

**Small Works Committee**

Meeting Notes 7-14-2023

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

X	Bill Frare, DES – Owner State (Co-Chair)		Brenda Nnambi, Transit
X	Dawn Egbert, Ports	X	Irene Reyes, Private Industry/ Diverse Business (Co-Chair)
	Bobby Forch Jr., Diverse Business		Mark Riker, Labor
X	Josh Klika, MRSC	X	Cathy Robinson, Cities
X	Sharon Harvey, OMWBE	X	Jolene Skinner, L&I
	Scott Middelton, MCAWW		Kara Skinner, Insurance/Surety
X	Karen Mooseker, School Districts		Olivia Yang, Higher Education

**Alternates:**

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

X	Maja Huff, Higher Education (alternate)
X	Brian Ross, Higher Education (alternate)

**Guests:**

Talia Baker  
 Emilie Brown  
 Theresa Gonzales

Janet Jansen  
 Brenda Portaro  
 Janice Zahn

**The meeting was called to order at 1:36 p.m.**

*Agenda Topic: Continued Discussion of Implementation*

**Action: Approve past meeting minutes**

- Co-Chair Frare asked for a motion to approve the minutes from June 9, 2023. Cathy Robinson moved, Co-Chair Reyes seconded, and the committee approved the motion by voice vote.

**Subcommittee/Workgroup Updates**

- Jolene Skinner, who is coordinating cross-agency collaboration and implementation of SB 5268, gave a presentation on the various working groups and their progress. Jolene shared she has been working closely with Co-Chair Frare, Janet Jansen, Jon Rose, and Josh Klika to get things up and running, including setting up the workgroups.
- There are three workgroups: an advisory group, a rulemaking workgroup, and an outreach/training & communications workgroup. Jolene shared an excel spreadsheet that pulls out specific bill sections of SB 5268 and the changes in each section. There is a column for each agency that has a part in implementation, and a column for each workgroup, plus another for noting where/from whom feedback is needed. Areas that need clarification are highlighted in yellow.
- Co-chair Reyes reminded Jolene not to go too far without input from the small business community. She asked for more information on what she can share with the small business community, noting she has already received some backlash. Jolene affirmed that is a primary goal as they start soliciting feedback—so far it has just been planning and setting up the workgroups and process.

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- Jolene continued her presentation. The advisory group is set up to do the following:
  - Provide recommendations on implementation
  - Determine priority of work
  - Identify solutions requiring a formal rule
- The slide also included workgroup membership:
  - Jon Rose, MRSC
  - Janet Jansen, DES
  - Bill Frare, DES
  - Sharon Harvey, OMWBE
  - Jolene Skinner, L&I
  - Axel Swanson, WSAC
  - Aubrey Collier, City of Lacey
  - Jason Nechanicky, City of Spokane
  - Dawn Egbert, Port of Vancouver
  - Brian Ross, WWU
- Co-chair Frare suggested adding guidance on using the statewide roster to the list of focus areas for the advisory group; Jolene agreed and noted it was also worth adding determining needs for stakeholder feedback to the list of responsibilities. The group met for the first time on July 13 and began discussion of rotation on the roster, contractor availabilities, and addressing non-responsiveness. Their goal is to meet every 2-3 weeks throughout the summer.
- Next, she presented on the rulemaking workgroup. The responsibility of this group is to determine and coordinate rulemaking needs. Members were also identified:
  - Janet Jansen, DES
  - Bill Frare, DES
  - Sharon Harvey, OMWBE
  - Julie Bracken, OMWBE
  - Jon Rose, MRSC
  - Josh Klika, MRSC
  - Reasa Pearson, L&I
  - Ellen Saline, L&I
- This group held their first meeting a few weeks ago, when they received an overview of where all the agencies are in their respective rulemaking processes. Jolene put together a timeline for this, which was included in the slides.
- Co-chair Frare shared a couple of updates on the DES process for Jolene to integrate into her timeline, clarifying the difference between the informal conversations happening to develop the draft rulemaking and the formal public comment process once a draft is published.
- Co-chair Reyes asked if it would be possible to include a glossary of terms in the beginning of this presentation, since it will be posted to the web. For those who don't understand the rulemaking process, this would help with transparency. Jolene asked Talia if she could add links to the OMWBE, L&I, and DES rulemaking process pages for this bill on the Small Works Committee website for folks to easily access.
- Sharon Harvey shared that OMWBE just filed for public comment today, to be published on August 2.

