

CAPITAL PROJECTS ADVISORY REVIEW BOARD

Via Zoom

Meeting Minutes – Amended

May 12, 2022

MEMBERS PRESENT

Janice Zahn (*Chair*)
Bill Dobyns (*Vice Chair*)
Jeri Arbuckle (*Alternate*)
Corey Fedie
Senator Bob Hasegawa
Bruce Hayashi
Janet Jansen
Santosh Kuruvilla
Erik Martin
Keith Michel
Karen Mooseker
Mark Nakagawara
Irene Reyes
Mark Riker
John Salinas II
Mike Shinn
Kara Skinner
Robynne Thaxton
Lisa van der Lugt
Olivia Yang

REPRESENTING

Ports
General Contractors
Transportation
Public Hospital Districts
Senate (D)
Architects
State Government
Engineers
Counties
General Contractors
School Districts
Cities
Private Industry
Const. Trades Labor
Specialty Contractors
Specialty Contractors
Insurance/Surety Industry
Private
OMWBE
Higher Education

MEMBERS ABSENT

Bobbie Forch, Jr.
Matthew Hepner
Rep. Mike Steele
Rep. Steve Tharinger
Senator Judy Warnick

REPRESENTING

Disadvantaged Bus.
Const. Trades Labor
House (R)
House (D)
Senate (R)

Staff & Guests are listed on the last page

CALL TO ORDER & ROLL CALL FOR QUORUM

Chair Janice Zahn called the Capital Projects Advisory Review Board (CPARB) virtual meeting to order at 8:00 a.m. A roll call of members established a meeting quorum.

WELCOME NEW BOARD MEMBERS & INTRODUCTIONS

Chair Zahn welcomed Keith Michel representing General Contractors.

Mr. Michel reported he is with Forma Construction and is excited to serve on the Board effective May 3, 2022. He has worked with many members and looks forward to continuing his participation as he has been actively involved over the last several years on some of the Board's committees and plans to continue to participate.

APPROVE AGENDA – *Action*

Chair Zahn reported on a last-minute change to the agenda to remove the discussion on the OFM Construction Cost Assessment Study as Jen Masterson advised of no additional updates since the last report.

Robynne Thaxton moved, seconded by Kara Skinner, to approve the agenda as amended. A voice vote approved the amended agenda unanimously

APPROVAL OF APRIL 14, 2022 MEETING MINUTES – *Action*

Janet Jansen moved, seconded by Kara Skinner, to approve the minutes of April 14, 2022, as published. A voice vote approved the motion. Keith Michel abstained.

INVITATION FOR PUBLIC COMMENTS – *Information*

Vice Chair Bill Dobyns invited public comments.

Chris Herman, Washington Public Ports Association, spoke in support of the appointment of Kyle Dilbert to the Project Review Committee (PRC) representing Ports. Mr. Dilbert has served on the PRC since 2018 and has 17 years of experience in public contracting. He has worked at the Port of Seattle for the last five years.

CHAIR REPORT – *Information*

Chair Zahn reported on contacts with the Governor's Office for information on the status of the Governor's COVID emergency proclamation and how it affects future in-person meetings. Some changes will become effective June 1, 2022. Since the Board began meeting virtually, many new members representing different areas of the state have been appointed.

Chair Zahn reported on her attendance to the Business Equity/Diverse Business Inclusion Committee (BE/DBI) meetings in April and May to support ongoing efforts and convey the importance of the committee completing the report to the Legislature by the end of June.

Chair Zahn contacted the Governor's Office on the status of the appointment for the General Contractors position and was advised of the appointment of Keith Michel. She also participated in a State House Local Government Committee meeting on May 3, 2022, with Olivia Yang, Michael Transue, Rachel Murata, and Lisa van der Lugt to provide an update on the work by the Board. Information was shared on the status of the BE/DBI Committee's efforts and the Subcontractor Bid Listing Policy Evaluation report. Ms. Murata shared information on the status of efforts by OMWBE. Mr. Transue provided information on the work initiated from the Local Government Study resulting in the formation of the Small Works Committee.

Olivia Yang, Santosh Kuruvilla, Rachel Murata, and Chair Zahn attended a meeting with Dr. Karen Johnson and Carolyn Cole with the Office of Equity to update them on the work by the Board and BE/DBI Committee and to learn more about the mission and goals of the agency. She extended an invitation to Dr. Johnson and staff to review the draft report by the BE/DBI Committee and provide feedback.

Chair Zahn reported on contacting Jon Rose with MRSC to receive an update on the status of developing training materials and resources. Mr. Rose is scheduled to attend a future meeting to provide an update on the status of his efforts.

Chair Zahn reported she has engaged in several conversations with Board members since last month.

BOARD ENGAGEMENT– *Informational*

Board Member Opening Thoughts/Shared Commitments

For the benefit of new members, Chair Zahn described the Board's work since September 2021 to develop a set of Shared Commitments. The Board adopted Shared Commitments of *Respect, Purpose, Listening to Understand, Accountability, and Inclusion*. Each shared commitment describes the commitment approved and supported by the Board. A recent practice by the Board has been affording time for each member to share thoughts at the beginning of each meeting. Chair Zahn invited opening comments from each member.

