CAPITAL PROJECTS ADVISORY REVIEW BOARD

BUSINESS EQUITY/DIVERSE BUSINESS INCLUSION COMMITTEE

SB 6040 New Legislation Recommendations

Contents

Executive Summary

During the 2024 legislative session, the Washington state legislature directed the Capital Projects Advisory Review Board (CPARB) to make recommendations on new legislation that would provide more prompt payments to small diverse businesses within the construction industry. CPARB tasked the Business Equity and Diversity Business Inclusion (BEDBI) Committee to provide recommendations to the board. The BEDBI Committee is composed of individuals representing small diverse businesses, prime contractors, and public owners. The BEDBI Committee, with feedback from over 150 key stakeholders, proposes the following legislative changes in order to address prompt pay with small diverse businesses:

1. Combine 39.04.250 and 39.04.360 into a single section of the Revised Code of Washington to ensure prompt pay is clearly outlined and consistent for all key stakeholders
2. Public Owners *must* pay within 30 days for all properly submitted invoices and subcontractors *must* be paid within 10 days after payment is received by the prime contractor.[1]
3. Public works contracts must include a payment schedule including when invoices will be due and payments made. This will be communicated at all subcontract levels so that all parties understand when payments will be paid if there are no discrepancies in the invoice.
4. If payment is not made on time 1% interest will automatically be charged (as opposed to upon request) when payment is delayed and is not the fault of the contractor. The 1% interest will be paid to all contractors on the delayed invoice no matter the tier.
5. Change the ability for owners and contractors to withhold payment at a rate of 150% of disputed amounts to 100% of disputed amounts or of an estimated amount to affect a remedy, whichever is higher.

While these recommendations were supported by the majority, there were some concerns about accountability and the cost of implementation. There were also three areas where majority consensus could not be reached. These areas are 1) when payment is considered made, 2) notification period for invoice discrepancy, and 3) change order payment terms. Since various stakeholder groups could not reach consensus on these items, the report outlines different perspectives for the legislature to consider.

[1] The BEDBI Committee has received feedback that this payment cycle does not allow for subcontractors to have their payments in time to pay Union (Trust?) Funds within the required schedule for PLAs/CWAs. A five-day payment window was considered for these types of agreements, but still would only allow get appropriate funds first and second tier subcontractors in time to pay depending on when payment is issued.

In addition to the legislative changes above, this report recommends key best practices under the current legislation that address prompt pay concerns. These recommendations are outlined in the following categories:

1. Promote a culture of paying promptly where we recognize the severe impacts payment delays have on small diverse businesses. Commit to fixing the problem, as teams and individuals

2. Pay as soon as possible, don't wait the maximum allowed time.

3. Develop and utilize a **checklist** to identify payment and change order processing requirements.

4. Develop and utilize **communication protocols** between all parties involved.

5. Issue **change orders** and **resolve disputed work** promptly (RCW 39.04.360).

Scope, Methodology, and Stakeholder Engagement

Scope. How do agencies, prime contractors, and others ensure diverse subcontractors are paid more expeditiously?

Methodology and Stakeholder Engagement. The BEDBI committee reviewed current statutes related to contract payments and current best practices used to expedite payments. The committee also conducted two surveys to solicit feedback from a larger group of over 150 business community members and public owners. The committee compiled information from its statute review and both partner surveys to develop proposed legislation with feedback from diverse stakeholders. To ensure engagement from a diverse group of stakeholders, the BEDBI committee expanded its membership prior to developing recommendations, to ensure voting members include impacted individuals. The committee developed on a project schedule that ensured a timely response to the legislature's request for recommendations. More information on the BEDBI committee's membership, stakeholder engagement, and project schedule is included in this report.

Current Legislation:

The BEDBI committee analyzed the following RCWs to see if improvements could be made to increase opportunities for prompt payment for small diverse firms.

- RCW 39.04.250: Payments received on account of work performed by subcontractor—Disputed amounts—Remedies. (wa.gov)
- RCW 39.04.360: Payment of undisputed claims—Change orders—Civil actions for violations. (wa.gov)
- Chapter 39.76 RCW: Interest on Unpaid Public Contracts (wa.gov)

Business Equity/Diverse Business Inclusion (BE/DBI) Committee Members:

The BEDBI Committee tasked with writing this report included members from diverse businesses, public owners, prime contractors, and other interested groups. The committee divided into smaller groups as necessary to ensure that diverse feedback was continuous throughout the generation of these recommendations and to keep the project on schedule.

BEDBI Committee & Subcommittees:

Lekha Fernandes, OMWBE, Chair
Santosh Kuruvilla, Exeltech (Engineers), Co-Chair
Irene Reyes, Excel Supply Company, Co-Chair
Frank Boykin, MBDA
Jackie Bayne, WSDOT OEO
Stephanie Caldwell, Absher Construction
Bobby Forch, CPARB DBE Representative
Brenda Nnambi, Sound Transit
Shelly Henderson, Mukilteo School District. (K-12 Schools)
Aleanna Kondelis, Hill International
Keith Michel, Forma Construction (GC)
Cathy Robinson, University of Washington (was City Rep)
John Salinas II, Specialty Contractors
Young Sang Song, Song Consulting
Cheryl Stewart, Inland Northwest AGC
Chip Tull, Hoffman Construction
Charles Wilson, DES
Olivia Yang, Washington State University
Janice Zahn, Port of Seattle
Matt Rasmussen, Benton County (County Representative)

BE/DBI Report Creation Workgroup:

Bill Frare, DES (Chair)
Lekha Fernandes, OMWBE
Ethan Swenson, OMWBE
Shari Godat Bartell, DES
Monique Martinez, DES
Santosh Kuruvilla, Exeltech
Irene Reyes, Excel Supply Company
Jerry Vanderwood, AGCWA
Cathy Ridley, Exeltech (Co-Chair)
Matt Rasmussen, Benton County (County Representative)

New Legislative Drafting Workgroup:

Talia Baker, DES
Keith Michel, Forma Construction
John Salinas II, Salinas Construction
Jackie Bayne, WSDOT
Bill Frare, DES
Vicky Schiantarelli, Schiantarelli & Associates
Earl Key, WSDOT
Frank Boykin, City of Tacoma
Jerry VanderWood, AGCWA
Tenille Johnson, OMWBE
Ethan Swenson, OMWBE
Lekha Fernandes, OMWBE

Stakeholder Engagement Workgroup:

Aleanna Kondelis, MRSC
Brenda Nnambi, Sound Transit
Cathy Robinson, University of WA
Shelly Henderson, Mukilteo School District (k-12 schools)
Rachael Pease
Stephanie Caldwell, Absher Construction
Lekha Fernandes, OMWBE, Chair
Irene Reyes, Excel Supply Company, Co-Chair
Charles Wilson, DES
Bobby Forch, CPARB DBE Representative
Frank Boykin, MBDA

Best Practices Under Current Law Workgroup:

Olivia Yang, Washington State University
Aleanna Kondelis, Hill International
Mike Pellitteri, Pellco Construction
Chip Tull, Hoffman Corporation
Cindy Magruder, UW
Irene Reyes, Excel Supply Company

Project Schedule

The BEDBI Committee was assigned this project by CPARB. The project schedule, shown on page 5, was developed to ensure maximum engagement within the allotted time frame during a period of time (summer) when many individuals are on vacation. Priority was given on stakeholder engagement and diversity within the subcommittees.

Stakeholder Engagement

The stakeholder engagement workgroup recommended and delivered a two-part survey campaign to gain feedback and hear direct experience from individuals and groups involved in public works contracts throughout the state. The stakeholder engagement workgroup identified approximately 150 prime contractors, sub-contractors, advocates, agencies, community groups, and owner's representatives in addition to CPARB, PRC and BEDBI members to directly receive surveys. Appendix C includes a full list of identified stakeholders). Additionally, the survey was advertised through various advocacy groups (WSAC, AWC, Etc.) to gain as broad a number of participants as possible.

The first survey went out Tuesday May 7th and closed May 12th and focused on identifying barriers and best practices under current legislation with regards to promptly paying contractors and subcontractors. Since the BEDBI committee has discussed and heard testimony on prompt pay for many years, the survey had a tight window for responses and confirmed prior testimony. The current practices and experiences identified in this survey informed other workgroups on best practices and possible legislation. The survey received 230 responses, 25% from public agencies and 75% from businesses. Appendices A and B include the survey questions and summary answers received and identify the proportions of groups identified.

Using this information a second survey went out on July 8th and closed July 14th. This survey focused on recommended legislation and solicited feedback on whether the legislation would be supported by stakeholder groups. This survey received 157 responses with 43% of respondents identifying as a public agencies, 28% prime contractors, and 23% as subcontractors and small businesses. Appendix D contains more information about the respondents, questions asked, and summary responses. The legislation changes proposed in this report are based on responses where 60% of respondents were favorable to the recommendations. A summary of the responses is contained in each of the proposed legislative change sections below.

Project Schedule

Capital Projects Advisory Review Board
BE/DBI Committee SB 6040 Kanban

SB 6040 Kanban Plan

BE/DBI Meeting Dates			3/20	4/3	4/17	5/1	5/15	5/29	6/19	7/3	7/17	7/31	8/21	9/4	9/18	10/2	10/16
CPARB Meeting Dates							5/9/2024 -Lekha/Santosh/Irene to report on Project Scope, Stakeholder Engagement Plan, and Project Schedule; Prereads needed by 5/6							9/12 Draft SB 6040 Report presented by Irene, Santosh, Lekha Preread available by 9/9		10/12 Final SB 6040 Report presented by Santosh, Lekha, Irene; Preread available by 10/9	
Deliver to CPARB																	
BE/DBI Meetings Dates	**Committee Members**	**Responsibilities**										Optional	Final Plan Vote	Optional			Final Vote
Task Force Reports at BE/DBI Meetings	BE/DBI				Vote on Stakeholder Engagement Plan, Problem Statement, Project Scope, Schedule, Creating workgroups		Stakeholder Report, Findings and Discoveries reporting on idea generations and drafts; Report draft for discussion and vote		Review Recommendation Reports, Draft Review and Vote		Final workgroup recommendations, Draft Review		Complete Draft Review and Vote		Review Amended Draft and Vote		Review Final Draft and Vote
Scope Definition	Olivia Yang Jackie Bayne Chip Tull Lekha Fernandes Maja Huff Bill Frare Earl Key Keith Michel	Define Scope of 6040 Recommendation and Issue Problem Statement	Determine Group Members and meeting cadence		Provide a Problem Statement **GROUP DISBANDS -** Members join another group												
Stakeholder Engagement †	Aleanna Kondelis Brenda Nnambi Cathy Robinson Shelly Henderson Rachael Pease Stephanie Caldwell Lekha Fernandes Irene Reyes Charles Wilson Bobby Forch Frank Boykin	Define and find additional stakeholders beyond voting members; Facilitate stakeholder surveys, meetings, other engagements	Determine Group Members and meeting cadence.		Determine stakeholders involved and their level of involvement	First questionnaire developed and sent to stakeholders with return and quick analysis done prior to 5/13 for prereads	Report First Report on Stakeholder Engagement Findings	Begin drafting second questionnaire	Review draft questionnaire and cross compare with findings and discover group	Launch second questionnaire with return and quick analysis by 7/15	Report Second Report on Stakeholder Engagement Findings	Members assist with final draft completion					
Schedule Development	Ethan Swenson Earl Key Aleanna Kondelis Santosh Kuruvilla Lekha Fernandes	Mapping out Schedule of Goals	Determine Group Members and meeting cadence		Present Project Schedule and solicit additional meetings in August/September. **GROUP DISBANDS -** Members join another group												
Findings and Discovery - New Legislation Recommendations †	Earl Key Jackie Bayne Jerry Vanderwood Brian Kelley (AOC) Bill Frare Vicky Schiantarelli Frank Boykin John Salinas Tennille Johnson Keith Michel	Determine how new legislation can solve the prompt payment problem			Assign members and responsibilities and develop caledaring and cadence; Ensure group has someone documenting/drafting, time keeping, leading	Analysis of current data and information; Begin idea generation for new legislation. Ideas must be presented prior to 5/13 for prereads	Report on idea generation for voting what moves on for second questionnaire	Cross compare ideas with stakeholder engagement feedback. Create new ideas or fine tune ideas presented. Ideas must be presented for pre-reads by 6/14	Report on Recommendations for second stakeholder questionnaire	Continuation of any incomplete work. Prereads available by 7/15	Be ready to make modifications to recommendations during BEDBI Meeting	Members assist with final draft completion				
Findings and Discovery - Current Best Practices Recommendations †	Aleanna Kondelis Chip Tull Irene Reyes Bobby Forch Cindy Magruder Frank Boykin Brenda Nnambi Santosh Kuruvilla Olivia Yang Brian Ross Mike Pelfleri	Determine how to solve the prompt payment issue given current legislation			Assign members and responsibilities and develop caledaring and cadence; Ensure group has someone documenting/drafting, time keeping, leading	Compile current practices used for prompt pay and BE/DBI Discussion materials into one format and document. Draft must be presented prior to 5/13 for prereads	Provide draft for discussion and vote on what moves on for second questionnaire	Cross compare draft practices with stakeholder feedback. Ensure barriers are listed . Draft available for pre-reads by 6/14	Report on Recommendations for second stakeholder questionnaire	Continuation of any incomplete work. Prereads available 7/15	Be ready to make modifications to recommendations during BEDBI Meeting	Members assist with final draft completion				
Report Creation †	Bill Frare Irene Reyes Monique Martinez Jerry Vanderwood Santosh Kuruvilla Cathy Ridley	Create, modify, and prepare for final vote the 6040 report			Assign members and responsibilities and develop caledaring and cadence. Ensure group has someone documenting/drafting, time keeping, leading	Begin work on draft (example: https://des.wa.gov/sites/default/files/2022-10/Report-BEDBI-2022-06-09.pdf) Begin with summary of project scope, stakeholder engagement plan, and project schedule. Preread draft available by 5/13	Provide draft for discussion and vote	Draft summary of stakeholder engagement and draft beginning of new legislation recommendations and current best practices; Preread draft available by 6/14	Initial Summary Review - Draft Revision for vote	Continue drafting progress based upon reports generated; Prereads available by 7/15	Barriers and solutions - Draft Revision	Write Final Report; Preread available by 8/19	Present Complete Draft for BE/DBI vote	Make any modifications necessary for CPARB meeting; Prereads available by 9/9	Present amended draft for vote		Present final draft

Pre-Read three days before every meeting - What each workgroup needs the BE/DBI to know prior to the meeting
****Roll is tracked in workgroups and sent to OMWBE PM at the conclusion of each meeting***
† Owners need to be engaged in this group, BE/DBI members need to be actively involved and crafting solutions

Barriers and Best Practices under Current Legislation

Using information gathered from the two surveys, the BEDBI committee compiled a list of barriers encountered when making and receiving prompt payments under current legislation. Additionally, using feedback and comments on how agencies and contractors are working within the current rules, the committee developed a list of what it considers to be "best practices" to making and receiving payments on public works projects. Utilizing these best practices will make public owners and contractors more attractive to bidders, increasing competition, which should result in more favorable pricing.

Barriers under current legislation:

While not an exhaustive list of the challenges faced by owners and contractors, the following list contains the most common barriers to making and receiving payments as indicated by survey respondents. More information can be found within the survey responses contained in Appendices A and B.

1. Agencies require complicated paperwork for payment and this paperwork varies by agency. Agencies have a responsibility to ensure that they are receiving the services that they are paying for, but often the paperwork required is more complicated than in the private sector and it varies depending on the agency. The complicated nature of this paperwork can result in delays in payment when not submitted according to the agencies requirements.
2. Retainage is another issue that many subcontractors face. When retainage is withheld in progress payments, it limits the subcontractors access to the capital needed to continue work. If payments are delayed, retainage further limits the subcontractors access to capital.
3. If payment schedules exist, they are frequently held between the owner and prime contractor. These schedules may not include subcontractors thus leading to uncertainty making it difficult to manage financial responsibilities. Subcontractors stated that many times payments are 90 days after work with little communication regarding when payment will occur.
4. Consistent practices and notices for extra work is another problem identified. Notification for extra work may come verbally on the job or in writing prior to the execution of a change order. There is frequently a lack of clarity throughout the payment process for change orders.
5. Interest on late payments for undisputed work, while required by 39.76.011, is routinely paid only at the request of subcontractors. Subcontractors are reluctant to make this request in fear of being branded as troublemakers and not receiving future work.

