap of diversity provisions for best practices. Mr. Schacht recommended inviting Talia Baker to the meeting.

Ms. Shilley and Mr. Dolan acknowledged the participation and collaboration of many stakeholders and the committee for their efforts in preparing the document.

Ms. Shilley offered the nomination of Amanda Lanier, Director of Design, and Construction Contracts at Sound Transit to serve on the committee. Ms. Lanier has 15 years of public procurement and contract experience and five years experience of capital project management at a public agency. She was responsible for procurement for the City of Bellevue and the Port of Seattle and is a Certified Public Procurement Officer with a bachelor's degree from Washington State University and a Master Certificate in Government Contracting from the George Washington University. Over her career in Washington, she has successfully managed procurements for all alternative public works delivery methods authorized under RCW 39.10.

Ms. Zahn said she worked with Ms. Lanier for many years at the Port of Seattle and supports the nomination.

By voice affirmation, members present approved the appointment of Amanda Lanier to serve on the JOC Evaluation Committee.

Chair Keith referred to Ms. Shilley's request to use the draft document as a training resource prior to May. She recommended the document should not be represented as a CPARB best practices document until approved by the Board. Ms. Shilley advised that the workshop is not scheduled until the end of May.

*Chair Keith recessed the meeting at 12:02 p.m. for a break.
Chair Keith reconvened the meeting at 12:19 pm.*

GC/CM Committee – Information

Scott Middleton, Co-chair, GC/CM Committee briefed members on the status of the committee's development of best practices guidelines for GC/CM. Co-chair Nick Datz provided more information on the outline of the document.

The committee's last report was in November 2020 because of the focus on reauthorization in December. The committee has not experienced any issues in attaining a meeting quorum with strong committee support and tremendous stakeholder representation mirroring the membership of CPARB. More stakeholders are welcome to attend and participate in the discussions to ensure as many viewpoints are represented as possible. The committee is extremely fortunate to have resources for meeting minutes to enable the Co-chairs to facilitate meetings more efficiently. In November, the committee completed recommendations on GC/CM legislation. Over the last several months, the committee considered diverse business inclusion and incorporated language within the reauthorization bill to the extent possible. The next phase of work focuses on the best practices document. The committee is meeting monthly and has formed several

subcommittees to focus on specific topics with a leader assigned to each subcommittee. Each subcommittee is represented by industry stakeholders to the extent possible. Different topics are considered each month. The goal is to present a draft of the best practices guidelines to the Board at its December meeting.

Mr. Datz displayed an outline of the guidelines. Because GC/CM is a complex delivery method, the guidelines are extensive. The manual includes an extensive amount of information with subtopics. The committee identified some smaller topics to prompt discussion and document feedback for review and changes by the committee. That process has been effective to date with the committee completing the first three chapters on introduction, GC/CM types, and evaluating the use of GC/CM. The goal is to provide the Board and the public with an opportunity to view how the document is progressing. Many of the topics are intertwined, which affects the ease of producing one chapter and releasing it for review. The committee is working on the best method for packaging and releasing the information. Mr. Datz affirmed that the committee plans to work with other committees to ensure the manual aligns with other guidelines for Job Order Contracting and GC/CM.

Mr. Middleton advised that over the course of a year, the committee conducted extensive research of each section of RCW 39.10 for GC/CM. The committee identified many issues that were more appropriate for best practices rather than a legislative change. That exercise assisted in moving forward with a draft of the GC/CM best practice guidelines. A number of best practices ideas stem from diversity business inclusion issues and concerns that have been raised. The committee is emphasizing and addressing those issues within the guidelines. A meeting of committee chairs is planned to discuss issues holistically.

Mr. Schacht observed that of the five chapters, one chapter is on Encouraging Competition that speaks to business diversity inclusion, increasing participation rates, and guidance on how to compete for GC/CM projects by businesses lacking GC/CM experience. Those issues are important to the Board and all three of the best practices guidelines should have a discreet set of guidelines encouraging public owners to increase participation and helping contractors and designers play a role in that effort.

Mr. Datz noted that the GC/CM guidelines do not include a chapter or a section devoted to those topics because of the various contracting elements in GC/CM. Rather, those issues are embedded within the chapters by encouraging competition at the front-end when searching for the GC/CM, subcontracting work, and alternatives subcontractor selection.

Vice Chair Thompson recommending utilizing the chapter on Encouraging Competition as a resource for businesses to assist them in navigating preconstruction services, alternate subcontractor selection, and subcontracting.

Ms. Zahn recognized OMWBE for enhancing the curriculum on competition during the last Design-Build training workshop. Four representatives from OMWBE attended the workshop and presented information on encouraging competition.

