

# CAPITAL PROJECTS ADVISORY REVIEW BOARD

## Minutes

La Quinta Inn & Suites  
4600 Capitol Boulevard SE  
Tumwater, Washington 98501  
February 9, 2017

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<b>Members Present</b>	<b>Representing</b>	<b>Members Absent</b>	<b>Representing</b>
Bill Frare (Chair)	State Government	Rep. Vincent Buys	House (R)
Andrew Thompson (V. Chair)	General Contractors	Rep. Steve Tharinger	House (D)
Teresa Berntsen	OMWBE	Greg Fuller	Specialty Contractors
Steven Crawford	School Districts	Senator Bob Hasegawa	Senate (D)
Ty Heim	Public Hospital Districts	Lee Newgent	Const. Trades Industry
Joaquin Hernandez	Private Industry	Vacant	Senate (R)
Charles Horn	Insurance/Surety Industry		
Rebecca Keith	Cities		
Santosh Kuruvilla	Engineers		
Brent LeVander	General Contractors		
Robert Maruska	Washington Ports		
Alan Nygaard	Higher Education		
Irene Reyes	Private Industry		
Mark Riker	Construction Trades Labor		
Gary Rowe	Counties		
Walter Schacht	Architects		
Mike Shinn	Specialty Contractors		

**STAFF & GUESTS are listed on the last page**

### **Welcome & Introductions**

Chair Bill Frare called the Capital Projects Advisory Review Board (CPARB) meeting to order at 8:37 a.m.

A meeting quorum was attained.

Everyone present provided self-introduction.

### **Approve Agenda – Action**

The agenda was revised to include a discussion on GC/CM training.

*Andrew Thompson moved, seconded by Santosh Kuruvilla, to approve the agenda as amended. Motion carried unanimously.*

### **Approve December 8, 2016 Meeting Minutes – Action**

The following changes were requested to the minutes:

- On page 3, within the sixth paragraph, change the second and third sentences to reflect, “*The PRC discussed the issue at its last meeting, as well as during the PRC training. Members offered guesses on why...*”
- On page 2, within the sixth paragraph, correct the spelling of “*Ingram*” to reflect “*Ingraham*.”
- On page 14, within the sixth paragraph, change “*possibly*” to reflect “*possibility*” within the sixth sentence.

*Andrew Thompson moved, seconded by Robert Maruska, to approve the minutes of December 8, 2016 as amended. Motion carried unanimously.*

*Mike Shinn arrived at the meeting.*

### **Public Comments**

Chair Frare encouraged public comments throughout the meeting.

**Project Review Committee – January 26, 2017 Meeting Review – Information**

John Palewicz, Chair, Project Review Committee (PRC), reported on the last PRC meeting, the Committee considered five project applications and one application for agency certification. He noted that the PRC is receiving a greater number of applications during its meetings with some need to schedule special meetings. It is critical all PRC members attend the meetings to achieve a quorum.

A PRC panel unanimously approved the GC/CM application from Auburn School District for the Olympic Middle School project. The project reflects a trend occurring across the state as school districts utilize GC/CM as a delivery method for complicated school projects. The Olympic Middle School, a three-phased project, replaces and modernizes Olympic Middle School. The first two phases involve the construction of a new 98,000 square foot middle school at the south end of the school site adjacent to the existing school. During construction, the existing school would remain occupied while undergoing minor improvements to enable it to function as an interim elementary school for other school projects on the campus. The project budget is \$65.7 million.

The second project application was for a Design-Build (DB) project for the East Clearwell Roof Replacement project for the City of Everett. The City of Everett owns and operates the potable water system serving over 500,000 customers. One critical component of the water system is the east clearwell of the Water Filtration Plant. The clearwell structure constructed in 1983 is 140' x 260' in size. The City proposed to use DB to ensure the most cost effective roof replacement project. The budget is approximately \$3 million. The application was approved unanimously by the PRC panel. The City proposed a progressive DB approach as the City was seeking some roof system ideas. The City provided a small honorarium of approximately \$10,000 to \$15,000. The intent was selecting the DB team and developing the design with the team.

*Joaquin Hernandez arrived at the meeting.*

Mr. Maruska asked whether the City completed a solicitation and selection of the DB team based on qualifications and price factors and then negotiated the contract. Mr. Palewicz said the City selected a team and initiated a design without determining the final cost.

The third project proposal was from Western Washington University for GC/CM delivery of an addition and renovation to the Western Washington University Bookstore and Viking Union Facility. The project is located in the middle of campus and is part of the existing footprint of the Ethnic Student Center. The project removes the roof and adds another story while maintaining the function of the building. The existing building is approximately seven levels built into the side of a hill. The site has no road or construction staging areas. Having the contractor early in the process was desirable. Western Washington University has completed a number of other successful GC/CM projects. The project was unanimously approved by the PRC panel. The project cost is \$18 million.

The fourth project was from Lake Stevens School District for a multi-phased modernization of the Lake Stevens High School. The existing school is a campus-style facility with multiple buildings connected by walkways. The project includes a mix of additions, modernization of some buildings, and construction of new buildings to replace existing buildings. The school would remain occupied during construction. Construction work would be phased over three years. Total building area is approximately 208,000 gross square feet with a budget of \$87 million. The PRC panel unanimously approved the project. The Panel indicated the project was a good use of the GC/CM delivery method and that the team was well prepared.

Mr. Thompson asked whether school districts are providing in-house expertise or contracting to outside consultants for expertise. Mr. Palewicz responded that a number of school districts have contracted to outside consultants for expertise. Panel discussions often center on the availability of expertise because once a project is approved, the PRC has no other control should the project encounter problems. Panel members strive to ensure the appropriate team is in place prior to approval of the project delivery to include assessing the experience of school district staff members, as well as the consultants. During the review process, the panel receives a project presentation followed by questions and deliberation by the panel. During deliberations, panel members discuss respective concerns, if any. The applicant is typically present during the deliberations and is aware of any concerns addressed by members.

Mr. Thompson asked about those instances whereby the PRC might believe some consultants are over-committed on other projects. Mr. Palewicz affirmed that all Committee members are well experienced. Sometimes, consultants are assigned to a variety of different projects. The issue has raised some concerns by members. During one project review, the panel believed that one consultant was over-committed on too many projects. The panel conveyed concerns about the situation. Members reviewed the percentage of time allotted for consultants and expertise and support necessary by the public body. The issue has been a topic of conversation; however, once approved by the PRC, the project has no other oversight by the committee.

Mr. Crawford affirmed the PRC has been forthcoming and vocal about the percentage of time committed by some individuals, especially when those individuals are committed to other projects. From a school district's perspective, the success of the project is important to people who are assigned to the project, as well as to the district's ability to pass a future bond. Unsuccessful projects can result in the loss of the school district's credibility.

The last project application was a DB project by the City of Airway Heights for a 17-acre recreation complex near Spokane. The applicant plans to pursue a progressive DB delivery. The budget is \$14 million. The City developed a list of desired improvements and wanted a team to assist in investigating the site and determining how many of the items on the list could be accomplished. Project components include parking, softball/baseball fields, six soccer fields, and a 35,000 square foot recreation complex with a number of internal facilities. The project also includes future building phases for a gym and other facilities. The intent was to select a team, investigate the site, and provide counsel to the City on what project components could be accomplished within the scope of the budget. The panel approved the application.

