

**CAPITAL PROJECTS ADVISORY REVIEW BOARD**

**Meeting Minutes - DRAFT**

**September 12, 2024**

**MEMBERS PRESENT**

Linneth Riley-Hall (*Chair*)  
Keith Michel (*Vice Chair*)  
Bill Frare  
Senator Bob Hasegawa  
Bruce Hayashi  
Tennille Johnson  
Santosh Kuruvilla  
Mark Nakagawara  
Matt Rasmussen  
Steven Russo  
John Salinas II  
Kara Skinner  
Robin Strom  
Josh Swanson  
Robynne Thaxton  
Olivia Yang  
Janice Zahn

**REPRESENTING**

Transportation  
General Contractors  
Dept. of Enterprise Services  
Senate (D)  
Architects  
OMWBE (*Alternate*)  
Engineers  
Cities  
Counties  
Specialty Contractors  
Specialty Contractors  
Ins./Surety Industry  
General Contractors  
Construction Trades Labor  
Private Industry  
Higher Education  
Ports

**MEMBERS ABSENT**

Bobby Forch Jr.  
Karen Mooseker  
Irene Reyes  
Mark Riker  
Rep. Mike Steele  
Rep. Steve Tharinger  
Senator Judy Warnick  
*Vacant*

**REPRESENTING**

Disadvantaged Businesses  
School Districts  
Private Industry  
Const. Trades Labor  
House (R)  
House (D)  
Senate (R)  
Public Hospital Districts

***Staff & Guests are listed on the last page***

**CALL TO ORDER & ROLL CALL FOR QUORUM**

*Chair Linneth Riley-Hall called the hybrid meeting of the Capital Projects Advisory Review Board (CPARB) to order at 8:01 a.m.*

A meeting quorum was confirmed.

**WELCOME BOARD MEMBERS & INTRODUCTIONS**

Chair Riley-Hall welcomed everyone to the meeting. Chair Riley-Hall thanked members for their vote of confidence in electing her to serve as Chair.

**APPROVE AGENDA – Action**

Vice Chair Michel reviewed the agenda for any proposed changes. Adjustments to the agenda included deletion of the informational briefings by the Job Order Contracting Evaluation Committee and the Education Connections Committee. Approval of minutes was corrected to reflect the minutes of May 9, 2024, and the June 3, 2024, special meeting. Times on the agenda were adjusted to reflect changes in the agenda.

***Robynne Thaxton moved, seconded by Bill Frare, to approve the agenda as modified. A voice vote approved the motion unanimously.***

**APPROVE MEETING MINUTES OF MAY 9, 2024 & JUNE 3, 2024 – Action**

Recommended corrections to the May 9, 2024 minutes included:

- *On page 4, correct the reference of “Bill Frare” to reflect “Bill Dobyns” in the first sentence of the fifth paragraph following the motion.*
- *On page 3 within the third sentence of the sixth paragraph, revise the sentence to state, “She is a board member of the national Design-Build Institute of America (DBIA) and plans to increase participation at the local level by frequently attending local chapter meetings.*

***Olivia Yang moved, seconded by Chair Riley-Hall, to approve the May 9, 2024, minutes as amended and the June 3, 2024, minutes as published. A voice vote approved the motion unanimously.***

**INVITATION FOR PUBLIC COMMENTS – Information**

There were no public comments.

## **CHAIR REPORT – Information**

Chair Riley-Hall shared that during her preparation to apply for the position of Chair, she reviewed documents on CPARB's website. The Strategic Plan dated 2006 includes many outdated tasks. She recommended revisiting and revising the Strategic Plan. She also reviewed the Board's Parking Lot and recommended refocusing on the Board's mission and items that are of interest to the Board by developing a plan to identify issues of focus. Additionally, the Board has established many committees, and it is important for the Board to re-evaluate each committee as the Board moves forward. She emphasized the importance of considering how the Board moves forward with a new strategic plan and other issues that are of interest to the Board and the state, as well as ensuring appropriate members are assigned to committees. She supports effectively transmitting lessons learned by the Project Review Committee (PRC) and the Board to owners and contractors and recommends the Board examine its work and focus and how the Board engages small businesses and disadvantaged businesses to determine if those entities are benefitting from the work of the Board. She supports inclusion and the importance of receiving feedback from all members of the Board.

## **COMMITTEE & WORKGROUP REPORTS**

### **Board Development Committee – Information/Action**

Co-Chair Frare said he joined the Board Development Committee (BDC) during the summer. He supports the Chair's recommendation to develop an updated Strategic Plan. When CPARB was established under RCW 39.10 for alternative public works, legislation included a sunset clause. In 2021/2013, the Board was reviewed by the Joint Legislative Audit & Review Committee (JLARC), which recommended extending the sunset clause. Several years ago, the Board worked with the Legislature to extend the sunset clause to new date. He recommended the Board increase its transparency and accountability to demonstrate to the Legislature that alternative public works is of great value to the state with a goal of eliminating the sunset clause during the next reauthorization cycle. Although, the next reauthorization is not for another seven years, it would be important to establish a foundation early by developing a relationship with the Legislature.