Best Practices under current legislation:

The BE/DBI Current Best Practices Workgroup recommends the following best practices for managing public works contract payments. While not required, the workgroup agrees these practices are feasible, and could result in faster payment to primes and subcontractors of all tiers.

All the practices recommended work best when used together and can be executed under current legislation while not required.

Summary of Recommended Practices

1. Public agencies should continuously review their internal processes and invoicing/billing requirements (contract language).
2. When practical, use electronic funds transfers and avoid paper checks and the postal service.
3. Hold preconstruction and post-construction meetings through which payment procedures, schedules, and retainage are discussed and communicated to every tier.
4. Have a payment/retainage checklist (or cover form) to help facilitate complete and accurate billing.
5. Use a "draft invoice"[2] process.
6. Have a notification protocol so all subs are informed when a public agency pays a prime.
7. Have a process for subcontractors to communicate to a public agency when payments are not being made in accordance with the contract (without breaking contract privity).
8. Have a process where subs can confirm when payments are received in real-time.
9. Break down work and pay items into smaller, discreet tasks, that can be invoiced without waiting for larger tasks to complete.
10. Have change orders included with payment procedures and schedule.
11. Everyone involved in the payment process have a back-up for absences.

Practices for Projects (general)

12. Hold **preconstruction meeting** and include the review of every aspect of the payment process such as, but not limited to, cutoff dates, preliminary review process, payment backup requirements, forms, change orders, etc. Use a **checklist**.
13. Review payment checklist at substantial completion, or have a post-construction meeting, and if not included create **checklist for close-out requirements** (flow down) including requirements and steps for retainage release.
14. Create and use a **payment checklist/cover page** (flow down provision) that includes the processes and requirements to define a "complete submission."
15. Use a **"draft invoice" or "pre-payment application" review process** for all payment applications and prior to the determined and agreed invoice "cut-off" date.
16. Reduce **payment timeframes to 7 business days or sooner, or as agreed to by Owner and Prime,** pay-when-paid for every tier. (in no case more than 10 days per RCW 39.04.250)
17. **Have a contingency plan** for payment approvals during absences for **all responsible parties** and **regulatory agencies**.

[2] Draft invoices are prepared by contractors and submitted to the owner in advance of a properly prepared invoice. These drafts give the owner additional time to review what is being submitted and to expedite issue resolution.

18. Develop a **subcontractor communication tool**, where primes and subcontractors can send notification when they have not been paid. Project should provide a contact and "open door" policy for subcontractors to communicate payment, change orders, or contract issues.
19. **Delineate and notify disputed and undisputed amounts separately on invoices** to ensure partial payments are made if necessary (RCW 39.76.011).
20. Be compliant with RCW 39.04.360 – Change Orders on Public Works
21. Use **written "field directives/authorizations"** for urgent authorizations and unexpected work. (e.g., highway project needs to be wrapped up by 5AM so the road can return to service, at 4:30 an issue is discovered that may delay reopening if a change is not agreed to). Person authorizing directives should have authority to commit the owner to the additional work.

For Agencies

22. **Evaluate** individual owner payment requirements beyond what is required by statute and remove unnecessary burdens.
23. **Reduce invoice requirements** and unnecessary or "legacy" requirements where possible.
    a. Perform regular reviews, and cleanup of antiquated or historical spec language.
    b. Remove requirements for documents to be attached to already available elsewhere (e.g., intents, certified payrolls, etc.)
24. Create and use a **payment checklist/cover page** (flow down provision) that includes the processes and requirements to define a "complete submission."
25. Agencies should develop internal controls and perform periodic self audits to confirm they are compliant with the contract requirements. (e.g., agency is reviewing payment applications within 7 days, etc.)
26. **Streamline internal review processes** and requirements.
    a. Release payments as soon as approved don't wait until the maximum time of 30 days.
    b. Concurrent reviews by all required parties, when practical
    c. Waive inconsequential irregularities in the paperwork (not material) (e.g. form attachments, multiple copies, lien releases, etc.)
    d. Don't require contractors/subcontractors to provide information that can be checked on-line or through other sources (e.g., intents and affidavits.)
    e. Issues change orders per statute requirements.
27. Have construction invoice and change order status are a standing agenda item at each progress (OAC) meeting.
28. U**se electronic funds transfers**, or similar expedited payment options.
29. Implement a **notification** protocol for the project, that includes subcontractors, **when owner has released payment to the prime**.
30. **Use and improve a third-party tracking system or some mechanism to confirm when subcontractors are paid.**
    a. Compliance tracking paid-when-paid requirement.

b. Improve existing/current 3rd party payment tracking system to reduce duplicity and administrative burden.
c. Have a subcontractor notification mechanism when not receiving payment.

31. **Use line items/bid items, and/or "allowances" for smaller or discreet bodies of work** that can be paid quicker, unbundle larger bodies of work so subs at lower tiers can bill closer to when work is complete. (e.g., multiple mobilizations, intangible costs like dues, administrative costs, and paperwork, etc.)
32. On alternative public works, use ***cost-reimbursable*** **practices** to pay for hourly work performed by DB/GC/CM or any subcontractor/subconsultant at any tier. (e.g., administrative time, small business support, mobilization, etc.)
33. For alternative public works, require as part of the **project's *Inclusion Plan* prompter pay *strategies*,** particularly for small and diverse businesses.
34. Include "prompt payment" compliance as part of **Contractor Performance Evaluations**.
35. **Have a contingency plan and backup staff** for payment approvals and release during absences of responsible parties.

For Primes

36. Use **electronic funds transfers** or other expedited payment options, even if not required or used by the public agency.
37. Use **payment checklist or cover page for subcontractors**, even if there isn't one provided or used by the public agency.
38. Designate a **"subcontractor/vendor" payment liaison** for direct communication on payment (flow down), if even if there isn't communication protocol from the public agency.
39. **Pay lower tier subs as soon as possible – don't wait the maximum 10 days.**
40. **Use a "draft" payment review processes,** even if not required or used by the public agency.
41. **Use line items/bid items, and/or "allowances" for smaller or discreet bodies of work** that can be paid quicker, unbundle larger bodies of work so subs at lower tiers, or small, minority, women, and veteran-owned firms, can bill closer to when work is complete. (e.g., multiple mobilizations, intangible costs like dues, administrative costs, and paperwork, etc.)
42. On Alternative Public Works, include ***"prompter pay strategies" in Inclusion Plan***, with particular focus on small, minority, women, and veteran-owned firms.
43. **Have a contingency plan** for payment approvals during absences of responsible parties.

Proposed New Legislation

The BEDBI Committee is recommending the following changes to improve legislation surrounding prompt pay for subcontractors:

1. Public Owners *must* pay within 30 days for all properly submitted invoices and subcontractors *must* be paid within 10 days after payment is received by the prime contractor.[3]
2. Public works contracts must include a payment schedule including when invoices will be due and payments made. This will be communicated at all subcontract levels so that all parties understand when payments will be paid if there are no discrepancies in the invoice.
3. If payment is not made on time 1% interest will automatically be charged (as opposed to upon request) when payment is delayed and is not the fault of the contractor. The 1% interest will be paid to all contractors on the delayed invoice no matter the tier.
4. Change the ability for owners and contractors to withhold payment at a rate of 150% of disputed amounts to 100% of disputed amounts or of an estimated amount to affect a remedy, whichever is higher.

Proposed Legislation:

CPARB membership was able to reach consensus on making changes to the current legislation. Based on the recommendations of the DEBDI committee, CPARB believes that these changes will help build clarity around statutory payment requirements as well as improve timeliness of payments and communications between all stakeholders on a project.

The following changes are proposed to RCW 39.04.250:

1. Action: Add new section to read:

(1) Public agencies must make payments on public works projects within 30 days of receipt of a properly completed invoice in accordance with RCW 39.76.011. Instructions for properly completing an invoice (or requesting payment) must be included in the contract documents. Payment cutoff dates, invoice due dates, review timeframes, notice procedures, payment timelines, and retainage withholding, and release must be included in the contract. Payment timelines must include a payment release schedule with dates, should properly completed invoices be received. The payment release schedule must be included in any contracts made with subcontractors, at every tier, to ensure project payment release expectations are provided for the project.

[3] The BEDBI Committee has received feedback that this payment cycle does not allow for subcontractors to have their payments in time to pay Union (Trust?) Funds within the required schedule for PLAs/CWAs. A 5 day payment window was considered for these types of agreements, but still would only allow get appropriate funds first and second tier subcontractors in time to pay depending on when payment is issued.

Intent: To include public agency requirements from RCW 39.76.11 for such items as: requirements for payment, partial payment scenarios, and interests on monies owed if not paid. Additionally, requires payment processes, forms, expectations, and schedules to be included in each public works contract.

Stakeholder Response:

76% of the responses are in favor and support more clarity and minimum requirements for public owners when it comes to payment timeframes, etc.

65% believe requiring a checklist, clear instruction, and perhaps a project-specific payment schedule would help in the overall management of the payment process. However, this is not a one-size fits all and may be fluid changing often over the course of a project so there are concerns it will have more work and be hard to follow.

2. Action: Revise existing section (1) to read:

(1) When payment is received by a contractor or subcontractor for work performed on public works, the contractor or subcontractor ~~shall~~ **must** pay to any subcontractor not later than ten (10) days after the receipt of the payment. Payments must include amounts due the contractor on account of the work performed by the subcontractor. If payments do not adhere to the payment schedule, payments are late and public agency must provide a payment recovery schedule that includes interest in accordance with RCW 39.76.011, unless notice of a good faith dispute has been provided. Should the prime contractor not provide payment to a lower tier sub within ten (10) days of being paid by the public agencies, payments are late, and the contractor must provide a payment recovery schedule that includes 1% interest per month accruing on past due amounts owed to every subcontractor as of the date the late invoice(s) payment.

Intent: To include interest payments on past due payment amount at every tier and assure that each contractor, sub, or supplier that is impacted by a delayed payment receives some portion of that interest, not just the prime.

Stakeholder Response:

78% support keeping the 10 day pay-when-paid clause for primes to pay subs, and subs to pay subs.

64% support requiring a "payment recovery" schedule when payments are delayed, however, there is concern that this will be hard to maintain and keep track of with the primary responsibility falling to the primes.

72% support keeping interest for late payments but there is some concern over the fact that the interest is so small, and that this is a current requirement, very few have ever seen interest applied to late payments, usually the "invoice" goes into dispute before that. Adding in the requirement that whoever is the responsible party for the late payment should have to pay the

interest but those who responded feel this is not something that can be tracked and enforced effectively.

3. Action: Revise existing section (2) to read: (2) In the event of a good faith dispute over all or any portion of the amount due on a payment from the state or municipality to the prime contractor, or from the prime contractor or subcontractor to a subcontractor, then the state or municipality, or the prime contractor or subcontractor, may withhold no more than ~~one hundred fifty~~ 100 percent of the disputed amount.

Intent: Cap the amount a payment can be withheld for a good faith dispute to 100% of the disputed amount vs. the 150% that was previously in the statute. Add the ability to withhold additional money to remedy a good faith dispute.

Stakeholder Response:

81% of the responses believe that only 100% of a disputed amount should be withheld, however there were 20 responses talking about the 100% may not cover all the extra costs to resolve the dispute or the remedy sought.
76% understand what remedy costs might be, however there were 25 responses talking about logistics and additional options in this space.

4. Action: Revise existing section (3) to read:**(3)** In addition to all other remedies, any person from whom funds have been withheld in violation of this section ~~shall be entitled to receive from~~ must be paid by the person wrongfully withholding the funds, one percent per month (1%) interest accrued for every month, ~~and~~ or portion thereof, that payment including retainage is not made~~interest at the highest rate allowed under RCW 19.52.025~~. In any action for the collection of funds wrongfully withheld, the prevailing party ~~shall be~~ **is** entitled to ~~costs of suit~~ dispute costs and reasonable attorneys' fees.

Intent: Requires that an aggrieved party that has not been paid, or been paid late, must be paid by the party responsible for the late or withheld payment, with accrued interest until the payment is made. Simplifies the interest calculation.

Stakeholder Response:
91% percent believe that the party who is responsible for late payments should be held accountable and pay any interests, however, there are 9 responses speaking to the how hard this would be to track and enforce.
81% support accrual of interest, so it compounds, but again 19 responses talking about how hard this is to keep track of and enforce.

The following changes are proposed to RCW 39.04.360:

5. Action: Revise existing section (2) to read:

(2) No later than 30 days after ~~satisfactory completion~~ **the commencement** of any **additional** ~~work or portion of any additional work authorized~~ **authorization** by the owner, state, or municipality and a request by a subcontractor or supplier, **the contractor must request a change order from the owner, state, or municipality.** A lower-tier subcontractor or supplier **must request a change order** from the upper-tier contractor 30 days after the completion of the additional work and a request from the lower tier subcontractor. **If a contractor or subcontractor has requested the change order** from the owner, upper-tier contractor, state, or municipality within 30 days of the request from the subcontractor or supplier, **the contractor or subcontractor is not liable for any interest** on the unpaid dollar amount for any additional work satisfactorily completed and not in dispute if the owner, upper-tier contractor, state, or municipality has not issued the requested change order. This section does not provide any rights to a contractor, subcontractor, or supplier against a party with whom they are not a party to a written contract.

Intent: To provide for a consistent approach in requesting a written change order and then clarify that if the request is made to the appropriate party within the timeframe stated the requestor IS NOT responsible for any interest on a late payment.

Stakeholder Response:
78% have experienced written field directives to address urgent work in the field, but a combined 21% have concerns over verbal authorizations and similar if there is not some sort of requirement to get things in writing.

The following changes are proposed to RCW 39.76.011:

6. Action: Revise existing section (2)(a) to read:(2)(a) Except as provided otherwise in this subsection, a check or warrant is mailed or is available on the date specified for the amount specified in the applicable contract documents but not later than ~~thirty~~ 30 days of receipt of a properly completed invoice or receipt of goods or services, whichever is later. If a contract is funded by grant or federal money, the public body ~~shall~~ must pay the prime contractor for satisfactory performance within ~~thirty~~ 30 calendar days of the date the public body receives a payment request that complies with the contract or within ~~thirty~~ 30 calendar days of the date ~~the~~ public body actually receives the grant or federal money, whichever is later.

Intent: To standardize when the 30 days for which a payment must be made.

Stakeholder Response:
64% believe the 30-day payment clock should start when a public agency is in receipt of a properly completed invoice.

7. Action: Revise existing section (2)(b) to read:**(2)(b)** On written contracts for public works, when part or all of a payment is going to be withheld for unsatisfactory performance or if the payment request made does not comply with the requirements of the contract, the public body ~~shall~~ must notify the prime contractor in writing within ~~eight~~ 8 working days after receipt of the

payment request stating specifically why part or all of the payment is being withheld and what remedial actions must be taken by the prime contractor to receive the withheld amount. Payments for work where there is no disagreement in work or quantity must not be withheld and must follow the payment schedule outlined above. If payments are withheld due to the public body, interest will accrue as outlined in subsection (1).

Intent: To clarify when (within 8 days) the public agency should notify the contractor of a "good faith dispute," withholding of payment, and what needs to be done to release the withheld payment. A good faith dispute cannot include the owner not verifying work. *Also, directs public agencies to make partial payments for amounts not in dispute.*

Stakeholder Response:
60% have experienced notices of payments being withheld and those notices including what is needed to release payment.