Mr. Kuruvilla inquired as to whether the PRC questioned whether the contingency level was appropriate. Mr. Palewicz replied that the statute requires a minimum 5% contingency. When there are concerns about the contingency level with respect to a specific project, the PRC often questions applicants about the adequacy of the contingency for the project. For this particular project, the contingency amount was appropriate.

Mr. Maruska asked whether presentations include questions about an owner's expertise/experience in negotiating contracts. Mr. Palewicz said he is unsure whether that particular question has been addressed. The panel assesses the experience of the agency based on previously completed projects.

Mr. Shinn said the City paid construction teams \$100,000 honorariums to develop proposals. For this particular project, an important aspect was the contractor selecting the location of the project because of the size of the site. Part of the site included an Indian burial ground. An important element of the project was determining the location of the swimming pool. The community has been planning the project for many years.

Mr. Schacht asked whether the project was a traditional or progressive DB procurement. Mr. Palewicz said he believed it was progressive. The City used a validation period to work with teams independently.

Mr. Thompson asked whether the contingency could be more than 5%. Mr. Palewicz replied that 5% is the minimum amount required under RCW 39.10, which is the owner's project contingency. Additionally, a risk contingency is included as part of the MACC for the GC/CM. Mr. Thompson asked whether escalation could be part of the risk contingency or the owner's contingency, as it has become an issue for owners as they consider GC/CM and DB procurement. It is important for the PRC, as it evaluates project applications, to pay attention to the adequacy of contingencies. Mr. Palewicz said project budgets often lack details and are unclear as to where escalation is included. In his experience, escalation should not be part of the 5% contingency but should be included within the budget.

The PRC's only certification application was from the City of Seattle for GC/CM and DB. The application was not approved for either delivery method. PRC members shared a number of concerns. The City of Seattle has completed alternative public works projects since 2007, but missed the 90-day deadline for submittal of a recertification application. Subsequently, the application was for certification, which is somewhat more extensive than a recertification process. The City's Purchasing and Contracting Services (CPCS) is part of the Department of Finance and Administrative Services (FAS). The presenter was an employee of CPCS.

The City is comprised of a number of departments. It was unclear within the application which departments would pursue projects through the City. During the presentation and question and answer sessions, the main concern was certification by the City would authorize all departments in the City to use GC/CM or DB. Approximately one year ago, the PRC considered another certification by an agency that had successfully completed one small fire station DB project. The project was completed by one department in the City and the City was requesting certification for the entire City. PRC members did not approve the certification because overall, experience and expertise only resided in the one department that completed the fire station, and members were concerned about other departments lacking similar experience using the procurement method.

*Mark Riker arrived at the meeting.*

That same concern applied to the City of Seattle's application because the agency wanted different departments to use alternative public works projects. It was unclear to the PRC how those projects would be monitored from beginning to end to ensure success of the project. There also appeared to be a lack of specific experience within the various departments. The City's process was somewhat complicated for project delivery. As an example, at the University of Washington, all capital projects are managed by Capital Planning and Design rather than different entities managing the projects. PRC members were uncomfortable with the experience factor related to responsibility, monitoring, and relationships within the City of Seattle. Additionally, the list of recently completed projects included one emergency project, 19 Design-Bid-Build projects, and 5 alternative public works projects. The projects were all over budget and over schedule. There was a concern because part of an agency's certification is proven success of completed DB and GC/CM projects. One public comment received during the review expressed similar concerns because affording an umbrella certification to the City of Seattle would enable any City department to use alternative public works. It was troubling to many members that an agency that had been completing many projects was now in a position of not receiving approval; however, agency certification needs 60% approval of the meeting quorum. Denial of the application was unanimous.

Mr. Schacht asked whether there would have been a different outcome if the application had been for recertification. Mr. Palewicz replied that he did not believe the outcome would have been different as there were too many concerns surrounding the different departments, experience level, monitoring process, and the success of past projects.

Chair Frare invited Aleanna Kondelis, City of Seattle, to comment on behalf of the City.

Ms. Kondelis said she was responsible for spearheading the application as part of a joint effort within the City. The City was deeply disappointed the application did not convey the breadth and depth of what she believes the agency has. She feels strongly that the elements presented were very similar and in line with previous applications submitted, to include the 2007 original certification. She questioned why the outcome was different since the agency has been recertified and presented similar applications in the past. In terms of lessons learned throughout the submittal process, when the initial application was submitted, the City was afforded an opportunity to receive questions from the PRC. Some of the questions were very innocuous and did not rise to a level of concern. If she had been aware of some of the other concerns that were not submitted as questions, she would have provided more clarity on the user departments and other issues. She believes it would have resulted in a stronger presentation if she had addressed those concerns. She disagreed that had the City applied for recertification it would have resulted in a different outcome. The recertification application had a strong presence of alternative delivery projects completed. The City has a transparent and robust internal process with good checks and balances that are not present in other smaller jurisdictions. The City has many departments, central contracting, and a capital planning group. Many of the concerns addressed during the meeting were not included in the prior questions. The process allowed much discussion but no rebuttal time and she was not able to answer the questions that were being asked and discussed. One question was what the City considered success factors. The presentation could have included more detailed information on success factors for some of the projects. She agreed that because of unfortunate timing, the City was not able to send several personnel to the presentation, which lacked a full representation from the City. Additionally, one public comment pertained to another group's project and had nothing to do with the City of Seattle. It was somewhat blindsiding and unfair to bring up. One of the reasons for not approving the application was because of the outside concern surrounding a different agency. She acknowledged that she understood the concern because there was much confusion as to the way it was put together. The City has a good program and would like to appeal or apply for recertification dependent upon how the City wants to proceed. It was a very eye-opening experience, as she was not involved in the original certification.

Mr. Shinn said he attended the presentation as a member of the PRC. As an original member of the PRC, he has never witnessed an agency present its application with only one agency representative in attendance. There was no support. He encouraged Ms. Kondelis to have other personnel accompany her to afford a better opportunity for the City to present its application. He was also unsure of the museum project; however, that project moved forward and was advertised as a GC/CM project with no prior approval from the PRC. Representatives of the project have indicated it is a City entity. The project lacked completion of a PRC review and it is located on City property.

Mr. Hernandez requested clarification of City representatives “dropping off” as it appears to be concerning. Ms. Kondelis replied that the meeting was scheduled on January 26. Several City representatives scheduled to attend were unable to attend for a variety of reasons.

Mr. LeVander inquired about any procedures enabling the PRC to postpone a decision when the entity has been asked several questions that for one reason or another were unable to be answered by the presenter. He asked whether the PRC provides feedback to the entity on what could have improved the application for a future resubmittal.

