State of Washington
Capital Projects Advisory Review Board (CPARB)

Project Review Committee (PRC)

Operating Bylaws

ARTICLE 1: PURPOSES

The 2007 Legislative Session created the Project Review Committee (PRC) through HB 1506 (RCW 39.10) to work under CPARB. The PRC is responsible for reviewing and approving Public Body certification and project applications for the utilization of General Contractor/Construction Manager (GC/CM) and Design-Build (DB) delivery methods of construction, or other methods as charged.

ARTICLE 2: RESPONSIBILITIES

Section 1 Review and Approve Alternative Public Works Projects RCW 39.10.280

The PRC is responsible for:

A. Reviewing project applications submitted by:
   1. Public bodies that have not been certified to use the Progressive DB, DB or GC/CM contracting procedures;
B. Determining whether a project application meets the criteria and the project team is qualified for using the DB or GC/CM procedure.
C. Approving qualified projects and teams based upon evaluation of information submitted by the public body.
D. Alternative Subcontractor selection.

Section 2 Certify, Recertify, and Revoke the Certification of Public Bodies RCW 39.10.270

The PRC also is responsible for:

A. Certifying that a public body has the necessary experience and qualifications to determine whether the Progressive DB, DB or GC/CM contracting procedure is approved for a public works project.
B. Recertifying (renewing) this certification for an additional three-year period.
C. Revoking the certification of a public body, when its use of the DB or GC/CM contracting procedure no longer serves the public interest.

Section 3 Complying with Other Laws

In carrying out its responsibilities, the PRC shall comply with the Open Public Meetings Act (RCW 42.30), the Public Records Act (RCW 42.56), the Ethics in Public Service Act (RCW 42.52), and other applicable Washington State laws, now in effect or as hereafter amended or adopted.

Section 4 Procedures and Practices

The PRC shall**:**

A. Establish policies and practices for the conduct of its business.
B. Create and make available application forms addressing all the elements as appropriate.
C. Hold open public meetings at which applicants and the public can submit information about:
   1. Proposed alternative public works projects.
   2. The experience and qualifications of public bodies seeking to use the DB and GC/CM contracting procedures.
   3. A public body's resolution of audit findings on previous public works projects.
   4. Whether a certified public body's use of an alternative contracting procedure continues to serve the public interest.
D. Approve or disapprove applications and certifications in open public meetings in accordance with the requirements of RCW 39.10.
E. Prepare and disseminate to each applicant a written statement of its reasons for approving or disapproving an application.
F. Make information about the alternate contracting procedures, its application process, copies of its application form, its actions, and its meeting notices readily available to public bodies and the public. Methods for disseminating this information can include, but are not limited to, the establishment of web sites and the creation of printed materials.

ARTICLE 3: MEMBERSHIP

Section 1 Composition

Except as noted in Subsection 1.1, the members of the PRC must be appointed by a majority vote of the Capital Projects Advisory Review Board (CPARB) and be knowledgeable in the use of the DB and GC/CM contracting procedures. All members appointed by CPARB are voting members.

Appointments to the PRC must represent a balance among the industries and public owners on CPARB listed in RCW 39.10.220

1.1 Temporary Members - If project specific expertise is needed to assist in the review of an application or certification, the PRC Chair may appoint one or more people to serve on the PRC on a temporary basis. Members appointed by the PRC Chair are non-voting members.

Section 2 Term

Each member is appointed for a three-year term and may be reappointed to serve more than one term.

Section 3 Vacancy

A vacancy occurs whenever a PRC member resigns, has a disability preventing the discharge of his or her duties, dies, or fails to attend two consecutive PRC meetings unless excused by the PRC.

A member must submit her or his resignation, in writing, to the Chair of the PRC.

Within ten business days after a vacancy occurs, the Chair of the PRC must give the Chair of the CPARB written notification of the vacant seat so that CPARB, by a majority vote, can appoint a qualified person to fill the vacancy.

Section 4 Compensation and Reimbursement

In performing their duties, members shall not be compensated for their time. However, members shall be reimbursed for travel expenses as provided in the CPARB Bylaws Article IV Section 5, and RCWs 43.03.050 and 43.03.060.

PRC members requesting travel reimbursement must be registered in the Statewide Vender Payment System (SVPS) and then be added into the Travel Expense Management System (TEMS) by administrative staff. Each Committee member, who is registered in SVPS, needs to identify their departure time and location on the meeting sign in sheet and then submit any appropriate receipts to administrative support within a reasonable amount of time in order to receive a reimbursement.