8. Action: Revise existing section (2)(c) to read:(2)(c) If the notification by the public body required by (b) of this subsection does not comply with the notice contents required under (b) of this subsection, the public body ~~shall~~ must pay the interest under subsection (1) of this section from the ninth (9) working day after receipt of the initial payment request until the contractor receives notice that does comply with the notice contents required under (b) of this subsection.

Intent: Attempts to clarify when interest would start accruing on withheld payments, should proper notice not be provided to the contractor.

Stakeholder Response:
69% support the timing for interest to accrue, but there are 28 responses clarifying.
90% state that they have never experienced interest paid on withheld amounts.

Areas Where Consensus Could Not Be Reached:

While there were significant areas with consensus, the surveys also identified areas where consensus (defined as having 50 percent or more of respondents selecting that option) was not reached. No proposed changes to legislation are based on areas where consensus could not be reached, however, discussion should continue on these matters to determine if there are legislative changes to address them that could gain consensus.

The following items did not reach consensus but merit further work:

Survey question 15 was intended to support and explain when change order work is to be paid, and/or considered late. It referred to proposed changes to RCW 39.04.360(1), as amended by SB 6192 in the 2024 legislative session:

A public agency must issue a change order for the full dollar amount of directed work no later than 30 days after satisfactory completion the commencement of any additional work by a contractor, subcontractor, or supplier on a public works project or private construction project, except private residential projects of 12 units or less. Within 5 10 days of receipt of a of a written change order from the owner, public agency or upper-tier contractor, the contractor or

subcontractor must issue change orders to lower-tier subcontractors impacted by the change. If the owner or public agency does not issue such a change order within the 30 days, or the contractor, or upper-tier subcontractor does not issue a change order to lower-tier subcontractors within 5 days after receipt of the approved change order, interest of one percent per month (1%) shall accrue on the dollar amount of the additional work not in dispute until a change order is issued. The owner, contractor, subcontractor, or public agency ~~shall~~ must pay their proportionate share of the interest at a rate of one percent per month. For the purposes of this section, as it pertains to obligations of an owner, or public agency, additional work is work beyond the scope defined in the contract between the contractor and the owner or public agency.

The specific question around which consensus could not be reached involved the starting of the payment "clock". The survey question provided options that include existing language as well as alternatives. Those options, and the percentage each received from survey respondents, are as follows:

In your opinion, when should the payment "clock" start on change order work?

13.40% As soon as the verbal "direction" is given.
34.02% When a change order is issued.
23.71% As soon as the work starts.
28.87% Other.

Survey question 29 was intended to clarify when (within 8 days) the public agency should notify of a "good faith dispute," withholding of payment, and what needs to be done to release the withheld payment. It referred to proposed changes to RCW 39.76.011 (2)(b):

On written contracts for public works, when part or all of a payment is going to be withheld for unsatisfactory performance or if the payment request made does not comply with the requirements of the contract, the public body shall notify the prime contractor in writing within 8 working days after receipt of the payment request stating specifically why part or all of the payment is being withheld and what remedial actions must be taken by the prime contractor to receive the withheld amount. Payments for subcontracted work where there is no dispute must not be withheld and must follow the payment schedule outlined above. If payments are withheld due to the public body, interest will accrue as outlined in subsection (1).

The specific point around which consensus could not be reached involved the timeframe to notify another party of a dispute. The survey question provided options that include existing language as well as alternative timeframes. Because consensus could not be reached, no change to the existing timeframe was proposed. Those options, and the percentage each received from survey respondents, are as follows:

When do you think is an appropriate timeframe to notify another party of a dispute?

6.52% Within 24 hours of receiving notice yourself.
46.74% Within 3-5 days of receiving notice yourself.
34.78% Within 8 days of receiving notice yourself.

11.96% Other.

Survey question 39 was intended to standardize/clarify when payment is considered made. It referred to proposed changes to RCW 39.76.011(3)(a):

For the purposes of this section:
(a) A payment is considered to be made when ~~mailed or personally delivered to the party being paid.~~ when the transaction posts to the account receiving the payment, postmarked, or other form of delivery confirmation date notified by the (sender).

The survey question provided options that include existing language as well as modifications to the existing language. Because consensus could not be reached no changes to the existing language are proposed. Those options, and the percentage each received from survey respondents, are as follows:

When do you consider a payment to be made?

6.90% When the money can be used.
36.78% When you see the money "post" to an account.
45.98% When the money leaves the payer.
10.34% Other.

Conclusion

The Capital Projects Advisory Review Board is made up of members from various interests in the construction industry including contractors, architects, engineers and owners. CPARB works on a model of consensus building, thus this report only includes recommendations where a consensus could be reached among members. While other ideas exist and were discussed, recommendations for those are not included because consensus was not reached. In those instances, the report has included options for the legislature to consider and continue work with various stakeholder groups on.

This report, based on feedback from over 200 interested stakeholders, recommends five key changes to current legislation as well as development of a suite of best practices for owners and contractors to follow in order to promote a culture of prompt payment, at all levels, in the construction industry in Washington state. Legislative changes include:

1. Public Owners *must* pay within 30 days for all properly submitted invoices and subcontractors *must* be paid within 10 days after payment is received by the prime contractor.[4]
2. Public works contracts must include a payment schedule including when invoices will be due and payments made. This will be communicated at all subcontract levels so that all parties understand when payments will be paid if there are no discrepancies in the invoice.
3. If payment is not made on time 1% interest will automatically be charged (as opposed to upon request) when payment is delayed and is not the fault of the contractor. The 1% interest will be paid to all contractors on the delayed invoice no matter the tier.
4. Change the ability for owners and contractors to withhold payment at a rate of 150% of disputed amounts to 100% of disputed amounts or of an estimated amount to affect a remedy, whichever is higher.

The recommended best practices generally revolve around owners processing payments in an expeditious manner, not waiting until the maximum time allowed under contract to make payments and communicating payment timelines and issues with all interested parties.

One issue not fully explored in this report is the possibility of fiscal impacts to public owners, prime contractors and higher tier subcontractors resulting from implementation of prompt pay practices. CPARB believes that for the majority of owners the fiscal impact should be relatively low, if there is any at all. Most owners already have staff dedicated to reviewing and processing payments and the proposed changes and best practices require more shifting priorities than they do significant extra work. Larger prime contractors will likely have the same experience. However, smaller contractors, where the owner is often working on the job and performing administrative functions, may experience challenges with processing payments faster. Those challenges could result in a direct fiscal impact to these smaller contractors, by the need to add additional administrative resources. Further work should be undertaken to fully explore what that impact could be and develop additional resources and guidance for small contractors as well as look at any regulatory stumbling blocks they face in processing payments.

[4] The BEDBI Committee has received feedback that this payment cycle does not allow for subcontractors to have their payments in time to pay Union (Trust?) Funds within the required schedule for PLAs/CWAs. A 5 day payment window was considered for these types of agreements, but still would only allow get appropriate funds first and second tier subcontractors in time to pay depending on when payment is issued.

Appendix A: Improving Prompt Pay in Public Works – Agency Survey

Agency Survey – Public Works (Construction) Contracts Payment Reform, Part 1 – May 7–12, 2024 Email

Subject: FW: Improving Prompt Pay in Public Works - Partner Survey, Part 1
Date: Tuesday, May 7, 2024 4:08:24 PM

From: VanBlargan, Jennifer (OMWBE) <JenniferV@omwbe.wa.gov> **On Behalf Of** Fernandes, Lekha (OMWBE)
Sent: Tuesday, May 7, 2024 2:21 PM
Subject: Improving Prompt Pay in Public Works - Partner Survey, Part 1

Greetings Partners,

We need your help! Your feedback is crucial and most appreciated!

The CPARB BE/DBI Committee, through OMWBE, is conducting a partner survey to get your feedback and lived experiences with payments on public works construction contracts.

We need feedback from public entities, primes, subcontractors, support organizations, and advocates. The survey takes 5-10 minutes and provides space to add additional feedback and testimony you find critical to this important topic. Your responses will help us develop legislative recommendations.

Please take the survey yourself and feel free to forward this email to others. The more responses and testimony we receive, the better.

- Business Survey for Businesses, Community Organizations, and Advocates
- Agency Survey for Public Entities

The surveys close at 11:45 pm on Sunday, May 12th.

Thank you for your help and dedication to improving prompt payment in Washington state.

Lekha Fernandes | Director

CPARB BEDBI Co-Chair

Pronouns: She/Her
Washington State Office of Minority and Women's Business Enterprises
1110 Capitol Way S, Suite 150 | Olympia, WA 98501
P 360-528-0514 | F 360-586-7079 | www.omwbe.wa.gov
Apply now: omwbe.diversitycompliance.com

Washington State Office of MINORITY & WOMEN'S Business Enterprises

Agency Survey - Public Works (Construction) Contracts Payment Reform, Part 1

Business Equity / Diverse Business Inclusion (BE/DBI) Committee

This survey of stakeholders is the first part of a ***two-part direct engagement campaign*** by the Capital Projects Advisory Review Board (CPARB) BE/DBI Committee, focused on gathering feedback and experience with payments on public works construction projects in the State of Washington.

The survey results and the feedback received will be used to inform CPARB on experiences with public works construction payments as well as a recommendation for legislation that may improve payment processes and timeframes (See SB6040). After we evaluate all survey responses, we will send out a follow up survey with legislative recommendations.

Our direct engagement seeks feedback from public entities, contractors, subcontractors, small and diverse businesses, practitioners, advocates, community organizations and similar; with their experiences and use of payment processes on public works construction projects within the State of Washington.

This survey is anonymous. However, there is an option to provide your name and contact information.

In addition to this survey, BEDBI holds regularly scheduled virtual meetings on the 3rd Wednesday of the month and accepts testimony and written feedback. If you would like to join the BEDBI Committee, provide testimony, or provide additional information, please use the section in the survey so the committee can connect with you.

* 1. With which public works contract payer stakeholder role do you identify?

- ◯ Public entity
- ◯ Owner representative

* 2. Has your public entity had to delay payments on public works construction contracts?

- ◯ Yes
- ◯ No

* 3. If you answered yes to question 2, please select any that apply of the following most experienced reasons.

- ☐ Dispute over work completed or work quality.
- ☐ Dispute over changed or additional work cost.
- ☐ Paperwork or payment process issues.
- ☐ Compliance issues. (e.g., intents/affidavits, insurance/bonding renewals, submittals, prequal- renewals, etc.).
- ☐ We have never delayed payments on public works construction contracts.

Agency Survey – Public Works (Construction) Contracts Payment Reform, Part 1 (2)

* 3. If you answered yes to question 2, please select all that apply of the following most experienced reasons.

- [ ] Dispute over work completed or work quality.
- [ ] Dispute over changed or additional work cost.
- [ ] Paperwork or payment process.
- [ ] Payment from prime to sub or sub to sub process.
- [ ] Compliance paperwork (e.g., insurance, intents/affidavits, safety plans, prequal- renewals).
- [ ] I have not experienced delayed payments that were contractually required.

* 4. What public works (construction) contract payment area needs the most reform?

- ◯ Progress Payments
- ◯ Changed or Additional Work
- ◯ Retainage
- ◯ All of the above

* 5. Which area of payment process improvement do you believe is critical? [Select all that apply.]

- [ ] Public entity requirements and/or process (e.g., invoicing requirements, backup paperwork, bid form, review and approval, etc.)
- [ ] Public entity to prime payment format (e.g., checks vs. electronic payments)
- [ ] Prime to first tier sub payment format or process.
- [ ] Sub to sub payment format or process.
- [ ] Labor and Industry Prevailing Wage processes
- [ ] Other (please specify)

* 6. Have you had experience with a public entity/public owner verifying subcontractor payments? (e.g., through 3rd party systems such as B2Gnow, subcontractor attestation, etc.)

- ◯ Yes
- ◯ No

Agency Survey – Public Works (Construction) Contracts Payment Reform, Part 1 (3)

* 8. Does your entity have prompt pay practices in effect on public works construction contracts? [select all that apply].

- ☐ Payments are made to primes electronically (EFT/ACH).
- ☐ Invoicing and billing requirements are streamlined (paper or backup requirements are reduced).
- ☐ Line items and/or allowances for administrative or discreet smaller scopes of work (e.g., mobilization, partial payments, report generation, paperwork management, etc.)
- ☐ Payments are processed more frequently than once a month.
- ☐ Payments from prime to subs are being monitored for compliance.
- ☐ Progress estimate drafts are reviewed prior to payment cutoff deadlines.
- ☐ Incentives are considered on some projects for prompt payment.
- ☐ No, our entity does not have any prompt practices currently in place.
- ☐ Other (please specify)

* 9. Does your entity use "requests to sublet" or review/collect subcontractor information on public works construction projects?

- ◯ Yes
- ◯ No

* 10. Does your entity use inclusion, equity, or similar plans to manage prime to subcontractor payment requirements?

- ◯ Yes
- ◯ Only on alternative public works
- ◯ No, we don't use inclusion or equity plans this way.

Agency Survey – Public Works (Construction) Contracts Payment Reform, Part 1 (4)

Business Survey - Public Works (Construction) Contracts Payment Reform, Part 1

Business Equity / Diverse Business Inclusion (BE/DBI) Committee

This survey of stakeholders is the first part of a ***two-part direct engagement campaign*** by the Capital Projects Advisory Review Board (CPARB) BE/DBI Committee, focused on gathering feedback and experience with payments on public works construction projects in the State of Washington.

The survey results and the feedback received will be used to inform CPARB on experiences with public works construction payments as well as a recommendation for legislation that may improve payment processes and timeframes (See SB6040). After we evaluate all survey responses, we will send out a follow up survey with legislative recommendations.

Our direct engagement seeks feedback from public entities, contractors, subcontractors, small and diverse businesses, practitioners, advocates, community organizations and similar; with their experiences and use of payment processes on public works construction projects within the State of Washington.

This survey is anonymous. However, there is an option to provide your name and contact information.

In addition to this survey, BEDBI holds regularly scheduled virtual meetings on the 3rd Wednesday of the month and accepts testimony and written feedback. If you would like to join the BEDBI Committee, provide testimony, or provide additional information, please use the section in the survey so the committee can connect with you.

* 1. With which public works contract payee stakeholder role do you identify? [select all that apply]

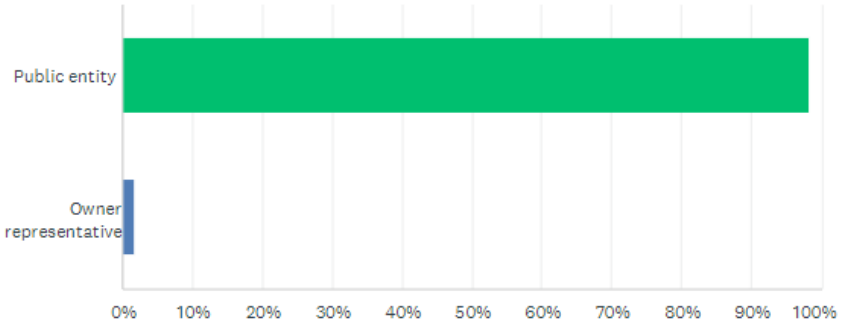
- ☐ Prime
- ☐ Sub
- ☐ Small Business
- ☐ Diverse Business
- ☐ Community Organization/Business Support
- ☐ Business Advocate

* 2. Have you experienced any delayed payments that were contractually required?

- ◯ Yes
- ◯ No

Q1 With which public works contract payer stakeholder role do you identify?

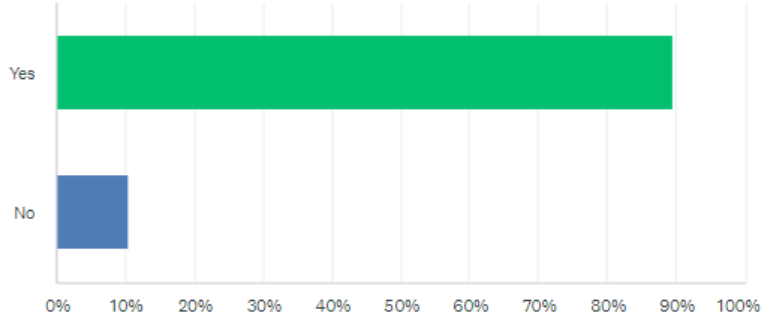
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Public entity	98.25%	56
Owner representative	1.75%	1
TOTAL		57

Q2 Has your public entity had to delay payments on public works construction contracts?