Mr. Palewicz said members have the opportunity following a review of the application to submit advance questions to the applicant. The process is not a specific requirement, but it is designed to assist panel members in understanding the application. When reviewing a certification, the applicant includes the information in the application and conveys additional information during the presentation. Typically, an agency sends multiple individuals to provide answers to different questions from the panel. A fifteen minute period is afforded for questions to the applicant following the 20-minute presentation. There is sufficient time for the applicant to respond to questions. During the deliberation, members discuss the application without input from the applicant. The applicant is welcome to remain during the deliberation to observe the feedback and comments. Feedback to the applicant is provided by the entire membership during the process. Following completion of the deliberation, members vote to approve or disapprove the application. A letter is forwarded to the agency documenting the decision. It has never been his experience where the PRC lacked information to defer or postpone a decision. Additionally, the one public comment was offered after the PRC’s deliberation.

Mr. Maruska said the process includes a 10-day period for the PRC to issue a letter of decision, as well as a period for an appeal to be filed to the Chair of the Board. Although the agency was denied certification, the City is able to submit project proposals.

*Irene Reyes arrived at the meeting.*

Mr. Palewicz said that with respect to denial of project applications, other agencies have reapplied within a short period. In most cases, the agency receives approval of the second application after addressing the concerns and/or missing information.

Mr. Crawford said that speaking from a perspective as a former applicant, the PRC process is much more thorough than it was several years ago. Just because an applicant received initial approval does not necessarily mean recertification would automatically be granted. His agency’s second application took much more effort. The questions asked of the applicant prior to the presentation are clues of issues PRC members have noticed. It offers an opportunity for the applicant to respond appropriately and affords a better chance of success in seeking approval. Other questions could be prompted from the question and answer session following the presentation. For the City of Seattle, information was requested early about more details of completed projects, which was provided, but also raised more questions. There were significant concerns about the experience and the depth of the approval City-wide. Approval afforded to the City would also provide approval to the different departments that did not have documented success.

Ms. Keith said some of her concerns surrounded the Asian Art Museum issue, which was not a City project, and that all City departments could use the process, which is not accurate as the only department that can vet and approve the process is CPCS (Seattle City Purchasing and Contracting Services). There appeared to be a concern by the PRC that the process was not clearly delineated as to those two issues. In terms of projects over budget and overextended, the application format provided inadequate space for additional information. A project involving the King Street Station was dependent upon federal funding and was specifically designed to enable the initial budget to be factored on funding availability with

additional funding supplemented when received. There was other information that could have been clarified. However, the Asian Art Museum was not a Seattle project even though it was located on City property. If that was a factor in the decision, that is concerning. In terms of being a CPARB member, the PRC process reflects some holes in the appeal process because she is unaware of the City's next step even though the timeline has been acknowledged. The PRC Bylaws are unclear in terms of when the timeline begins - when the decision is rendered or when the letter is issued. She believes it should be measured when the letter is issued. It is unclear both in the bylaws and in statute, as it indicates the notice should be sent to the PRC but that the appeal should be forwarded to the Board. It is also unclear as to what is submitted. She was unable to locate meeting minutes online or other types of information that would be required to submit an appeal other than the notification letter containing only four sentences. She believes there are some holes in the appeal process and is unsure whether the Board has considered an appeal previously. She requested information on how the Board has handled previous appeals. Additionally, Ms. Kondelis has indicated that some questions were asked but she did not have an opportunity to respond.

Mr. Maruska advised that the Board previously considered three appeals of decisions by the PRC. In one case, the Board reversed the decision and in another case, the Board sustained the decision. He does not recall the outcome of the third appeal. However, the appeal period begins when the applicant receives the letter. The letter is submitted to the Board for an appeal. Typically, PRC receives a copy of the appeal letter. The CPARB is bound by specific timelines to consider the appeal. The applicant has the opportunity to present information to support the appeal and the Chair of the PRC presents the Committee's interpretation. The Board then renders a decision. In previous cases, the appeal was based on information provided during the presentation and did not include additional information or new information that was not included in the application or covered during the presentation. Typically, most applicants modify the application and resubmit for consideration.

Mr. Palewicz noted that RCW 39.10.290 states, *"Final determinations by the Committee may be appealed to the Board within seven days by the public body or by an interested party. A written notice of an appeal must be provided to the Committee and, as applicable, to the public body. The Board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal and to the appropriate public body, as applicable. The public body shall comply with the determination of the Board."*

Mr. Maruska clarified that the Board received an appeal by a third party as well.

Ms. Deakins said the case involved a third party appealing certification of a public body. The Board considered the appeal and reversed the certification decision.

Mr. Kuruvilla suggested receiving a rebuttal from Mr. Palewicz based on comments from the City in terms of whether the PRC did a thorough job in advising the City of the Committee's concerns.

Mr. Palewicz responded that he summarized the concerns of the membership. Minutes are prepared for the meetings, but have been delayed, which could be completed sooner to provide more information on member comments. The Committee deliberated for approximately 20 minutes.

Mr. Shinn suggested the Board could include the City of Seattle on the May agenda to address some of the concerns.

Ms. Keith acknowledged the need for the City to reapply to the PRC or appeal.

Ms. Kondelis added that regardless of the next steps by the City, it would be important to address the comments from the PRC's deliberation. Neither the application form nor the advance questions provided an opportunity to address the core concerns.

Mr. Thompson said that as a resident of Seattle, he is supportive of the City; however, the letter the City received is clear about the issues surrounding the selection process, track record, management of schedule, and operational and structural challenges. There are five points 24 members indicated the City should address. They based those concerns on the presentation by Ms. Kondelis. He urged the City to reapply and be better prepared. The City should consider the concerns by 24 members and evaluate what the organization should do to make it better.

Chair Frare noted that the City would either submit an appeal to the Board or resubmit for certification at a later date.

***PRC Application Review - Action***

Mr. Crawford reported he reapplied for his position on the PRC. It has been an honor to serve on the PRC as the participation has been enjoyable and challenging. The PRC is at a good place with a strong membership not afraid to ask hard questions or deny applications. He reapplied to ensure school districts would have continuing representation on the PRC. Although he is interested in continuing his participation, the Board received applications from two qualified applicants. Mr. Crawford withdrew his application from consideration and spoke to the experience of both applicants.

***PRC Position – Design Industry – Architect – 1 Position***

Chair Frare reported two applicants applied for one position. He invited the applicants to speak to their application.

Rustin Hall said he is the President and CEO of ALSC Architects in Spokane, Washington. He is delighted to be one of the PRC representatives from eastern Washington as it contributes to a diversity of opinions. His interest in alternative delivery began 32 years ago as a student at Washington State University seeking degrees in construction management and architecture. He was unsure of which career path to follow and blends both career paths. His firm has completed a number of GC/CM and DB projects from school districts, higher education, to municipal projects. Mr. Palewicz nominated him to chair the PRC in 2017, which was approved unanimously by the PRC. His attendance to meetings has been excellent. He stressed the importance of the PRC process to the industry. Founding members developed a system that has proved to be very effective. Occasionally, the decision is a denial, which can be beneficial as it brings everything to the forefront and affords an opportunity for a good discussion, as evident during the previous conversation. At the end of the day, the process helps improve everyone and ensures successful delivery of alternative delivery projects. It is also important to have the team in place and available on a project. Over time, he would like to see a better feedback process from applicants receiving approval who have completed their projects in terms of what was effective, what was not, and whether the owner's representative provided adequate support and completed the job.

