

**Location:** via Teams

**Meeting ID:** 245 443 935 94 **Passcode:** tKAuFM

**Committee Members:** (12 members, 7 = quorum)

x	Linneth Riley-Hall, Transit, Co-Chair	x	Thrall Hershberger, proxy for Tom Zamzow, Co-Chair
	Bob Armstead, NAMC MBE	x	Jon Chalfant, proxy for Santosh Kuruvilla, Engineers
	Lekha Fernandes, OMWBE	x	Stuart Moore, Atkinson Construction
	Bobby Forch, MSVBE	x	Jessica Murphy, City of Seattle
x	Metin Keles, WBE	x	John Salinas II, Specialty Subcontractors
x	Joseph C. Kline, WSU	x	Becky Blankenship, proxy for Robynne Thaxton, Private Industry

**Guests/Stakeholders:**

Talia Baker, DES/CPARB Staff  
Melanie Baldwin, WSDOT  
Becky Blankenship, Hill International  
Thomas Brasch, WSDOT  
Nancy Deakins, DES  
Sam Humphreys, MFA

Larry Larson, WSDOT  
Robyn Lashbrook, WSDOT  
Terrence Lynch, WSDOT  
Art McCluskey, WSDOT  
Geoff Owen, Kiewit

**The meeting began at 3:04 p.m.**

**Call to Order and Roll Call for Quorum**

A roll call of members confirmed the meeting quorum. A brief discussion confirmed that all members had been notified of the meeting. Co-Chair Linneth Riley-Hall welcomed everyone to the Capital Projects Advisory Review Board (CPARB) WSDOT Project Delivery Method Review Task Force (TF).

**Approve Agenda**

Co-Chair Riley-Hall reviewed the agenda and requested any suggested changes to it; none were forthcoming.

*Stuart Moore moved to approve the agenda, and Jessica Murphy seconded the motion. The agenda was approved by a unanimous voice vote.*

**Approve Minutes from 10/16/2024 Meeting**

Co-Chair Riley-Hall requested discussion or edits from the group on the minutes from the 10/16/2024 meeting. She suggested that the project names and numbers be added to the 10/16/2024 meeting minutes.

*Jessica Murphy moved to approve the minutes of the October 16, 2024, meeting with one edit, and Stuart Moore seconded the motion. The motion to approve the minutes was approved by a unanimous voice vote.*

**Report from WSDOT on whether another delivery method would be a better choice**

Art McClusky stated that this TF, through its 13-14 meetings, has brought WSDOT on quite a journey since March with great discussion and questions. Now the TF is down to the last four projects that comprise the US 395/North Spokane Corridor North Sprague Ave to I-90 project. As was requested in the last meeting, WSDOT revisited the original project delivery method selection guide that was completed for these projects in January 2024. Using hindsight and new information from the TF meetings, WSDOT reevaluated the delivery method and it remained Design Bid Build (DBB), but by a slimmer margin than their original evaluation. Originally, DBB scored 99 points higher than Design-Build (DB), but only scored 34 points higher in this more recent evaluation.

*Minutes prepared by Sam Humphreys, Maul Foster & Alongi, Inc.*

Co-Chair Riley-Hall asked Art to share the updated project delivery method selection guide on screen.

Thomas Brasch brought the file up on screen.

Larry Larson said that they gave each category a good hard look, and the concerns and comments raised by the TF were considered throughout the process. And like Art said, the difference between DBB and DB did tighten up a little bit. But DBB came up on top because of the value that WSDOT was placing on their relationship with the local community. The community had been involved with this for 20+ years and have been WSDOT's partners along the way. WSDOT's relationship with the community has grown stronger through the years, and the community is very concerned about how this project will come to fruition. The community really wants to help WSDOT to "land the plane" in a way that meets the project objectives and has the most positive impacts and the fewest negative impacts.

He introduced Charlene Kay as their new regional administrator who has been the heart and soul of this community outreach and can provide more details.

Charlene Kay said that it's important to acknowledge that back in the mid-1950s and early 1960s, the community along this corridor, among others, was impacted by the construction of I-90. They were the most impacted and are now the last to be addressed on this project, and there is a concern that their needs will not be addressed.

