

CAPITAL PROJECTS ADVISORY REVIEW BOARD

Via Teams

SPECIAL Meeting Minutes

November 9, 2022

MEMBERS PRESENT

Janice Zahn (*Chair*)
Bill Dobyns (*Vice Chair*)
Lekha Fernandes
Senator Bob Hasegawa
Bruce Hayashi
Janet Jansen
Santosh Kuruvilla
Keith Michel
Karen Mooseker
Mark Nakagawara
Irene Reyes
Mark Riker
Linneth Riley Hall
John Salinas II
Mike Shinn
Axel Swanson (*Alternate*)
Josh Swenson
Robynne Thaxton
Olivia Yang
Sen. Judy Warnick

REPRESENTING

Ports
General Contractors
OMWBE
Senate (D)
Architects
State Government
Engineers
General Contractors
School Districts
Cities
Private Industry
Const. Trades Labor
Transportation
Specialty Contractors
Specialty Contractors
Counties
Con. Trades Labor
Private Industry
Higher Education
Senate (R)

MEMBERS ABSENT

Corey Fedie
Bobbie Forch, Jr.
Kara Skinner
Rep. Mike Steele
Rep. Steve Tharinger

REPRESENTING

Public Hospital Districts
Disadvantaged Businesses
Insurance/Surety Industry
House (R)
House (D)

Staff & Guests are listed on the last page

CALL TO ORDER & ROLL CALL FOR QUORUM

Vice Chair Bill Dobyns called the Special Capital Projects Advisory Review Board (CPARB) virtual meeting to order at 2:32 p.m.

A roll call of members established a meeting quorum.

Board members Irene Reyes, Linneth Riley Hall, and Senator Judy Warnick joined the meeting following roll call.

WELCOME BOARD MEMBERS & INTRODUCTIONS

Vice Chair Dobyns welcomed everyone to the special meeting.

INVITATION FOR PUBLIC COMMENTS – *Information*

Vice Chair Bill Dobyns invited public comments.

Vicky Schiantarelli, Northwest Minority Builders Alliance commented that the definition of “Small Business” is colorblind and is not a race or gender-neutral definition. In order to have race and gender-neutral programs or definitions, disparity barriers should be removed to create a level playing field. Approximately 99.5% of Washington State businesses fall under the Small Business Administration (SBA) size standards for all trades, industries, and sectors based on census data. It is very important the definition recognizes personal net worth for all owners should be included as part of the criteria. The Alliance would like the Board to consider using the same definition for all trades, businesses, and sectors including purchase, goods, and services which would impact the definition in RCW 39.26 and should be consistent with RCW 39.10 for alternative public works as well. The small business definition as proposed should only be considered if it is part of a certification program in order to prevent fraud. Self-registration programs currently have too many firms falsely claiming eligibility. There is no system in place to remove those firms for misrepresentation. To be equitable to those firms that complete a certification, white male-owned businesses should also complete similar qualifications and reviews similar to minority, women, and veteran businesses. The Association supports the change to minority and women businesses within the DBE definition. The DBE definition under OMWBE’s program is only for federally funded projects and excludes immigrant and refugee firms that in many cases, depending upon the country they are from, are prevented from obtaining a Green Card and sometimes must wait for over a decade. To be fair and inclusive of all, she suggested changing the definition to minority, women, and veteran business definitions rather than currently reflected as Disadvantaged Business Enterprises. It also precludes accurate record-keeping. The Association supports the proposal for

inclusion plans and requests that the outcomes of inclusion plans and success on the projects be part of the reporting to CPARB. The Association supports the Small Works Roster considerations; however, it is important to remember that small business programs or definitions would not preclude minority contractors from being able to win projects because of the disparity barriers that they currently face that preclude those businesses today. The Board is asked to require reporting on the effectiveness of such programs similar to the requirements for Job Order Contracting (JOC) from the different agencies. Additionally, SME's or small businesses and veteran businesses should be part of disparity studies. Although it is recognized the Board does not influence those studies, it is important for the benefit of legislators to know they should be included as part of disparity studies to ensure everyone is accounted for based on availability. Thank you.

