

Capital Projects Advisory Review Board  
**Board Development Committee**

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**Co-Chair Bill Frare called the meeting to order at 4:02 p.m.** A quorum was established.

**Welcome and introductions**

Committee members in attendance unless otherwise noted:

Bill Frare, Co-Chair, Owner State		CPARB
Linneth Riley-Hall, Co-Chair, Owner Transit		CPARB
Lekha Fernandes, OMWBE	<i>Absent</i>	CPARB
Bruce Hayashi, Architects/Labor/Other		CPARB
Dave Johnson, General Contractors		CPARB
Santosh Kuruvilla, Owner Engineers		CPARB
Jessica Murphy, PRC Leadership		PRC
Mike Pellitteri, Specialty Subcontractors		PRC
Irene Reyes, Private Industry	<i>Absent</i>	CPARB
Olivia Yang, Owner Higher Ed		CPARB
Janice Zahn, Owner Ports	<i>Absent</i>	CPARB

Other attendees included:

Talia Baker, CPARB Staff  
Jessica Letteney, MFA

**Review and approve agenda – Action**

Co-Chair Frare reviewed the agenda and asked for any amendments.

*Olivia Yang moved to approve the agenda, seconded by Co-Chair Riley-Hall. The motion was passed by a voice vote.*

**Review and approve minutes from 01/07/2025 – Action**

Co-Chair Frare asked the group to review and provide any edits to the minutes from the meeting on January 7, 2025, but approval of minutes was tabled due to lack of a quorum of members that had been present at the January 7 meeting.

**Confirm strategic planning issues and grouping sequence**

Dave Johnson noted that the groupings were prioritized through a mix of priority, prerequisites, tasks to achieve later, and ease of achieving the goals. The Education Connections Committee and Project Feedback Process Workgroup are working on issues regarding the first group, and there is a process in place for those issues. This workgroup was formed around potential violations to the Revised Code of Washington (RCW), but there are best practices or other issues not reflected in these topics. The Project Feedback Process Workgroup addressed some elements around determining enforcement options, but not all of it. He asked the group to think about whether something else needed to be added or addressed through the Legislature. He encouraged the group to think about the role of CPARB and the Project Review Committee (PRC) and how they may best address potential violations moving forward.

One of the working assumptions was for Owner agencies to hold each other accountable. If a party felt they were harmed trying to settle a conflict at the project level and they are not satisfied, they can report the issue to the PRC Chair or a CPARB representative.

Co-Chair Frare noted he feels the State Auditor would be the ultimate enforcement entity.

Olivia stated that she's not sure that the Attorney General is really the enforcement entity. They're the lawyer, but, when all else fails, the Auditor and Ethics Commission can be used. There's no perfect solution and a lot depends on an owner getting their act together. The owner readiness notion is important.

Mike Pellitteri said he doesn't think there is owner malfeasance, just ignorance. Sometimes when owners are shamed, their defenses go up. There should be some threat of enforcement. If that's the Auditor, great. He'd

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like to see someone reach out to the Auditor and find out if that's appropriate.

Co-Chair Riley-Hall asked the group to consider whether the goal is to resolve all the issues in these meetings or to get the issues on the table. Her observation is that some of the issues are framed as questions, and some are framed as comments. She'd like thoughts on whether these should be all statements or questions. Further, when she reads the issue "determining who is public works cop," she hears the group going into solution mode. She questioned whether the intent is to solve these issues or just capture them.

Olivia noted that at the last meeting, the group brainstormed talking points. She thought this group, carefully selected, could bring the views of the stakeholders they represent and work out some ideas. Then they could reach out to someone, present an idea, and get their thoughts, or update CPARB, tell them the Board Development Committee (BDC) has been developing the ideas, and get their reactions. She thought the point of the BDC was to use this smaller group to work out ideas. Each person represents key stakeholders in public works contracting so the BDC can cover the issues. The idea is to hash out talking points or report out discussions, see what is missing, and tell the rest of the CPARB what this committee has been discussing.

Co-Chair Riley-Hall asked the group to identify where getting a consultant on board to create a strategic plan comes into play.

Currently, committee members know the issues well enough to lay them out and determine a path forward. There is a lot they could figure out on their own without a consultant, but this committee could use someone to write it up and pull it together.

It was pointed out that owner readiness is more industry readiness. For strategic planning, an annual or biannual meeting to talk about lessons learned and continuous improvement could be helpful to advance industry readiness. Washington State University is doing it, the Design-Build Institute of America has their setting; the City of Seattle does General Contractor/Construction Manager (GC/CM). It was suggested that this group discuss how to create a big tent to come together and have a cohesive conversation focused on RCW 39.10.

There are different elements of a strategic plan: the mission, vision, and objectives, and then initiatives to serve each objective. The group was asked to consider which elements in the list are initiatives that support objectives. These objectives can be pulled out from the groupings and cross-referenced against the mission and vision of CPARB. Each issue is an initiative under a specific objective. The job of the BDC is to develop the structure, not necessarily to resolve all the issues and answer all the questions. This committee should get confirmation from CPARB that this is a structure that they endorse.