Mark Nakatani reported he serves as a Principal with Studio Meng Strazzara in Seattle. The engineering and design firm specializes in commercial and education projects to include public sector projects. He began with the firm after leaving another large international agency for approximately 20+ years. Most of his alternative delivery experience stems from his tenure at that company. His project experience ranges from regional projects in the 1990s with the Navy for DB projects at Everett Homeport and GC/CM projects for some construction companies represented on the Board. Most of his alternative delivery projects were located across the country with Department of Defense (DOD) contracts or larger companies. The projects were complicated and often required more time to develop the proposal than construct the project. Studio Meng Strazzara focuses on school projects with many pursuing GC/CM delivery. His interest is in alternative delivery methods and he has spent much of career working on alternative delivery projects. As a member of other advisory boards and as a participant in client industry relationships on alternative delivery, he is interested in the Board's activity. His experience is on a broader basis and could provide a different perspective on other types of projects completed municipalities or at the federal level for both DOD and non-DOD alternative delivery projects. He has been active in DBIA at the national level and that perspective would help in identifying industry trends, where trends are heading, how it might affect the built environment, and what might be needed to respond to trends.

Chair Frare invited nominations for the Design Industry- Architect position.

***Walter Schacht nominated Rustin Hall to serve as the Architect's representative on the PRC.***

Mr. Schacht said Mr. Hall has a compelling track record of service in his three years on the PRC. It also should be noted that his PRC colleagues nominated Mr. Hall to serve as Chair next year. Mr. Hall has a high profile in the design community and the skills, experience, and the knowledge of industry trends to serve the PRC well.

***Mr. Kuruvilla seconded the nomination.***

Mr. Kuruvilla said it is important the PRC have representation from eastern Washington.

No other nominations were offered.

***By acclamation, Rustin Hall was appointed to serve as the representative for the Design Industry – Architect position.***

***Minority/ Women Owned Business – 2 Positions***

Chair Frare reported five applications were received for two positions. He invited the applicants to speak to their respective application.

Marcela Alcantar, Alcantar and Associates, thanked the Board for its time and opportunity to present her qualifications. She is the President and Owner of Alcantar and Associates. The company was established 18 years ago and she has 24 years of professional and construction experience. During the last 18 years as a woman owner of a business, she has worked on different types of projects to include state and federal projects inclusive of design and construction projects. That experience involved the alternative delivery process. Her business has afforded her involvement with similar committees for a disparity study with the Department of Transportation in Oregon and Washington, as well as serving on committees for the Latin American United Citizens, an association of electrical contractors in Oregon and Washington. The importance of inclusion of diversity in projects as well as the language that is attached to those projects is essential. It is critical for inclusivity and diversity on projects as representatives of the community.

Mr. Shinn asked about the location of the firm. Ms. Alcantar reported the company has three offices with one office recently opened in California. The other offices are located in Seattle and Portland, Oregon.

Ato Apiafi, Ato Apiafi Architects, PLLC, thanked the Board for its trust in him when the Board appointed him three years ago to serve as a member of the PRC. It has been an honor to serve and it also provides a way for him to give back to society. His attendance record has been top notch. He has watched as WMBE participation increased from ½ of 1% when he first was appointed to the PRC to 1.6% today. He spoke to his desire to serve another three years as he continues to work to achieve an uptrend in minority participation. Most agencies want to have inclusion on projects, which is encouraging. He is also a strong advocate for minorities and believes the rising tide includes more women and ethnic minorities within the industry.

Ms. Reyes asked Mr. Apiafi to share information on the past and present conditions that affected the increase in minority industry participation. Mr. Apiafi replied that in his opinion, minorities were not as well-represented as they are today. Today, he is the Vice President of the National Association of Minority Contractors (NAMC-Washington) and serves on the PRC, Tabor 100, and the Entrepreneurial Institute of Washington. All the organizations are WMBE communities to advance the inclusion of minorities. He believes his contribution and his outspokenness on the PRC for WMBE interests have helped increase participation within the industry.

T. Jason Nakamura commented on his application via telecon. Mr. Nakamura reported he is the President and Owner of 1 Alliance Geomatics, LLC in Washington State. The company is a small MBE/DBE surveying firm. He opened the company at the end of 2012, which has quickly expanded into one of the largest surveying firms in the state. The company has provided a unique perspective on alternative delivery methods because surveying is involved in both design and construction. He has worked on numerous alternative delivery projects to include two emergency DB projects involving the I-5/Skagit River Bridge and the OSO reconstruction project, as well as the Elliott Bay Seawall GC/CM project with contracts for negotiated support services and numerous subcontracts of both union and non-union workers. His company is considered an open shop or non-union company and he has good relationships with Local 302 and Local 612. He understands project labor agreements, community workforce agreements, prevailing wage, and reporting requirements for alternative delivery projects. He believes he would be a great small business resource for the PRC.

Mr. Riker said he was born and raised in Oso. He thanked Mr. Nakamura for the tribute he participated in for the individuals who lost their lives during the landslide.

David Talcott, Director of Engineering, Exeltech Consulting, reported the company is located in Lacey and is a MBDE company. The three major benefits he would bring to the PRC include a strong working knowledge of alternative delivery, is driven to improve the industry and understands the need to work toward reducing uncertainties on projects and helping to build public confidence, and is a strong advocate for small businesses. As the design manager for the Sound

Transit Angle Lake extension project, he had the opportunity to develop the DB documents. The project provided him with a good working knowledge of the decisions required for technical requirements and documents for delivery of a DB project. He also served as a quality assurance representative on the GC/CM Elliott Bay Sewall project. As there are uncertainties with small businesses, it is important to work toward strengthening the small business community in the state of Washington. He committed to attending all PRC meetings barring illness or family emergencies. He asked for the Board's support for serving on the PRC.

Mr. Hernandez asked Mr. Talcott about any ideas he might have to assist in lessening the uncertainties for small businesses. Mr. Talcott replied that it is important to strongly advocate for participation in projects and require larger contracting firms to include a percentage of participation by small businesses and minority companies.

Adam Jenkins, Partner, The Greenbusch Group, a small woman-owned engineering firm located in Seattle, said he submitted a letter of interest for several vacancies for minority and women-owned businesses and specialty contractors. He has been with the company for 11 years and participates in the AEC industry. The unique benefit he would provide to the PRC is his multi-faceted experience with alternative procurement. He has worked on most sides of the industry to include traditional Design Build and as an owner's representative helping to develop DB RFPs and review DB proposals. He has participated in the scoring and selection process, and competed for the work as a member of DB teams throughout the United States but mostly in Washington, Oregon, Alaska, and Georgia. For the GC/CM procurement process, he has also worked on the design team closely with the owner and the design professionals of architects and other engineers to ensure quality design products. On other projects, he has worked with contractors bidding heavy civil GC/CM subcontractor packages for noise and vibration monitoring. He has much respect for the service provided by the Board and the PRC. Both are essential for a responsible and effective implementation of alternative procurement methods in Washington State. He is appreciative of the accountability and would like to be a part of the process.