The Board has accomplished many important tasks while recognizing that many are reactive. Additionally, the Board wants to accomplish some actions. Development of a strategic plan would assist the Board in becoming more self-directed on desired actions by the Board. The proposed structure for development of a plan is assigning the BDC as the core group to develop strategic plan goals for review by the Board to receive feedback to enable the committee to revise, adjust, and present a draft plan. Working through the committee enables the work to proceed over a rapid pace with a smaller team while ensuring the Board is involved.

The BDC's mission/purpose statement is focused on mentorship programs and recruiting candidates for the PRC. Many of those tasks are administrative functions. The committee's mission also speaks to the scope of the Board. A strategic plan could fall under that category; however, it is important to confirm that development of strategic plan falls within the scope of the committee and to ensure appropriate representation of the core group.

Co-Chair Robynne Thaxton added that the first step entails working with DES professionals experienced in strategic planning and develop a process to present to the Board. The request is to receive approval to enable the committee to engage with DES staff to develop the process for strategic planning.

Bruce Hayashi supported the proposal as the industry is undergoing many changes quickly. He offered to participate to provide feedback.

Olivia Yang supported the proposed plan and continuing her membership under the new mission. The notion of engaging with a consultant is acceptable and new members joining the committee are important to ensure appropriate representation of all interests.

Santosh Kuruvilla agreed with the comments as the update by Mr. Frare resonates and reinforces the vision as conveyed by Chair Riley-Hall for the future. For alternative delivery to be successful it is imperative for owners to be engaged. He asked for strong commitments from owner representatives on the planning core group.

Steven Russo reported on his conversations with the Mechanical Contractors Association of Western Washington, which was heavily involved in the establishment of CPARB. He offered the nomination of Scott Middleton to serve on the committee. Representation from a number of organizations to include specialty contractors is important.

Janice Zahn supported working on strategic planning with the caveat of considering outstanding tasks to be completed by the committee. She suggested strategic planning should be concurrent with other assigned tasks to the committee.

Co-Chair Thaxton said the committee lacks any structure to engage in strategic planning at this time. Members discussed drafting a structure for review by the Board at the October or December meeting. The request to the Board is to approve moving forward to develop a strategic planning process.

Discussion ensued on new appointments to the committee, quorum issues if too many Board members volunteer to serve on the committee, and the appointment process to ensure everyone who might be interested in serving has an opportunity.

Chair Riley-Hall commented that appointments to the committee are not restricted to any particular meeting and can be ongoing. She encouraged those who want to be involved to attend the next committee meeting.

Ms. Yang commented that the discussion is confusing because attendance to BDC meetings in the past required approval by the Board. Co-Chair Thaxton pointed out that at the last meeting, committee members agreed to seek approval by the Board to ensure development of a strategic planning structure fell within the mission of the committee and that the Board concurred with the recommendation. The committee would then develop a structure for the planning process and present membership recommendations. As the committee lacks any strategic planning structure, the Board should direct the committee to move forward to develop the structure after consulting with DES staff.

Ms. Yang said she does not agree with the proposal as the committee is presenting a new mission to the Board for consideration. If there is concurrence with the new mission, existing members appointed based on the original mission might not necessarily represent membership necessary to assist in the development of the structure for the new mission. The first step is to ratify the new mission of the committee and then move forward with appointments.

Josh Swanson said the list of participants identifies a member representing labor. He offered to serve representing labor. He also has not had an opportunity to speak to Mark Riker because his last day of employment is September 13, 2024 and he is unsure as to his future membership on CPARB.

Co-Chair Frare reported he prepared the committee's report based on the outcome of the committee's last meeting. The first issue to the Board is whether the proposal is within the scope of the committee. Based on the Board's discussion, no dissenting opinions have been shared for not pursuing strategic planning. Based on feedback, it is likely the Board supports moving forward with strategic planning. The next question is the entity or entities responsible for pursuing the work, such as the BDC or another workgroup. The committee has agreed to assume the task, which requires either approval or disapproval by the Board. The next step is determining whether the committee has the appropriate representation to complete strategic planning. Ms. Yang spoke to the difference of the tasks that would likely result in more stakeholders wanting to participate. As the author of the report, Co-Chair Frare took some prerogative to identify different stakeholders necessary to form a core group to spearhead efforts. Some recommendations are included in the committee's report as to the type of representation. He suggested beginning with the first step of approving a new task for the committee.