WSDOT has continued to sustain a close relationship with all the neighborhoods that have been impacted or are adjacent to the North Spokane Corridor (NSC). WSDOT has been very intentional to ensure that the impacts are minimal in the NSC. As WSDOT has continued to iteratively design and plan, plan and design, it has engaged the community continuously throughout the process.

Larry thanked Charlene for sharing and invited any questions from the group about the scores or the changes that WSDOT mentioned.

Co-Chair Riley-Hall asked whether WSDOT feels that the DBB process gives them better control as it relates to engaging the community.

Larry responded yes. As an example, on a recent DB project WSDOT completed, there were some changes that were made during the construction of the project that the community was underwhelmed with because the changes were made to reduce the project cost. In DB, those changes happen during the project, but with DBB, WSDOT can hear those and iterate changes up until the project is advertised. Those changes are bid on as part of the project and then WSDOT has more control over them.

He acknowledged in many big DB projects the contractor and owner have great community engagement because they're coming in and then building the project pretty quickly. This project was different because the community has already been involved for many years. In 2003, Larry was the project engineer when WSDOT was building 8-10 miles north of I-90, and he was having monthly meetings with this community even back then. This has been an iterative process all along, and even now WSDOT is making changes to the project – not about where ramps tie together, but how it looks and feels. The pedestrian bike path over I-90, is an example. The DBB method, and the community input collected throughout, allowed WSDOT to retain control and make that change. It allowed WSDOT to control the risk of scheduling and scoping and budgeting up until the project goes to advertisement. WSDOT can be much more flexible and react to community-suggested changes when using the DBB process.

Co-Chair Riley-Hall thanked Larry.

Stuart Moore said he agrees with what WSDOT is saying. Stuart is a DB contractor, as an example he would look at the elevated bridge and advocate to build an embankment there because it is cheaper than a bridge. That's an example of the innovation in DB; the contractor can come up with lowest cost solutions like that.

In the report, Stuart thinks the TF should be transparent that the main reason WSDOT wanted to go DBB is because they wanted to be able to control the design and choose how to execute features of the project. With DB you gain innovation and you lose freedom/control. DBB is done if you want to choose exactly how the project is built.

Larry agreed about the transparency in the report. Using the example of the pedestrian bridge, if the neighborhood wasn't there and WSDOT hadn't been receptive of the community input; if the decision was just up to a cost, WSDOT would build it on an embankment. The community engagement led WSDOT to keep an open concept.

Co-Chair Riley-Hall asked if the WSDOT project team changed when WSDOT chose to change the delivery method from DB to DBB.

Larry responded that yes, that was correct. When the project was set up as DB, they had one team administering the contract. When WSDOT changed the delivery method to DBB, WSDOT pivoted the team. Some folks remained on, some folks were removed from the team, and others were added.

Co-Chair Riley-Hall thanked Larry and asked if there were any other feedback or comments.

Jessica Murphy found it curious that the TF was putting WSDOT on the defensive for choosing low-bid (DBB) when low-bid is a fair and equitable contracting method, and it should be fine that they selected that method. She felt that the TF was almost trying to make WSDOT feel bad for making that choice. DBB is usually the default delivery method, unless WSDOT wants to make a case otherwise. DBB seems fine to her.

Art confirmed the TF was not putting WSDOT on the defensive.

Larry noted WSDOT appreciates Jessica's empathy for the situation. They also recognize that all questions need to be asked and WSDOT is perfectly comfortable with the process it has gone through with this TF. The Legislature asked the TF to ask questions of WSDOT, and those questions have been valid.

Co-Chair Riley-Hall stated it may appear as though the TF is challenging WSDOT. She feels it is the TF's duty since they have been tasked to ask WSDOT what the right delivery method is. WSDOT has been great about responding to the questions.

Robynne Thaxton said that she really appreciates this process because it provides some daylight and understanding for the industry about how WSDOT is making delivery method decisions. She appreciates WSDOT listening to the input from industry. This process is designed to provide some transparency as to why things are done in a certain way and to allow industry to provide comments and suggestions, so it is an extremely productive process on both ends. Everyone's input and comments ultimately make for a better procurement process.

Co-Chair Riley-Hall stated the TF is at a point where it needs to make a decision whether to concur with WSDOT's decision of DBB delivery or if the TF will recommend an alternative delivery method.