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- Next, Jolene went over the outreach/training & communications workgroup. This group is led by Emilie Brown, who is a DES communications staff member working with Co-Chair Frare's group. Membership for this group includes:
  - Emilie Brown, DES
  - Bill Frare, DES
  - Tim Kenney, OMWBE
  - Curtis Bennet, OMWBE
  - Chuck Ziegert L&I
  - Jon Rose, MRSC
  - Josh Klika, MRSC
  - Lisa Lagerstrom, PTAC
- The work of this group is to ensure that outreach efforts are coordinated and comprehensive. Neutral materials are being created that can be picked up and taken to meetings, including shared messaging, and this committee is also providing shared space to track those efforts. It was mentioned in the last meeting that the shared tracking document should be posted on the Small Works Committee webpage. The workgroup is currently formatting it to be able to post it. They are also pulling together a comprehensive stakeholder list to ensure nobody is left out. Jolene asked members to please email Emilie Brown if they know of any group or specific business that should be reached, so she can add them to the list. This group is also trying to meet every 2-3 weeks this summer to accomplish their heavy workload over the next year.
- Emilie shared that the workgroup's goal is to make sure everyone is sharing the same messaging and making good use of resources.
- Janice Zahn asked who is forming the stakeholder list. Jolene clarified that determining the list of needed stakeholders and events to attend is a responsibility that is shared between the advisory group and the outreach/training & communications workgroup. Janice asked how they are working to make sure there aren't gaps for people/groups who have been difficult to reach in the past, including contractors. Concerns have been voiced in the past on whether outreach efforts are reaching everyone. Jolene shared that the stakeholder list is in the beginning stages of buildout and reiterated that members should send people or groups they want to reach over to herself and/or Emilie.
- Co-chair Reyes asked them to share the stakeholder list once they have it so members can highlight any gaps. There is no one-size-fits-all for small businesses. Some do not show up to these meetings, which makes it hard to reach out. Seeing a list and knowing there's a pocket here/there that we need to reach will make it easier to think through outreach needs. The most comprehensive list she is aware of is the OMWBE list, and folks on that list really read OMWBE's outreach. Jolene asked if the draft stakeholder list is ready to be shown yet. Emilie recommended that the list will be ready to share in the next couple of weeks. One of the first things they want to do is compare lists between groups and get input on gaps and how to address the challenge of reaching some people. Co-chair Reyes shared she is also in touch with Eddy Rice's radio station/podcast which can help reach people who aren't reading written updates and would be happy to share information through that channel.
- Dawn Egbert highlighted that there are 75 WA ports with contacts, and she is working with WPPA to possibly take over the maintenance of that list and will get it to Emilie/Jolene. Emilie pointed out that some agencies already have good lists, like OMWBE, so they are looking at

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leveraging what already exists with a built-in audience, so they aren't recreating the wheel. Jolene flagged that Co-Chair Reyes has monthly meetings with the small business community as well. Co-Chair Reyes shared she will invite Emilie to attend those meetings.