***Olivia Yang moved, seconded by Santosh Kuruvilla, to approve changing the mission of the Board Development Committee to take on strategic planning.***

*Matt Rasmussen joined the meeting at 8:45 a.m.*

Vice Chair Michel commented on the interest of a strategic planning effort by the Board. The committee has indicated a willingness to assume the task with additional participation. He believes the expectation is all voices and input will be solicited during the strategic planning process regardless membership status. Co-Chair Thaxton responded that the summation is accurate other than the committee has not established a process or a structure.

Ms. Zahn supported moving forward with strategic planning but questioned the status of prior tasks assigned to the committee because she wants to ensure that expanding the scope of the mission would include completing the other tasks as well. Co-Chair Thaxton affirmed the committee would continue to work on other tasks.

Senator Hasegawa said he had a similar question as the discussion was framed as a new mission implying that it replaces the old mission and tasks. The conversation spoke to creating a subcommittee to work on strategic planning while the previous mission continues to move forward. Co-Chair Thaxton explained that the proposal essentially adds strategic planning to the current mission of the BDC.

Nancy Deakins requested clarification of the proposed new mission as it appears the proposal is to add strategic planning to the existing mission. The report from the committee states, "*The purpose of the BDC: to aid in candidate outreach, recruitment, improve transitioning, and educating new Board members on the roles, operating procedures, and the scope*

of the Board. We believe Strategic Planning falls under 'scope of the Board'." She suggested adding strategic planning to the existing mission and not limit the mission to the context of RCW 39.10.

***Olivia Yang and Santosh Kuruvilla offered a friendly amendment to approve adding strategic planning to the mission of the Board Development Committee.***

***A voice vote approved the amended motion unanimously.***

Vice Chair Michel noted that Mike Pellitteri volunteered to participate on the committee.

Co-Chair Thaxton recommended deferring appointment actions until the next meeting while acknowledging that everyone is invited to participate. It is important to establish the structure and afford time for everyone to review the information and the time commitment.

Ms. Yang disagreed as individuals expressing interest should be appointed to ensure a wider voice for strategic planning. Limiting the development of the structure of the strategic plan to current members appears to be inefficient.

Discussion ensued on the intent to avoid creating a quorum of the Board by adding too many members of the Board to the committee. Some confusion was conveyed as to whether the motion reflected creation of another subcommittee other than adding strategic planning to the tasks of the committee. Co-Chair Thaxton preferred delaying appointments until the committee has an opportunity to work with DES to define the structure of the strategic planning process. Ms. Zahn noted that committee meetings are open to everyone with appointed members able to vote on actions. The first important step by the committee is working with DES to define the structure. Lacking that information would be difficult to determine the scope and time commitment of the strategic planning process. She recommended developing a list of interested participants and deferring appointments until the structure has been defined.

Chair Riley-Hall supported moving forward while acknowledging that appointment of new members is not an issue.

Ms. Yang disagreed with moving forward without appointing new members. She is hopeful that those individuals expressing interest will attend the next committee meeting.

Mr. Pellitteri reported on his unavailability to attend the October meeting, as he will be out of the country. He is interested in participating on the committee.

#### **Business Equity/Diverse Business Inclusion Committee (BE/DBI) – Draft Report – Information/Action**

Co-Chair Kuruvilla reported the Board was tasked by the Legislature to review language proposed in Senate Bill 6040 surrounding prompt pay, engage with stakeholders, and provide recommendations on new legislation that would consistently provide prompt payments to small diverse businesses within the construction industry. The Board assigned the task to the committee. Under the leadership of Co-Chair Lekha Fernandes, the committee created subcommittees generating many conversations and efforts between owners, general contractors, small businesses, and other stakeholders. He acknowledged membership of the committee and their efforts to provide input on the creation of the draft report. Co-Chair Kuruvilla invited discussion on the draft report and recommended approval of the report.

*Karen Mooseker joined the meeting temporarily from 9:07 a.m. to 9:14 a.m.*

Vice Chair Michel commented that the efforts were productive with many contributions from stakeholders throughout the industry. Recommendations in the report are positive, which he supports as a representative of general contractors.

Ms. Zahn said the committee worked diligently and released a survey to the entire community to obtain feedback on the proposed legislation, as well as ensuring one source of all information for easier access and consistency. She appreciates including best practices as those actions can be implemented immediately without any legislation. Areas that did not attain consensus were important to include in the report to assist the Legislature when considering those issues. More efforts are necessary in some areas the committee was unable to complete. One example is change order payment terms generating significant discussion as to how to improve the process. She thanked the committee for its efforts and supports approval of the report.

***Vice Chair Michel moved, seconded by Janice Zahn, to approve the Report on SB 6040 New Legislation Recommendations as presented. A voice vote approved the motion unanimously.***

Members and staff discussed next steps following submittal of the report to the Legislature. CPARB is responsible for drafting legislative language for review and approval by the Board prior to submittal to the Code Reviser's Office and soliciting bill sponsors.