Mr. Kuruvilla recused himself from participating in the selection as he works with Mr. Talcott. Mr. Kuruvilla cited the qualifications of Mr. Talcott, who has known for nearly 30 years. Mr. Talcott has worked on some of the largest projects in the country and has played a key role in a large project in Boston as a design lead. Utilization of minority and women owned businesses is important to him personally. Mr. Talcott serves as the organization's Director and would consider those issues very seriously and represent those expectations as a member of the PRC.

Chair Frare acknowledged the number of highly qualified candidates applying for the positions. He asked for nominations for the first position.

**Mr. Nygaard nominated David Talcott for the first position.** He agreed the Board received a great slate of candidates, which provides a choice of well-qualified candidates.

**Ms. Reyes seconded the nomination.**

When asked about any comments or recommendations concerning the applicants, Ms. Berntsen advised that she reviewed the submittals and could offer no additional comments.

Chair Frare said he has met Ato Apiafi and Jason Nakamura but has not had an opportunity to work with the individuals. He is however, aware of their character and work ethic based on their volunteer efforts within the industry.

Ms. Berntsen said she has worked with Mr. Apiafi in several workgroups for minority women owned contracting. She spoke positively of his character and activism.

**Mr. Hernandez nominated Ato Apiafi. Mr. Heim seconded the nomination.**

**Four members voted for David Talcott. Eleven members voted for Ato Apiafi. Ato Apiafi was appointed to the first position.**

Chair Frare invited nominations for the second position.

**Mr. Horn nominated Marcela Alcantar. Mr. Thompson seconded the nomination.**

**Ms. Keith nominated David Talcott. Mr. Nygaard seconded the nomination.**

**Mr. Riker nominated Jason Nakamura. Chair Frare seconded the nomination.**

**Seven members voted for Marcela Alcantar. Four members voted for David Talcott. Four members voted for Jason Nakamura. With Mr. Kuruvilla recusal, a majority vote of eight members was required.**

Chair Frare proposed a revote of the second position with the two candidates receiving the most votes advancing to a final vote.

Ms. Keith requested additional discussion. She spoke to the excellent qualification of Ms. Alcantar and how the decision was difficult for her personally. However, she was also concerned about the strength of Ms. Alcantar's presence in Portland rather than in Washington. She asked the candidate to speak to the concern.

Ms. Alcantar said that as a small business owner, it has been challenging to determine the best location of the company. She expressed gratefulness for the DBE program as it has allowed her company to expand into other areas that she has never experienced as a woman-owned business. Recently, the company moved to Washington along with a commitment to remain in Washington. The company is in the process of assigning the primary office within the state of Washington because of the state's commitment to small businesses as a region. Her commitment has expanded and would be extended to the Board through her expertise as she has served on other similar boards and committees. She has also been working with LCA (Latino Civic Alliance) and is trained to understand more about participation and what it means to be diverse within a community, particularly for women in the construction trades. The company is also tied to the unions and is committed to the workforce. She plans for Washington State to be the primary location of the company for both business and workforce participation.

Mr. Crawford asked about the company's recent opening of an office in California. Ms. Alcantar said the office in California was possible through a joint venture through the Small Business Administration program for a joint venture to enable federal contracting.

Ms. Reyes asked about the timeframe for moving the company's residency to Washington State. Ms. Alcantar replied that she plans to relocate permanently within the next six months. The business is currently operating in Seattle and has contracted for work on the Union Tunnel project. The office is located in Burien. Previously, the office served as a hub zone for a community. Hub zones served underutilized communities. The company is currently determining the best location for the company. The company has been in Washington for last three years. However, she resides in Beaverton, Oregon. The company's Construction Manager Vice President lives in Burien.

Mr. Thompson shared that he met Ms. Alcantar when he was pursuing some survey work as a contractor for the Washington State Department of Transportation. Over time, he became acquainted with Ms. Alcantar and developed a friendship. He encouraged her to submit an application to the Board and participate in the process. Ms. Alcantar has a skill set on the design side with surveying and is also considering concrete work. The company offers a broad spectrum of skills. He thanked her for submitting an application.

Ms. Alcantar added that in Portland, she is viewed as a role model as a woman-owned business in the minority community. She worked on the Tillicum bridge project and was responsible for the east and west light rail. Her vision and goal is to leave a legacy that makes a difference in the community as a woman-owned company. She has worked closely with other organizations to make an impact not only for small business, but also for the workforce. She is excited to be part of the Washington community and serving on the Board would help her begin making changes and contributing to how language can bring meaningful participation to projects.

Mr. Crawford inquired about any residency requirements in the RCWs for members of the Board or the PRC. Chair Frare advised that there are no residency requirements in the RCW.

Chair Frare called for a revote for Ms. Alcantar, Mr. Talcott, and Mr. Nakamura T. Four members voted for Ms. Alcantar. Four members voted for Mr. Talcott. Seven members voted for Mr. Nakamura.

Mr. Shinn recommended calling for a vote of the top two candidates.

Mr. Nygaard disagreed as the reason the vote may have changed was because members learned Ms. Alcantar is not a resident of the state. Because the Board received applications from well-qualified candidates from within the state, he changed his vote.

Mr. Schacht added that there is no prohibition for a candidate not residing in the state; however, it might make sense for many members for a candidate to be a resident. Concurrently, it is interesting and perhaps ironic that the candidate for the women owned business was not nominated, but the candidate for the women business owned enterprise was a man and the candidate for the minority business owned enterprises is not a minority. He spoke to being sensitive of the Board's thoughts as to whether a candidate representing either a women or minority owned business might not be a minority or a woman. He changed his vote based on the candidate's best representing the two minority groups.

Mr. Hernandez affirmed that it is important only because it is reflective of life experience, as he has experienced it and continues to experience it today. It is also possible to have champions who are not a minority. Unfortunately, it does add credibility. Not only is it skin color or gender, the issue is how involved an individual is. Ms. Alcantar's experience is amazing and what she has accomplished in Oregon will be vital to what occurs in Washington State when the various studies have been completed. His reservation centers on the candidate's residency, which led to a change in his vote. He asked members of the PRC how much difference it would make to have a member who does not reside in the state evaluate projects that are located in the state.

Mr. Horn remarked that as a small business owner, it is great that a person can conduct business in more than one state as a small minority construction firm. The Board does not often have the opportunity to be successful all the time and often has to select applicants that have applied. Ms. Alcantar is an SBA contractor and secures federal government contracts. There are many people who believe more opportunities for minorities are in Oregon rather than in Washington. He questioned how the Board could hold that fact against Ms. Alcantar. Successful businesses accept business opportunities regardless of where they are from.

Ms. Reyes said she is certified in both Washington and Oregon, but there is more traction in Washington State. Additionally, she changed her vote because the culture for minority and women owned businesses is different than it is in Oregon. It is important to become involved in the state's system.