Business Equity/Diverse Business Inclusion Committee – Information

Chair Keith recommended focusing the discussion on the assumption reauthorization passes and continuing the work on diversity proposals under consideration by the Board. The issue is how to complete the work. After discussions with Mr. Schacht and Ms. van der Lugt, they are both willing to continue as chairs. Additionally, the Board should determine if the committee is the correct venue for continuing the work because it could require the engagement of more members to deliver on the Board's promises contained in the reauthorization bill.

Mr. Schacht advised that the committee has held one meeting of the Co-chairs since the December meeting with the discussion on future direction. It is likely committee meetings will be scheduled in the spring. The set of directives the Board needs to accomplish is included in the reauthorization statute, which will be the focus of the committee. The committee's next step is developing a work plan proposal. One noticeable gap is the lack of committee membership. The Board typically limits committee membership to 14 positions or less because of quorum issues. The Board should review current membership of the committee to ensure appropriate representation. With the exception of Irene Reyes, other

members are public owners. Ms. Reyes is the only small business owner who qualifies as a certified women or minority-owned business.

Ms. van der Lugt commented that the scope of the committee work would increase her current workload in addition to other Board work. She stressed the importance of ensuring all members and potential participants are aware of the work necessary over the next several years, scope of work, timelines, and milestones. It is important to convey the commitment when individuals are asked to join. A charter and priorities are important to establish. Across the nation and the state, equity is front and center, which equates to the committee's work as very time consuming requiring more meetings with members asked to participate. She is hopeful the committee is organized at the onset to ensure the delivery of value to the Board.

Mr. Kuruvilla volunteered to serve on the committee and support the efforts of the committee, as the issue is important.

Chair Keith nominated Mr. Kuruvilla to serve on the Business Equity/Diverse Business Inclusion Committee

A voice vote affirmed the appointment of Santosh Kuruvilla to serve as a member of the Business Equity/Diverse Business Inclusion Committee. Mr. Kuruvilla abstained from voting.

Ms. Zahn referred to prior discussions on priorities and the Board's discussion surrounding the challenges of soliciting participation by small, women, and minority-owned businesses to participate on committees because of the lack of time and other challenges facing smaller businesses. She asked about the possibility of the committee offering a stipend or other assistance to help small businesses participate.

Ms. van der Lugt noted that many business owners are unable to meet during the day and could only meet after business hours.

Ms. Zahn recommended the committee brainstorm ways to broaden inclusion.

Chair Keith summarized that the intent of the Business Equity/Diverse Business Inclusion Committee would likely change with the passage of the reauthorization bill. At the May meeting, the Board will consider additional appointments.

Design-Build Statute Review Committee - Action

Mr. Schacht reported the committee has essentially been inactive since the passage of 1295, nearly two years ago. He recommended terminating the committee.

The Design-Build Best Practices Guidelines have been updated to incorporate the changes included in 1295. One minor change to the Design-Build statute is pending relative to pre-engineered metal buildings. When the legislation passes, he plans to reissue an updated set of Design-Build Best Practices Guidelines. Unfortunately, the document was created by desktop publishing software, which will require resolution by staff.

Mr. Schacht moved, seconded by Robynne Thaxton, to terminate the Design-Build Statute Review Committee effective immediately. A voice vote unanimously approved the motion.

Subcontractor Bid Listing Statute Review Committee – Information

Co-chair Bill Dobyns advised that the committee would monitor over the next year and meet periodically to share information and provide an update. He recommended retaining the committee until the 2022 report.

PRC Review Committee – Information

Chair Zahn referred members to her December memo to consider the PRC review in phases and possibly appointing members to the committee. In December, the Board agreed more time was warranted to develop the scope and timing to provide the PRC Review Committee with a charter and guidance. She asked for direction by the Board considering the lack of time on the agenda.

Vice Chair Thompson suggested the Board should develop a scope and the responsibility well defined before appointing individuals to the committee.

Chair Keith recommended members who are interested in providing feedback should contact Ms. Zahn and consider forming a smaller workgroup to meet to prepare a draft of a defined scope with members providing input with follow-up in May. Ms. Zahn advised that she would provide an updated draft of the memo with feedback from a smaller group of the Board for an update at the May meeting for potential finalization of the scope and appointment of committee members.

Jane Wall disconnected from the meeting.

Education/Outreach Workgroup – Information

Ms. Yang referred to the pre-read prepared by Mike McCormick, which reflect three recommendations with some overlap from the Board's previous discussions. The recommendations include:

- Develop Best Practices Documents for three RCW 39.10 delivery models
- Tie the training to certification at PRC
- Expand the training and mentorship infrastructure

Chair Keith inquired about any scheduled meetings of the workgroup. Ms. Yang advised that she and Mr. McCormick discussed the Education Foundation training. One option under consideration is to provide a session when the reauthorization bill passes to review changes in the statute. During the joint meeting of committee chairs, the chairs could share ideas on how to coordinate training.