Members individually shared their respective thoughts about their personal preparedness for the meeting, ongoing engagement with other members, and accomplishing the meeting's goals. Members welcomed Bruce Hayashi and Keith Michel as new members.

LEADERSHIP ELECTIONS - *Action*

Robynne Thaxton, serving as Co-Chair for the Board Development Committee, presided over the election of Chair and Vice Chair.

Ms. Thaxton reported one candidate applied for Chair and one candidate applied for Vice Chair. The Bylaws require a vote by a majority of voting members to elect leadership positions. The Board currently has 21 voting members requiring a majority of 12 members voting on the nominations.

Ms. Thaxton invited Janice Zahn to speak to her submittal for the Chair position.

Ms. Zahn said she has been honored to serve as Chair for the last year. The Board's work is important, she recognizes the importance of having a Board representative of the entire industry, and the challenges of ensuring all members are seen, heard, and understood while moving forward to complete work in an environment of inclusivity and robustness. She believes her inclusive and collaborative style during the last year will assist the Board continue its work. Her submittal

letter contains information on her service on many Board committees. She stressed the importance of the alignment of her values and interests to ensure alternative public works contracting and public works provide the opportunity for everyone to have opportunities to be part of an inclusive economy and in economic development in the design and construction industry. It is important to seek ways for improvements to policies and RCWs for alternative public works contracting. She added that her candidacy for the position resembles a performance evaluation in real time that is recorded and broadcasted; however, she would be appreciative of receiving feedback from members on her performance as Chair during the last year and whether there are any areas of improvements that she should focus on if reelected.

Ms. Thaxton invited comments from members.

Bill Dobyms remarked on the fantastic work by Ms. Zahn serving as the Chair. They often have conversations about Board business and Ms. Zahn is passionate about what is best for the Board. Her actions speak to her interest. He recommended Ms. Zahn should continue the good work as she is doing a great job.

Mr. Salinas asked Ms. Zahn to share her views on some of the largest challenges facing the Board over the next year. He added that he very much appreciates the organization and efficiency of the long Board meetings, which is often difficult when so much information and issues need to be addressed. He is appreciative of her style for efficiently streamlining the process while enabling time for in-depth conversations by the Board when needed.

Ms. Zahn responded that one of the challenges over the next year is ensuring all members believe they are seen, heard, and engaged. Work continues on drafting the BE/DBI report, work by the Small Works Committee, and other issues such as the need to update different training materials and best practices previously published. It is important that as the Board completes its work that the community the Board serves is able to acknowledge and view the work and engage with the Board. Those efforts are never easy, and because there are new members on the Board, there is much synergy in play she would like to continue facilitating to make the Board even better.

Lisa van der Lugt said she appreciated the information contained in Ms. Zahn's letter as well as how she serves as Chair. This is because while Ms. Zahn represents a specific industry, she is able to represent the Board as a whole. Ms. Zahn plays two roles as a representative of an industry and managing CPARB, which is no easy feat. She appreciates how Ms. Zahn considers the betterment of the Board. She is hopeful Ms. Zahn will receive some support for some tasks because she believes Ms. Zahn is often overextended. Ms. van der Lugt said she is appreciative of the forward movement the Board has experienced under Ms. Zahn's leadership.

Ms. Thaxton called for a motion to nominate and elect Janice Zahn to serve as Chair.

John Salinas II moved, seconded by Mike Shinn, to nominate and elect Janice Zahn to serve as Chair of CPARB. A roll call of voting members unanimously approved the motion:

Ms. Thaxton invited Bill Dobyms to speak to his interest in serving as Vice Chair.

Mr. Dobyms reported he has been a public works general contractor for 38 years. Early in his career he noticed the difficulty and toughness of the construction industry surrounded by much contention. It has always been apparent to him that there should be a better way to conduct business. When RCW 39.10 was adopted, it was a change he always believed the industry needed. It has made public contracting better. It is a better process, and it supports a more enjoyable working environment versus the prior process of bidding documents and beginning the fight. That era has disappeared for the most part within the industry today and he is happy to be part of the change as he embraces alternative delivery and wants to keep it moving forward. Nationally, Washington has the best alternative public works statutes in the country. Others across the country look to WA state and often model changes based on Washington's statutes. It is important for the state to maintain leadership of that movement. He is committed to making the process efficient and avoiding bureaucracy and red tape that can often discourage agencies from using alternative delivery methods. That is his main drive for serving on the Board, because it is important to ensure alternative delivery methods are user-friendly processes. He is also passionate about being a team and consensus builder. He made a recent career change last year and in his new role, he educates agencies and design teams on the benefits of alternative public works delivery. He is grateful to be on the Board, as it

assists him in honing his skills, as well as being part of the change to ensure the process continues to be one of the best in the country. He invited members to offer feedback, comments, or ask questions.

Ms. Thaxton replied to an inquiry from the chat feature of zoom and explained that the elections are regularly scheduled elections. However, both the Chair and Vice Chair were serving unexpired terms of previous leadership positions.