PRC, as a part-time Committee is not covered by RCW 43.03.220, but established to participate in state government primarily as an advisory and rule making body, should be classified under Option 1 in SAAM 10.70.20.b: members of the board are eligible to receive a same-day hourly rate for each hour spent in going to a meeting, attendance at a meeting, and returning from the meeting. It follows that:

- The 11 hour rule does not apply (SAAM 10.40.50).
- The official station rule does not apply (SAAM 10.30.40).
- Exceptions to exceed maximum lodging per diem in SAAM 10.30.20 may not be claimed.

Reimbursement is based upon SAAM 10.70.20 Class 1 Option 1, and is at an hourly rate based upon per diem (meals + lodging rates in the location of the meeting) / 24 hours. Admin Support will collect the receipts, calculate the reimbursement and submit the Travel for the Board\Committee member in TEMS for approval from the designated DES Staff Support designee. The DES Staff Support designee will review and approve Board\Committee Travel Reimbursement via TEMS.

Committee members will be eligible to receive 1/24th of the applicable per diem for each hour they are in travel status.

Allowable Miscellaneous Travel Reimbursement (SAAM 10.60.10):
Committee members are reimbursed for miscellaneous travel expenses for the following (receipt required when over $50):

- Point-to-point mileage when using POV
- Parking while on state business
- Transit fares, ferry fares, bridge and road tolls
- Taxi/Uber/Lyft fares
- Checked baggage fees for air travel

ARTICLE 4: PANELS

Public body certification reviews shall be completed by a quorum of the entire PRC.

Project application reviews shall be completed by a quorum of the entire PRC, or:

The PRC Chair, in consultation with the PRC Vice Chair:

A. May appoint one or more panels to carry out the duties of the PRC.
B. Shall designate 8 members for each panel to assure a minimum of 6 members in attendance comprising a quorum of each such panel.
C. Shall designate a lead person for each panel for conduct and actions undertaken by the panel.

ARTICLE 5: OFFICERS

The elected Chair shall serve the designated term. On the first day of July each subsequent year the Vice Chair shall assume the role of Chair and a new Vice Chair shall be elected.

Section 1 Chair

The Chair is the presiding officer at meetings of the PRC, and is to execute all documents authorized by the PRC that may require her or his signature.

Section 2 Vice Chair

In the event of the Chair's absence or inability to perform her or his duties, all powers, authority, and duties of the Chair are transferred to the Vice Chair.

Section 3 Vacancy in Office

In the event of a vacancy in an office, the members, by majority vote, are to elect a replacement at the next regular PRC meeting.

ARTICLE 6: MEETINGS

All meetings are subject to the Open Public Meetings Act and the public shall be allowed to comment on the appropriateness of the project for the proposed contracting procedure and the qualifications of a public body to use the proposed contracting procedure, or on the appropriateness of a certification, recertification or revocation of certification. The PRC shall receive and record both written and oral comments at meetings.

All meeting sites shall be determined by the Chair, in consultation with representatives from the Department of Enterprise Services (DES).

Section 1 Regular Meetings

The PRC shall meet as often as necessary to ensure that approvals and certifications are completed in a timely manner.

1.1 Notice - The PRC shall publish notice of its meetings at least 20 days in advance in the following manner:

A. In a legal newspaper circulated in the area where each of the proposed projects under consideration will be constructed, where the public body seeking certification, recertification is located, or where the public body whose certification may be revoked is located.
B. On the PRC website. In addition, information submitted by the public body to be reviewed at the

meeting must be made available on the website at the same time notice is published.

1.1.1 Contents of Notice
The notice must contain the following information:
A. Identification of the public body that is seeking project approval, certification, recertification, or whose certification may be revoked.
B. A description of the projects to be considered at the meeting, when applicable.
C. Where, when and how the public may present comments on the project approval, certification, recertification, or revocation of certification.

Section 2 Special Meetings

The Chair or a majority of the members may call a special meeting at any time.

1.1 Notice - A written notice shall be delivered personally, by mail, fax, or electronic mail to each member at least 24 hours before the time of the meeting set out in the notice. This notice is to be delivered in the same manner, and within the same time frame, to each local newspaper of general circulation or local radio or television station that has on file with the PRC a written request to be notified of a specific special meeting or all special meetings.

1.2 Contents of Notice - The notice is to specify the time and place of the special meeting, as well as the business to be transacted. At the special meeting, the PRC can only take final action on those matters set out in the notice.

1.3 Waiver of Notice - Written notice is not necessary when a member has filed a written waiver of a notice before or at the meeting by electronic mail, fax, or telegram with the Chair, or is present at the meeting.

Section 3 Video\Teleconferencing

Video\teleconferencing equipment may be used to conduct the PRC meetings. However, members are to try to attend meetings in-person whenever possible.