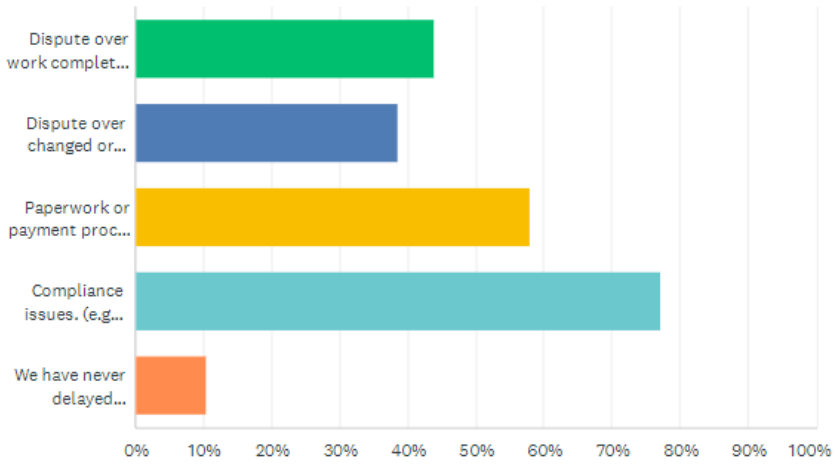
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	89.47%	51
No	10.53%	6
TOTAL		57

Q3 If you answered yes to question 2, please select any that apply of the following most experienced reasons.

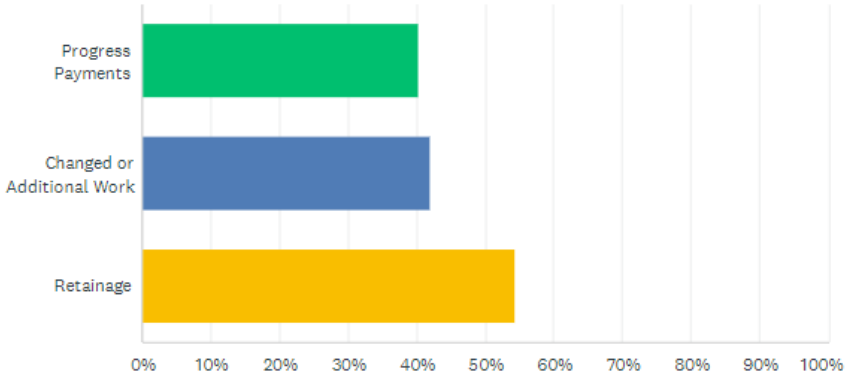
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Dispute over work completed or work quality.	43.86%	25
Dispute over changed or additional work cost.	38.60%	22
Paperwork or payment process issues.	57.89%	33
Compliance issues. (e.g., intents/affidavits, insurance/bonding renewals, submittals, prequal- renewals, etc.).	77.19%	44
We have never delayed payments on public works construction contracts.	10.53%	6
Total Respondents: 57		

Q4 What public works (construction) contract payment area needs the most reform? [select all that apply]

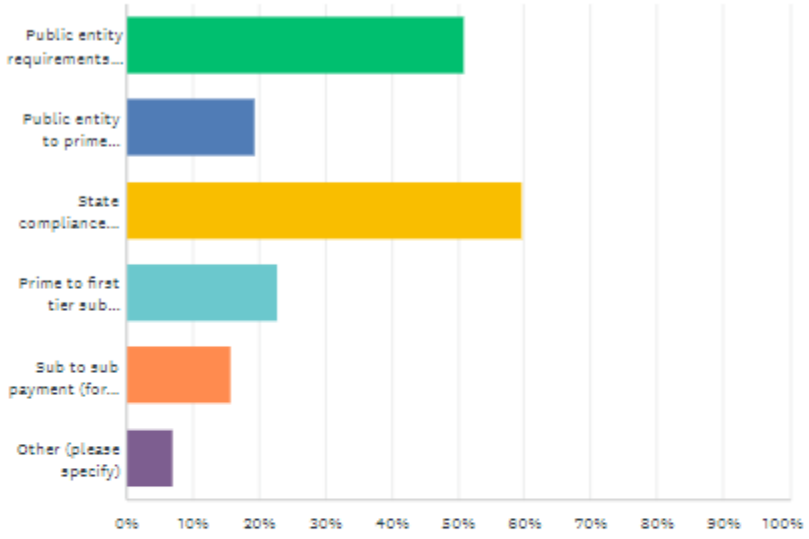
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Progress Payments	40.35%	23
Changed or Additional Work	42.11%	24
Retainage	54.39%	31
Total Respondents: 57		

Q5 Which area of payment process improvement do you believe is critical? [select all that apply]

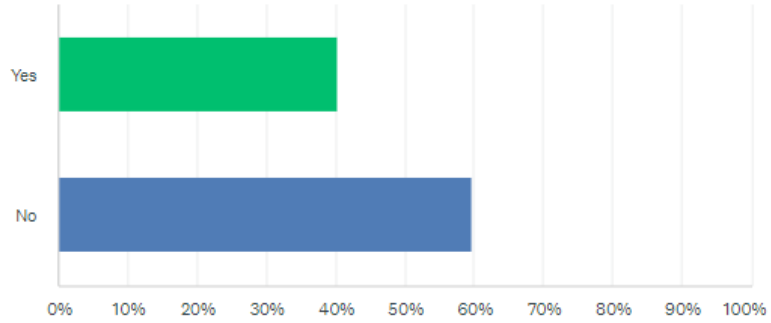
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Public entity requirements and/or process (e.g., invoicing requirements, backup paperwork, bid form, review and approval, etc.)	50.88%	29
Public entity to prime payment method (e.g., checks vs. electronic payments)	19.30%	11
State compliance related processes (e.g., intents/affidavits, taxes, apprentice, labor agreement, etc.)	59.65%	34
Prime to first tier sub payment (format or process).	22.81%	13
Sub to sub payment (format or process).	15.79%	9
Other (please specify)	7.02%	4
Total Respondents: 57		

Q6 Does your entity verify subcontractor payments? (e.g., through 3rd party systems such as B2Gnow, or subcontractor attestation, etc.)

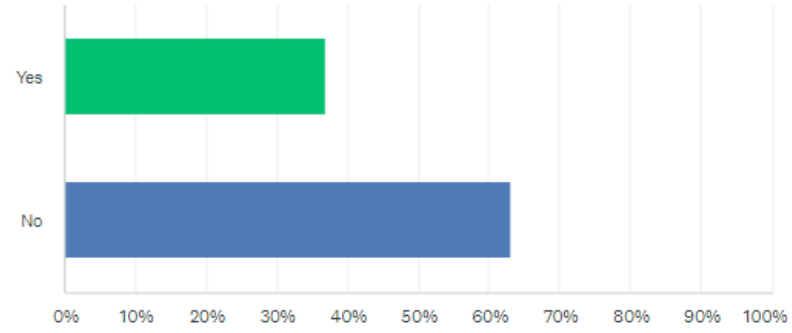
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	40.35%	23
No	59.65%	34
TOTAL		57

Q7 Do you believe verifying subcontractor payments is an effective tool to enforce contract payment requirements on public works projects?

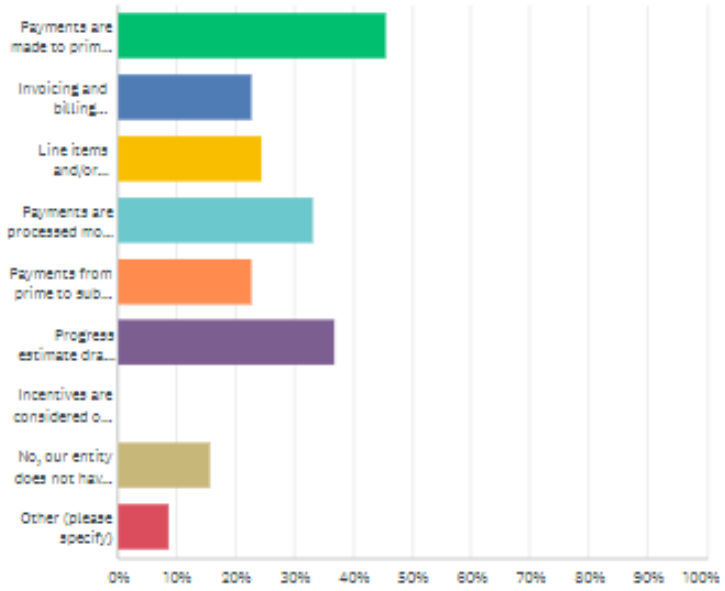
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	36.84%	21
No	63.16%	36
TOTAL		57

Q8 Does your entity have prompt pay practices in effect on public works construction contracts? [select all that apply].

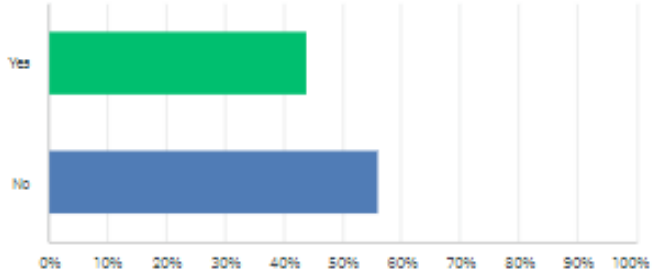
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Payments are made to primes electronically (EFT/ACH).	45.61%	26
Invoicing and billing requirements are streamlined (paper or backup requirements are reduced).	22.81%	13
Line items and/or allowances for administrative or discreet smaller scopes of work (e.g., mobilization, partial payments, report generation, paperwork management, etc.)	24.56%	14
Payments are processed more frequently than once a month.	33.33%	19
Payments from prime to subs are being monitored for compliance.	22.81%	13
Progress estimate drafts are reviewed prior to payment cutoff deadlines.	36.84%	21
Incentives are considered on some projects for prompt payment.	0.00%	0
No, our entity does not have any prompt practices currently in place.	15.79%	9
Other (please specify)	8.77%	5
Total Respondents: 57		

Q9 Does your entity use "requests to sublet" or review/collect subcontractor information on public works construction projects?

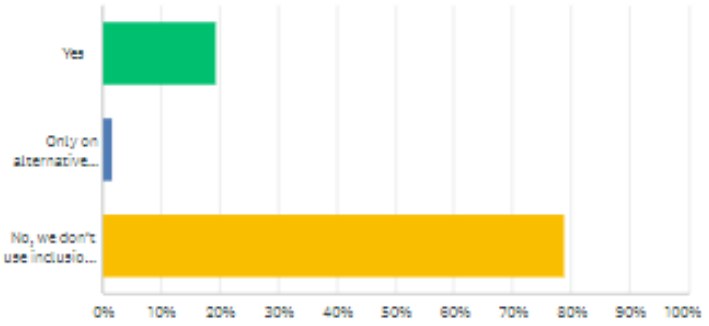
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	43.86%	25
No	56.14%	32
TOTAL		57

Q10 Does your entity use inclusion, equity, or similar plans to manage prime to subcontractor payment requirements?

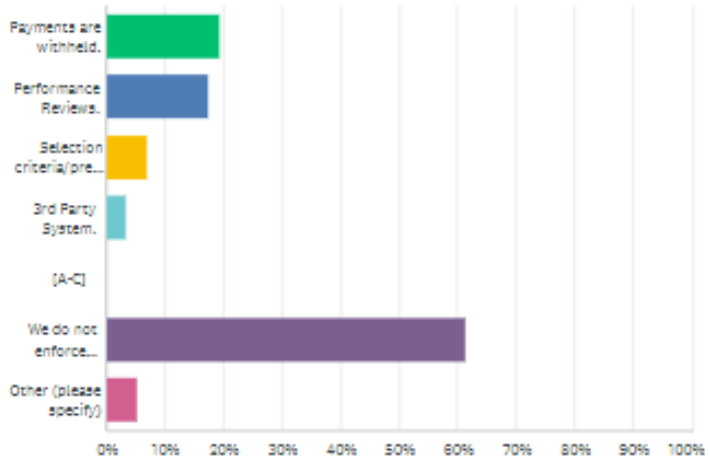
Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	19.30%	11
Only on alternative public works	1.75%	1
No, we don't use inclusion or equity plans this way.	78.95%	45
TOTAL		57

Q11 How does your entity enforce flow-down requirements in public works construction contracts? [check all that apply]

Answered: 57 Skipped: 0



ANSWER CHOICES	RESPONSES	
Payments are withheld.	19.30%	11
Performance Reviews.	17.54%	10
Selection criteria/pre-qualification process.	7.02%	4
3rd Party System.	3.51%	2
[A-C]	0.00%	0
We do not enforce flow-down provisions.	61.40%	35
Other (please specify)	5.26%	3
Total Respondents: 57		

Appendix B: Improving Prompt Pay in Public Works – Business Survey

Business Survey – Public Works (Construction) Contracts Payment Reform, Part 1 – May 7 –12, 2024 (1)

Business Survey - Public Works (Construction) Contracts Payment Reform, Part 1

Business Equity / Diverse Business Inclusion (BE/DBI) Committee

This survey of stakeholders is the first part of a ***two-part direct engagement campaign*** by the Capital Projects Advisory Review Board (CPARB) BE/DBI Committee, focused on gathering feedback and experience with payments on public works construction projects in the State of Washington.

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Our direct engagement seeks feedback from public entities, contractors, subcontractors, small and diverse businesses, practitioners, advocates, community organizations and similar; with their experiences and use of payment processes on public works construction projects within the State of Washington.

This survey is anonymous. However, there is an option to provide your name and contact information.

In addition to this survey, BEDBI holds regularly scheduled virtual meetings on the 3rd Wednesday of the month and accepts testimony and written feedback. If you would like to join the BEDBI Committee, provide testimony, or provide additional information, please use the section in the survey so the committee can connect with you.

* 1. With which public works contract payee stakeholder role do you identify? [select all that apply]

- ☐ Prime
- ☐ Sub
- ☐ Small Business
- ☐ Diverse Business
- ☐ Community Organization/Business Support
- ☐ Business Advocate

* 2. Have you experienced any delayed payments that were contractually required?

- ◯ Yes
- ◯ No

* 3. If you answered yes to question 2, please select all that apply of the following most experienced reasons.

- ☐ Dispute over work completed or work quality.
- ☐ Dispute over changed or additional work cost.
- ☐ Paperwork or payment process.
- ☐ Payment from prime to sub or sub to sub process.
- ☐ Compliance paperwork (e.g., insurance, intents/affidavits, safety plans, prequal- renewals).
- ☐ I have not experienced delayed payments that were contractually required.

* 4. What public works (construction) contract payment area needs the most reform?

- ◯ Progress Payments
- ◯ Changed or Additional Work
- ◯ Retainage
- ◯ All of the above

* 5. Which area of payment process improvement do you believe is critical? [Select all that apply.]

- ☐ Public entity requirements and/or process (e.g., invoicing requirements, backup paperwork, bid form, review and approval, etc.)
- ☐ Public entity to prime payment format (e.g., checks vs. electronic payments)
- ☐ Prime to first tier sub payment format or process.
- ☐ Sub to sub payment format or process.
- ☐ Labor and Industry Prevailing Wage processes
- ☐ Other (please specify)

* 6. Have you had experience with a public entity/public owner verifying subcontractor payments? (e.g., through 3rd party systems such as B2Gnow, subcontractor attestation, etc.)

- ◯ Yes
- ◯ No

* 7. Do you believe verifying subcontractor payments is an effective tool to enforce contract payment requirements on public works projects?