Co-Chair Kuruvilla advised that the working group assigned a subgroup to draft legislative language. He offered to present the report to the subgroup to draft legislation for review by the Board.

Ms. Zahn noted the Board established the Legislation Writing/Drafting Committee in May 2022. She recommended determining whether the committee drafts legislative language or refers the report to the Legislation Writing/Drafting Committee to complete the task.

Mr. Frare advised that the committee established both a report writing workgroup as well as a new legislation workgroup to draft language within the report. Both workgroups worked concurrently to draft the report and new legislation. He suggested forwarding the draft legislation to the Code Reviser's Office to draft a bill for review and consideration by the Board. Some additional work is necessary to include outreaching to Senator Valdez, the prime bill sponsor of SB 6040 to afford him an opportunity to move forward with the proposed bill. If Senator Valdez accepts the recommendations, the bill could move forward. Otherwise, outreach to Senator Hasegawa and other CPARB legislators would be appropriate to request sponsorship of the bill during the next legislative session.

Jerry Vanderwood recommended outreaching to Representative Tharinger who is Chair of the House Capital Budget Committee as the committee was instrumental in forwarding the bill to CPARB.

Mr. Frare reviewed the next steps of the Chair and Vice Chair signing a cover letter and forwarding the letter and report to the Senate Government Relations Committee and to the House Capital Budget Committee. DES can assist in drafting the cover letter and transmittal to the committees.

Ms. Deakins questioned whether the Board's action was to approve the report with draft legislative language or forwarding draft legislation to the Code Reviser's Office to draft a bill for review by the Board as it may not be possible to meet the November 1, 2024, deadline. Mr. Frare pointed out that the Board completed the action directed by the Legislature, which is a report to the Legislature. Proposed legislation could follow.

Ms. Deakins said she is uncertain whether it is necessary to seek legislative support to forward the draft legislation to the Code Reviser. Mr. Frare advised that it is not necessary.

Senator Hasegawa suggested working with legislative staff for drafting the language into an appropriate form for the Code Reviser to circumvent more processes to ensure language is correct and formatted properly. He offered to have his staff draft the bill.

Chair Riley-Hall recommended accepting Senator Hasegawa's offer for legislative staff to draft bill language.

*Robin Strom disconnected from the meeting at 9:27 a.m.*

Senator Hasegawa affirmed a non-partisan staff member would draft the bill for submittal to the Code Reviser.

### **SHB 1621 Review Committee – Draft Report – Information**

Co-Chair Michel updated the Board on the status of the draft report. The committee met bi-weekly throughout the summer to draft changes to SHB 1621, Local Government Procurement Rules. The bill was adopted but essentially lacked complete recommendations because additional stakeholder efforts were necessary. The committee has nearly completed its review and recommendations and reached consensus on all major unresolved issues.

The Board will receive an updated report capturing the committees work, reasoning, intent, and specific proposed language. Actions items with next steps include identifying a bill sponsor for amending current legislation in SHB 1621 currently in effect.

Items of consensus included the language of "Prudent Utility Management." It allows specific public entities to self-perform work for a project up to \$300,000 (a new threshold for self-performed work). The recommended change to the definition of Prudent Utility Management for projects up to \$300,000 would apply to projects defined as "exigent." The lowest limit of \$75,500 is for any work the public entity wants to self-perform with its resources. Projects up to \$300,000 are defined as "exigent." Projects over \$300,000 would be subject to a public bid opportunity and/or if an emergency was declared. The committee defined non-emergency as exigent or when there is an established public interest, and the project needs to be completed and is time sensitive but not considered an emergency. Any projects exceeding \$300,000 would fall under the public bid opportunity and/or if an emergency is declared. The committee also recommends the definitions include all project costs for \$300,000. The committee agreed to include a provision for annual or biannual cumulative limit of no more than 10% of the public entity's capital improvement budget. The recommendation serves as a guardrail to limit the use of the \$300,000 project threshold on an annual basis.

The remaining CPARB recommendations from 2023 not passed by the Legislature would be carried forward with language adjustments for low response bidder and aligning language with existing CPARB ratified responsive/responsibility criteria currently in the RCW.

The committee's goal is to finalize the report capturing any changes for the committee's review at its next meeting and presenting the report to the Board at its October meeting as an action item followed by securing a bill sponsor for the proposed changes.

Chair Riley-Hall asked whether all interests were involved in the review. Vice Chair Michel affirmed that all interests were represented. However, fire districts did not continuously participate in committee meetings last year, but this year, representatives of fire districts regularly participated at all meetings.

*Vice Chair Michel recessed the meeting at 9:40 a.m. to 9:58 a.m. for a break. A meeting quorum was confirmed.*

### **Project Review Committee – Information**

Vice Chair Dave Johnson updated members on activities of the PRC.

