

Capital Projects Advisory Review Board
Project Feedback Process Workgroup

Meeting Notes 06/20/2024

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Committee Members: (14 members, 8 = Quorum)

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| X Dave Johnson <i>Co-Chair</i> , General Contractors | X Art McCluskey, Owner General Public |
| X Jeff Gonzalez, <i>Co-Chair</i> , Owners State | X Karen Mooseker, School Districts |
| X Kurt Boyd, Specialty Subcontractors
Marvin Doster, General Contractors | X Mike Pellitteri, Specialty Subcontractors
Irene Reyes, Private Industry |
| X Lekha Fernandes, OMWBE
Bobby Forch, Jr., Disadvantaged Businesses
Thomas Golden, Design Industry-Architects | Linneth Riley Hall, General Owner
Robynne Thaxton, Private Industry |
| | X Olivia Yang, Higher Ed |

Guests:

Monique Martinez, DES Staff
Sheri Bartell, DES Staff
Ananda Gordon-Peabody, MFA

Co-Chair Dave Johnson called the meeting to order at 11:02 a.m. A quorum was established.

1) Review and approve agenda - Action

Co-Chair Johnson reviewed the agenda and asked the group for any edits before proceeding.

Co-Chair Johnson moved, seconded by Olivia Yang, to approve the agenda. The motion was approved by a voice vote.

2) Approve minutes from 5/16/2024 – Action

Co-Chair Johnson asked the group for any edits to the meeting minutes from May 16, 2024.

Lekha Fernandes moved, seconded by Mike Pellitteri, to approve the meeting minutes. The motion was approved by a voice vote.

3) Update on Preventative Process with PRC (updating PRC application) – Discussion/Action

- a) Co-Chair Johnson provided an update on the discussions that he and Co-Chair Gonzalez had with the PRC. They reviewed the suggestions for application questions that could be added during the PRC business meeting and took active suggestions from the PRC body. From here, Co-Chairs Johnson and Gonzalez discussed how they could fit the suggestions into the current GC/CM and Design-Build applications, which would then be brought back to the PRC for review.
- b) Co-Chairs Johnson and Gonzalez recommended adding a section to the project application called Owner Readiness that has questions relating to training, background, and preparation. Olivia Yang made a point that Linneth Riley Hall had expressed interest in creating a strategic plan as the CPARB Chair. However, even without a strategic plan, it seems as if other committees are on the same page about needing to emphasize owner readiness.

4) Discuss Forum for Issues Other than Violations of RCW 39.10 – Discussion

- a) Co-Chair Johnson opened the floor to discuss this topic and recapped the suggestions that were made in the previous meeting; these included bringing up issues at the PRC business meeting or collecting issues and maintaining a separate committee to address them. Co-Chair Johnson then opened the floor for new suggestions or thoughts on the topic.
- b) Olivia suggested that CPARB and the PRC might have a responsibility to be a resource because those members are knowledgeable. However, there is a concern that some people are using the PRC as a marketing tool, and so there would need to be an effort to avoid that. Co-Chair Johnson agreed, noting that this suggestion had been discussed in the past. Co-Chair Gonzalez added that other committees and/or trainings are a resource they could use as a forum as well. He referenced how they met with Curt and attended a GC/CM meeting and asked if Curt could highlight issues such as subcontractor bid packages. He noted that Curt was very open to including this in his training and

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suggested that others such as Design-Build would also be open to adding suggested topics to their respective training.

- c) Marvin Doster agreed with Olivia's point and noted that there is built in knowledge with these committees. The challenge, he added, is how much you can help before you need to recuse yourself from viewing their application. Co-Chair Johnson affirmed that this was an important point but added that timing is an equally important aspect of this process. There are certain opportunities to give advice that happens before the application, but most of the time what's discussed are issues that are happening during the project; at this point the project has already been approved. He added that this process is really to ensure that issues don't go unresolved and that they can create a place for people to go for information and assistance. Marvin agreed with this point.
- d) Olivia suggested potentially adding dispute resolution boards written into contracts; it's more formal but could be a forum for this. She also suggested an advisory board as it is semi-formal and could be helpful. Co-Chair Johnson noted that most of the issues that come up are not contractual issues, rather they are issues with the owner, or the contractor, or a sub tiered person; he was generally unsure of the role that a DRB could play in that.
- e) Mike Pellitteri suggested that they look at a couple of ways this could play out. He noted, as an example, that if there was a GC/CM contract and Kurt didn't like the way the procurement process occurred and decided to go to the PRC, would it then be appropriate for someone from the PRC to reach out to the owner to discuss the issue? This process could be informal enough that those who are being confronted about issues have the opportunity to be heard and understood. Olivia and Co-Chair Gonzalez agreed with this. Co-Chair Gonzalez specifically noted that as an owner, he would want to know if there was an issue because he would want to correct it and felt that most owners would feel similarly. Co-Chair Johnson added that having open discussions about this is helpful because some might not even think to bring up an issue.
- f) Mike added that having examples for these conversations would be helpful because there are so many nuances that are better understood with context and real-life situations. Co-Chair Johnson agreed with this. Olivia also agreed, comparing this to experiential learning. Co-Chair Johnson suggested that he and Co-Chair Gonzalez draft something that summarizes the conversation that was had here and bring it back to the PRC, and then assign someone to have conversations with those who are dealing with issues.