Olivia agreed that there are different levels. The big tent idea isn't an implementation or socialization technique and that's part of the strategic plan.

Co-Chair Riley-Hall asked the group to weigh in on whether they all agree that the mission posted on the CPARB website is their mission and to consider whether it still lines up with all the issues that were listed as part of strategic planning. This mission was established in 2022 when CPARB had someone help develop shared commitments and the group came up with its mission. The mission is based on the RCW language. The duties of CPARB and shared commitments could be used as a starting point.

Co-Chair Frare said that the mission—of providing an evaluation of capital projects, construction projects, processes including the impacts, advising the Legislature, and public works, etc.—is still fine; he is not interested in tearing apart the mission.

Bruce Hayashi agreed that it broadly covers the core mission, which is to advise the Legislature on policies.

Olivia agreed that this is relevant in the statewide budget situation. The vision is that the cost of a transaction has to be worth it, and things should be streamlined so that every effort is needed and important.

Co-Chair Riley-Hall asked whether there is an existing vision statement. Talia was not aware.

Olivia said she was not interested in wordsmithing.

Co-Chair Riley-Hall asked the group to consider whether the issues listed could be turned into objectives.

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Co-Chair Frare said the issues need additional grouping. The objectives should be bold statements organized into buckets with statements regarding owner readiness beneath them. Right now, there are five 'buckets'. It would be helpful for the group to find descriptors of what those overarching issue statements are.

Dave noted that the three items in group 1 deal with issues related to alternative delivery. Maybe alternative delivery is not the first issue to tackle, but that's what those issues are. The committee should look at the mission to evaluate projects and processes and advise on issues. The first grouping is more of a reaction. The committee needs to deal with issues that come up related to public contracting—that's what the first objective is. Objective 2 is reimagining PRC. The group should discuss what PRC is for, list the benefits of PRC, and determine whether there are things potentially missing from PRC or whether it's needed at all.

Olivia suggested that there might be a different framework. Instead of focusing on reactively dealing with problems as they occur, reframe to discuss success factors, or the attributes that make an agency successful. She suggested that they discuss the success factors related to readiness and expand owner readiness to stakeholder readiness. The intent is to minimize problems from even occurring. It informs what the PRC could be because if everyone is focused on helping each other be successful, enforcement would not be needed.

Jessica noted that this is what PRC does indirectly. PRC provides more people for someone to call if they see a problem. Having more people in a role supporting the CPARB vision provides more opportunity for issues to be aired.

Dave said there needs to be a forum for people to discuss things. PRC is occasionally used as that forum. The other forum is reauthorization. People bring up concerns or issues or potential changes. If they don't have reauthorization and don't have triggers to allow people to reflect on changes to alternative delivery, there isn't an impetus.

Jessica also noted that if the right people are on one committee, two committees may not be needed. It would be good to discuss who is in the best position to hear feedback and do something about it.

Olivia said it makes sense to make a pass at the whole list of topics and see where they are. They have covered topics 1, 2, and 3. It is important to give a little attention to 5a, taking stock of CPARB accomplishments. People tend to focus on fixing things. With a 3 percent budget cut for her agency, she is sensitive to budget efficiencies and believes that streamlining decision-making on the committee and board would create more time on the agenda for substantive conversations and make the committee more nimble.

Co-Chair Frare agreed. One objective can be to provide guidance to the construction industry to be transparent, accountable, and effective, and another can be to advise the Legislature regarding statutes. He would like to discuss how this committee supports these objectives. They have a number of points around effectiveness and streamlining.

Co-Chair Riley-Hall noted that what is missing from the objective of providing guidance to the construction industry is also providing guidance to owners, not just contractors. A lot of owners need that guidance.

Co-Chair Frare said that if the objective looks like it's just targeting contractors, then it needs more clarification.

Mike said that this committee is made up of people who are experts in contracting and passionate about making it better. They just need to use their collective knowledge base for the good of the industry. CPARB and PRC don't really distinguish much. The difficulty lies in how to effect change; he is happy to see people talking about it.

Bruce agrees that how they effect change is part of it. It's not just how CPARB works, but also how to set up expectations for agencies that want to do alternative delivery. It's a new great thing, and some want to try it but that's not always appropriate. This committee needs to make sure people understand that Design-Build and GC/CM can't apply to every project. They need to help everyone understand the different methods of delivery, whether they represent institutions or are in the contracting arena. People need to know what obligations the contractors have to carry when they have a certain type of project.

Mike agreed. He hoped that one of the outcomes from this is that CPARB is able to look at hard bid public works contracting and make recommendations there and also push for CPARB to look at all contracting

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methods, if the goal is to make DB, GC/CM, and Job Order Contracting better. A big majority of the bidding is still hard bidding; there are improvements that can be made there as well.