Nancy Deakins recognized the attendance of DES Director Tara Smith.

Dan Seydel, Entrepreneurial Institute of Washington and former member of the CPARB Public Works Issues Committee, agreed with the recommendations suggested by Ms. Schiantarelli. The Entrepreneurial Institute of Washington believes small business definitions over the years have been offered through good efforts; however, information about specific industries has not always been available. Today, with a more universal body of expertise within the industry, his hope is that it would be possible to establish more realistic language such as offered by Ms. Schiantarelli. Thank you for your time and for scheduling the special meeting to consider this very important matter.

BOARD MEMBER OPENING THOUGHTS/SHARED COMMITMENTS

Vice Chair Dobyns reminded the Board of its shared commitments. He invited members to share any opening comments.

Lekha Fernandes: Although the meeting is her second meeting as a new member of the Board, the meeting generates some excitement as the Board is conducting actions that could help support small businesses in a meaningful way. She is excited about the upcoming conversation and is hopeful as to what it could mean for small businesses moving forward.

SPECIAL MEETING TOPIC

Legislation Preparation – Discussion & Action

Vice Chair Dobyns reported the purpose of the special meeting is to review multi-committee proposed legislation and render a vote on what changes should move forward for submission during the 2023 legislative session. He invited Olivia Yang to speak to the first proposal on the definition of *Small Business*.

Ms. Yang introduced Legislative Writing/ Drafting Committee Co-chair Andrew Greene. The Legislative Writing/Drafting Committee assumed responsibility, at a minimum, to implement the findings of the Business Equity/Diverse Business Inclusion Committee Report submitted to the Legislature in June 2022. Of the three areas of suggested changes, the first is the definition of "*Small Business*." The proposal states, "*Small Business means a business meeting certification criteria for size, ownership, control, and personal net worth adopted by the Office of Minority & Women's Business Enterprises in accordance with RCW 39.19.030(7)(b).*" The proposal includes a change to RCW 39.19.030(7)(b) to establish a public works small business certification program.

The second proposal speaks to removal of language referenced in RCW 39.10.210 (8) of "*disadvantaged business enterprises*" and replace with "*small and women-, minority-, and veteran-owned businesses*" throughout RCW 39.10.

The third proposal is from the Business Equity/Diverse Business Inclusion Committee Report recommendation for access to opportunity, capital, and training. The proposal is for Design-Build, GC/CM, Job Ordering Contracting (JOC), and Heavy Civil inclusion plans to speak not just to networking opportunities and subcontracting opportunities but to access to capital and training. Access to capital is a broad category where the general contractor (GC/CM, Design-Builder, or JOC) works to help diverse small business subcontractors (2nd tier or lower) in their efforts to maintain financial liquidity, such as assistance with business loans, capitalization, assistance in prompt pay, and assistance on retainage and other financial requirements. The committee is deferring to general contractors to propose to the public owner because each general contractor has different accounting methods and each project is different. The intent is for general contractors to provide a proposal that is nuanced to help diverse businesses succeed on their respective project. General contractors may also have access to training programs, such as mentoring and other kinds of partnering efforts to ensure diverse businesses are

successful in receiving a contract, survive the contract financially, and completes the contract successfully.

Ms. Yang invited questions on the proposals.

Robynne Thaxton commented that currently, disadvantaged business enterprises certified by OMWBE are certified specifically either as a woman or minority. She asked whether the small business definition includes non-woman and minority-owned and veteran-owned businesses as it appears to expand the definition in RCW 39.10 to encompass all small businesses. Ms. Yang explained that the intent of the proposal is replacing “*disadvantaged*” with “*small, minority, women, and veteran.*” The proposed definition of “*Small Business*” is gender-neutral and likely provides for some expansion.

