

RCW 39.10 Performance Measures and Status Summary for JLARC

Intro – who is CPARB and what do they do?

The Capital Projects Advisory Review Board (CPARB), mandated by RCW 39.10, reviews traditional and alternative public works contracting procedures and provides guidance to state policymakers on ways to further enhance the quality, efficiency and accountability of public works contracting methods. Through the use of ad hoc committee work, CPARB develops best practices and guidelines for the industry regarding General Contractor/Construction Manager (GC/CM), design-build (DB), job order contracting (JOC), and evaluating responsible bidders.

PART 1 CPARB

Advise the Legislature (RCW 39.10.200, 39.19.220, 39.10.230)

Performance measures:

- Number of bills recommended by CPARB and passed into statutes: **7**
 - Seven CPARB recommended/supported bills have passed into statute:
 - HB 1549 (2025) – Modifying the responsible bidder criteria for public works projects
 - HB 1967 (2025) – Modifying bonding requirements in the design portion of design-build public works projects
 - HB 1970 (2025) – Concerning state highway construction project alternative contracting procedures
 - SB 6040 (2024) – Concerning prompt payment in public works
 - HB 1621 (2023) – Concerning standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts
 - SB 5268 (2023) – Addressing equity and efficiencies in public works procurement including modifying small works roster requirements
 - SB 5032 (2021) – Reauthorization of RCW 39.10
- Number of studies commissioned by the Legislature, completed and submitted by CPARB: **8**
 - Construction Cost Escalation for Small Works Rosters report (10/2025)
 - Standardizing Local Government Procurement Rules (12/2024)
 - Business Equity/Diverse Business Inclusion (BE/DBI) Committee Prompt Pay report (10/2024)
 - WSDOT Project Delivery Evaluation reports (7/2024 – 10/2024)
 - 2023 SHB 1621 Recommendations report (12/2023)
 - Subcontractor Bid Listing report (11/2022)
 - Business Equity/Diverse Business Inclusion report (6/2022)
 - Local Government Public Works Study report (7/2021)
- Engaging broad range of stakeholders within the industry through the creation of ad hoc committees: **13 committees worked from 2020-2025 to consider and produce the above recommended bills to the legislature and studies as well as the following:**
 - GC/CM Best Practices Manual (5/2025)
 - Developed a process for how to report potential violations.
 - Bidder Responsibility Criteria (10/2023)
 - Job Order Contracting Best Practices Guidelines (9/2021)

Increase participation of Minority, Women, Veterans, and Small Businesses (RCW 39.10.200, 39.10.230)

Performance measures:

- Number of reports, best practices, and recommended bills developed to facilitate and support participation of minority and women business enterprises (MWBE) and veteran firms.
 - Business Equity/Diverse Business Inclusion Committee work and reports
 - BE/DBI Committee Prompt Pay report (10/2024)

- BE/DBI report (6/2022)
- Prompt Pay best practices – bill recommendations in 2025 and 2026 and best practices in development
- Change Order best practices – in development
- Positions on the Project Review Committee
 - Added 2 DBE representatives to the committee membership roster.
 - Working on position realignment to ensure only 1/3 of the committee’s positions expire and are appointed every year.
- Construction Cost Escalation Committee (2025-2026) proposed modifications to SWR via the Construction Cost Escalation for Small Works Rosters report (10/2025)
- Small Works Committee (2022-2024) worked with stakeholders towards creating the Statewide Small Works Roster.
- JOC Evaluation Committee and Best Practices Guidelines (9/2021)
- Addressing/requiring inclusion plans in the selection of GC/CMs and Design-Build teams (modifications to RCW 39.10)

Appoint Project Review Committee (PRC) Members (RCW 39.10.240)

Performance measures:

- PRC appointments (maintain a balanced, robust PRC to cover many project and certification reviews each year?)
 - CPARB made 50 PRC appointments since 2021
 - CPARB’s Board Development Committee has worked on position realignment to ensure only 1/3 of the Committee’s positions expire and are appointed every year. This realignment should be completed by 2030.

PART 2 – PRC

Performance measures:

- PRC data: projects submitted, approved/rejected. (# per year, dollars per year)
 - 215 Projects have been reviewed since 2020.
 - 99 Design-Build projects reviewed for a total of \$11,997,073,545; 2 denied
 - 4 Traditional DB & 95 Progressive DB
 - ◆ 2025 - \$1,036,587,508 total approvals
 - ◆ 2024 - \$7,988,299,171 total approved.
 - i. 2 denials totaling \$73,462,906
 - a) One denied project had poor scheduling, no time for outreach and no legal counsel. *Owner appealed the decision and CPARB overturned the denial.*
 - b) One denied project demonstrated a conflict of interest that potentially created a bias in DB procurement, application differed from project presented, and the team was not cohesive in understanding the delivery method. *Applicant reapplied and the updated application was approved.*
 - ◆ 2023 - \$1,512,938,115 total approved
 - ◆ 2022 - \$929,392,637 total approved
 - ◆ 2021 - \$529,856,114 total approved
 - 114 GC/CM Projects have been reviewed since 2020 totaling \$11,205,306,052; 4 denied
 - ◆ 2025 - \$5,856,492,255 total approved.
 - i. One denied project totaling \$16,476,243
 - a) There was a demonstrated lack of Owner Readiness for this delivery method, schedule was developed like a Design-Build project, there was a lack of legal counsel with GC/CM experience, and there were unclear lines of authority. *Applicant reapplied and the updated application was approved.*
 - ◆ 2024 - \$1,863,152,728 total approved
 - ◆ 2023 - \$1,681,631,000 total approved.
 - i. 2 denials totaling \$380,660,507