5) Parking Lot Issues – Discussion

- a) Co-Chair Johnson and Co-Chair Gonzalez moved the group towards addressing parking lot issues.
- b) *Who can stakeholders reach out to:* Co-Chair Johnson noted that they had discussed this for RCW violations and the rest would be related to the discussion they are currently having over best practices.
- c) *What are the steps to take when an issue has been identified:* Co-Chair Gonzalez added that he felt that this and the issue mentioned above go hand in hand with the same general notes—that they had discussed this for RCW violations and the rest would be related to the discussion they are currently having over best practices. Co-Chair Johnson noted that there is an open issue on what the mechanism is for clocking information. This will be kept as a parking lot item.
- d) (1 on 1 contacting local trade association. Bring to CPARB, use legislation as last resort): Co-Chair Gonzalez noted that they had talked about this formally and informally and has been addressed and therefore can be removed.
- e) Who has accountability authority, auditors office? AG?: Co-Chair Gonzalez noted that this has been addressed so it can be removed.
- f) What are the metric issues and how to track: Co-Chair Gonzalez noted that this has been partially addressed but it can be added to the issue above to discuss.
- g) What are the consequences for not complying with the statute?: Co-Chairs Gonzalez and Johnson agreed that this had been addressed through the formal process.
- h) What is the best way to educate the community?: Co-Chairs Gonzalez and Johnson agreed that this had been addressed.
- i) How can information regarding feedback grievances and consequences of noncompliance be distributed?: Co-Chairs Gonzalez and Johnson agreed that this has been addressed.

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- j) Owner preparedness: Co-Chairs Gonzalez and Johnson agreed that this is open and still needs to be addressed. Mike added that it might make sense that this stays in the PRC arena. If it stays in the PRC, there's more accountability. Co-Chair Johnson noted that they did do the post-incident process: if an issue can be resolved, it is supposed to go to CPARB with concurrence of the AG, so PRC won't lose control of it. Olivia commented on this as well, noting that they hadn't touched base with CPARB for a while. It's worthwhile to make sure we're managing expectations because even though this committee likes the direction it's going, new people may disagree. She also asked who the procurement cop is. Co-Chair Johnson agreed with this, commenting that there is no accountability or cop, other than coming back to PRC for approval. There may not be that person at all. Co-Chair Gonzalez inquired if this issue should be opened back up through another parking lot item, but Co-Chair Johnson responded that they were doing what they could within the confines of the rules, which is sufficient. Olivia noted that she felt this was a problem; although she didn't feel they could solve it, they should address it through education and discussions. Mike questioned if it would be worth going to the AG and the auditor and asking them how it should be dealt with. He thought that this may be CPARB's job and that they should perhaps ask if either the AG or auditor have the authority to give some oversight.
- k) Co-Chairs Gonzalez and Johnson agreed that the remaining notes have been addressed.

6) Next Meeting Agenda – Discussion

- Welcome & Introductions
- Approve Agenda
- Approve Minutes from 6/20/2024
- Discuss Forum for Issues Other than Violations of RCW 39.10
- Discuss the Mechanics/Forum of Making a Complaint
- Discuss Parking Lot Items
- Review of Preventative Measures to be discussed at PRC Meeting
- Consolidate review of the post incident and preventative measure to verify alignment
- Next Meeting Agenda
- Adjournment

7) Action items

- a) Co-Chairs Gonzalez and Johnson to come up with a first draft of discussion heard today regarding forum for issues other than Violations of RCW 39.10.

8) Meeting Adjourned at 11:59 a.m.