Since the last report, the PRC conducted three meetings. The Spokane meeting included panel presentations for two Design-Build and two GC/CM projects that were approved totaling \$173 million in project value. The second meeting in June considered one Design-Build project and one GC/CM project. Both projects were approved. The last meeting in July considered two Design-Build projects, one GC/CM project, and four alternative subcontractor selections. All proposals were approved.

The next meeting includes 16 project reviews. The meeting includes three sessions with one in-person hybrid session, one fully virtual meeting, and followed by an additional virtual session the next day to complete all project reviews.

Members continue discussions on owner education and readiness for approval. The PRC continues to work with MRSC to develop an owner readiness program. The PRC approved adding some additional questions to PRC applications for owners to enable better visibility of the PRC and to ensure owners are prepared to pursue alternative delivery projects. The intent is to add the questions to the project applications by the end of the year.

Chair Riley-Hall inquired about any difficulties of assigning panel members based on the high volume of project applications. Vice Chair Johnson credited Talia Baker for contacting and aligning members with panels. All upcoming panels have been covered with the required eight members per panel.

Ms. Baker shared information on the next three sessions requiring 120 panel assignments. Combined, the project proposals are valued at \$1.8 billion. In response to questions about the attendance of PRC members, Ms. Baker replied that the number of members attending meetings has increased since the online option was provided for each meeting. The meetings are attracting more participation by industry stakeholders, community members, county commissioners, and other local elected officials.

Vice Chair Michel asked whether the committee has discussed ways to distribute the volume of panels or decrease timing between meetings. Vice Chair Johnson replied that the number of project proposals over the last three or four meetings have been manageable. However, it is difficult to identify timing of projects because of funding or project cycle timing. Earlier in the year, the PRC reviewed approximately 13 project proposals during one meeting. It would be difficult to proportion projects other than adding an extra meeting, which can be challenging for members.

Ms. Thaxton noted that meetings over the summer are more difficult for members to attend because of vacations. The PRC has no scheduled meetings until December after the October meeting. Often project proponents are working on finalizing project timelines and budgets towards the end of the year.

Ms. Baker said that traditionally, PRC meetings are scheduled bi-monthly. In 2019 an additional meeting was added in June for provide some overflow for project proposals as the PRC typically experienced an influx of applications in May and July due to biennium closeouts and new projects. Additionally, the application submittal process for fall is affected by one week due to the holiday season.

Vice Chair Michel suggested considering whether the high volume of projects affect applicants when projects overlap during the procurement process.

### **WSDOT Project Delivery Method Review Task Force – Draft Interim Report – *Information/Action***

Co-Chair Riley-Hall reported the task force has been meeting biweekly. Participation has included representatives from the contracting community and small business community. The task force was established after the Board was tasked by the Legislative Transportation Committees to review planned procurement methods for specified WSDOT projects and provide recommendations on the procurement methods for one project on July 1, 2024, and recommendations on three other projects by December 1, 2024. Projects reviewed by the task force were Design-Bid-Build projects. Based on the review of the project, the task force agreed to complete an interim report and then focus on the last remaining projects due in December. The interim draft report includes three projects. She thanked and acknowledged Ms. Thaxton for preparing the draft report, as well as to all task force members who reviewed the report. WSDOT representatives attended all meetings, responded to many questions, and provided informational presentations.

The three projects are the SR 526 Corridor Improvements Project, Marsh Road Project, and the US 395 North Spokane Corridor Project. The SR 526 and the US 395 projects have completed 100% design. The task force concurred with WSDOT's delivery method because the projects completed 100% design and construction activities were not highly specialized. A Design-Build approach was not critical in developing the construction methodology and there were no opportunities for greater innovation or efficiency. The use of Design-Build would not have resulted in a significant reduction of the schedule nor change any critical milestones for any of the projects. The task force agreed Design-Bid-Build was the appropriate delivery method for the three projects.

Ms. Thaxton noted that the Spokane project only applies to several subprojects under the program.

Art McCluskey confirmed that the Spokane project is comprised of 10 individual projects.

Chair Riley-Hall invited questions and comments on the report. The task force is seeking approval of the report for submittal and continuing efforts to draft the last report.

Mr. Frare referred to the report's Introduction and Executive Summary section and recommended not citing the specific section of RCW 39.04 because it is unnecessary.

***Bill Frare moved, seconded by Janice Zahn, to approve the report on the Review of WSDOT Projects Pursuant to ESHB 2134 as presented. A voice vote approved the motion unanimously.***

Co-Chair Riley-Hall reported the next meeting scheduled on Wednesday, September 18, 2024, will feature two presenters addressing alternative delivery and a comparison between the delivery methods and cost certainty. The information will inform the task force in its recommendation for the last report.

Ms. Thaxton reported the two presenters are Keith Molenaar, Ph.D. University of Colorado Boulder (Dean of College of Engineering) and Douglas Gransberg, Ph.D. PE Gransberg and Associates. Both individuals have published papers on alternative delivery methods and are some of the best academic scholars in the country.