Ms. Alcantar said she is aware of the difference in the culture as she participates in both states and is aware of the night and day differences in terms of contracting with unions and the licensing requirements for professional services. Knowing the policies and requirements of both states would benefit the committee by adding one more layer of information.

Mr. Kuruvilla asked about the appropriateness of inviting Mr. Palewicz to join the conversation as PRC Chair.

Mr. Palewicz commented that all the candidates are well qualified and he would be satisfied with the decision by the Board.

Ms. Berntsen expressed appreciation for Mr. Schacht's perspective as it takes some courage to address the issue. She believes it is important as well. As a white woman, she has an interesting job while recognizing the position of privilege and what it means. In terms of Washington residency, her policy background influenced her vote as she is well versed in the uniqueness of the state's policies, which are important.

Chair Frare spoke to comments proposing to disqualify a non-resident candidate, as well as the candidate receiving only four votes during each vote. It would not be appropriate to disqualify either candidate. He recommended another vote of the three candidates to determine an outcome.

**Five members voted in favor of Ms. Alcantar. Mr. Talcott received no votes. Eight members voted in favor of Mr. Nakamura. Nakamura was appointed to the PRC.**

Mr. Nakamura thanked members for their support.

***Specialty Contractor- 2 Positions***

Kurt Boyd, Vice President of Business Development, Valley Electric Company, reported he has been a member of the PRC for two years. He asked for reappointment to the PRC in the position of Specialty Contractor. He shared information on his deep passion for improving industry practices through team collaboration and creativity. His interest stemmed from his undergraduate studies at the University of Washington and his graduate studies in construction management and from over 30 years of practical experience as an electrical contractor, general contractor, and owner's representative. He understands the requirements of RCW 39.10, particularly in determining whether the project is appropriate and the owner has adequate staff for the project. His technical experience is in DB, GC/CM, and EC/CM procurement. He believes his experience would be an asset to PRC, CPARB, and to the taxpayers of the state. Some of his project experience includes the University of Washington's Nano engineering & Sciences project, Coleman Dock project with Hoffman Construction, and the University of Washington's CSC project with Mortensen Construction.

Adam Jenkins, The Greenbusch Group, Inc., reported the company provides specialty subcontract services to general contractors for both DB and GC/CM projects. Most of the work is specialty service related to environmental compliance monitoring and a variety of heavy/civil projects.

Mr. Schacht pointed out that the position represents specialty contracting. The Greenbusch Group is a consulting group. He asked whether the company provides specialty contracting services. Mr. Jenkins replied that as a subcontractor, the company provides specialty services to general contractors on construction projects. Mr. Schacht added that the position represents professional design services. Mr. Jenkins clarified that the company's engineering services include mechanical engineering and vertical transportation. His application is not representative of those services but speaks to environmental noise and vibration monitoring and labor services to general contractors.

Mr. Shinn asked whether the company is licensed in the state as a general or specialty contractor. Mr. Jenkins affirmed the company is licensed as GB Build and typically works as a subcontractor to a general contractor. Mr. Shinn said a specialty contractor is normally a general contractor that has multiple trades working as subs to the specialty contractor.

Chair Frare invited nominations for the first Specialty Contractor position.

***Mr. Shinn nominated Kurt Boyd. Mr. Maruska seconded the nomination.***

***All members voted in support of Mr. Boyd's appointment.***

***Mr. Nygaard nominated Adam Jenkins for the second Specialty Contractor position. Mr. Heim seconded the nomination.***

Mr. Riker questioned whether The Greenbusch Group is a specialty contractor.

Mr. Schacht asked whether the company charges for services based on the Davis Bacon measurement. Mr. Jenkins said the company is compensated in a variety of fashions through either bid lump sum or negotiated unit pricing. Mr. Schacht asked whether employees of the company are paid prevailing wages. Mr. Jenkins said the company does not pay prevailing wage rates.

Mr. Maruska shared that the Board encountered a similar situation when a question arose as to whether a candidate could represent an interest group other than what their current practice entailed. At that time, the Board considered but did not exclude a person's ability to represent another industry group. Should the Board place the name in nomination and the candidate does not receive a majority vote, the position would remain open and could be re-posted. The Board could also consider extending the timeline for acceptance of new applications.

Discussion ensued on possible next steps as many members did not believe the candidate represented specialty contractors. Members discussed options of deferring the nomination or suspending the vote.

***Andy Thompson moved, seconded by Robert Maruska, to suspend the nomination.***

Mr. Horn requested clarification as to whether the Board believes the candidate is not a representative of a firm licensed as a contractor. Chair Frare said the applicant is representing a company not licensed as a specialty contractor with the state and does not pay prevailing wage.

Mr. Horn pointed out a specialty contractor could entail only one classification. Most companies are licensed and bonded as a general contractor. Additionally, most companies advertising as a specialty contractor are not a specialty contractor, but a general contractor.

Mr. Schacht commented that he has worked with The Greenbusch Group over the years on mechanical engineering, elevator design, and acoustic design. The company is a highly qualified and component firm. It is important that the record reflect that. It is likely the Board does not want to legally ascertain whether a company is a specialty contractor, but he believes the Board would rather have a representative from the trade side of the industry rather than the professional design services side. He recommended moving forward with a vote and if the applicant does not receive a majority vote, the position would remain open for advertising.

Members agreed to vote on the nomination.

One member voted in support of the appointment of Mr. Jenkins.

Mr. Crawford added that if it is determined the company is a licensed contractor, it is important for the applicant to consider reapplying for the position for consideration at the next meeting.

***The makers of the motion agreed to withdraw their motion.***

#### ***School District – 1 Position***

Chair Frare noted that Mr. Crawford previously withdrew his application from consideration. He invited the remaining applicants to speak to their respective application.

Robin Heinrichs, Executive Director of Support Services, Franklin Pierce School District #402, reported that he was a general contractor for 25 years and is familiar with the trades and the construction process. Later, he served as a project manager for a facility and operations contract for a U.S. Coast Guard Base in Kodiak, Alaska and is familiar with how buildings age and maintenance requirements for buildings. More recently, he served as a program manager with DOD for DB contracts and GOC contracts at Fort Lewis and other military installations. He currently serves as the Executive Director of Support Services with Franklin Pierce School District. The small district serves 8,000 students and is located south of Tacoma. The district recently passed a bond for capital projects. His interest in serving on the PRC began when he was first employed by the school district. Not having prior experience in the education community, he suggested the district should consider pursuing a DB delivery method for a project during a discussion with the project architect. He was familiar with the DB delivery method, as he has delivered a number of DB projects for the federal government. The architect commented on the difficulty of vetting and obtaining approval of that delivery method because it was not appropriate for educational facilities. The architect went on to explain why DB was not a good tool for education construction. The explanation never made sense as the school district ended up delivering a DB project successfully. He would benefit the committee by contributing information about the vetting process as well as DB experience from a small school district perspective.