- a) One denied project provided an application and presentation that were inconsistent, budget contingencies did not align with the scope of work and RCW requirements, applicant did not demonstrate adequate GC/CM team experience, schedule was far too aggressive with unrealistic inclusion efforts. *This applicant did not reapply.*
 - b) One denied project did not demonstrate delivery method experience in the team or via leadership, no funding source was identified, and inclusion plan was underdeveloped and aggressive. *Applicant did not reapply.*
 - ◆ 2022 - \$1,261,400,583 total approved
 - ◆ 2021 - \$542,629,486 total approved.
 - i. One denial totaling \$13,786,944
 - a) Denied project team did not have Washington State GC/CM experience, budget contingencies were too low, and the project did not meet RCW requirements for this delivery method. *Applicant reapplied and the updated application was approved in 2022.*
 - 16 are Heavy-Civil projects
 - 23 projects included Alternative Subcontractor Selection Procurement (ASSP); 86 total requests; 1 denied w/13 ASSP
 - i. The project was approved, but the request for ASSP was denied due to inconsistencies between the application and the request presented regarding scopes of work, inconsistencies between the quantity of ASSP requested, significant inconsistency between listed value of ASSP and actual calculated costs, and several ASSP contracts were below the \$3M threshold per RCW.
 - 11 applications were returning applicants to request ASSP
- Agency Certifications\Recertifications
 - 30 applications reviewed since 2020
 - 9 Approved dual Recertifications for both DB & GC/CM
 - 6 Approved Design-Build Applications; 2 Certifications & 4 Recertifications
 - 15 Applications for GC/CM were reviewed.
 - ◆ 4 Certifications were approved.
 - i. 2 Certification applications were denied
 - a) One denied applicant had very little knowledge or staff experience in the GC/CM process, did not demonstrate knowledge of applying lessons learned from the single project they have completed, and needed to develop a clear management plan to ensure clear communications towards a successful project. *Applicant did not reapply.*
 - b) One denied applicant showed a history of repeatedly contracting with the same prime for 6 consecutive projects, demonstrated bias towards the use of the same GC/CM for 10 years, demonstrated a lack of fairness and transparency with the contracting and subcontractor bidding processes, have not incorporated lessons learned from prior projects, did not demonstrate they have met inclusion goals, and could not answer inquiries towards their outreach efforts. *Applicant reapplied and the updated application was approved in January 2026.*
 - ◆ 9 Recertification applications were approved
- Compilation of Lessons learned from public owners (summary)
 - Design-Build:
 - Choose a good design team carefully, the DB contractor must have a developer approach to scope and budget.
 - Conduct proprietary meetings early and upfront to establish collaboration structure.
 - Select a team that embraces collaboration.
 - Maintain open dialogue and collaboration with the whole team.

- GC/CM:
 - GC/CM requires significant Owner participation.
 - Contract with the GC/CM as early as possible in design to maximize value.
 - Staff the project with team members that have the right attitude and experience.
 - Identify EC/CM & MC/CM needs as soon as possible to provide as much value as possible within the parameters of the project.
 - It's never too early to start outreach.
- Suggested process improvements
 - Aligning applications with the statute
 - Project Feedback group -> Potential violations reporting/consulting process
 - While not specifically addressed in legislation, there has been a need for real time monitoring of stakeholder performance. To balance the use of best practices, CPARB charged a project feedback committee to address accountability. The committee developed a "potential violation" form which provides an avenue for open discussion (not mediation or arbitration) of conflict thru individual members of CPARB providing counsel

PART 3 Alternative Public Works Procurement

General Contractor/Construction Manager (GC/CM) (RCW 39.10.340)

GC/CM has evolved, and new legislation has been incorporated to reflect best practices.

Performance measures:

- Additional legislative modifications/improvements
 - Heavy-civil, (2014)
 - MCCM/ ECCM evolved to Alternate subcontractor selection (2021)
- Development of best practice manual to supplement legislation (2025)
- Increased interest, use, and participation in RCW 39.10 APW.

Design Build (DB) (RCW 39.10.320)

DB continues to evolve from Traditional DB to Progressive DB

Performance measures:

- Additional legislative modifications/improvements
 - Inclusion Plans
 - WSU Pilot projects under \$2M (*report to CPARB on odd years*)
- Educational Opportunities
 - Owner Readiness Sessions hosted by MRSC/CPARB
 - Creation of the Training Resources for Public Works document

Job Order Contracting (JOC) (RCW 39.10.420)

Evolution of JOC to increase thresholds and contract limits to increase access of work packages to MWBE, veterans', and small businesses.