

RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated December 4, 2019)

CPARB	Issues	Consensus/Resolution	Open Issues
CPARB Membership (RCW 39.10.220)	<ul style="list-style-type: none"> • Missing representation from transit or horizontal construction • Public/Private balance • Is there a need for CM representation on CPARB 	<ul style="list-style-type: none"> • Statute change to add position for transit/transportation representative on CPARB statute 	<ul style="list-style-type: none"> • How to maintain private/public balance. Possibilities under consideration: 1) determine whether two districts could be combined to one vote, 2) consider adding a private sector in addition to transit <ol style="list-style-type: none"> 1) add private industry position for CM representation; 2) remove Hospital District position • Proposal for transit representative to be appointed by State Transit Association
CPARB Roles and Responsibilities (See RCW 39.10.220 and .230)	<ul style="list-style-type: none"> • JLARC has interpreted 'duties' to mean must do each item in RCW 39.10.230 • What is CPARB's role with respect to evaluating contracting procedures? • Is CPARB's advisory only or is there an enforcement aspect? 	<p>Tentative approved following changes to RCW 39.10.</p> <p>The board has the following powers and duties authority:</p> <p>(1) Develop and recommend to the legislature policies to <u>encourage competition, and to</u> further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding <u>best practices</u>, expansion, continuation,</p>	<p>RCW 39.10.230 (2) and (3)</p> <p>See comment under data collection</p>

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		<p>elimination, or modification of the alternative public works contracting methods;</p> <p>(2) Evaluate the use of existing contracting procedures and the potential future use of other alternative contracting procedures including competitive negotiation contracts;</p> <p>(3) Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;</p> <p>(4) Appoint members of committees; and</p> <p>(5) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures.</p>	
<p>CPARB Questionnaires, Data Collection and Evaluation</p>	<ul style="list-style-type: none"> • Who is CPARB collecting information for? • Note overlap with business diversity and competition issues • Note overlap with data collection 	<ul style="list-style-type: none"> • There is value in CPARB being able to develop and administer questionnaires 	<p>Are concerns resolved by change to 'powers and duties' or are further revisions advisable?</p> <p>Follow up research re: whether elimination of powers and duties will raise concerns with AG or legislature</p>

RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated December 4, 2019)

PRC	Issues	Consensus/Resolution	Open Issues
PRC Membership		Mirror CPARB's representation public/private	
Role of PRC	<ul style="list-style-type: none"> • Does PRC have role in enforcement or evaluating projects after completion • Conflict of Interest issues and RCW 39.10.240 (4) and (5) • MCAWW proposals for PRC review of MCCM/ECCM 		Whether conflict of interest concerns are best addressed by PRC by-laws or whether revisions to statute are needed.

Accountability/Oversight

TBD			
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Sunset	Issues	Consensus/Resolution	Open Issues
Elimination of Sunset provision	<ul style="list-style-type: none"> • Sunset provision allows CPARB to review the statute periodically. Concern regarding how changes to statute will be made outside of this process. • Reauthorization is a check on the process. 		

RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated December 4, 2019)

Retaining Sunset provision	<ul style="list-style-type: none"> • JLARC review is not required • Review process is time consuming and takes a huge amount of resources • Provisions of statute can be reviewed and revised outside of Sunset review • Smaller agencies may not invest time in alternative procurement if the statute will sunset 		
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Business Equity/Diverse Business Inclusion	Issues	Consensus/Resolution	Open Issues
Business Equity/Diverse Business Inclusion Committee review and input pending			

Alternative Procurement of Mechanical/Electrical (RCW 39.10.385)	Issues	Consensus/Resolution	Open Issues
See MCAWW proposals presented on September 9, 2019	See MCAWW commentary with proposals presented on September 9, 2019	Seek input and review from GCCM Committee	

RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated December 4, 2019)

GCCM	Issues	Consensus/Resolution	Open Issues
General overview	<ul style="list-style-type: none"> • GCCM committee to do first review 		
Encouraging competition	<ul style="list-style-type: none"> • GCCM Committee to do first review 		
Process	<ul style="list-style-type: none"> • GCCM Committee to do first review 		

JOC	Issues	Consensus/Resolution	Open Issues
Gordian Proposals	JOC Committee recommendations presented to Committee on 11/4/19 and 11/18/2019	<p>Tentatively approved the following:</p> <ul style="list-style-type: none"> • Add a definition of "coefficient" to RCW 39.10.210: coefficient <i>means, the job order contractor's competitively bid numerical factor applied to the prices as published in the unit price book, which at a minimum, includes overhead and profit.</i> • Amend definition of "job order contract" as follows: "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated definitive work orders for 	<ul style="list-style-type: none"> • Conflict of interest – JOC and RA committees rejected addressing in JOC statute; • Use of term 'bid'; • Whether definition of "Coefficient" should include bonding • Further research re: bonding work orders not entire \$ value of prime contract and whether RFP must specify clearly.

RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated December 4, 2019)

		<p>public works as defined in RCW 39.04.010.”</p> <ul style="list-style-type: none"> • Amend definition of “unit price book” to delete references to profit, overhead and bonding • In 39.10.430 (3)(f) replace reference to ‘proposal price’ with ‘proposal coefficient’ • Delete reference to information about ‘project’ in the solicitation/proposal – no specific project at that stage • Technical correction to delete moot reference to contracts prior to 2007. <p>Conflict of interest – JOC and RA committees rejected addressing in JOC provisions of statute</p>	

“Clean-Up”	Issues	Consensus/Resolution	Open Issues
RCW 39.10.230		Delete last paragraph re: life cycle analysis	
Use of the word ‘bid’ throughout Chapter 39.10	Consider whether use of word ‘bid’ is consistent and appropriate in relevant sections		