Sarah Erdman, OMWBE, clarified that the proposal to replace “*disadvantaged business enterprises*” with “*small, minority, women, and veterans*” is because disadvantaged business enterprise has a connotation that is specific to the U.S. Department of Transportation certification. The intent of the proposal is to remove language that has no relevance to the state program and add language that speaks only to the state program. The DBE program is specific to socially and economically disadvantaged individuals and could encompass anyone that has a social disadvantage.

Ms. Thaxton asked whether OMWBE would be required to certify more businesses. Ms. Erdman affirmed that OMWBE would initiate rulemaking and subsequent rules would mirror the rules of the existing MWBE program in terms of size, net worth, and control.

Ms. Thaxton inquired about the status of the agency’s backlog of certifications. Ms. Fernandes responded that all state agencies have encountered staffing issues. OMWBE rectified its staffing issues by increasing the number of employees and developing a plan to clear the certification backlog. OMWBE recently implemented some changes in the structure with different units assigned to work on different agency tasks to ensure the agency is addressing specific issues. Ms. Thaxton responded that her company is certified and must be annually recertified. She submitted a recertification application in April 2022 as the company’s certification expired June 2022. She follows up at least once monthly with OMWBE and has been informed that the recertification would not be completed for at least four months. She is concerned about the agency’s backlog, which speaks to her inquiry about the backlog issue. Ms. Fernandes explained that the agency has never decertified a company because of the backlog. Ms. Thaxton noted that it is indicative of issues surrounding the backlog and it is important the backlog has been addressed before the agency receives certification requests from new businesses. She asked how the backlog of certifications might affect a company’s ability to compete for contracts such as the small works roster.

Ms. Yang recommended deferring the questions during the small works roster discussion later in the meeting.

Linneth Riley Hall asked whether the removal of DBE within the definition is intended to assist in distinguishing between the state and federal programs as DBE is a federal program and the intent is to avoid confusion between the two programs. Ms. Yang affirmed that it was the intent. Ms. Riley Hall noted that Ms. Thaxton’s certification concern is a valid concern that does not speak to the definition but does speak to the issue of capacity.

John Salinas said the proposal appears to add a new certified acronym. He questioned whether existing OMWBE or DBE certified businesses would be automatically added or whether existing certified businesses would need to reapply to OMWBE for certification. Ms. Erdmann explained that any certified business would automatically transfer to the new definition.

Vice Chair Dobyns asked whether automatic transfer is an administrative decision by OMWBE or whether additional language should be included to cover that process. Ms. Fernandes responded that at this time, it is likely OMWBE would need to pursue some rulemaking to codify an automatic process. Ms. Erdmann offered that it might be beneficial to include language that speaks to OMWBE certified businesses meeting the criteria automatically.

Ms. Thaxton pointed out another assumption based on the proposal for RCW 39.10.210 that essentially combines the definition of disadvantaged business enterprise with small business entity. It would essentially combine RCW 39.10.210(8) with RCW 39.10.210(20). She questioned whether that is the intent of the proposal as it might be confusing

if both definitions were included in the RCW as the definition for small business entity is different in RCW 39.26.010. Additionally, she asked whether the proposal would revise RCW 39.26.010 in terms of the definition of a small business entity.

Ms. Yang explained that the intent of the proposal is to address the definition of a small business as previously reviewed and defined for construction in RCW 39.10.04. The committee lacked sufficient time to discuss with all stakeholders the provision applicable to goods and services in RCW 39.26. Ms. Thaxton responded that the proposal refers to the definition in RCW 39.26 for small business entity. She asked whether the proposal would include addressing it within RCW 39.10.210 as well. Ms. Yang recommended that the committee should meet to clarify the intent of the language.

Olivia Yang moved, seconded by Lekha Fernandes, to approve the three proposals as contained in the Consolidated Proposed Legislative Writing\Drafting Committee Legislation proposal dated November 3, 2022 for the following:

- 1. Definition of Small Business***
- 2. Remove and replace the term “Disadvantaged Business” from RCW 39.10***
- 3. Alternative Public Works Inclusion Plans***

Additionally, because of different definitions in the statutes, the Board approves delegating clarification to Nancy Deakins, Olivia Yang, and Andrew Greene of the definition in RCW 39.10.210 (8) [delete disadvantaged business enterprises] and (20) change small business definition from RCW 39.26.020 to where the small business definition is stated.