### **Project Feedback Process Workgroup – *Information***

Co-Chair Dave Johnson reported the workgroup was established to address issues by owners and others using Design-Build or GC/CM who are not complying with the statutes or best practices. The task force is identifying ways to help resolve the complaints and ways to prevent them. The workgroup focused on preventive measures to ensure owners are educated and to identify ways to prevent issues. Those efforts focused on pre-incident measures. Members identified a series of questions to include in the project application to assist owners prior to presenting a project proposal to the PRC, as well as educating staff on available resources. The questions were reviewed by the PRC at the last meeting and will be incorporated within the application.

The second element is the post-incident process as noted in the pre-read. The intent of the post-incident process is to address issues identified by the PRC. To date, in informal process addresses issues that have been raised. Typically, the PRC Chair provides a response addressing the issue(s). The PRC developed a simplified process to resolve issues. The information for the Board's review would formalize the process.

Co-Chair Johnson thanked Ms. Thaxton for providing some input and assisting in compiling the report. The process begins with identifying a violation(s) of RCW 39.10. If an intentional violation occurs, the PRC will provide a form (a link on the website) to report an issue that cannot be resolved. The issue would be reviewed by the PRC Chair or designee to review with DES staff or the Assistant Attorney General to receive advice of any potential response. At that point, the Chair would contact the party to receive background on the issue and then review the contact with CPARB to review

potential actions to pursue. Resolution of the issue at the lowest level would include a notation in a log and the action taken. If the response is satisfactory, the violation would be closed.

For more contentious issues, the matter would be forwarded to the CPARB Chair/designee for review with the Assistant Attorney General. At that point, contact would occur with the violator to review circumstances of the issue and work through the process to achieve resolution. If the action cannot resolve the problem, a letter would be forwarded to the violator documenting the issue.

Co-Chair Johnson said the most challenging aspect of the situation is the lack of enforcement action designated to CPARB or the PRC to steer owners in the right direction to resolve issues. The task force is seeking input from the Board on the proposed process and approval to move forward.

Co-Chair Jeff Gonzalez added that the process only focuses on RCW 39.10 and/or violations of best practices.

Chair Riley-Hall asked how the PRC plans to inform PRC members of repeat offenders of RCW 39.10 as panelists responsible for reviewing applications. Co-Chair Johnson said the workgroup has discussed the details of implementation and plans to pursue working on it once the process is implemented. There are many variables to the process to include the process for registering a complaint, collection of data, and the process of reviewing. The workgroup discussed the possibility of reviewing the log at specific intervals and addressing current issues, such as identifying trends or matters that should be addressed by the PRC.

Chair Riley-Hall shared that when she served as the PRC Chair and as a member, she occasionally contacted owners to educate them on the RCW and some aspects of the statute that were being not followed. In all cases, the owners were not aware of the RCWs or were new to alternative delivery methods. She appreciates the task force developing some structure to address the issue.

Mr. Russo questioned the process of identifying potential violations and determining a final resolution. Co-Chair Johnson replied that typically, the issues are infrequent based on the assessment completed by the task force. Members collected as much information on potential issues or situations that had been witnessed. The examples were not numerous and often involved gray areas that fall within best practices that are not black and white. While there were several instances that were specific violations, it speaks to the need to educate owners and other project team members. To date, incidents typically involve a contractor or a subcontractor who have a complaint or an issue. The framework of the process should identify the resolution and the steps necessary to resolve the complaint.

Vice Chair Michel supported the concept of the process but cautioned that the Board and PRC are not enforcement bodies or regulatory authorities. Although the perception speaks to few instances, there has also been no public process to initiate a potential complaint. It would be important to be cautious as both bodies are not substitutes for legal advice nor incur any obligation to resolve complaints. He is somewhat concerned about the proposed process as it speaks to obligating the PRC or the Board to intervene and involve the Attorney General's Office.

Co-Chair Johnson concurred that the PRC and the Board lack any enforcement responsibility but do have the responsibility of ensuring owners utilizing alternative delivery are sufficiently knowledgeable and are executing the work correctly as part of the PRC's approval process. Alternatively, if the bodies do not address issues involving alternative delivery, it may result in complaints to legislators. He supports a forum that provides a voice to the parties to discuss issues versus the community speaking against alternative delivery because of some owner actions.

Ms. Yang added that the notion is to hold all parties accountable and the intent is helping each other to be successful. In some instances, owners and others were not aware they were violating the statute. However, there are some cases, where an entity's action is deliberate, which is a different category of concern.

Mr. Frare agreed CPARB and PRC are legislative advisory bodies on public works issues and serve as a safeguard for alternative public works delivery. The issue speaks to the strategic planning effort to ensure all parties are clear about the role of the Board and the PRC and identifying the most effective way to carry out those roles.