### **DES Implementation Updates**

- Co-Chair Frare carried on the meeting with an update on DES's process. DES has filed their CR-101 and is working on a communication plan and draft rule changes.
- DES has a [rulemaking webpage](#)—the third link down from 2023 is labeled [Public Works Contracting](#), playing off SB 5368's bill title. That link brings the user to Rulemaking for WAC 200-330. It includes the existing rules, steps for rulemaking, the bill, and a link to DES's current small works program.
- DES is currently fleshing out their outline for rulemaking. Once this draft is in hand, DES will begin to solicit feedback from stakeholders. Co-Chair Frare briefly showed the outline for the rule changes, noting that it's very basic at this stage and simply follows the same outline as the bill. There are some question marks in there because they are still figuring out how best to implement the bill.
- Co-Chair Frare mentioned that Co-Chair Reyes had asked when this draft is going to be available for the small business community to look at. He shared that was one of the questions DES staff were asking themselves as well. They don't think it would be a benefit to publicize something that isn't at some level of maturity. There should at least be something to discuss, a "here's what we're thinking" kind of a deal. What needs to be changed, and what's missing? The current draft outline doesn't provide this level of substance just yet.

### **OMWBE Implementation Updates**

- Sharon and Brenda Portaro presented next. Sharon shared that OMWBE is on track with the plan shared at the last meeting. They have filed their CR-105 and proposed rules for public comment, which keeps them on track to have permanent rules by December. OMWBE is using expedited rulemaking because there are not substantive changes to the existing program. Establishing this new public works position includes hiring three new full-time staff, and that is on track. For IT implementation, they have completed gathering requirements and contract negotiations. This piece has included meeting with L&I and MRSC to ensure all the technical pieces for the certification and roster work together. They are on track and collaborating with stakeholders, partners, and the OMWBE internal team.
- Co-chair Reyes asked members not to publish anything online that is incomplete, as it will spark questions and could derail our process. Instead, she suggested sharing a few paragraphs to update on the process in a newsletter. This was a general comment applicable to all groups. Bill and Sharon agreed that a brief update helps people know we haven't forgotten about them.

### **MRSC Implementation Updates**

- Josh shared an update on MRSC. Much of their work has been tying together the advisory group and talking to some of our stakeholders to hear about challenges and priorities people have in general about small works roster implementation. They have interacted with a mix of agencies and are interviewing people who represent other groups. This began in early July, when they met with representatives from ports to get their general thoughts around the small works roster. One piece to add to the advisory group from Jolene's list is the state auditor. Most of this work has been covered well in Jolene's and Sharon's presentations.

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### ***L&I Implementation Updates***

- Jolene briefly shared L&I's progress. They recently started discussing IT updates to add in a direct contracting type. When an awarding agency or prime contractor currently starts a project in their system, they select whether is design-build, etc. L&I recognizes the need to capture when direct contracting is happening, so they are beginning to think about what makes sense; should it be labeled another contracting type they can select, or does it go in based on contract amount and then owners or primes can indicate whether it's direct contracting? L&I will file their rules in December.

### ***Rules and Format***

- Nobody representing AWS and WASAC was attending, so Co-Chair Frare moved to the next item on the agenda, Rules and Format.
- Co-Chair Frare asked if there were any comments on the group's organizational structure, or any suggestions on what needs to happen next. Co-Chair Reyes made the point earlier about making sure we get feedback timely and throughout the process. No other notes were shared.

### ***Developing the next agenda***

- Co-Chair Frare suggested continuing with the same agenda. He noted there should be considerably more to talk about on outreach and feedback gathered. He asked the committee for any changes or additions to the next meeting's agenda.
- Co-Chair Reyes shared that it would also be good to hear about any challenges encountered so far, and this should also be included in the public updates. It's good to let the public know we are humans and we do encounter hiccups, like challenges in getting data, feedback, etc. It's good to share challenges and lessons learned. Every committee will hear and learn from these updates as well.
- Talia prompted and the committee agreed to move the subcommittee update before implementation updates in the agenda.

### ***Other business***

- Sharon and the committee thanked Jolene for leading the charge on coordination.

**The meeting adjourned at 2:30 p.m.**

### **References/Resources:**

- Subcommittee/Workgroup PPT (Jolene Skinner)
- SB [5268](#) Changes/Implementation Roles Excel document (Jolene Skinner)