Santosh Kuruvilla referred to prior comments in terms of OMWBE’s internal process and recommended the Board should not venture in that direction as the agency has the responsibility for its own administrative processes.

Mark Riker said he lacks clarity on the intent of the motion.

Ms. Yang explained that the proposal speaks to three components. The first is a new definition of a small business to mirror OMWBE’s state certification for minority and women businesses except the new definition is race and gender-neutral. Another element of the proposal allows OMWBE to set-up a small business certification program. The second component refers to previous efforts completed during reauthorization and the term, “*disadvantaged business enterprise (DBE)*.” As DBE is often associated with the federal definition, the proposal is to replace DBE with “*small and women-, minority-, and veteran-owned businesses*” in all references. However, as noted by Ms. Thaxton, RCW 39.10 refers to disadvantaged as well as small business as defined in RCW 39.26. RCW 39.26 governs goods and services. The intent of the motion is to create a definition that is applicable to construction and removing the reference to goods and services RCW. The third component of the proposal is to include the three main access barriers identified in the Business Equity/Diverse Business Inclusion Committee Report and identify those barriers as potential features of RCW 39.10 inclusion plans.

Ms. Riley Hall asked whether small business certification through OMWBE eliminates the need for public agencies undertaking separate certification processes. Ms. Yang said the goal of the initial discussion was to develop a single statewide definition because there are currently different definitions and different programs. A single definition would be an equal comparison when referring to diverse and small businesses to have one form of measurement for gauging performance. In terms of certification, OMWBE has a process that requires some time to complete.

Chair Janice Zahn and Senator Bob Hasegawa joined the meeting at 3:21 p.m.

Ms. Riley Hall referred to the proposal for the inclusion plans and whether the proposal foresees the Project Review Committee panels including questions to owners when seeking certification or recertification about their specific requirements for inclusion plans. Ms. Yang said she is hopeful the additional terms included in inclusion plans would create discussions during PRC meetings. Additionally, she had suggested providing training in conjunction with AGC Education Foundation on inclusion and utilization as the issue not only speaks to procurement of diverse firms, it also pertains to ensuring the success of those firms.

Ms. Thaxton noted that another extensive definition of small business is included in *WAC 326-20-099 Small business concern requirement and size standards*.

Vice Chair Dobyms asked Ms. Schiantarelli whether that particular definition was of concern as well. Ms. Schiantarelli responded that the concern centered on OMWBE's certification process. WAC 326-20-099 is only an element of the entire certification process. The provision dictates the type of analysis OMWBE conducts to determine that particular element. WAC 326-20 should be considered as a whole as it relates to certification in general.

Ms. Yang commented that WACs are established as part of the rulemaking process, operationalization, and implementation of RCWs. She suggested focusing on passage of the changes to the RCW. Once adopted, a number of WACs would need to be updated.

With there being no further remarks, Vice Chair Dobyms called for a roll call vote of the members present.

The motion was approved 16/17 with Ms. Thaxton abstaining.

Chair Zahn thanked Vice Chair Dobyms for chairing the meeting. She acknowledged the Board for its deliberation and action to approve the proposal.

Chair Zahn invited Bill Frare with DES to review draft language for proposed changes to the Small Works Roster.

Mr. Frare reported the Small Works Committee was tasked to propose language to update *RCW 39.04.155 Small works roster contract procedures—Limited public works process—Definitions*. The proposal within the intent section highlights three primary goals to be incorporated within the statute of (1) providing public agencies with an administratively efficient process to bid and contract for smaller contracts, (2) promote the use of small and diverse businesses, and (3) to protect the rights of workers.