Co-Chair Johnson reiterated the request to end the workgroup and provide feedback on the proposal.

Chair Riley-Hall said she appreciates the work of members and believes the proposal would a good process to implement should an occasion arise to address any issues. She agreed the workgroup has fulfilled its tasks and supports closing out the workgroup.



Vice Chair Michel recommended adding the proposal and closeout of the workgroup as an action item for the October meeting to enable more time for the Board to contribute any recommended changes to the proposal. His concerns surround the log and the recording of incidents as it speaks to a subjective process that could be considered during an applicant's evaluation. His preference is not to rush ratifying the process.

Co-Chair Johnson invited additional comments. The workgroup discussed the log extensively and the importance and reasons for creating a log. The log could serve new PRC members by providing some historical knowledge of an incident and reasons it occurred. It could serve to enable a PRC panel member to question the issue and ask for response on how the owner resolved or addressed the issue. The log would also serve as a data source to identify repetitive issues that might speak to the need for new legislation or clarification of the statute to eliminate issues.

Ms. Baker added that the log would be considered PRC documentation. She maintains a log of all project applications submitted to the PRC. The log would be included within the documentation and falls within the administrative functions of supporting the committee.

#### **Small Works Committee – Information/Action**

Co-Chair Bill Frare reported the committee completed its work and is seeking to disband. The committee fulfilled the requirements by publishing the statewide Small Works Roster and establishing the public works small business enterprise with companies enrolling online. DES updated rules and produced templates for small works direct negotiating and small works competitive bidding on the Department's website as required by the RCW. DES has posted several projects under small works in both the competitive realm and direct negotiating.

***Olivia Yang moved, seconded by Chair Riley-Hall, to disband the Small Works Committee. A voice vote approved the motion unanimously.***

#### **NEW BUSINESS – Discussion**

Chair Riley-Hall invited feedback on any new business not previously discussed.

Senator Hasegawa asked about the Chair's consideration and status of Parking Lot issues.

Chair Riley-Hall said the items could be forwarded to the strategic planning group to determine where, when, or if the items should move forward. Structured committees could be formed for the items moving forward along with identifying rationale for those items not moving forward.

Senator Hasegawa recommended taking some time to review the items.

Chair Riley-Hall reviewed the Parking Lot items and invited feedback:

- How to address Core Values as identified 2/11/2021
- Legal interpretations
- Stipends for volunteers
- Cost escalation discussion/guidance?
- Bonding/retainage from other states
- Board Retreat – desire and timing

Senator Hasegawa recommended including a discussion on the PRC as he attended a PRC meeting and believes there were some deficiencies in the presentations by the applicants especially pertaining to questions focused on lessons learned. His impression of the process was the panel automatically voting to approve an application without a more thorough review of the application, the owner's project history, or lessons learned by the owner while acknowledging the volume of project applications and limited time for reviews by a panel of volunteers.

Ms. Yang suggested a response to the concern could entail a review of the PRC as part of the strategic planning process. She shares similar concerns as it speaks to her impatience for any delay in the strategic planning process. Issues need to be addressed as well as how CPARB and PRC could be a force for adding value, equity, and efficiency, etc.

Chair Riley-Hall suggested the task could be more accurately described as how the PRC adds value rather than the presentation format. Senator Hasegawa noted that he did not believe the PRC review process was a critical evaluation while acknowledging that additional work was likely occurring behind the scenes. However, within the written applications the panel considered, the section on lessons learned was inadequate because there were some obvious issues that should have been addressed.

Ms. Zahn recalled conversations with the Senator about his concerns surrounding the review process. Perhaps the application questions and information provided during the presentation could be adjusted to reflect more detail in terms of the kind of information panelists would like to receive from the owner. The issue surrounds the process for approval and certification and whether more information should be obtained on lessons learned or challenges the owner experienced using a specific delivery method that could be highlighted either in the application or during the presentation and Q&A session.

Senator Hasegawa said revising the question on the application to be more specific might not accomplish the goal, as panelists should be seeking the answers because the process relies on self-reporting as opposed to critical questioning.

Chair Riley-Hall offered that the issue is larger because part of the equation is training of PRC members to ensure they are asking the right questions or probing more to receive more details and information that may surround lessons learned and how the owner has applied those lessons to the next project. Another component is how the Board selects PRC members because the PRC often serves as a training ground for new members. Previously, the PRC offered training of new members on alternative delivery and some issues to review during an application review. The Board has improved its process for selection of new PRC members while acknowledging that there could be some improvements in the process, as well as considering of factors when interviewing PRC applicants. She recommended retaining PRC on the Parking Lot until the strategic planning group is established.