- ◯ Yes
- ◯ No

* 8. Have you frequently experienced a delay in payment after work is completed? [select the most typical]

- ◯ 30 days
- ◯ 60 days
- ◯ 90+ days

* 9. Have you experienced prompter payments because of (select all that apply):

- ☐ Payments being made electronically (EFT/ACH) or through credit card.
- ☐ Payment being made 10 days (or sooner) after being paid by a public entity.
- ☐ Payments being made when work is complete vs. 30 days after invoices are submitted.
- ☐ Payments being made consistently. (e.g., every 30 days, etc.)
- ☐ Payments being tracked in a 3rd party compliance system. (e.g., B2Gnow)
- ☐ The contracting method. (e.g., Design-Build, GC/CM, Job Order Contracting)
- ☐ I have not experienced prompt payment/none apply.

10. What aspects of payments on public works (construction) projects need to be improved and legislated?

11. Can you provide testimony or feedback separately to the BEDBI Committee?

12. The BEDBI is collecting specific contract provisions, policies, practices, or similar from stakeholders. Do you have a sample you can provide? Please attach.

Choose File No file chosen

13. Please include your contact details.

Name

Company

Email Address

Have more to share?

The following questions (14-18) are optional and allow you to submit additional feedback or testimony. Please refer to the earlier questions in this survey, which cover the topics below.

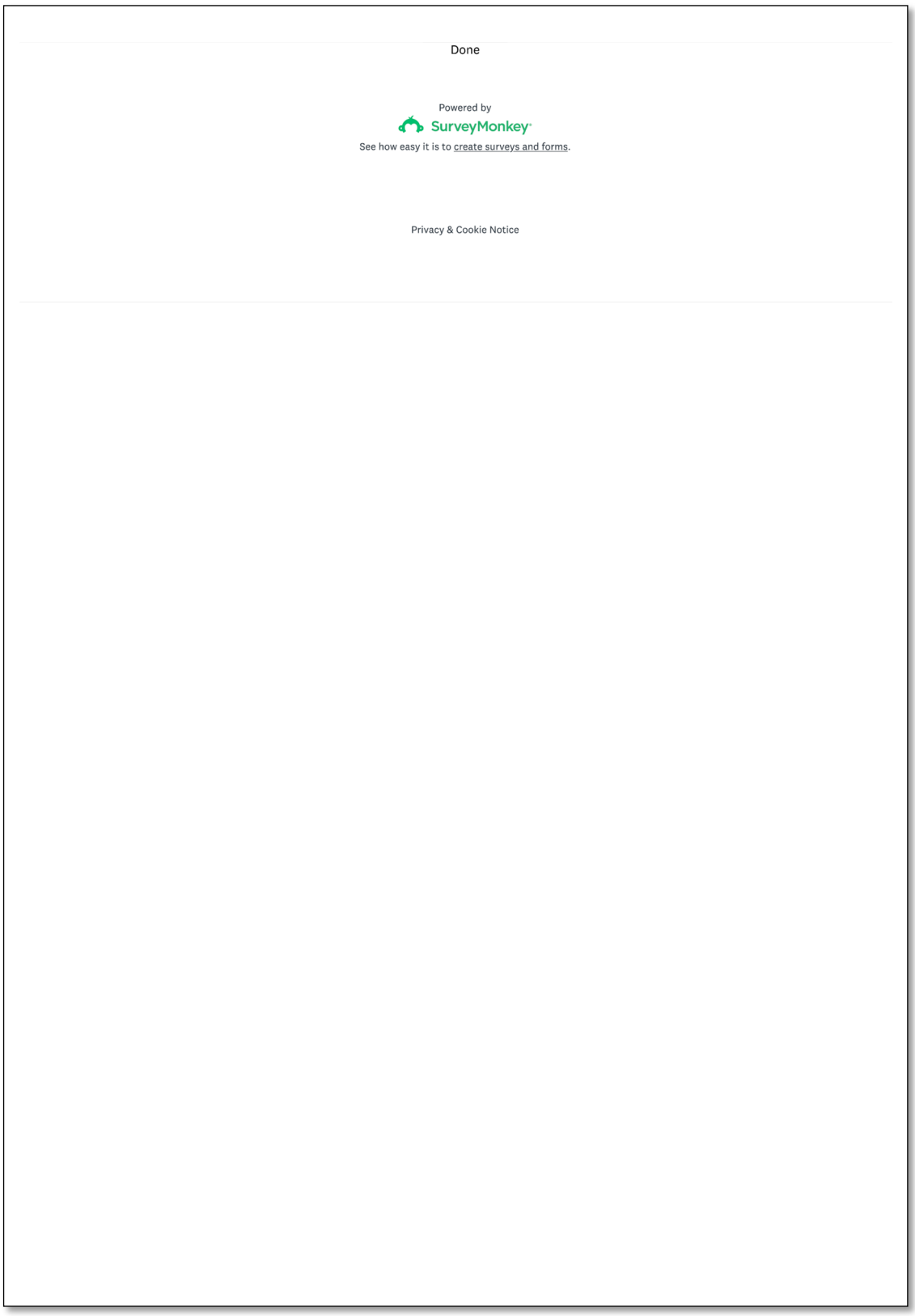
14. Questions 2 and 3: Contractually required payment delays.

15. Questions 4 and 5: Payment reform and/or process improvement.

16. Question 6: Subcontractor payment verification practices.

17. Question 8: Payment delays after work is completed (vs. when invoiced).

18. Question 9: Current prompt-pay practices.


Done
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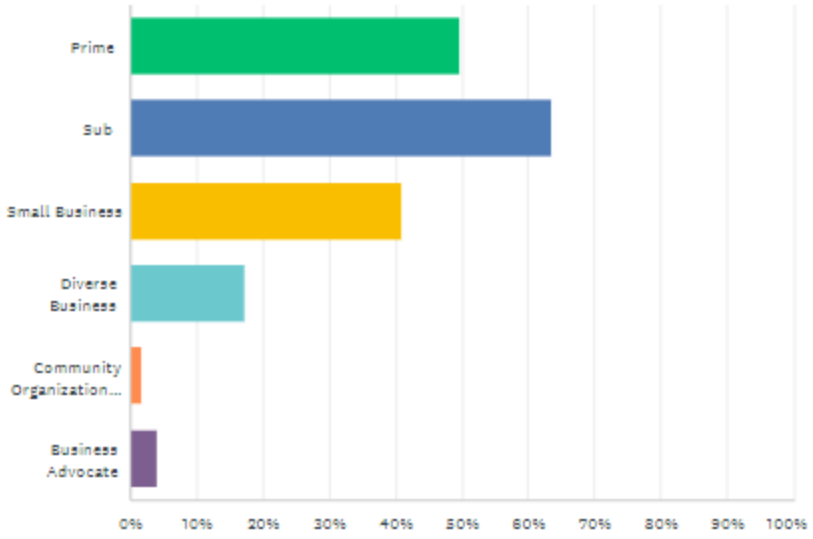
Q1 With which public works contract payee stakeholder role do you identify? [select all that apply]

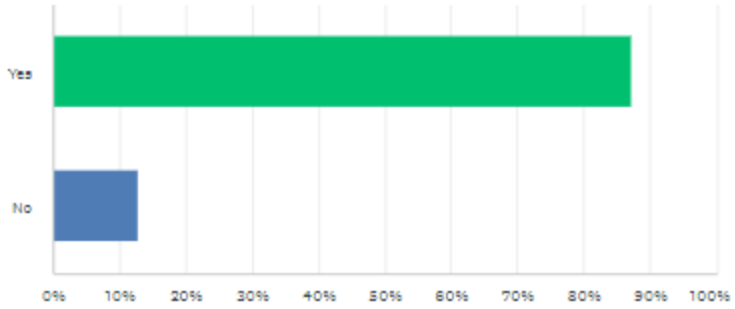
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Prime	49.71%	86
Sub	63.58%	110
Small Business	41.04%	71
Diverse Business	17.34%	30
Community Organization/Business Support	1.73%	3
Business Advocate	4.05%	7
Total Respondents: 173		

Q2 Have you experienced any delayed payments that were contractually required?

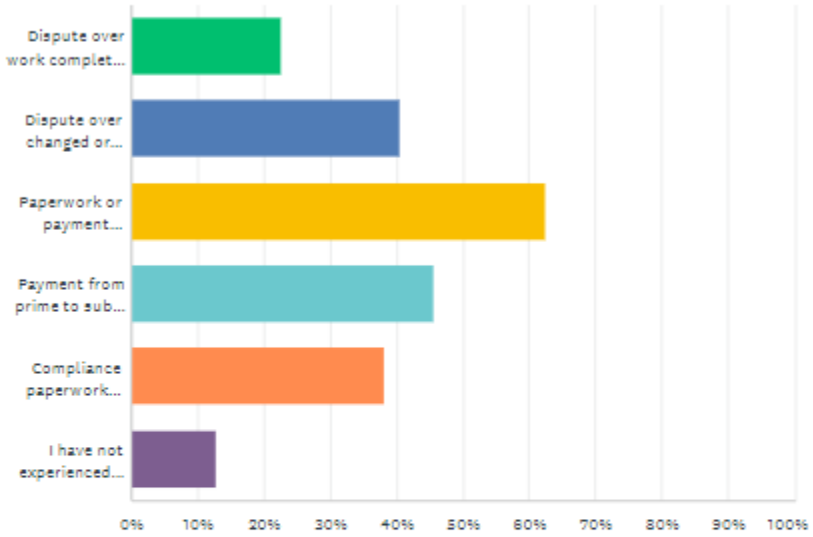
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	87.28%	151
No	12.72%	22
TOTAL		173

Q3 If you answered yes to question 2, please select all that apply of the following most experienced reasons.

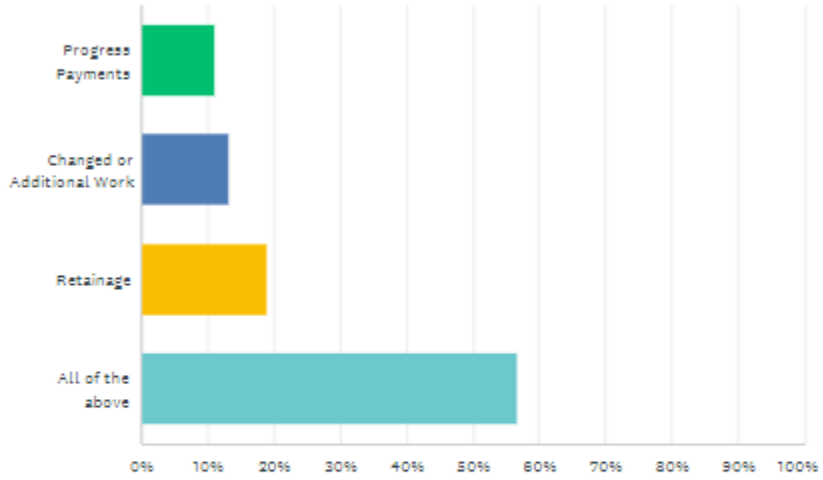
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Dispute over work completed or work quality.	22.54%	39
Dispute over changed or additional work cost.	40.46%	70
Paperwork or payment process.	62.43%	108
Payment from prime to sub or sub to sub process.	45.66%	79
Compliance paperwork (e.g., insurance, intents/affidavits, safety plans, prequal- renewals).	38.15%	66
I have not experienced delayed payments that were contractually required.	12.72%	22
Total Respondents: 173		

Q4 What public works (construction) contract payment area needs the most reform?

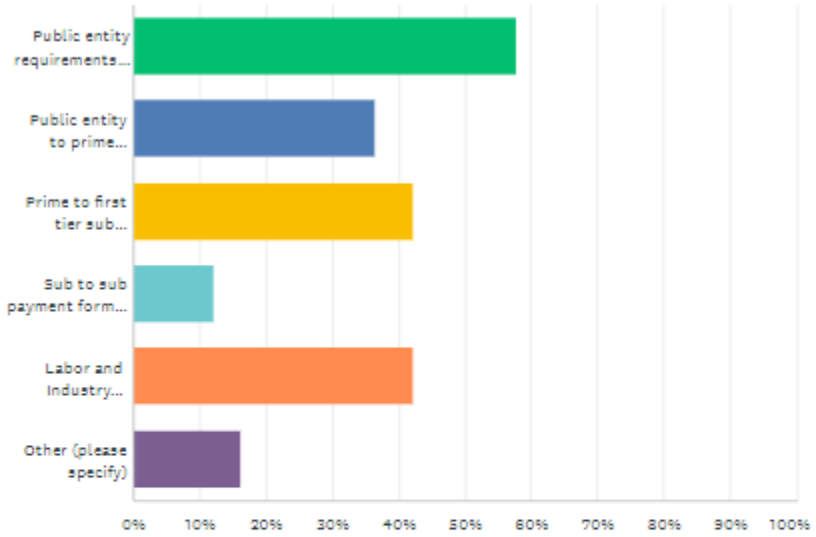
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Progress Payments	10.98%	19
Changed or Additional Work	13.29%	23
Retainage	19.08%	33
All of the above	56.65%	98
TOTAL		173

Q5 Which area of payment process improvement do you believe is critical? [Select all that apply.]

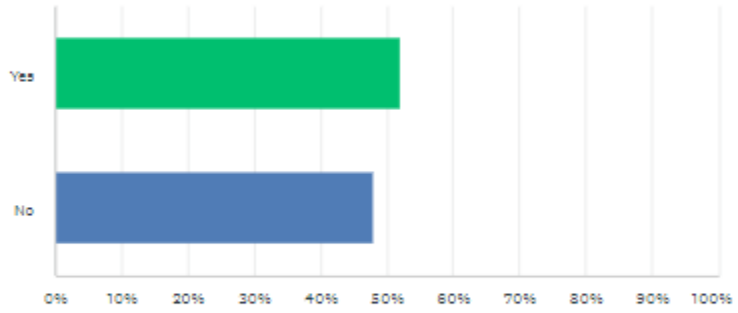
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Public entity requirements and/or process (e.g., invoicing requirements, backup paperwork, bid form, review and approval, etc.)	57.80%	100
Public entity to prime payment format (e.g., checks vs. electronic payments)	36.42%	63
Prime to first tier sub payment format or process.	42.20%	73
Sub to sub payment format or process.	12.14%	21
Labor and Industry Prevailing Wage processes	42.20%	73
Other (please specify)	16.18%	28
Total Respondents: 173		

Q6 Have you had experience with a public entity/public owner verifying subcontractor payments? (e.g., through 3rd party systems such as B2Gnow, subcontractor attestation, etc.)

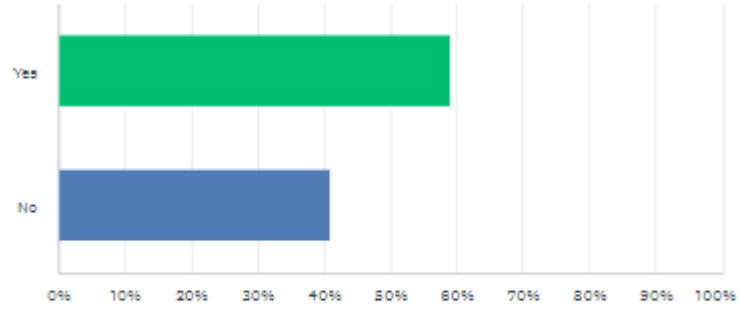
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	52.02%	90
No	47.98%	83
TOTAL		173

Q7 Do you believe verifying subcontractor payments is an effective tool to enforce contract payment requirements on public works projects?