*Jessica Murphy moved that the TF approve the delivery method that WSDOT has chosen for this project.*

Stuart asked if the TF should state that both DBB and DB would be possible for the project, and there are pros and cons to each, and that the TF should describe why WSDOT chose DBB.

Robynne shared that in the TF's very first report, the TF described each delivery method and the ability to use it. There was also a section in the report to potentially describe pros and cons of the different methods if the TF desired to do so. But the legislature has asked the TF to concur or not concur with WSDOT's delivery method.

Co-Chair Riley-Hall agreed that the TF's responsibility is to concur or not concur with WSDOT's delivery method, and that in the previous reports, the TF had a section for pros and cons as Stuart had suggested.

Stuart suggested the TF vote once, and if it's close to 50/50 split, a different motion could be made.

*Thrall Hershberger seconded Jessica Murphy's motion. The motion is approved with a vote of seven for and two against.*

Robynne noted in the TF's other reports, decisions have been unanimous. This decision was not unanimous, so the TF should reflect that it was not unanimous and that the folks who voted against the motion to provide some context for their votes so that the TF can provide some rationale for CPARB.

Co-Chair Riley-Hall asked Stuart to give his reason for voting against the motion.

Stuart stated his understanding of the reason why the TF is doing this process is because costs were skyrocketing and the jobs were getting too expensive, leading the legislature to ask the TF to figure out if WSDOT was using the right delivery methods and if there was a way to keep costs down. He feels DB would be a better option, because he feels it would lower costs by about \$50 million. Of course there would be a lot of sacrifices, such as not building fancy elevated structures. The report should be transparent that WSDOT wants amenities and amenities cost money. That's why the prices of jobs are going up. He was not opposed to saying that he understood why WSDOT chose the DBB delivery method. But DB will go faster and be more innovative, but WSDOT would sacrifice cool stuff.

Larry noted WSDOT had switched delivery methods independently before the legislature's decision and before the skyrocketing price examples on other projects. WSDOT didn't make the decision from an amenities perspective. Larry asked if Stuart was talking more generally.

Stuart replied yes; generally. His understanding of the legislative ask was for the TF to go through and understand why the jobs are so expensive. He thought that was the legislature's goal and that it's important to note for the legislature that WSDOT did not necessarily choose the DBB delivery method to lower the price of the jobs.

Jessica said that sitting in an owner's position at this table, two contractors did not support the motion and that means something to her. There could be innovations outside of DB and that's a choice to go there. WSDOT can find ways to reduce cost on DBB projects too. WSDOT could cut out the shiny objects and special things. It's not only DB that can reduce cost, but DBB can too. Both processes require rigor, it's not one or the other.

She said she doesn't want the motion to say that DB can't do certain things. She appreciates the innovation that does come from the contracting side of DB. But owners can also roll up their sleeves and cut stuff to figure out efficient ways to save money in DBB delivery too. It's not specific to methodology; there isn't a methodology choice flaw.

Charlene said that WSDOT isn't just trying to do cool stuff. WSDOT is trying to be responsive to the adjacent community that this facility will impact.

Stuart said he understands why WSDOT is making the choice they made. He thinks it should be written in the report that if their goal is lower cost, the TF is not saying WSDOT should do DB to lower the job cost.

Charlene responded that the takeaway from this conversation is that with DB delivery, WSDOT would lose the ability to address community context to gain a lower cost, which can be accomplished in DBB also.

Thrall Hershberger said that the TF hasn't talked about how much cost was added for amenities. Having gone through the one DB job in the eastern region, he understands the effort that WSDOT had to put forth with respect to community involvement and amenities. It is categorized differently than a Renton to Bellevue or a Bellevue to Lynnwood where the freeway is already there. The eastern region had a larger challenge to get the urban portion of this project approved by the community. That's the emotional side of it.

Thrall noted right now the TF is voting on whether it's the right decision today for WSDOT to move forward with DBB or if the TF should recommend that WSDOT go back to the drawing board with DB. He wouldn't disagree with Stuart or John Salinas II [both voted against the motion] if this discussion was happening four or five years ago before the project got to this point, but it's already here and WSDOT would have to scrap years of work to start over on design.

Co-Chair Riley-Hall asked Jon Salinas to speak to his reasoning.