Co-Chair Frare agreed with Mike. It is within CPARB's authority to make recommendations regarding RCW 39.04. CPARB has proven that—they just did prompt pay and small works and delved into review of things like responsibility criteria.

Mike shared an anecdote related to bad contracting, which is why he thinks hard bid contracting needs to be part of the story. He was on a county bridge project. They were the third or fourth bidder. They never got a call from the owner saying to get their documents in because the first three bidders were ineligible. They called the owner to ask why they didn't get the job. The job was awarded to the seventh bidder because none of the other bidders turned in their supplemental bidder responses within 48 hours. That jurisdiction paid half a million dollars more because they didn't know to notify the other bidders to get their paperwork in.

Jessica said it's important to create predictability in this industry. Whichever method they are using, everyone can do better if they are predictable in the way they approach projects. The goal is for the same things to happen whenever anyone turns in a bid.

Mike said that someone in purchasing didn't know what they were doing. That story relates to topic 1. This could be a learning moment. There needs to be a way to teach the agency that they could do better. The hard part is figuring out who has the responsibility for that.

Co-Chair Riley-Hall noted that this is a good example of a process that should now be in place whereby whoever has an issue should say something to Jessica or Dave. The onus is on the other bidders to say something to the PRC or submit a form so they can have a learning moment with the bidder.

Dave said that the Project Feedback Process Workgroup's new form focused on alternative delivery issues. They did not expect that there would be issues with processes outside of alternative delivery. Maybe this points to the need to talk about how to be broader and include issues in addition to alternative delivery.

Olivia said her understanding is that they are helping each other be successful. A peer organization would go to an entity such as a city and tell them what they are supposed to do. There was an example involving a higher education institution. She had to call the other institution. If owners just talked to each other, they would solve some problems. She wondered whether another agency could call the agency in Mike's story and let them know what they were supposed to do and how the mistake cost the agency \$500,000.

Jessica said someone has to know and someone has to call the owner and inform them without calling out from whom they heard it. People need to have a place to bring their voices. There's also an evaluation moment about whether the process was fair and whether the complaint is valid. People complain about things that aren't valid sometimes.

Jessica said she thought the CPARB purview went beyond RCW 39.10 and PRC was specific to RCW 39.10.

Co-Chair Frare asked the group to think about the message to CPARB next week. They are trying to put a lot of ideas into a structure and, in the next meeting or two, will have structure for CPARB to comment on.

Co-Chair Riley-Hall asked that the general format be inclusive of public works and not just alternative delivery. This includes RCW 39.80 to look at this holistically.

The group agreed to give CPARB a verbal report.

Bruce said the comments stem from a real gap in passing of the torch over the last 10 years. A lot of people weren't trained in the ways of delivery; there is a lack of knowledge, and practices have not been consistent. The marketplace is suffering from it.

The group set the agenda for the next meeting.

**Strategic Planning Issues List**

Issue	Objectives	Action Needed:	Completed
1. Owner/stakeholder readiness 2. Determining who is the 'public works cop/enforcement' 3. Creating a feedback loop for lessons learned	<b><i>Provide guidance to public agencies and collective construction industry for successful accountable public works contracting.</i></b>	Education  Use potential violation report form	
4. Reimagining the PRC 5. What is the role of the PRC? 6. Having the right people on the PRC...	Control to ensure alternative delivery is used appropriately.  Provide resources \ opportunity for project success	Review the whole PRC process	
7. Defining CPARB's value add for public works 8. Taking stock of accomplishments 9. Standardize decision-making in committees and on the board (recommendations include legislative reports)	# of reports / recommendations to the Legislature that have been adopted  <b><i>Advise the Legislature on policies related to public works delivery methods and alternative public works contracting procedures.</i></b>		
10. Conducting an outcome-oriented review of the strategic plan <i>(sequential with priority 1 &amp; 2)</i> 11. Defining measurable goals 12. Describing interim steps 13. Creating actionable outcomes 14. Discussing ethical considerations for membership for CPARB, PRC or Committees 15. Building in capacity <i>(bringing in individuals to participate)</i>			
16. Reauthorization and how to streamline it; <i>(sequentially dependent on other issues being addressed)</i> 17. What should the Board Development Committee's role be? <i>(regarding strategic plan and reauthorization)</i> 18. Setting the number of years for reauthorization 19. Reading the JLARC studies to see what they said in 2019 and 2012			

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### **Next meeting agenda**

- March 4, 2025; 4:00 – 5:00 p.m.
- Review agenda
- Approve minutes – January 7, 2025, and February 4, 2025
- Confirm grouping sequence and topics
- Continue tackling issues

### **Action items**

1. Someone should reach out to the State Auditor to find out if they agree that their role is enforcement.
2. Explore having a big tent event to talk about lessons learned and continuous improvement to advance industry readiness.

*Co-Chair Frare moved to adjourn.*

**The meeting was adjourned at 5:03 pm.**