Edward Peters, Capital Projects Director, Edmonds School District, thanked the Board for the opportunity to consider his application. He has had long-term interest in improving project delivery and appreciates the support provided by the Board and the PRC to the Edmonds School District to enable completion of four GC/CM projects. Four more GC/CM projects are in process. The school district is the second school district approved by the PRC for agency certification for GC/CM. Another benefit he would provide to the PRC is his long and deep involvement with colleagues from other

school districts. He has nearly 30 years of membership in the Council of Educational Facilities Planners International now known as the Association for Learning Environments. He has held a number of leadership positions on the organization's board and presented at many of the conferences on the GC/CM procurement method. Other school district personnel frequently call him for advice about GC/CM. For those reasons, he believes he could provide some benefit to the PRC process.

Mr. Crawford reported Mr. Heinrichs would contribute much DB experience to the PRC as that delivery method would likely increase in the future. Mr. Peters has a long and successful history in school district construction and extensive involvement over a long period with the CEFPI providing contact with school districts throughout the region. Both candidates are well-qualified.

Mr. LeVander reported on the opportunity to work closely with Mr. Heinrichs, as the firms have collaborated on several DB projects. One project was a \$60 million complicated project. Mr. Heinrichs led the team successfully with his company serving as a subcontractor. The second project was a \$12 million joint venture entity project.

Mr. Riker asked Mr. Heinrichs about the identity of the construction firm he previously worked at. Mr. Heinrichs said the company was Benchmark Construction in Alaska.

Mr. Schacht spoke to Mr. Peters' experience. His company has been a member of CEFPI, which today is A4LE. Mr. Peters has been a leader with the organization for many years and is well connected to his school district colleagues across the state. Additionally, some of his colleagues working at the Edmonds School District believe Mr. Peters has done an outstanding job of leading the department.

Chair Frare invited nominations.

***Mr. LeVander nominated Robin Heinrichs.***

***Mr. Schacht nominated Edward Peters.***

***Mr. Heinrichs received three votes. Mr. Peters received 13 votes. Mr. Peters was appointed to the PRC.***

Chair Frare recessed the meeting for a break from 11:02 a.m. to 11:18 a.m.

Ms. Deakins encouraged the Board to solicit applications for the Public Hospitals position.

**High Performance on Design-Bid-Build Committee – Information**

Ms. Deakins reported the committee has not scheduled its first meeting. The Board appointed some members in December. Recent activities include some potential changes in membership for higher education and relocating committee meetings in the vicinity of Seattle to accommodate member schedules.

Mr. Schacht reported David Huotari notified him of his inability to participate.

Mr. Nygaard advised that Garrett Buckingham representing higher education would not be participating.

Mr. Maruska recommended removing Mr. Huotari and Mr. Buckingham to enable the committee to achieve a quorum.

Ms. Linneth Riley-Hall requested the appointment of Thuy Hong representing Sound Transit to the committee.

***Robert Maruska moved, seconded by Brent LeVander, to appoint Thuy Hong representing Sound Transit, to the High Performance on Design-Bid-Build Committee. Motion carried unanimously.***

***Robert Maruska moved, seconded by Walter Schacht, to remove the nominations of David Houtari and Garrett Buckingham for membership on the High Performance on Design-Bid-Build Committee. Motion carried unanimously.***

### **Public-Private Partnership Committee - Information**

James Lynch reported the next committee meeting is scheduled on March 1 to discuss issues and concerns. Interest in the community continues for the utilization of Public-Private Partnership (P3), particularly in Snohomish County for the US 2 Trestle Replacement project. He encouraged submittal of any comments and/or participation because of other efforts moving quickly that could likely increase in momentum and create provisions that might be detrimental than the efforts currently underway by the committee.

Mr. Thompson shared information on his advocacy for P3 as an employee of Granite Construction. He has shared the work product of the P3 committee, as well as expressing concerns to the committee about some lack of support in the industry and his support to continue addressing concerns. Representative Buys does not intend to move forward with draft legislation without support from the CPARB.

Mr. Maruska shared that Senate Bill 5330 was introduced for non-toll transportation projects. The bill eliminates RCW 39.10 effective June 2022. There were a number of key issues the committee has attempted to resolve that are included in the bill.

Mr. Lynch said the proposed legislation only impacts non-toll transportation, which could operate in parallel with a future bill offered by the committee. It speaks to the activity occurring elsewhere and the potential of what could happen if the committee is unable to resolve pending issues.

Ms. Keith asked whether the public owner advocated by Granite Construction for P3 is Snohomish County or Washington State Department of Transportation. Mr. Thompson said the participants at this time represent Snohomish County.

Mr. Lynch added that he has also received inquiries from the Port of Everett, City of Everett, and Snohomish County concerning P3 legislation.

### **Design-Build Best Practices Committee – Information**

Mr. Schacht reported on the probability of presenting the draft report to the Board for review and discussion at the May meeting.

### **Data Collection System – Beta Review – Information**

Mr. Nygaard reported on the availability of a beta version of the data collection system. He offered to distribute the system to public owners required to report to receive feedback on the system.

### **Legislation of Interest – Information**

Chair Frare referred to a list of legislative bills of interest to the Board. Members discussed and shared viewpoints on the proposed legislation:

- **SHB 1486 – Creating the Washington wage recovery act – creates a statutory wage lien for claims on unpaid wages.** Procedural legislation with no recommendation by the CPARB.
- **HB 1538 – Requiring prime contractors to bond the subcontractors portion of retainage upon request.** Legislation is driven by some contractors concerning retainage requirements. It is opposed by some companies because of the transfer of risk from subcontractors to general contractors. Existing legislation allows for early release of retainage. Members voiced both support and opposition and cited different examples of current practices.

Bob Armstead, National Association of Minority Contractors, reported that because of delays in payment, the amount of retainage represents the profit of many small businesses. When unable to collect retainage, it detrimentally impacts smaller companies. Although existing legislation allows payment of retainage, it is not occurring in the industry.

There was no consensus on a CPARB position. It was stated Members testifying in support or opposition should not do so as a representative of CPARB.

- **HB 1574 – Concerning construction contracts.** Mike M Johnson legislation – DES offered substitute language and if supported, DES would likely support the bill. Mr. Maruska reported Ports support remanding legislation to CPARB to work on language.
- **SB 5146 – Allowing public transportation benefit area authorities to use Job Order Contracts (JOC) and procedures.** There was no consensus for the proposed JOC Evaluation Committee to address proposed legislation.
- **SB 5167 and SB 5168 – Prohibiting the use of mandatory project labor agreements by regional transit authorities – prohibits a regional transit authority from using mandatory project labor agreement when seeking public works solicitation or contract & SB 5168 – Prohibits state agency from using mandatory project labor agreements when seeking public works solicitation or contract.** Mr. Riker opposed but lacked background information on bills concerning project labor agreements (PLAs). Small minority businesses oppose project PLAs. Ms. Riley-Hall advised that Sound Transit use PLAs on projects and the legislation is targeting Sound Transit projects.

Ms. Keith advised that the City of Seattle has successfully used PLAs for some projects in economically disadvantaged areas. The legislation would impact more than regional transit authorities.

Phil Lovell noted that language within both bills does not ban the use of PLAs but that an agency cannot make PLAs mandatory. In theory, PLAs are supposed to apply to a specific project with needs to benefit the project.