Jon Chalfant said he voted for the motion because, listening to Larry, and having been involved with DB over the years and having lived in the NSC area before, he understands that project and the struggles with the different communities. He voted for the motion because of what Larry said about what communication with the community is possible through the DBB process.

Sam Humphreys clarified that it was John Salinas II who voted against the motion, not Jon Chalfant.

John Salinas said he voted against the motion for exactly the same purposes that Stuart stated. His understanding is that the legislature was looking at ways to potentially reduce cost and everybody that knows him knows that DB is not his favorite contracting method. However, in this particular case, what he's hearing from WSDOT is that community engagement outweighs dollars. The way that he understands the TF's responsibility is to look at these jobs because of the budgetary constraint that WSDOT has found themselves in to decide if the method that WSDOT chose is the best fiscal method for conducting the selected projects.

He believes that, in this case, WSDOT made a conscious decision that community engagement is important. As a taxpaying citizen he understands that building a project should benefit the taxpayer. However, weighing community engagement heavily and doing fancy stuff in design is not the best approach if budgetary constraints are a concern. He said he actually prefers DBB over almost any method, but the reasons stated are why he voted against the motion.

Robynne said that she and John had a conversation about DB and DBB, and everybody knows that DB is her preferred delivery method. However, there is a right delivery method for each project and that really depends on what the owner is trying to accomplish. In a situation where there's a substantial need for community input, traditional fixed price DB is not her favorite method. She said she thinks something like GC/CM or Progressive DB or DBB allows the owner to incorporate that input better than DB in such a situation. Because community input is so important, and because WSDOT doesn't have the processes to do GC/CM yet or the staff or capability to do another large Progressive DB right now, she would go with DBB delivery under these circumstances.

Robynne noted what she would like to see in the recommendations, though, is an encouragement to further other delivery methods so WSDOT has more tools in their toolbox to be able to make a more nuanced decision. As for what's best for this particular project right now, she concurs that DBB is the way to go.

Co-Chair Riley-Hall said that the schedule implications of switching delivery methods from DBB to another at this point in time would need to come into play. At the previous meeting, the TF discussed that switching delivery methods now would delay the project. It would take about a year to come up with the RFQ; and it's not just the RFQ that needs to change, but also the WSDOT project delivery team.

She has been involved in DB projects where the owner has a separate community engagement contract so that the owner can maintain control over the community engagement. She doesn't want it to appear that WSDOT couldn't do community engagement in a DB project. They could use a separate contract to make it work. However, the schedule and the cost that would be lost by switching the delivery method from DBB to DB should be factored into the report and recommendations.

Joseph C Kline said that he wanted to echo Co-Chair Riley-Hall's statement about project progress at this point. He voted for the motion because, where the NSC projects are at, they are pretty well set. WSDOT should continue to stay their current course because they're so far into the projects.

A recommendation should be made in the report that WSDOT have a DB contractor at the table when discussing matters like, for example, the embankment vs elevated ramp bridges. That way WSDOT can have a cost comparison of one vs the other when making their decision. He believes the reason the legislature formed this TF was to evaluate WSDOT's cost control issue. In the future, perhaps WSDOT could think about a version of Progressive DB where WSDOT receives real-time estimating from the builder.

Stuart said that the TF should ask WSDOT again how far along they are in the design process. The TF is voting for DBB, but he thinks it's a misconception that the project is too far beyond where DB would have kicked off. The projects may be only a few months beyond where it would have started in DB. He asked how far down the road WSDOT was with the design of this project, and how far past design WSDOT is compared to if they were doing DB.

Larry responded that WSDOT, regarding design, is not that far past where DB would start. The projects are about 20-30% designed. So it would be a schedule issue; there is a difference in opinions about how the SOQs etc. would take. WSDOT thinks it would take a year to get SOQs completed and that would push the project over. But when WSDOT made the decisions to go DBB a year ago, it was not based on schedule; it was made based on the very strong value they place on community engagement in the project.

Co-Chair Riley-Hall asked if there were further questions.

Stuart asked if the TF would discuss further what will be written into the report.

Co-Chair Riley-Hall said that the TF will go through the report to see what is already included and what is missing.

### **Review Recommendation List**

Co-Chair Riley-Hall said that Robynne sent the TF a list of recommendations that should be included in the report. This is where, if there's anything missing, the TF has the opportunity to include it. This is not the TF's last opportunity to make adjustments.