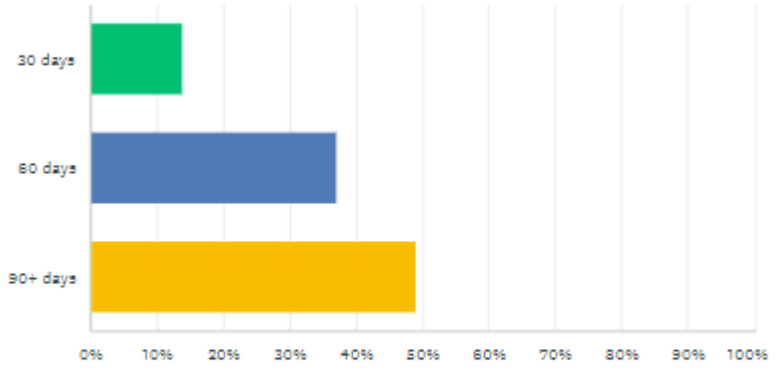
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	58.96%	102
No	41.04%	71
TOTAL		173

Q8 Have you frequently experienced a delay in payment after work is completed? [select the most typical]

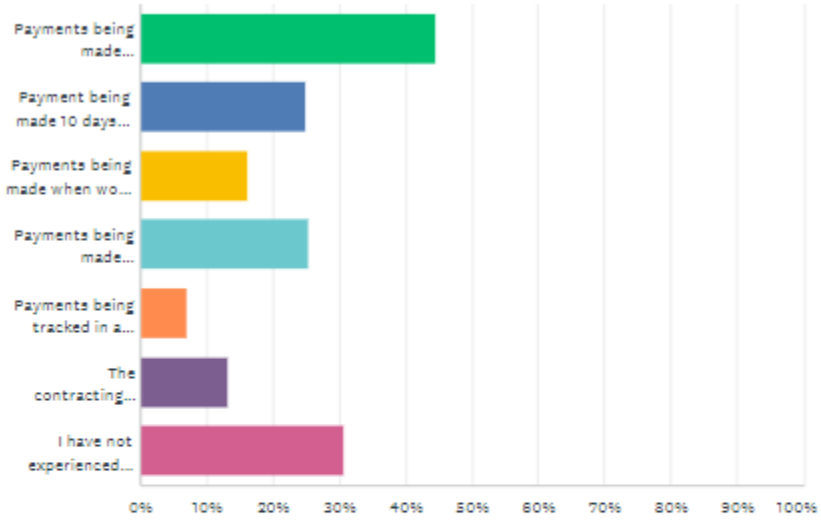
Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
30 days	13.87%	24
60 days	36.99%	64
90+ days	49.13%	85
TOTAL		173

Q9 Have you experienced prompter payments because of (select all that apply):

Answered: 173 Skipped: 0



ANSWER CHOICES	RESPONSES	
Payments being made electronically (EFT/ACH) or through credit card.	44.51%	77
Payment being made 10 days (or sooner) after being paid by a public entity.	24.86%	43
Payments being made when work is complete vs. 30 days after invoices are submitted.	16.18%	28
Payments being made consistently. (e.g., every 30 days, etc.)	25.43%	44
Payments being tracked in a 3rd party compliance system. (e.g., B2Gnow)	6.94%	12
The contracting method. (e.g., Design-Build, GC/CM, Job Order Contracting)	13.29%	23
I have not experienced prompt payment/none apply.	30.64%	53
Total Respondents: 173		

Appendix C: SB6040 Stakeholder/Engagement List

*CPARB Members, PRC Members, BEDBI Committee together with the following…

Rep	Name	CPARB	Notes
Hospital Districts	Corey Fedie	Y	East
Hospital Districts	Cory Hamilton	N	PRC, UW, West
OMWBE	Lekha Fernandes	Y	DBDEI Committee
OMWBE	Tim Kenney	N	Support
OMWBE	Ethan Swanson	N	Support
Diverse Business	Bobby Forch, Jr.	Y	DBDEI Committee
Diverse Business	Irene Reyes	Y	DBDEI Committee
Diverse Business	Young Sang-Song	N	DBDEI Committee
Diverse Business	Catina Patton	N	PRC
Diverse Business	Henry Yates	N	Stakeholder
DES	Janet Jansen	Y	
DES	Bill Frare	N	Stakeholder
DES	Charles Wilson	N	DBDEI Committee
WSDOT	Jackie Bayne	N	DBDEI Committee
WSDOT	Earl Key	N	DBDEI Committee
WSDOT	Art McCluskey	N	PRC
Engineers	Santosh Kuruvilla	Y	DBDEI Committee, DBE
Architects	Bruce Hayashi	Y	PRC, DBE
Architect	Ato Apiafi	N	Stakeholder
Owner's Rep	Aleanna Kondelis	N	DBDEI Committee
Architects	Becky Barnhart	N	PRC
Engineers	Ron Paananen	N	PRC
General Contractors	Keith Michel	Y	DBDEI Committee
General Contractors	Robin Strom	Y	DBDEI Committee
General Contractors	Stephanie Caldwell	N	DBDEI Committee
General Contractors	Rachael Pease	N	DBDEI Committee
General Contractors	Chip Tull	N	DBDEI Committee, East
Specialty Contractors	Steven Russo	Y	
Specialty Contractors	John Salinas	Y	DBE, general
Specialty Subs	Ben Fraser	N	Tunista
Specialty Subs	Stacy Johnson	N	Auburn Mechanical, DBE
Specialty Subs	Mari Borrero	N	Diverse subcontractor

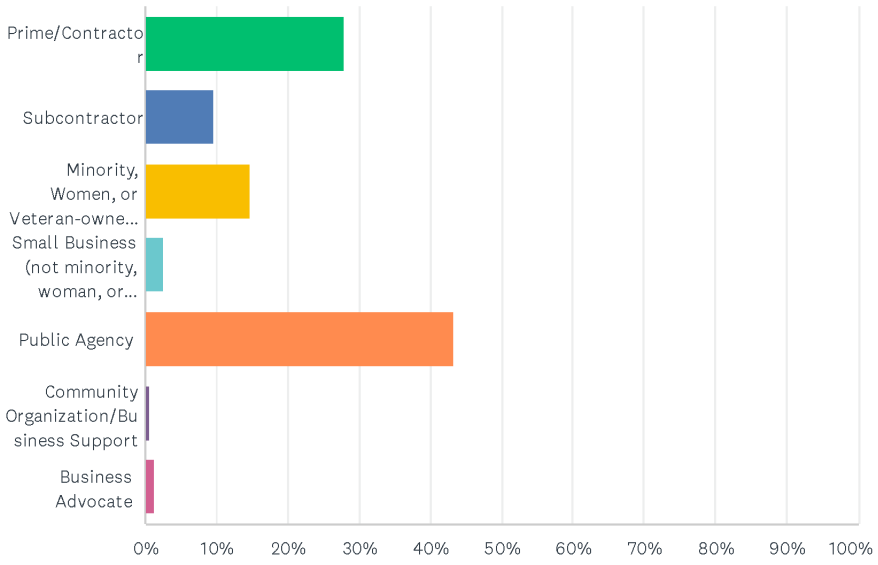
Rep	Name	CPARB	Notes
Small Business	Jimmy Matta	N	Diverse General Contractor
School Districts	Karen Mooseker	Y	
School Districts	Shelly Henderson	N	DBDEI Committee
School Districts	Taine Wilton	N	PRC, Edmonds
School Districts	Jay Rowell	N	Central Valley SD
School Districts	Morris Albridge	N	Stakeholder
Cities	Mark Nakagawara	Y	
Cities	Cathy Robinson	N	DBDEI (Lynnwood)
Cities	Linda De Bolt	N	
Cities	Jessica Murphy	N	PRC, large
Cities	Jason Nechanicky	N	Medium, east
Cities	Irma Bottineau	N	
Counties	Matt Rasmussen	Y	Small
Counties	Kyle Twohig	N	PRC, Spokane
Counties	Rebecca Turner	N	
Ports	Janice Zahn	Y	Large, west
Ports	Dawn Egbert	N	Medium, south
Ports	Maija Lampinen	N	Medium, west
Ports	Kim Detrolio	N	Small, east
Higher Education	Olivia Yang	Y	DBDEI Committee, large
Higher Education	Jeannie Natta	N	PRC, UW
Higher Education	Cindy Magruder	N	DBDEI Committee, large
Higher Education	Brian Ross	N	
Transportation	Linneth Riley-Hall	Y	Large
Transportation	Brenda Nnambi	N	DBDEI Committee, large
Transportation	Linda Shilley	N	Pierce Transit
Transportation	Rob Orvis	N	Ben Franklin Transit
Transportation	Cyndie Eddy	N	Community Transit
Special Use District	Diane Pottinger	N	1621 Workgroup
Special Use District	Melissa Coulter	N	
PUD	Jason Stordahl	N	Grant County PUD
Housing Authorities	April Black	N	Tacoma Public Housing
Fire Districts	Purchasing	N	South Snohomish County
Fire Districts	Tim Day	N	Valley Regional Fire Authority
Fire Districts		N	South King County
Fire Districts		N	Renton Reg Fire Authority
Labor	Mark Riker	Y	

Rep	Name	CPARB	Notes
Labor	Josh Swanson	Y	
Community Org	Tabor 100	N	Paula Sardinas
Community Org	MBDA	N	Frank Boykin
Community Org	NAMC	N	Bob Armstead
Community Org	AWMB	N	Irene Reyes
Community Org	MWBA	N	
Community Org	COMTO	N	
Community Org	AGC	N	
Community Org	NWBA	N	
Community Org	ACEC	N	Van Collins
Community Org	Ports	N	Washington Ports
Community Org	Counties	N	Wa St Assoc of Counties
Community Org	Cities	N	Brandy DeLange
Community Org	MRSC	N	Jon Rose
Community Org	SBCTC	N	Susan Locke, DED
Community Org	Fire Chiefs	N	Roger Ferris, 1621 Committee
Community Org	WA PUD Association	N	1621 Committee

Appendix D: Improving Prompt Pay in Public Works – New Legislation Survey

Q1 Which stakeholder group do you identify with? Check the best fit.

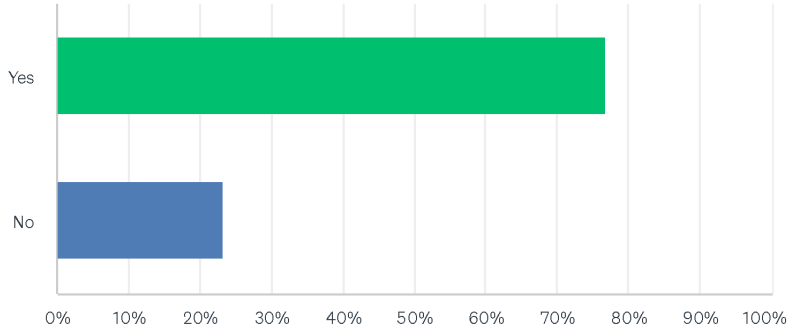
Answered: 157 Skipped: 0



ANSWER CHOICES	RESPONSES	
Prime/Contractor	28.03%	44
Subcontractor	9.55%	15
Minority, Women, or Veteran-owned Business	14.65%	23
Small Business (not minority, woman, or veteran-owned)	2.55%	4
Public Agency	43.31%	68
Community Organization/Business Support	0.64%	1
Business Advocate	1.27%	2
TOTAL		157

Q2 Do you support adding a section of this statute focused on minimum requirements for public owners?

Answered: 121 Skipped: 36



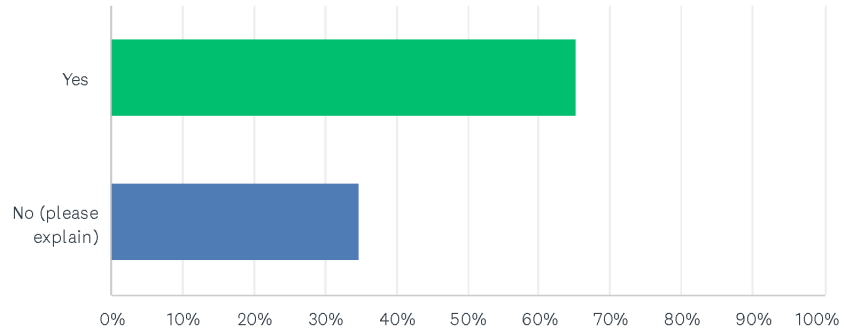
ANSWER CHOICES	RESPONSES	
Yes	76.86%	93
No	23.14%	28
TOTAL		121

Q4 What other requirements would you add to this section for public agencies?

Answered: 57 Skipped: 100

Q3 Do you think having a payment schedule, checklist, clear instructions, or similar in public works contracts will improve payment timeframes?

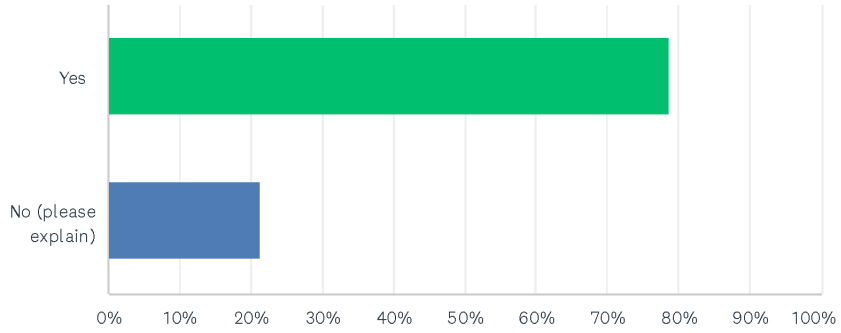
Answered: 121 Skipped: 36



ANSWER CHOICES	RESPONSES	
Yes	65.29%	79
No (please explain)	34.71%	42
TOTAL		121

Q5 Do you support keeping the 10 days “paid-when-paid” requirement?

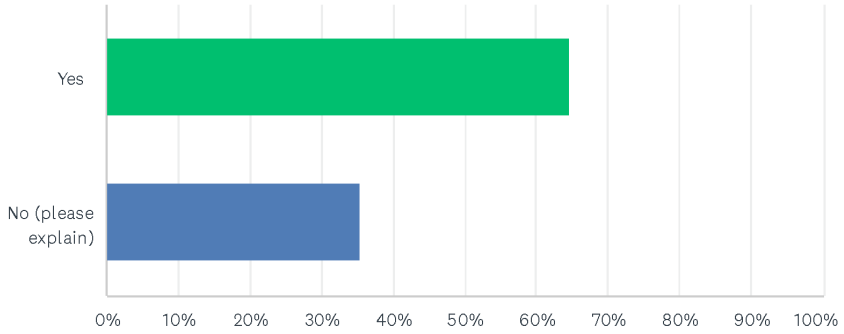
Answered: 113 Skipped: 44



ANSWER CHOICES	RESPONSES	
Yes	78.76%	89
No (please explain)	21.24%	24
TOTAL		113

Q6 Do you support the use of a payment recovery schedule for any tier that does not adhere to a project payment schedule or has delayed payment?

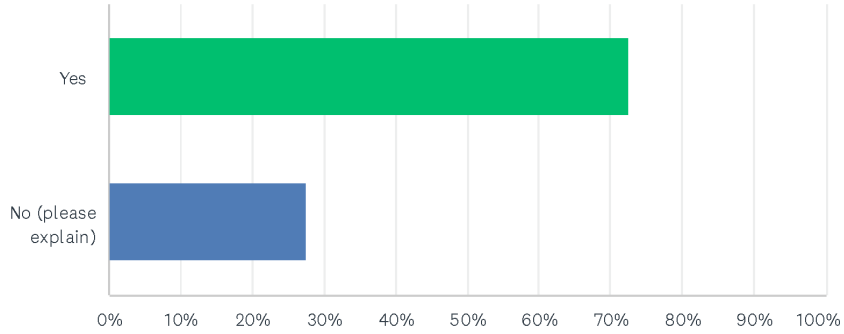
Answered: 113 Skipped: 44



ANSWER CHOICES	RESPONSES	
Yes	64.60%	73
No (please explain)	35.40%	40
TOTAL		113

Q7 Do you support a proportionate distribution of interest on late payments?

