

## Small Works Committee

Meeting Notes 12-9-2022

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### Members: (16 members, 3 alternates 9 = quorum)

x	Dawn Egbert, Ports
	Bobby Forch Jr., Diverse Business
x	Bill Frare, DES – Owner State (Co-Chair)
x	Josh Klika, MRSC
x	Erik Martin, Counties
x	Scott Middleton, MCAWW
x	Karen Mooseker, School Districts
x	Rachel Murata, OMWBE/Results Washington (RW)

	Brenda Nnambi, Transit
x	Irene Reyes, Private Industry\DBEs (Co-Chair)
	Mark Riker, Labor
x	Cathy Robinson, Cities
x	Jolene Skinner, L&I
x	Kara Skinner, Insurance/Surety
x	Olivia Yang, Higher Education
	Corey Fedie, Hospitals

### Alternates:

x	Mark Nakagawara, Cities (alternate)
x	Angela Peterson, Ports (alternate)
	Julie Underwood, Cities (alternate)

### Guests:

x	Talia Baker
x	Nancy Deakins
x	Lekha Fernandes
x	Erik McCarley

x	Brenda Portaro
x	Jon Rose
x	Leeann Snyder
x	Janice Zahn

Meeting started at 1:34 p.m.

Agenda Topic: Review proposed legislation

### Discussion Highlights:

- Co-chair Frare shared that CPARB unanimously endorsed the proposed small works roster bill, with a couple of friendly amendments, which he and Janice Zahn briefly walked through. Janice Zahn also shared the FAQ document that was being developed to help explain the bill, accompanied by a PowerPoint deck. She encouraged members to review and contribute to these materials to ensure they are helpful and accurate.
- Members also discussed an amendment that was proposed but did not get the votes to be incorporated into the final bill.
  - While the threshold for direct contracting was proposed to be changed from 5 bids to 3, members shared that because the intent of the section was to ensure that public agencies could select from a large enough pool of bids, and not to address qualifications or selection, the threshold remained at 5 bids. Members agreed that because discussion around this topic was complex, it should be addressed in the FAQ document.
- Co-chair Frare then described the process by which a smaller group from this committee updated the bill between the last meeting of the full committee and the CPARB vote, including moving the language on soliciting bids from 5-6 small businesses from the competition section

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- of the small works roster statute to the direct contracting section of the new bill. This was done for parity with RCW 39.26 and to strongly differentiate between direct-buy and direct contracting.
- One member flagged that the language included in the final bill on eligibility to be on the small works roster refers to public agencies holding the responsibility to keep contractor records on file, rather than contractors being responsible to keep their own records up to date. Members agreed to address this at a future meeting.
- Members discussed the timing of the rollout, noting there will be concerns around setting the bill's effective date as far out as 2024. As part of the FAQ document, members agreed to include a PowerPoint slide developed by Jon Rose, outlining the tasks required of multiple agencies before the bill could take effect. Members also agreed to form a smaller working group (or groups) to further plan, prioritize, and solicit stakeholder feedback on this process and to work through some of the more nuanced questions of implementation. Examples of these included:
  - What to do when contractors sign up on the roster for services they do not provide
  - What to do when there are limited to no bids submitted for a project
  - Balancing rotation and opportunity with nurturing newer or preferring to work with more reliable small businesses
- Another participant recommended adding one or two sentences explaining each task to this slide, which could also be used as talking points by proponents of the bill and to explain the year-long timeline for implementation.
  - In addition to the administrative and technical processes of setting up a small business certification and restructuring and populating the roster, members also suggested speaking to the need for public process, funding allocation and oversight, and other time-consuming factors.
- Members also cautioned that it would need to be clear that elements in this slide may be added or changed as the process moves further along. It will not be an exhaustive explanation of every step needed for implementation.
  - Members agreed these tasks belong in best practices, not in the bill itself, as they may shift over time but are still important to the bill's success.
- One member asked whether it was possible to add "no later than" before the effective date, in case things move ahead of schedule, and to update the language in Jon Rose's slide from "tasks" to "implementation stages" so it is easier for small business owners to visualize the implementation process.
- One member also suggested working with the AGC education foundation to develop a small works class, particularly as pertains to diversity, equity, and inclusion.
- Members then discussed the question of whether contracting thresholds for ports and irrigation districts can be raised from 300 to 350 before 2024. Members discussed the relative practicality of the following options:
  - Drafting a new bill (potentially brought forward by a port rather than CPARB) to address that issue specifically, setting an effective date of 60 days and an expiration date of June 2024, with the larger small works roster bill taking effect July 2024.

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- Including a separate effective date (60 days) for this component of the small works roster bill.

### **Action items:**

- Jolene Skinner and Bill Frare will investigate whether having a separate effective date for raising thresholds for ports and irrigation districts is possible within the larger small works roster bill.
- Bill Frare will ask the AGC's office whether inserting "no later than" before the bill's effective date is a possibility.
- Nancy Deakins and Talia Baker will update the FAQ document and implementation slide to reflect the notes from this meeting, before sending it out to the committee for further edits and review.

**Meeting adjourned at 3:03 p.m.**

### **References/Resources:**

- Proposed legislation
- FAQ document (including PowerPoint slide on implementation steps)
- Bill Frare's PowerPoint deck to accompany the bill + FAQ document