Robynne stated that when the TF completed its first report this summer, there had been a round table discussion about recommendations the TF could make to WSDOT. Robynne documented what was said during that discussion and captured additional recommendations from the meeting minutes. The TF decided not to include them in the first report, but to revisit later in the review process as recommendations from industry to WSDOT on how to do things better.

Each item on this list came from somebody on the TF, whether as a recommendation or a thought. Now, the TF can go through this list to decide either “yes, it should be included” or “no, it’s not something we want to recommend.” If there are comments, the TF has the opportunity to talk about them now.

Talia Baker shared the report on screen.

Robynne offered to run through what the sections of the list are and where they come from. The first section describes what the report is. In Section Two, there were the four projects that were required to be included in the final report, three of which were under \$2 million and one that has already been performed, which the TF decided not to review. These projects were not included in the report because the TF wanted to get the interim report out, but it simply reflects that any project under \$2 million, WSDOT doesn’t have the authority to do that. So, the TF would not comment on projects below \$2 million, and if the project had already been performed, the TF would not review the delivery method.

The next section, Section Three, is on this particular project, the US 395/North Spokane Corridor North Sprague Ave to I-90 project. The factual part at the beginning is information that the TF has received from WSDOT, either through a presentation or in response to questions. If the information is not in the presentation, she made an endnote to show that it was retrieved from a specific set of meeting minutes. So, all the information until the recommendation section is simply factual information.

Co-Chair Riley-Hall asked WSDOT to review the factual section and make sure the information in there is factual and doesn’t misrepresent something WSDOT said or shared.

Robynne said that was her next point. She tried to make sure the section was as factually accurate as possible, and asked WSDOT to make sure there aren’t any factual inaccuracies. Opinions are not addressed until Section Four on recommendations.

The TF will have meeting minutes from this meeting and will incorporate from those minutes the rationale as to why TF members voted for or against the motion to concur with WSDOT’s selected DBB delivery method for the US 395/North Spokane Corridor North Sprague Ave to I-90 project.

Co-Chair Riley-Hall said that what Robynne just described is Section Five.

Robynne said that the section after that is general recommendations, which she previously described as coming from the first report, round table discussion, and meeting minutes. This is where the TF describes to WSDOT what industry and other owners have to recommend, or what are considered good practices. The new material is highlighted in yellow so the TF can see that it’s new. This is the part of the report the TF should talk about now: the recommendations, which have not yet been decided on. The TF could go two ways. One would be that the TF lists the research it has done and an analysis of that research. Or, the TF could just synopsize what information was in the presentation that Doug Gansber and Keith Molenaar gave to the TF.

Co-Chair Riley-Hall stated that her preference would be to reference the information from the presentation rather than summarize pieces of it. An overall reference would be more efficient trying to summarize everything.

Stuart stated one thing in Doug and Keith's presentation that was dead on, and the TF should highlight more in the report, is that the price is what the TF is focusing on, and scope equals price. So, if the legislature wants to lower price, whether in DBB or DB, if WSDOT wants more stuff in the project it will cost more. The trend in the last couple years has been to include everything in projects. Not just in these jobs, but it's the whole trend of all jobs. It's not the only thing driving prices up, but it is not uncommon to hear that kind of stuff. The message Doug and Keith gave us, that scope equals price, is the right message.

John Salinas shared his agreement with Stuart. He has a hard time hearing that WSDOT initially selected one method and then changed it based on a very subjective things. That doesn't play well to him. He believes that there are some value engineering type opportunities out there. Having been involved with many DB processes and projects, he understands how switching delivery methods can cause schedule delays, given WSDOT's particular method for procurement. However, in this particular case, given that WSDOT is only 30% through the design, there are opportunities to go a different method that could potentially save money. The way that he heard it from the legislature, being on CPARB and on this TF, is that the legislature is looking for ways to maximize output per dollar. When looking at this delivery method, he doesn't believe WSDOT is doing that. He thinks that WSDOT made a conscious decision, and it's not wrong that community engagement was put above all other variables, but as the TF is tasked with evaluating how WSDOT could reduce cost, putting community engagement at the top of the list is not the way to do that.