Section 2 speaks to definitions, e.g. state agency, local agency, and small business, etc. The definition for small business is intended to promote competition between similar firms. The proposal adds the following language: "*Small Business*" means a business meeting certification criterion for size, ownership, control, and personal net worth adopted by the Office of Minority & Women's Business Enterprises in accordance with RCW 39.19.030(7)(b)."

Currently, Small Works Rosters are established by state and local agencies and advertised once annually. Contractors can be included on the roster by request by documenting their eligibility. No changes are proposed for that process. However, the small business and minority business community face barriers in terms of up signing up for numerous rosters from different agencies. The Municipal Resource Services Center (MRSC) currently administers a statewide roster of approximately 80% of all agencies statewide. In the future, the intent is to endorse MRSC as the primary entry point for the small business community for placement on one roster of all public agencies in the state. Today, some public agencies have elected to administer their own Small Works Rosters because of specific specialties or because of identified contractors located within their geographic area. Over time, some changes are proposed to consider gradually moving the administration of a statewide roster process to avoid a one-time mandate to public agencies. Section 3 within the proposal enables agencies to establish Small Works Rosters in accordance with the criteria contained in existing statute. MRSC, a non-profit organization, has contracted with the Department of Commerce and receives funding to make changes to enhance the Department's small works roster to meet the needs of all public agencies across the state. Another barrier identified for small and diverse firms is the charge assessed by MRSC for inclusion on the small works roster. The charge includes a number of free listings to different agency rosters but additional rosters incur a charge. The intent is to enable listing by the firms on all rosters at no cost requiring funding from the Department of Commerce for MRSC to update rosters based on criteria from local and state agencies and to maintain and operate statewide small works rosters to ensure no fees are charged to contractors for inclusion on any roster. The proposed change to Section 3 maintains agency rosters and proposes a change in management to enable a future pathway for establishing a statewide Small Works Roster managed by MRSC.

Section 4 addresses contracting through small public works. Currently, RCW 39.04.155 includes a threshold of \$350,000 and below for small works and \$150,000 and below for limited public works. The proposal changes the amounts based primarily on the recommendations from the Local Government Public Works Study Committee. Several local agencies in

the state have different thresholds. The proposal is to ensure all public agencies are operating under the same threshold of \$350,000 and below with some changes in how that process is administered. For limited public works of \$150,000 and below, the proposal changes the process to a direct contracting methodology with no bidding required enabling public agencies to select a contractor from the a roster to negotiate directly with to provide some administrative efficiency to the contracting agency.

Mr. Frare described the current process for limited public works of \$150,000 and below. Public agencies could select up to five contractors or solicit from the entire roster. The proposal modifies that process. Previously, when the statute was established, contracting agencies contacted contractors to solicit their bids. Today, public agencies have the ability to send an electronic notice to all contractors on the list. It is also important to promote women-, minority-, and veteran-owned business and small business entities under the proposed definition of “*small business*.” If the public agency has more than five small businesses on its roster, the agency is able to solicit only to those (certified) small businesses.

Under RCW 39.04.150, existing provisions afford the ability for public agencies to negotiate directly with a contractor from the small works roster.

Section 5 on periodic threshold review speaks to the thresholds. Within the current construction environment with rising inflation and increasing costs of materials, the Legislature has conveyed appreciation to receive feedback on what the thresholds should be. The proposal includes a process beginning in 2025 whereby CPARB would convene a committee to review current data through various sources of construction cost escalation and forward a recommendation to the Legislature to update the thresholds with the update/review process implemented every five years moving forward.

All other changes within the proposal are to improve administrative efficiencies.

All public agencies are subject to authorized enabling statutes. Previously, the threshold amounts were included in authorizing legislation. Any proposed changes for follow on sections refer to the Small Works Roster provisions in the statute to ensure all updates are automatically applicable to all public agencies to avoid different threshold amounts for some public agencies.