Board Development Committee - Information

Chair Frare advised that he believes the committee is extremely important. However, the Board needs to consider officers, appointment of members, and creating onboarding materials for members. Unfortunately, the committee needs different leadership as the committee has not held any meetings since the initial meetings.

Ms. Zahn advised that upon the retirement of Bob Maruska she met with Mr. Frare to discuss ways to prioritize the work of the committee and appoint members. She suggested exploring available resources to evaluate how the committee aligns with the Board's work.

Vice Chair Thompson offered that should a decision is rendered to terminate the Data Collection Implementation Committee he would be willing to join the Board Development Committee and assume a leadership position.

Ms. van der Lugt stressed the importance of the committee as it serves as the core foundation of the Board's work. The committee will require time upfront. She offered to commit time to the committee because she believes the committee is important.

Chair Keith recommended members consider the priorities the Board identified and potential members for potential leadership positions.

Ms. Thaxton offered to participate on the committee as well.

Ms. Yang offered that if the priorities of developing value and guiding principles is a priority of the Board, the Board Development Committee might be the appropriate committee to receive the assignment.

Chair Keith reviewed the current scope of the committee and suggested during the May meeting the Board should consider discussing possible mergers of committees based on the work plan of the Board.

Data Collection Implementation Committee – Information/Action

Co-chair Thompson reported the Board received a report on the committee's recommendation that the scope of the committee's work was completed based on addressing JLAR's Recommendation #3. At that time, the Board delayed

terminating the committee because JLARC had not provided its final report, which included the 2013 information for forming the committee. With the release of JLARC's report and the concerns surrounding data collection with respect to elements within GC/CM, he recommends terminating the committee.

Chair Keith asked whether the committee supports terminating the committee. Jolene Skinner said although she believes members agreed with the recommendation, members did not officially vote to recommend termination of the committee.

Bill Dobyms disconnected from the meeting.

Ms. Skinner reported she plans to review the extensive amount of Labor and Industries data with the intent to compare the data with projects authorized by the PRC to identify information that might assist the work of the Board. However, she plans to pursue that effort independent of the committee.

Vice Chair Thompson supported moving terminating the committee with the caveat that Ms. Skinner continue an active role with respect to reauthorization bill Section 20 and the best practices guidelines.

Chair Keith affirmed that the charge of the committee has been fulfilled. None of the priorities shared by the Board earlier spoke to expanding data collection. The Board discussed the collection of data in the realm of the reauthorization bill as needed for the Board's work. However, that would necessitate a change in the charge if the committee was retained.

Discussion ensued on the status of the committee as conveyed to the Board in September 2020. Chair Keith said she understood Aleanna Kondelis was considering offering a recommendation on data collection. Unfortunately, she left the meeting earlier.

Co-chair Thompson recommended the committee officially support the proposed termination of the committee and follow-up with the Board in May. Ms. Zahn supported tabling the action until May.

John Salinas disconnected from the meeting.

ADMINISTRATIVE

May 13, 2021 Meeting Planning & Draft Agenda – Action

Chair Keith recommended extending the May meeting because of the agenda.

The May 13, 2021 agenda includes:

- Local Government Public Works Study Committee – Action
- PRC Appointments – Action
- Data Collection Implementation Committee – Action
- Budget Update – Information
- Board Priorities – Action
- Board Development Committee – Action
- JOC Evaluation Committee – Action
- Business Equity/Diverse Business Inclusion - Action
- Subcontractor Bid Listings Policies Committee
- Placeholder for other Committee Meetings

ADJOURNMENT

With there being no further business nor quorum, the meeting was adjourned at 1:31 p.m.

Staff & Guests

Talia Baker, Department of Enterprise Services

Nick Datz, Sound Transit

Nancy Deakins, Department of Enterprise Services

Staff & Guests (continued)

Quinn Dolan, Centennial Construction

Joanna Eide, OMWBE

Cody Glasgow, PCL Construction

Valerie Gow, Puget Sound Meeting Services

Chris Herman, WPPA

Judy Isaac, MRSC

Jim Kaltenbaugh, Department of Labor & Industries

Kelci Karl-Robinson, Washington State Legislature

Aleanna Kondelis, University of Washington

Amanda Lanier, Sound Transit

Art McCluskey, WSDOT

Jon McGrew, Hennebery Eddy Architects

Scott Middleton, MCA

Ed Peters, Project Review Committee

Shari Reiter-Johnson, Department of L&I

Jon Rose, MRSC

Linda Shilley, Pierce Transit

Jolene Skinner, Department of L&I

John Starbard, City of Kirkland

Michael Transue, Brian Urban

Melissa Van Gorkom, WA State Legislature Staff