The conversations of those participating at the meeting via video\teleconference are to be sufficiently amplified for the convenience of those physically present at the meeting.

Section 4 Conducting PRC Meetings

The Chair is to be guided by *Robert's Rules of Order* in conducting PRC meetings.

Section 5 Adjournments and Continuances

The PRC may adjourn or continue its meetings in accordance with RCW 42.30.090 and RCW 42.30.100, respectively.

Section 6 Executive Sessions

The PRC may hold an executive session during any regular or special meeting to consider matters appropriate for these sessions under the Open Public Meetings Act. However, the PRC may take no final action on these matters during an executive session.

ARTICLE 7: PRC ACTIONS

PRC ***action*** will be in compliance with the Open Public Meetings Act.

Action means the transaction of the PRC's official business, including but not limited to, receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and ***final actions***.

Final action means a collective positive or negative decision, or an actual vote by the members present when sitting as the PRC, upon a motion, proposal or resolution. Final actions include, but are not limited to, final determinations on applications for project approval, certification, or recertification, and revocations of certifications. Voting outcome by the PRC when meeting as a whole shall be determined by:

1. The presence at such meetings of a minimum of 60% of appointed Committee members establishing a quorum.
2. A supermajority of 2/3 of all present when acting on any Public Agency Application before the Committee.

Voting outcome by an individual PRC Panel when taking action on any Application shall be determined by supermajority of those panel members present as follows:
[Determining votes/members present]: 6/8, 5/7, 4/6, with minimum of 6 panel appointees comprising a quorum for said panel.

In all cases, recused PRC members shall not be included in voting outcome calculations.

The committee shall, if practicable, make its determination at the public meeting during which an application for certification or project approval is reviewed. Public comments must be considered before a determination is made.

Within 10 business days of the public meeting, the committee shall provide a written determination to the public body, and make its determination available to the public on the committee's website.

Section 1 Appeal of Final Determinations

Final determinations by the committee may be appealed to the CPARB within seven days by the public body or by an interested party. The appellant must provide a written notice of the appeal to the PRC and, if applicable, to the public body.

Section 2 Recording of PRC Actions

Actions of the PRC are to be recorded in meeting minutes. The minutes of all meetings, except executive sessions, are to be properly recorded, and made available for public inspection and copying in accordance with the Public Records Act.

ARTICLE 8: DEPARTMENT OF ENTERPRISE SERVICES (DES)

The DES, in accordance with RCW 39.10.220, is to provide staff support as may be required for the proper discharge of the functions of the PRC. Such support shall include, but not be limited to keeping minutes of all regular and special meetings of the PRC, acting as custodian of all books, records, papers and files, providing meeting rooms, making its equipment and supplies available for PRC authorized purposes, establishing and maintaining the PRC web site, and publicizing the activities of the PRC.

A PRC member who requires resources from the DES to carry out her or his responsibilities is to request these resources from the Chair of the PRC. The Chair is to evaluate the request and, if agreeable, submit it to the representative of the DES who is responsible for the PRC.

ARTICLE 9: OFFICE OF THE ATTORNEY GENERAL

The Office of the Attorney General provides legal counsel to the PRC. When the PRC is not sitting, a member who requires legal counsel to perform her or his PRC responsibilities is to request these services from the Chair of the PRC. The Chair is to evaluate the request and, if agreeable, pass it to the CPARB Chair for assignment to the Assistant Attorney General who is providing services to CPARB.

ARTICLE 10: ETHICS AND CONFLICTS OF INTEREST

PRC members are *state officers* under the Ethics in Public Service Act (RCW 42.52) and are to act in accordance with the provisions of this act.

If a member has or appears to have an interest in an application that has been submitted to the PRC, that member is to (1) disclose that interest to the PRC on the record, (2) recuse themselves from participation in any meeting involving PRC action on that application, and (3) have no discussion or other contact with another PRC member relating to that application.

Any member of the committee directly or indirectly affiliated with a submittal before the PRC must recuse himself or herself from the PRC consideration of that submittal.

Any person who sits on the PRC or panel is not precluded from subsequently bidding on or participating in projects that have been reviewed by the committee.

ARTICLE 11: INSPECTION AND COPYING OF PUBLIC RECORDS

The inspection and copying of the PRC's public records will be in accordance with the policies and practices of the DES.

ARTICLE 12: AMENDMENT

These operational bylaws may be amended at any time by a majority vote of the PRC's members. The PRC Chair can approve administrative updates to the PRC Bylaws as needed to remain in compliance with evolving RCW requirements provided the Committee is notified of the updates and they do not impact the operational functionality of the Committee.