

CITY OF SEATTLE – DB & GC/CM

CERTIFICATION

1. What is the composition, authority and operating procedure of the Internal Review Committee (IRC)?

Composition: The IRC is composed of personnel with DB and/or GC/CM experience from Seattle City Light, Seattle Public Utilities, Seattle Department of Transportation, Office of the Waterfront and Finance and Administrative Services/Capital Development and Construction Management. Finance and Administrative Services/City Purchasing and Contracting Services (CPCS) is also part of the IRC. Law department representatives are available for consultation if required. The personnel selected have leadership and oversight roles in their respective departments.

Authority: The IRC is granted authority by the City's Project Delivery Executive Committee, a subcommittee of the Capital Cabinet. The Capital Cabinet is a group of directors from key capital departments that coordinate decision-making to guide the planning and implementation of City infrastructure investments. The Capital Cabinet authorizes the IRC to review, approve or reject and monitor all current and proposed DB or GC/CM projects for compliance with RCW 39.10 and best practices.

Operating procedure: Capital departments fill out a Contract Assessment Type form. CPCS does an initial screening of the form to verify appropriate use of the contracting method and forwards the DB and GC/CM proposals that satisfy an initial screening for compliance with RCW 39.10 to the IRC.

The IRC convenes to review and approve or reject the proposals requesting use of the DB or GC/CM project delivery method. The IRC reviews the Contract Assessment Type form along with an optional verbal presentation from the department. IRC members ask questions and after discussion complete an assessment worksheet that advises approval or rejection. The IRC makes decisions by majority.

If the IRC rejects the proposal, they will advise on strategies to improve the proposal. If they accept the proposal, capital departments will advance the project.

The IRC will also meet quarterly to monitor projects for statutory compliance and identify global lessons learned and process improvement opportunities across projects.

2. How are the IRC members appointed and how long do members serve?

IRC members are appointed by the Project Delivery Executive Committee, a subcommittee of the Capital Cabinet (see above).

IRC members serve for three years: the duration of the state certification period. The Project Delivery Executive Committee will re-select IRC members at the time of public body recertification.

3. Step 1 of the process outline on page one notes that supplemental questions specific to the delivery method proposed would be included in the assessment. What would be typical questions or subjects covered?

Please see application *Attachment A – Draft Contracting Type Assessment* for proposed supplemental questions. The City has endeavored to mirror the PRC's project approval questions and criteria as much as possible. Questions included are about project delivery method, how the project will serve public interest, department qualifications and information about the project.

4. Does CPCS make recommendations to the IRC prior to decision on project delivery method?

As noted above, CPCS does an initial screening to verify appropriate use of the contracting method and forwards the DB and GC/CM proposals that satisfy an initial screening for compliance with RCW 39.10 to the IRC. CPCS is also represented on the IRC and will thus be involved in decision-making on project delivery method.

5. Are project delivery decisions made prior to beginning GC/CM or DB selection?

Yes, a project must complete the Contracting Type Assessment Form and have the approval of the IRC to pursue DB or GC/CM procurement.

6. Does the project delivery assessment include internal and/or contracted/consultant capacity?

Yes, the Contracting Type Assessment Form requires departments to detail the roles, experience, capacity and commitments of both internal personnel and consultants. The form specifically asks for a project organizational chart including staff and consultant roles, their level of involvement and main responsibilities anticipated for each position. See application *Attachment A – Draft Contracting Type Assessment*.

7. Project List: Has a summary of lessons learned and how those should be applied to future projects been prepared, or is one planned?

As described in more detail in response to question eight, the City has multiple ways to track lessons learned, share them with staff and apply them to later projects.

While a specific summary list has not been prepared at this time, a key task of the IRC is to meet quarterly to identify global lessons learned and process improvement opportunities across projects, including potential applications for future projects. Work done at these meetings will be recorded and compiled into a summary of lessons learned.

8. How are lessons learned captured and applied? How are staff new to the delivery method trained and made aware of lessons learned?

Lessons Learned: The City captures and applies lessons learned in many ways, from formal debriefings after project close, to on-going dialogue and feedback between project managers and CPCS to monthly project process check-ins. City employees find these lessons learned crucial to process improvement, especially for projects of similar scope.

At this time, each capital department conducts regular internal meetings to review construction projects and apply lessons learned on those projects. As the procurement specialist that works with all the capital departments, CPCS implements lessons learned that apply to the contract process. City capital departments also informally share lessons learned with one another.

Going forward, one process improvement that results from the formation of the IRC will be regular meetings that include representatives from the four main departments. These meetings will provide structure for identifying and then applying lessons learned across multiple departments. During quarterly project check-ins, the IRC will ask project leads how they incorporated lessons learned, and IRC representatives will then share lessons learned with their individual departments.

Staff new to the delivery method: Staff new to the delivery method are closely supervised and mentored by staff experienced in the delivery method. The City encourages staff to participate in formal training sessions and continuing education about alternative delivery methods. The City also encourages staff to obtain formal certification if appropriate, including DBIA certification.

9. If departments are responsible for project management, what oversight does CPCS provide during selections and project delivery?

CPCS is responsible for the bidding, award and execution of all City public works projects, including alternative public works projects.