It is important to note that the committee discussed bonding and retainage and determined contracts less than \$5,000 would not require a bond or retainage. The current statute allows a contracting agency to waive the retainage for contracts meeting the \$350,000 threshold. The proposal modifies the statute to reflect public agencies may waive or reduce retainage to enable small firms to have better cash flow that may not have the ability to assume the contract amounts through the life of the contract.

Mr. Frare invited questions.

Jolene Skinner, Department of Labor and Industries (L&I), reported on the presentation of the proposal to agency leads to identify potential impacts to L&I. The proposal would require L&I to make changes to IT systems for prevailing wage and public works systems to accommodate changes, remove limited public works, implement different thresholds, and require changes to L&I’s combined form. A preliminary cost estimate for IT changes is \$300,000 to \$400,000 to implement the proposed changes.

Contractors performing work on a public works project are required to complete an *Intent Form* at the start of the project and file an *Affidavit* at the end of the project. For some contract types, contractors can utilize a *Combined Form* for contracts less than \$2,500 but it is limited to public works projects with no subcontractors. With the proposed changes, the *Combined Form* would be eliminated for limited public works projects.

Ms. Skinner said she worked with the committee to increase the threshold for the *Combined Form* from \$2,500 to \$5,000 to maintain pace with the threshold with no retainage or bond requirements. A contractor working on a project of \$5,000 or less could file a *Combined Form* as long as the other requirements are satisfied. *Combined Forms* for projects less than \$2,500 incur no additional fees to the contractor. Filing an *Intent Form* costs \$40 and the filing fee for an *Affidavit* is \$40. The proposal to increase the amount of the *Combined Form* to \$5,000 would result in a loss of revenue to L&I. Based on the previous year of projects with a cost between \$2,000 and \$5,000, L&I forecasts \$350,000 to \$375,000 in lost revenue.

Mr. Riker asked about the impacts of the loss of revenue to L&I operations. Ms. Skinner said the committee discussed the loss of revenue as well. If the amount was a higher percentage, the loss could fund a full-time employee. The revenue is used to supplement funding for IT projects. However, the loss of revenue would not result in the loss of funding for existing or future employees.

Ms. Skinner advocated for including an effective date for the proposed changes, which was also discussed during committee meetings. The proposed effective date is July 1, 2024 recognizing it may not be ideal for all parties because of the importance of enacting the proposal immediately rather than later; however, L&I requires time to enact the changes. The Office of Financial Management (OFM) also needs time to enact and make the changes.

Ms. Skinner cited language at the bottom of page 31 of the proposed bill, which addresses responsible bidder criteria statutes. All contractors when bidding on public works projects must meet responsible bidder criteria. There are some concerns of the proposed change as underlined stating, “(e) Not have any failure to file or false filing of any affidavit of wages paid form during a five-year period preceding the contract award.” Although, the change in theory may be beneficial, it would pose too much impact to L&I as well as to all contractors and awarding agencies. Currently, L&I does not record a failure to file or false filing separately. When violations do occur, L&I documents the violation within the system and issues a strike for the violations. Multiple strikes can result in disbarment from bidding on public works projects. Any disbarment is part of the responsible bidder criteria. The proposal opens the door for contractors who only receive one strike because they would not be allowed to bid on public works projects, which would result in a larger pool of barred contractors. Currently, the system does not enable documenting the purpose of the strike or the disbarment nor does it enable any retroactive adjustments.

Chair Zahn thanked Ms. Skinner for sharing the concerns.

Mr. Frare responded to the comments. The recommendation to include a fiscal note is not problematic, as the combined form should be matched with the \$5,000 threshold. He suggested receiving feedback from the Board on the proposed effective date based on OFM and L&I operational requirements. The language specific to responsible bidder criteria also surprised him as he forwarded the proposal from an earlier version and the change was inadvertently included. He agreed with the proposal to remove the language unless there is some justification for including the language by the Board.

Ms. Thaxton cited potential conflicts between different sections in the statute and potential inconsistencies with RCW 39.10.030.