Answered: 113 Skipped: 44



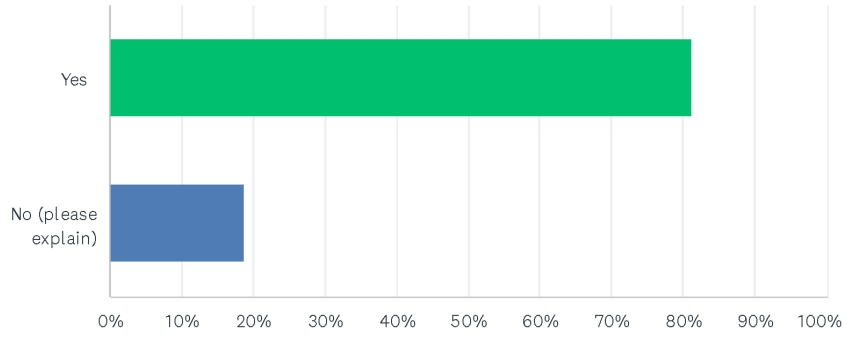
ANSWER CHOICES	RESPONSES	
Yes	72.57%	82
No (please explain)	27.43%	31
TOTAL		113

Q8 Additional feedback or suggestions:

Answered: 33 Skipped: 124

Q9 Do you support capping the amount that can be withheld in a good faith dispute to 100% of the disputed amount.

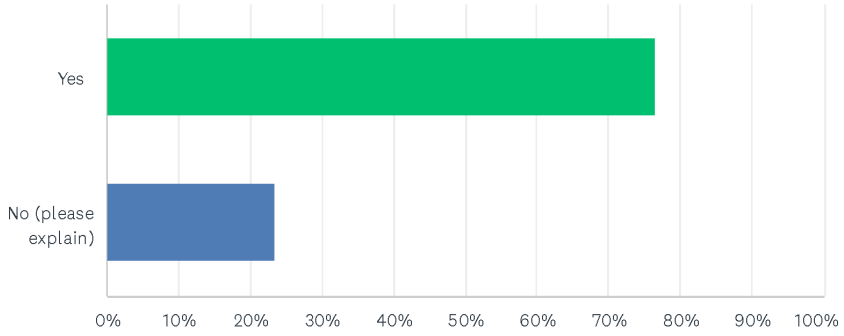
Answered: 107 Skipped: 50



ANSWER CHOICES	RESPONSES	
Yes	81.31%	87
No (please explain)	18.69%	20
TOTAL		107

Q10 Do you understand what the estimated cost of a remedy would be?

Answered: 107 Skipped: 50



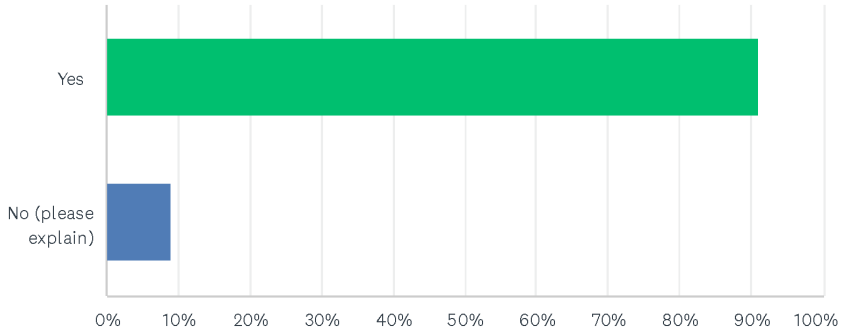
ANSWER CHOICES	RESPONSES	
Yes	76.64%	82
No (please explain)	23.36%	25
TOTAL		107

Q11 Additional feedback or suggestions:

Answered: 14 Skipped: 143

Q12 Do you support the concept of the party that did not pay promptly and in compliance with a contract should be held accountable?

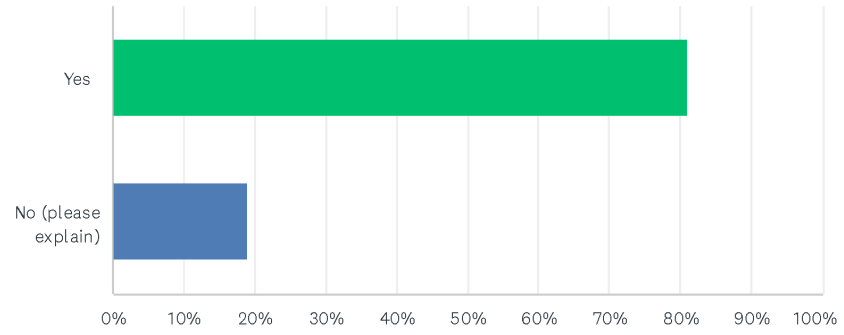
Answered: 100 Skipped: 57



ANSWER CHOICES	RESPONSES	
Yes	91.00%	91
No (please explain)	9.00%	9
TOTAL		100

Q13 Do you support the accrual of interest on any late payment at any tier?

Answered: 100 Skipped: 57



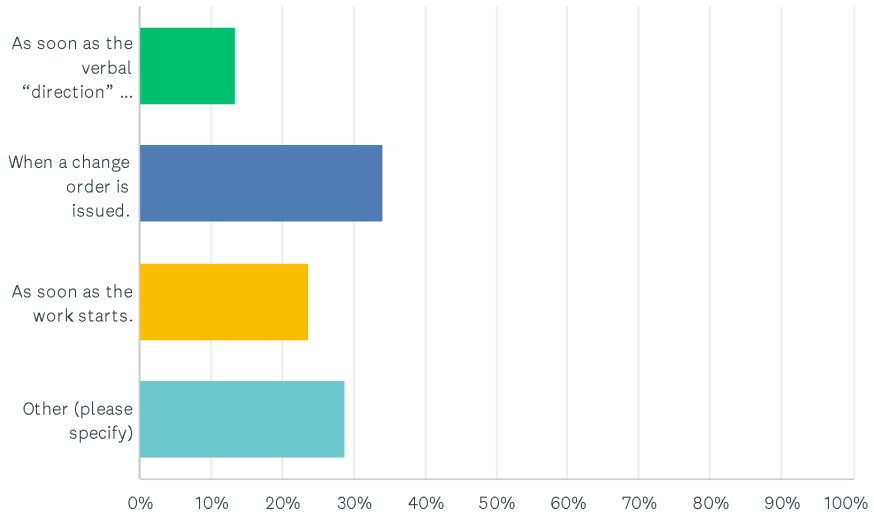
ANSWER CHOICES	RESPONSES	
Yes	81.00%	81
No (please explain)	19.00%	19
TOTAL		100

Q14 Additional feedback or suggestions:

Answered: 20 Skipped: 137

Q15 In your opinion, when should the payment “clock” start on change order work?

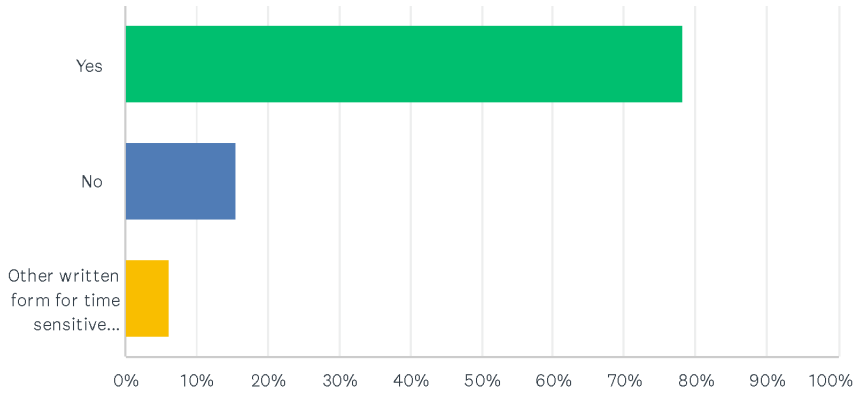
Answered: 97 Skipped: 60



ANSWER CHOICES	RESPONSES	
As soon as the verbal “direction” is given?	13.40%	13
When a change order is issued.	34.02%	33
As soon as the work starts.	23.71%	23
Other (please specify)	28.87%	28
TOTAL		97

Q16 In your experience, have you seen the use of written “field directive/field authorization?”

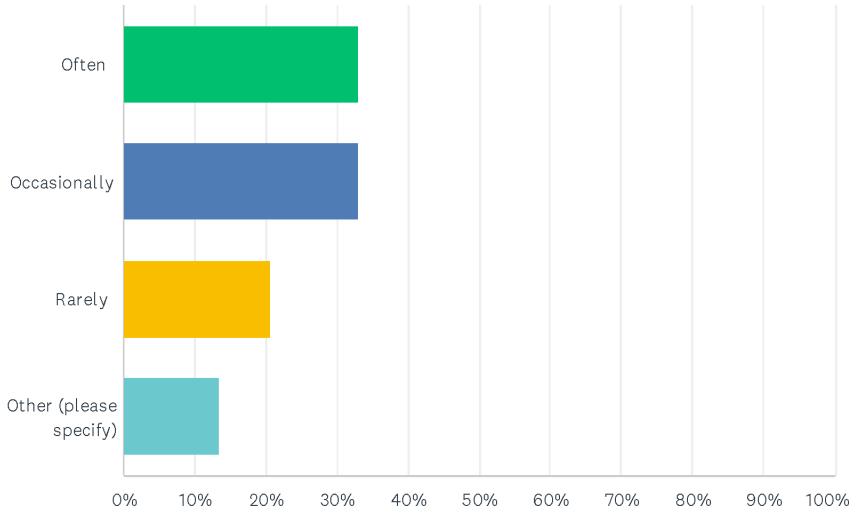
Answered: 97 Skipped: 60



ANSWER CHOICES	RESPONSES	
Yes	78.35%	76
No	15.46%	15
Other written form for time sensitive direction.	6.19%	6
TOTAL		97

Q17 How frequently are verbal directions given to communicate or direct changes?

Answered: 97 Skipped: 60



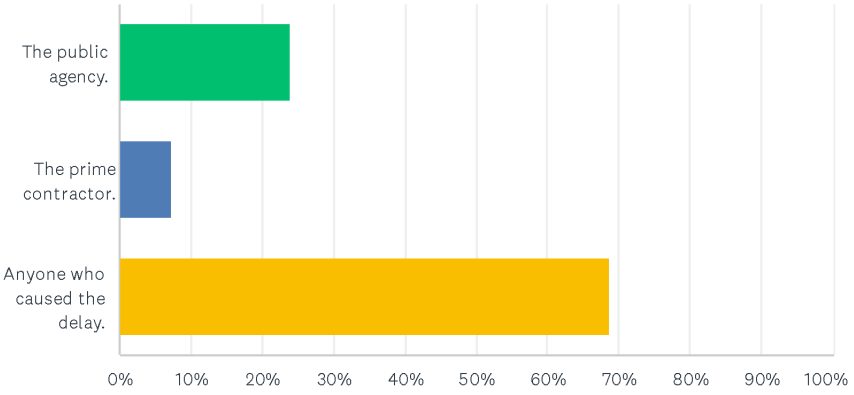
ANSWER CHOICES	RESPONSES	
Often	32.99%	32
Occasionally	32.99%	32
Rarely	20.62%	20
Other (please specify)	13.40%	13
TOTAL		97

Q18 Additional feedback or suggestions:

Answered: 25 Skipped: 132

Q19 In your opinion, who is responsible for interest on late payments on change order work?

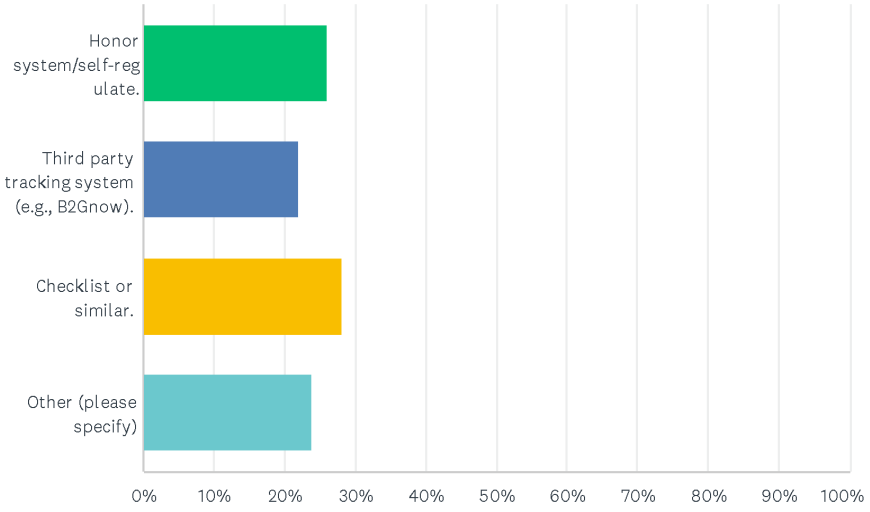
Answered: 96 Skipped: 61



ANSWER CHOICES	RESPONSES	
The public agency.	23.96%	23
The prime contractor.	7.29%	7
Anyone who caused the delay.	68.75%	66
TOTAL		96

Q20 What is the best approach to tracking compliance with this type of requirement?

Answered: 96 Skipped: 61



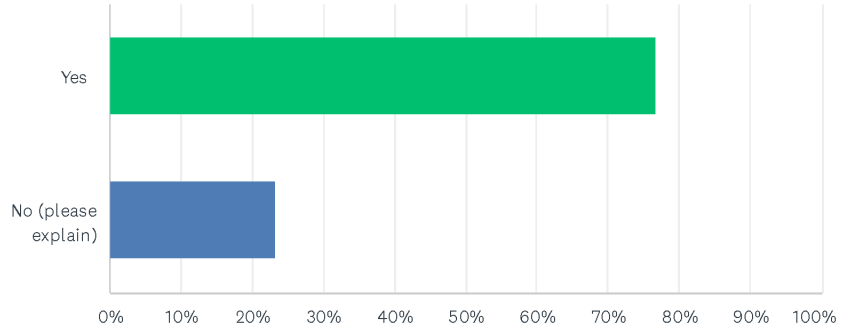
ANSWER CHOICES	RESPONSES	
Honor system/self-regulate.	26.04%	25
Third party tracking system (e.g., B2Gnow).	21.88%	21
Checklist or similar.	28.13%	27
Other (please specify)	23.96%	23
TOTAL		96

Q21 Additional feedback or suggestions:

Answered: 17 Skipped: 140

Q22 Do you think this language clarifies when the 30 day “clock” to payment is?

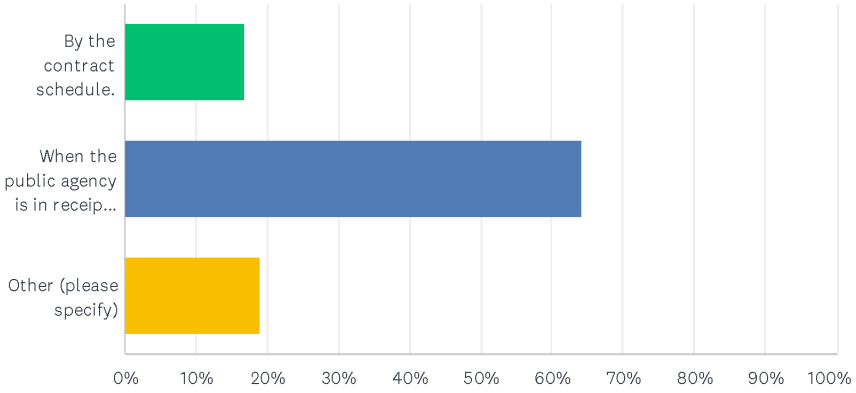
Answered: 95 Skipped: 62



ANSWER CHOICES	RESPONSES	
Yes	76.84%	73
No (please explain)	23.16%	22
TOTAL		95

Q23 When do you think the 30 days to payment “clock” should start?