Selections: CPCS is the owner of the City's general terms and conditions for all public works projects. CPCS provides each capital department contract and procurement templates for each delivery mechanism.

After the department prepares procurement materials, CPCS reviews for compatibility with statutory requirements and clarity of selection criteria. CPCS also observes selection panel meetings and interviews and monitors the panel for compliance to selection criteria. CPCS then acts on the panel's recommendation concerning their proposal review. These actions include award/execution of the resulting contract which involves bond review and may include consultation with Law and the City Risk Management office. CPCS also receives and evaluates any challenge to the procurement process through the City's protest process.

Project delivery: CPCS is responsible for contract compliance, including compliance to social equity requirements. In coordination with the administering department, CPCS issues the payments to the Contractor, reviews change orders, is available during the project, along with the Law department, to serve in an advisory capacity and is responsible for project close out and retainage release.

10. If the IRC finds a department is not complying with plans, RCW 39.10 or best practices, what steps can it take? What authorities does it have?

One of the City's main goals in having the IRC review all City DB and GC/CM projects underway on a quarterly basis is to implement best practices and lessons learned and avoid noncompliance issues from the outset. The IRC is empowered by PDEC to give departments direction to comply with RCW 39.10 and best practices and will undertake several strategies to ensure compliance with plans, RCW 39.10 or best practices.

If the noncompliance is during the procurement process, the IRC will work with the department to achieve compliance, but CPCS is the final decision maker in the City regarding procurement processes. If a department is not compliant with best practice or legal requirements, or if the requirements for compliance are unclear, the IRC will work with CPCS to pause the bidding process, seek legal input or take other appropriate action based upon the specific facts and circumstances.

CAPITAL PROJECTS ADVISORY REVIEW BOARD

PROJECT REVIEW COMMITTEE

QUESTIONS RE: APPLICATION

Meeting Date: September 26, 2019

If noncompliance is during the project delivery process, depending on the scale of noncompliance, the IRC could:

- Work with the department to adjust delivery to achieve compliance;
- Issue a warning to the department to undertake corrective action; and/or
- Escalate the warning to the PDEC/Capital Cabinet to ensure compliance.

The City additionally has a contract compliance team that monitors and enforces for projects for compliance to contracting issues such as prevailing wage, WMBE utilization requirements, labor protections and other public project elements.

11. Are there other departments or semi-autonomous organizations (e.g., Parks & Recreation, non-profit authorities, etc.) receiving project funding by the City who may use GC/CM or DB covered by the CPCS and IRC process? How are they included in the decisions and monitored?

Regarding the City, the capital departments specifically referenced in the application materials have demonstrated they meet experience requirements to use DB or GC/CM, are committed to the City's planned approach and have project and personnel experience with DB and GC/CM contracting. The IRC may review project applications to use DB or GC/CM from other City departments (for example, Seattle Parks and Recreation), but the IRC will only approve the application if the department demonstrates that its commitment, project and personnel experience are appropriate for use of DB or GC/CM and meet the standards applied to the existing capital departments referenced in this application.

Regarding semi-autonomous organizations and non-profit authorities, the question is not entirely clear to the City. All DB and GC/CM public works of the City will be subject to the CPCS and IRC process. If the question is directed at the City's public-private partnerships, the City does not extend RCW 39.10 to capital projects of private parties; however, if the private project is on City property or includes discrete City funding in exchange for public benefits, the City contractually requires compliance with prevailing wages, WMBE utilization requirements, labor protections and other public project elements to the maximum extent feasible.

12. What steps will the City take to stay informed of CPARB best practices or other similar efforts such as the Reauthorization committee?

Jessica Murphy was appointed to the Counties position on PRC and Rebecca Keith represents Washington Cities on CPARB and serves as chair of the reauthorization committee. Additionally, CPCS provides staff support to the reauthorization committee and keeps the City's Office of Intergovernmental Relations up to date with reauthorization committee efforts.

Jessica and Rebecca are available to City personnel as resources and communicate regularly with CPCS and capital department personnel.

City staff regularly review CPARB minutes, meeting materials and legislative proposals to ensure compliance. City personnel will continue to review and utilize resources on the CPARB website, such as the Design Build Best Practices.

City staff also participate in alternative public works continuing education and industry meetings to keep current with industry best practices.

13. Does the City incorporate industry feedback on its GC/CM and DB processes? If so, how is this done and what types of feedback have been provided?

Yes. Industry feedback is provided in multiple forums from project-specific feedback sessions to engagement with larger forums. Some examples of how this is done:

- CPCS makes themselves available for procurement feedback sessions to provide debriefs for all applications.
- For all contracting types, departments conduct 360 Reviews where both the City and contractor provide each other feedback on project performance.
- The City regularly attends industry forums and meetings, such as AGC and DBIA, to hear industry feedback.
- The City co-facilitates every other month meetings between the ACEC (Engineering Contractors) and City's capital departments to dialogue with members of the contracting community.

Types of feedback that have been provided include suggestions to the City about the advertising process, project operations and suggestions to update templates and procedures in the Specified General Conditions.

We welcome suggestions about where to receive additional feedback.