Mr. Kuruvilla said much of the committee’s work on the proposal was initiated prior to the COVID pandemic. Over the last several years, the industry has experienced much cost escalation as currently evidenced. He asked Mr. Frare to comment on the proposed thresholds and whether there is a risk that the intent of the proposal prior to its implementation would be outdated. As costs continue to rise, he asked about the method to address that concern.

Mr. Frare agreed that costs have changed considerably over the last several years. The proposal is centered on building consensus within the industry and some of the examination included the possibility of increasing thresholds as part of the proposal. Instead, the committee agreed to change the structure and focus on the recommendations from the Local Government Public Works Committee to promote the use of small business while streamlining processes. Essentially, the committee elected to change the structure rather than consider additional increases to the thresholds, as well as adding language to review thresholds in the future.

Michael Transue commented that he has been communicating with staff from OMWBE regarding the proposal, particularly section 4(1), which does not match with the discussions with OMWBE earlier in the day on the thresholds of \$350,000 and \$150,000 and the requirement for projects under the threshold of \$350,000 to send bids to all small businesses on a roster. The proposed language cited five contractors meeting the definition and the inclusion of “may,” which is not reflective of his discussion with OMWBE. He asked for clarification.

Ms. Fernandes responded to the concerns and recommended implementing the \$150,000 threshold quickly and evaluating outcomes and revisiting the threshold of \$350,000 enabling time to revamp IT systems, complete rulemaking, and

consider any other changes for a larger threshold.

Chair Zahn asked the Board to consider whether to expend more time before the December meeting to work through some of the open issues to reach a consensus in December on language to move forward.

Mr. Frare responded to questions on the likelihood of the committee reaching consensus to increase threshold amounts. With the exception of several public agencies, the highest threshold supported was \$350,000. It is unlikely there would be consensus to increase that amount. Although labor agreed to an increase to \$425,000 with some adjustments pertaining to apprenticeship, public agencies were not willing to include apprenticeship requirements to achieve another \$75,000 increase.

Chair Zahn commented on the possibility of the Board offering a motion to accept the proposal or deferring the proposal for additional review.

Mr. Riker said he would appreciate further discussion on the proposal especially in light of recent communications over the last several days, as well as concerns surrounding the responsible contractor component.

Ms. Yang supported the Board taking more time to ensure the Board considers a bill that would be effective. She supported further discussions between Ms. Fernandes, Ms. Erdmann, Mr. Middleton, and Mr. Transue.

Ms. Fernandes supported the recommendation.

Chair Zahn acknowledged the work completed as the committee was established at the beginning of summer. Any member with thoughts or concerns should contact Mr. Frare to ensure the committee has the information surrounding the current proposal to enable the committee and others to work through the issues prior to the Board's December meeting.

ADJOURNMENT

Chair Zahn moved, seconded by Vice Chair Dobyms, to adjourn the meeting at 4:15 p.m. Motion carried unanimously.

Staff & Guests

Talia Baker, Department of Enterprise Services
Nancy Deakins, Department of Enterprise Services
Brandy DeLang, Assn. of Washington Cities
Dawn Egbert, Port of Vancouver
Sarah Erdmann, OMWBE
Bill Frare, Department of Enterprise Services
Valerie Gow, Puget Sound Meeting Services
Andrew Greene, Perkins Coie
Maja Sutton Huff, Washington State University
Kelci Karl-Robinson, Legislature
Josh Klicka, MRSC
Don Laford, Skillings
Ann Larson, Department of Enterprise Services

Brent Ludeman, Ludeman Public Affairs
Jimmy Matta, Ahora Construction
Erik McCarley, OMWBE
Rachel Murata, OMWBE
Brenda Portaro, OMWBE
Cathy Robinson, University of Washington
Jon Rose, MRSC
Vicky Schiantarelli, Schiantarelli Associates
Dan Seydel, Platinum Group
Jolene Skinner, L&I
Tara Smith, Department of Enterprise Services
Michael Transue, Small Works Committee
Charles Wilson, Department of Enterprise Services