Answered: 95 Skipped: 62



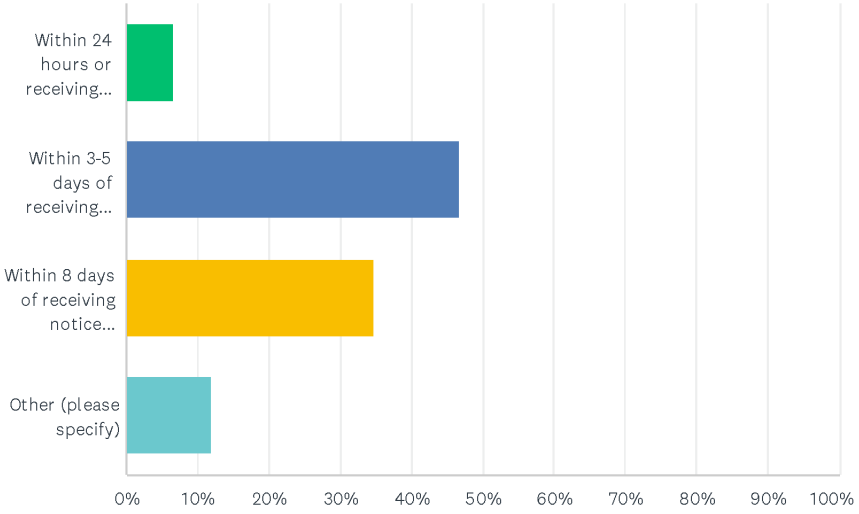
ANSWER CHOICES	RESPONSES	
By the contract schedule.	16.84%	16
When the public agency is in receipt of a properly completed invoice.	64.21%	61
Other (please specify)	18.95%	18
TOTAL		95

Q24 Additional feedback or suggestions:

Answered: 19 Skipped: 138

Q25 When do you think is an appropriate timeframe to notify another party of a dispute?

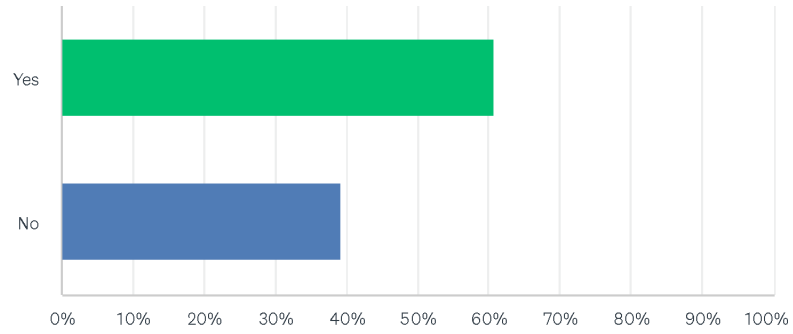
Answered: 92 Skipped: 65



ANSWER CHOICES	RESPONSES	
Within 24 hours or receiving notice yourself.	6.52%	6
Within 3-5 days of receiving notice yourself.	46.74%	43
Within 8 days of receiving notice yourself.	34.78%	32
Other (please specify)	11.96%	11
TOTAL		92

Q26 In your experience have you written, or received written, notice of withheld payments, which includes remedial actions?

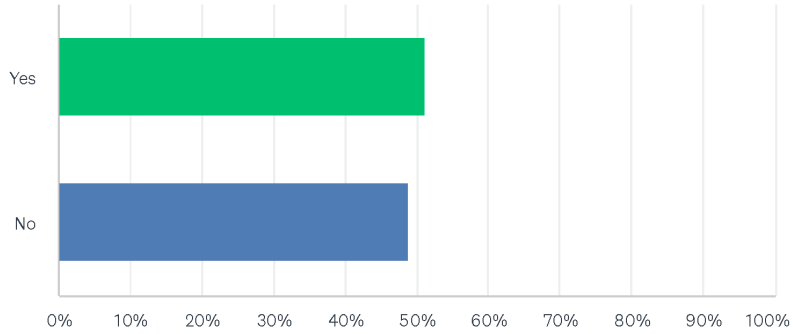
Answered: 92 Skipped: 65



ANSWER CHOICES	RESPONSES	
Yes	60.87%	56
No	39.13%	36
TOTAL		92

Q27 In your experience have you experienced partial payments for amounts not in dispute?

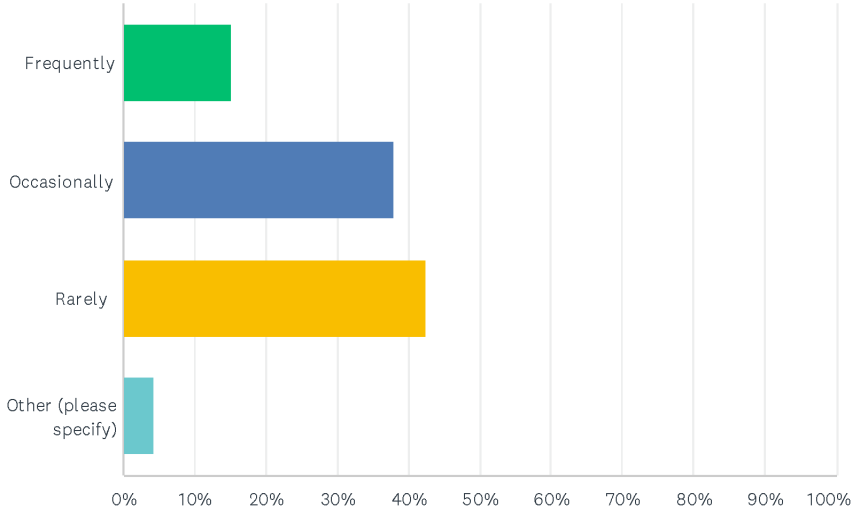
Answered: 92 Skipped: 65



ANSWER CHOICES	RESPONSES	
Yes	51.09%	47
No	48.91%	45
TOTAL		92

Q28 How often do you experience “disputed amounts?”

Answered: 92 Skipped: 65



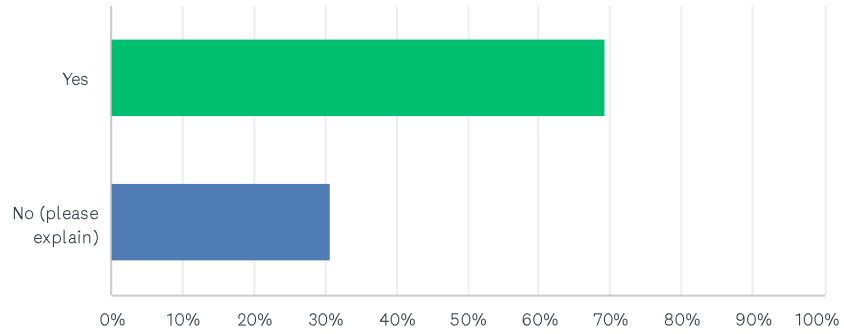
ANSWER CHOICES	RESPONSES	
Frequently	15.22%	14
Occasionally	38.04%	35
Rarely	42.39%	39
Other (please specify)	4.35%	4
TOTAL		92

Q29 Additional feedback or suggestions:

Answered: 15 Skipped: 142

Q30 Do you agree with the timing for interest to accrue on withheld payments?

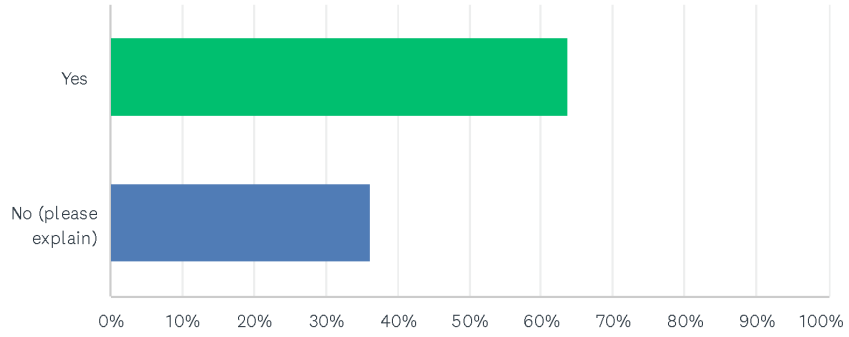
Answered: 91 Skipped: 66



ANSWER CHOICES	RESPONSES	
Yes	69.23%	63
No (please explain)	30.77%	28
TOTAL		91

Q31 If past due payments need a “recovery schedule” should withheld payments/partial payments also be considered late and therefore part of a recovery schedule?

Answered: 91 Skipped: 66



ANSWER CHOICES	RESPONSES	
Yes	63.74%	58
No (please explain)	36.26%	33
TOTAL		91

Q32 Additional feedback or suggestions:

Answered: 10 Skipped: 147

Q33 Additional feedback or suggestions:

Answered: 18 Skipped: 139

Q34 Are there any changes you would suggest to this section?

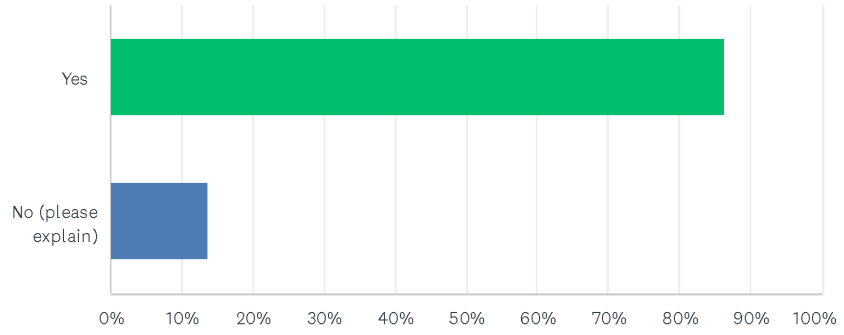
Answered: 35 Skipped: 122

Q35 Additional feedback or suggestions:

Answered: 10 Skipped: 147

Q36 Is this section clear?

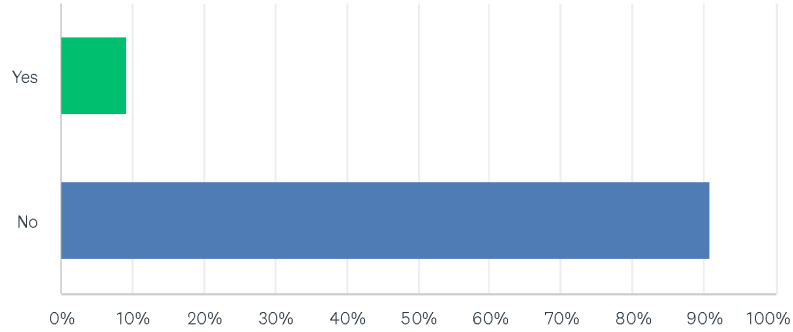
Answered: 88 Skipped: 69



ANSWER CHOICES	RESPONSES	
Yes	86.36%	76
No (please explain)	13.64%	12
TOTAL		88

Q37 This is an existing requirement. Have you experienced interest paid on withheld amounts?

Answered: 88 Skipped: 69



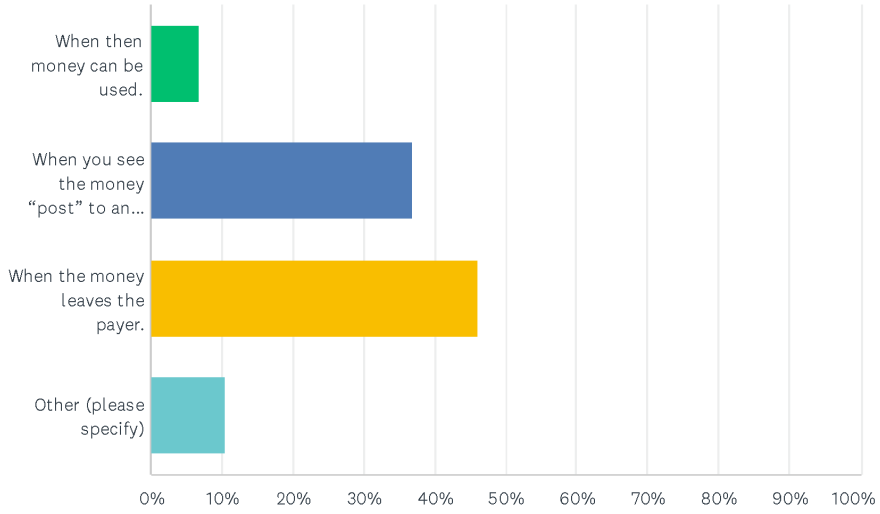
ANSWER CHOICES	RESPONSES	
Yes	9.09%	8
No	90.91%	80
TOTAL		88

Q38 Additional feedback or suggestions:

Answered: 9 Skipped: 148

Q39 When do you consider a payment to be made?

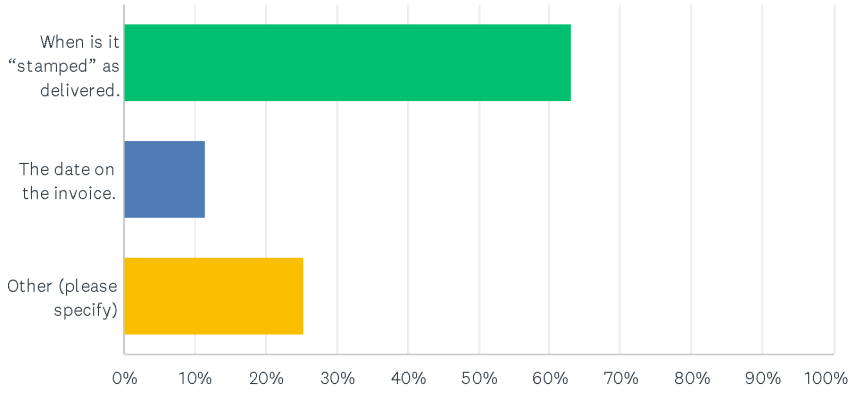
Answered: 87 Skipped: 70



ANSWER CHOICES	RESPONSES	
When then money can be used.	6.90%	6
When you see the money “post” to an account.	36.78%	32
When the money leaves the payer.	45.98%	40
Other (please specify)	10.34%	9
TOTAL		87

Q40 When do you consider an invoice to be received?

Answered: 87 Skipped: 70



ANSWER CHOICES	RESPONSES	
When is it "stamped" as delivered.	63.22%	55
The date on the invoice.	11.49%	10
Other (please specify)	25.29%	22
TOTAL		87

Q41 Additional feedback or suggestions:

Answered: 11 Skipped: 146

Q42 Please provide additional changes you would like to the RCW regarding payment on public works contracts. (e.g., specific agency requirements that conflict with the suggested legislation and/or impede payment).

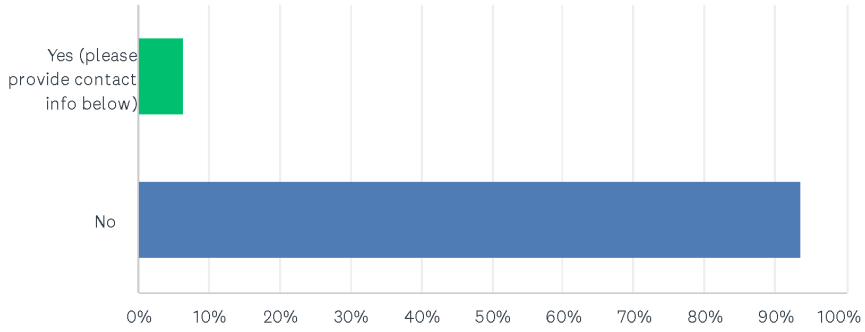
Answered: 26 Skipped: 131

Q43 For public agencies, do you perceive a financial/fiscal impact to being able to meet the requirements being proposed in this legislation? Please explain.

Answered: 29 Skipped: 128

Q44 Would you like to provide testimony at an upcoming BE/DBI Committee meeting?

Answered: 79 Skipped: 78



ANSWER CHOICES	RESPONSES	
Yes (please provide contact info below)	6.33%	5
No	93.67%	74
TOTAL		79

Q45 Please provide your contact details.

Answered: 29 Skipped: 128

ANSWER CHOICES	RESPONSES	
Name	93.10%	27
Organization	93.10%	27
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	93.10%	27
Phone Number	0.00%	0