In response to the Chair's invitation to consider other Parking Lot issues that should be moved to strategic planning, Senator Hasegawa reported the Legislature passed legislation to provide stipends for community-based volunteers for community boards and commissions. Ms. Baker said follow up is pending by staff to ensure correct language is proposed to amend CPARB bylaws in the event a community member attends committee meetings. Chair Riley-Hall asked staff to research stipends and draft a policy for review by the Board to increase inclusiveness of community members who want to attend committee meetings. Ms. Deakins acknowledged the request and said staff could draft a policy by the end of the year.

Mr. Kuruvilla commented that architects have attempted to add other tools to the toolbox in addition to Design-Build, GC/CM, and Job Order Contracting. Architects have referred to Integrated Project Delivery (IPD) and project alliancing as owners are considering requirements management. He suggested adding, "Additional alternative delivery tools – IPD and project alliancing" to the Parking Lot.

Vice Chair Michel asked whether Core Values are separate from the Board's Shared Commitments. Ms. Zahn said the Board identified Core Values but never followed up with it remaining on the Parking Lot as a placeholder that could be reviewed and closed out.

Vice Chair Michel recommended striking Core Values as an item and include them within the Shared Commitments statement on each agenda.

Vice Chair Michel added that an action item he committed to support is mentoring. He has several willing mentors and a short list of members desiring mentoring. He encouraged members to contact him if they want to become involved in the mentoring program. Ms. Baker noted that PRC includes a check-in as a standing agenda item on its mentoring process to track progress. Vice Chair Michel supported including a standing agenda item on the mentoring program at each Board meeting.

Chair Riley-Hall recommended including a new item on the Parking Lot of new legislation or legislative actions. Ms. Baker reminded members of the helpful link on the CPARB webpage on current legislation/legislative issues.

Chair Riley-Hall invited members to consider other items to add to the Parking Lot.

Mr. Frare recommended adding CPARB review of Small Works Roster limits required by summer 2025. Ms. Deakins recommended including the action to the list of important deadlines as well.

The Board reviewed the list of important deadlines and updated the status and timing of some deadlines:

- All meeting Pre-Reads due 1 week prior to the next Board Meeting
- September 12, 2024 – draft of SHB 1621 Review Report & BE/DBI Report on SB 6040 Report due for review by CPARB
- October 10, 2024 – Final Approval of Legislative Reports (SHB 1621 Report (& BE/DBI Reports) by CPARB; Draft of WSDOT Task Force Report due for review by CPARB

- October 31, 2024 – SHB 1621 Review Final Report due to the Legislature
- November 1, 2024 – BE/DBI – SB 6040 Final Report due to Legislature
- November Special Meeting (11/14?) – Final Approval of WSDOT Task Force final report
- December 1, 2024 – Report to Legislative Transportation Committees Regarding WSDOT Project N52600R, N00900R & M00800R (per November Special Meeting)
- Periodic CPARB review of Small Works Roster limits by 2025

#### ADMINISTRATIVE

##### Recap of Action Items

Ms. Deakins reviewed action items from the meeting:

- Board Development Committee to meet with DES consultant on strategic planning structure and present draft planning process to CPARB at the October meeting
- CPARB staff to draft cover letter for Chair and Vice Chair signature to accompany BE/DBI Report on SB 6040
- Senator Hasegawa to task legislative staff to draft bill language for Code Reviser
- Prepare cover letter for submittal of second interim WSDOT report on project delivery evaluation
- SHB 1621 Review Committee to finalize report and legislative recommendations before October CPARB meeting
- Ms. Deakins and Ms. Baker to research stipends for volunteers for development of policy and guidance by end of year
- Members were encouraged to contact Vice Chair Michel if interested in being mentored or serving as a mentor
- Add check-in on mentoring process as standing meeting agenda item
- Add standing agenda item of new legislation or legislative actions
- Provide input on Project Feedback Workgroup proposals of pre-incident, post-incident process outline, and prepare to disband the workgroup in October
- Members to review 2025 CPARB meeting schedule to identify any conflicts with CPARB proposed meeting dates (located on the website) and respond to Ms. Baker with any feedback for the Board's discussion and action at the October meeting
- Moving forward, meeting time will be from 8:00 a.m. to 11 a.m.

#### ADJOURNMENT

*With there being no further business, Chair Riley-Hall adjourned the meeting at 11:34 a.m.*

##### Staff & Guests

Talia Baker, Department of Enterprise Services  
Nancy Deakins, Department of Enterprise Services  
Jeff Gonzalez, Department of Enterprise Services  
Valerie Gow, Puget Sound Meeting Services  
Dave Johnson, Hoffman Corporation  
Aleanna Kondelis, Hill International  
Monique Martinez, Department of Enterprise Services

Jimmy Martin, Department of Enterprise Services  
Art McCluskey, WSDOT  
Jessica Murphy, City of Seattle  
Mike Pellitteri, Pellco Construction  
Jerry Vanderwood, AGC  
Thomas Wilson, COWI