Mr. Armstead agreed PLAs are supposed to be for specific projects to address specific need as opposed to blanket PLAs that small businesses are experiencing in the region. Small minority businesses opposed PLAs as they are detrimental to business and are not in the best interest of small businesses. The organization supports the labor element as well as the community investment element, but mandatory of inclusion of minority firms has created a need to oppose the legislation. Additionally, PLAs should have a ceiling or a limit on the size. Today, cities, counties, and transit authorities use PLAs.

- **SB 5301 – Including repeat and willful violations of certain state laws to the state’s responsible bidder criteria.** Members discussed but there was no CPARB action.
- **SB 5330 – Implementing public-private partnership best practices for non-toll transportation projects.** Members discussed the bill and agreed the language is unclear.

*Mr. Maruska moved, seconded by Mark Riker, to send a letter to the Legislative Committee expressing a desire to have bill remanded to CPARB and integrated within current P3 efforts. Motion carried. Ms. Berntsen abstained.*

Chair Frare and Mr. Maruska offered to draft the letter.

Mr. Maruska reviewed several bills and recommended their inclusion on the Board’s list of legislative bills of interest:

- **1131** – Reduces time for adjacent property owner to file a claim on a public works project.
- **1158** – Repeal of I-200.
- **1672** – Prevailing wage owed to worker.
- **5036** – PUD statute on unit price contracting.
- **1897** – Changes to OMWBE and small works. Chair Frare and Ms. Berntsen plan to testify on some sections of the bill later in the day.
- **5379** – Public buildings less than 12 stories.
- **5492** – Training with Department of Labor & Industries (HB 1673) for eligibility to submit a responsible bid. Ports are concerned with timing and how the requirement would be verified.
- **5493** or **HB 1674** – Establishing prevailing wage rates in collective bargaining agreements.
- **5494** or **HB 1675** – Requires posting of prevailing wage.
- **5734** – or 3908.010 – Prohibits public owners from requirement of payment and performance bonds on contracts less than \$150,000.

Mr. Schacht reported on a number of bills related to the State Building Code Council. He asked about the Board's interest, as the bills would affect designers, owners, and contractors. AIA is tracking the bills. For example, SB 5500 concerns the update cycle of local codes, which are updated every three years. The bill proposes adopting substantial amendments to the code no more frequently than every six years. Architects disagree and believe it is problematic because of the obligations inherent in the profession for health, safety, and the welfare of citizens, which is why the codes are updated every three years.

Mr. Schacht addressed the relationship between members and the Board's legislative members. Previously, efforts by CPARB were supported by legislative Board members. He does not believe that connection exists with the Board's current four legislative members, which puts the Board at risk. He recommended the Board should address the bills and asked for feedback.

Chair Frare responded that the Building Code Council reports through a different administrative structure. The Council lacks funding for the necessary support the Council needs. Administratively, the roles and responsibilities are an issue between DES and the Council in terms of authorities. DES would like to resolve some of those issues. While he supports updates to the code every three years versus six years, he is unsure the bills are a CPARB issue.

Mr. Nygaard agreed that the issue is important but also questioned whether the Board should address them, as it is outside of the core duties.

Mr. Crawford recommended an alternative of monitoring the bills.

Chair Frare reported on the efforts by Representative Buys to change "must" to "should" concerning the submittal of recertification applications by public bodies for GC/CM or DB procurement. DES proposed alternative language regarding recertification of public bodies. DES recommended language affording the CPARB Chair the authority to waive minor informalities to enable a shorter submittal timeframe. However, the suggestion was not accepted.

**Work Plan – Diversity Committee – Information/Action**

Mr. Thompson recommended members review the proposal and materials for preparation of a discussion in May. He referred to the work of the Governor's Diversity Task Force over the last several years and suggested the Board consider incorporating six elements from that work within the CPARB work plan.

Mr. Nygaard suggested clarifying that direction within the documentation.

Ms. Berntsen recommended scheduling a presentation by Director Liu or the project manager on ongoing diversity efforts.

**Work Plan – JOC Evaluation Committee – Information/Action**

Mr. Nygaard referred to information on the creation of a JOC Contracting Committee. Based on the significant amount of history and data for JOC contracting, it is timely for the Board to evaluate the statute on JOC.

*Alan Nygaard moved, seconded by Mr. Maruska, to create a JOC Evaluation Committee to review job contracting legislation and assign the tasks and issues as identified in the pre-read. Motion carried unanimously.*

*Alan Nygaard moved, seconded by Mike Shinn, to appoint Amy Engle, director of Special Projects, University of Washington, as the Chair of the JOC Evaluation Committee. Motion carried unanimously.*

**Draft Agenda for May 11, 2017**

Members discussed scheduling another meeting in May to afford adequate time to consider PRC appointments.

*Andy Thompson moved, seconded by Santosh Kuruvilla, to select a meeting date for selection of PRC candidates within the next week. Motion carried unanimously.*

Following discussion, members agreed to a full-day meeting on May 11 rather than scheduling a second meeting. Mr. Thompson recommended considering PRC candidates during the afternoon session.

The May agenda includes the following items:

- PRC Update/Appointments
- Appoint JOC Committee members
- Update on and/or appoint Diversity Committee nominations
- Follow up with Governor's Subcabinet for Diversity presentation
- Review draft of Design-Build Guidelines (Schacht)
- Presentation by Phil Lovell on AGC and UW sponsored GC/CM training.

Mr. Lovell outlined the four issues for consideration.

1. Heavy civil application of GC/CM training has been a topic by participants
  2. Application of subcontractor relationship to the GC/CM and framework and execution under 39.10 for self-performed work is being interpreted differently by owners and GC/CMs
  3. A best practices discussion for heavy-civil GC/CM may be advantageous and would a GC/CM heavy civil committee make sense?
  4. GC/CM training with agencies is an important educational process and the five to six individuals involved are requesting some support from CPARB.
- Legislative update

#### **Adjournment**

*Robert Maruska moved, seconded by Teresa Berntsen, to adjourn the meeting at 12:50 p.m. Motion carried unanimously.*

#### **Staff & Guests**

Marcela Alcantar, Alcantar and Associates

Ato Apiafi, Ato Apiafi Architects

Bob Armstead, NAMC

Talia Baker, DES

Kelsey Beck, City of Seattle

Rodger Benson, Mortenson Construction

Kurt Boyd, Valley Electric

Nancy Deakins, DES

Amy Engle, University of Washington

Valerie Gow, Puget Sound Meeting Services

Rustin Hall, ALSC Architects

Robin Heinrichs, Franklin Pierce Schools

Thuy Hong, Sound Transit

Adam Jenkins, The Greenbusch Group, Inc.

Aleanna Kondelis, City of Seattle

Don Laford, CMAA

Phil Lovell, Citizen

James Lynch, Ahlers & Cressman

T. Jason Nakamura, 1 Alliance Geomatics (Telecon)

Mark Nakatani, Studio Meng Strazzara

Elana Oguiza, WPPA

John Palewicz University of Washington

Edward Peters, Edmonds School District

Linneth Riley-Hall, Sound Transit

David Talcott, Exeltech Consulting