He said that if the TF will back WSDOT on this decision, he would like to see the dissenting opinion, and at the same time the explanation behind how WSDOT got to their decision. He doesn't want to delay the job, as costs are going up. He thinks it is hard to place a dollar value on the amount of time delay that changing delivery methods would take in creating a new SOQ. But it is important to highlight that community engagement being top priority increased the costs of the project and given the TF's responsibility to look for ways to reduce project cost, that is why some contractors dissented on this.

Co-Chair Riley-Hall agreed that it is important to make sure that the report has the reasons why some members disagreed with WSDOT's DBB delivery method decision. It will be included. The important thing is that when reviewing the draft report, if there's language that better states or represents what any TF member is saying, please put that language forward. If a TF member is going to give a recommendation, it shouldn't be a vague recommendation. Give ideas on what the language should say, rather than simply suggesting changing the language.

John noted that he completely understood.

### **Discuss Final Report.**

Co-Chair Riley-Hall asked for any additional questions or comments. The task for WSDOT is to make sure that the Sections Three and Four accurately represent WSDOT's presentations and information. TF committee members should be looking at that as well as focusing on recommendations. She asked whether the TF captured all the recommendations. If there were any recommendations that were not mentioned, they will need to make sure they are in the report because the TF will have one more meeting, which can hopefully be just a review of whether or not there is more to add to the report. This is the final report that the TF will be asking CPARB to approve.

Art asked when the TF would like WSDOT's comments.

Co-Chair Riley-Hall said as soon as possible. If WSDOT can have their comments done in a week, that would be great. If the TF can commit to reviewing and providing edits by November 6, 2024, that would be great.

Art asked if the comments will all be made on individual files and then sent to Talia.



Co-Chair Riley-Hall replied yes and asked for herself and Co-Chair Tom Zamzow to be CC'd on those messages, and to add Robynne to the CC line.

Robynne said that for comments and answers to questions, she put an endnote with the date of meeting notes that those comments and answers came from.

### **Next Meeting Agenda**

Co-Chair Riley-Hall said that the last meeting is on November 13<sup>th</sup>, 2024. The TF and WSDOT should aim to add comments to the report no later than November 6<sup>th</sup>, and the Co-Chairs will make an effort to get it back out to everybody as soon as possible.

Larry thanked everybody for the very robust discussion, and said WSDOT appreciates it.

Robynne said that reviewers should use track changes when reviewing the report, and they will try to get everybody's comments in one document so that the TF can just look at it and discuss on November 13<sup>th</sup>, which will make the meeting review process a lot shorter. She thanked everybody and said she considers it a great privilege to go back through all of the really deliberative and fantastic comments that were made. This process is a big haul, a heavy lift for everybody and everybody has been super deliberative and engaged and has provided great input to the agencies. It made the process of gathering comments pretty easy for her.

Co-Chair Riley-Hall asked for any additional feedback or comments from the TF. None were forthcoming.

The agenda for November 13 meeting will include the following:

- Review and approve notes from the October 30 meeting.
- Review and finalize final report

*Jessica Murphy moved to adjourn the meeting; John Salinas II seconded the motion. The motion was approved by a unanimous voice vote. Co-Chair Linneth Riley-Hall adjourned the meeting.*

**The meeting was adjourned at 4:30 p.m.**

**Next meeting: November 13th, 2024, 3:00 p.m.**

### **Action Items**

1. TF members review report and provide substantive material recommendations, comments, or edits to typos they may see in tracked changes and/or comments to the CPARB inbox ([cparb@des.wa.gov](mailto:cparb@des.wa.gov)) by November 6<sup>th</sup>, 2024.
2. WSDOT will confirm that sections 3 and 4 have been reviewed, to ensure information is accurate and representative of their presentations and comments, by sending an email to CPARB inbox.
3. Robynne Thaxton and Co-Chairs Zamzow and Riley-Hall will merge changes from TF members and WSDOT into one document to be reviewed on November 13<sup>th</sup> meeting.

### **Resources**

- [WSDOT Project Delivery Method Review Task Force Homepage](#)
- RCWs [47.20.780](#) and [47.20.785](#)
- RCWs [39.10.300](#) and [39.10.340](#)
- [GCCM Certification Application](#)
- [WSDOT Cost Estimating Manual for Projects](#)
- [Design-Build Manual | Manuals | WSDOT \(wa.gov\)](#)