Ms. van der Lugt advised that over the last several days she has considered the elections while reviewing both submittal letters. She indicated she plans not to support Mr. Doby's self-nomination and that the decision was difficult. She agreed with Mr. Doby's assessment on the importance of alternative public works; however, what was missing in his comments was how he has showed up and how he has supported the Chair and integrated within the structure to ensure efficiencies. She questioned how he has moved the Board forward. Personally, it is important for her to be authentic and share a decision that is personal but is based on her experience and what she has encountered on other boards.

Mr. Doby's responded by expressing appreciation for the honesty. In response, he pointed out how engaged he has been in many of the Board committees both as a member and as an attendee. He participated in the Reauthorization Committee at a high level over the last several years. He also attends as many committee meetings as possible as Vice Chair and serves as Chair of the Subcontractor Bid Listing Policy Evaluation Committee. The committee was successful in completing its first assignment from the Legislature. The committee continues to move forward with the conclusion of its work as requested by the Legislature. He and the Chair engage in regular conversations about the Board, Board activities and future work, approaches, and overcoming some challenges. He believes they agree on most issues. Both the Chair and Vice Chair often consider other opinions that might not have been identified at the onset but should be recognized. He believes he is engaged at a high level and appreciates Ms. van der Lugt's comments and her honesty.

Ms. Thaxton said that as a member of the Board Development Committee, Mr. Doby's has been an active member and incredibly helpful and vocal in working through some of the issues before the committee. He was helpful during the reauthorization efforts. She noted that she and Ms. van der Lugt would likely agree to disagree in terms of the level of Mr. Doby's participation.

Mr. Michel said Mr. Doby's role on the Board served as part of his motivation to seek Board membership. His experience with Mr. Doby's has been based primarily on the Board's committee work and his expertise within the industry. In some of those interactions at committee meetings, Mr. Doby's is someone he respects because he has an ability to create "light bulb" moments during a meeting by facilitating conversations and supporting different perspectives where he often adds some insight to help people connect the dots, which is very valuable. He supports Mr. Doby's for the position.

Mark Riker commented on Mr. Doby's candidacy, as he has been member of the CPARB on and off since 2009 and has witnessed varying levels of participation and efforts by the Chair and Vice Chair. Based on his experience, Mr. Doby's has been extremely involved and continues the long line of involved vice chairs. He appreciates Ms. van der Lugt's honesty and encouraged her to contact Mr. Doby's and participate jointly in different forums to help satisfy her concerns.

Senator Hasegawa thanked Mr. Doby's for supporting the Chair, primarily because of the direction the Board has advanced. He has witnessed significant improvements in terms of efforts he wanted to achieve on the Board since he became a member, as his goal was to marshal direction of the Board to improve MBE participation, contracting, and engaging in some very difficult conversations on race, equity, and inclusion, which has been difficult for most state agencies. It has been difficult over the years, but he views both the Chair and the Vice as a team. The fact that the Board has made such great strides towards servicing conversations about race in the construction and contracting industry are efforts he appreciates. That work has been ongoing by the Board as those conversations were brought to the fore as part of the Board's larger goals, which have been important. The Board is moving in a great direction under the Board's leadership.

Mr. Kuruvilla said he appreciates the work completed by Mr. Doby's but would also likely vote against the nomination. He understands Mr. Doby's participation in the construction industry has spanned many years; however, there has been a change occurring in the last several years with his move to a different organization. Mr. Doby's represents the General

Contractor position, and he is not convinced he can effectively represent the position if he is not working for a general contractor. His vote against is not personal but is based on the representation of the position.

Mr. Dobyms noted his experience as a general contractor for 38 years and that he continues to work within the industry and with general contractors daily. He believes he can represent general contractors. He has spoken with several general contracting agencies and they have expressed confidence in his ability to represent them.

Janet Jansen said as a fairly new member of the Board she is familiar with the great work Mr. Dobyms has completed over many years; however, she did not fully understand how it is possible to represent general contractors when he is no longer working in that capacity. She cited the example of her hypothetically leaving to work for a private agency, as she could no longer serve on the Board as a representative of state government.

Mr. Dobyms cited some members who have retired from their respective industry but continued to serve. If the situation was different and he had retired, the perception might be different.

Ms. Thaxton called for a vote on the nomination and election of Bill Dobyms to fill the Vice Chair position. A roll call vote approved the election of Bill Dobyms as Vice Chair with a 15/16 vote.

Chair Zahn thanked Ms. Thaxton for facilitating leadership elections. She and the Vice Chair look forward to serving as Chair and Vice Chair of CPARB. She invited members to provide feedback if there are areas needing improvement to ensure leadership serves the Board to the best extent possible.

Chair Zahn recommended a minor reordering of the agenda moving the *Budget Report* and *Future Meeting Format* informational items as the next items for consideration.

Mike Shinn moved, seconded by Olivia Yang, to amend the agenda as recommended by the Chair. A voice vote unanimously approved the motion.

ADMINISTRATIVE

Budget Report – Information

Nancy Deakins presented and described the CPARB 2021-2023 budget. The budget includes actual expenditures through March 2022 and projected expenditures through June 2023. The forecast reflects the Board will remain within the budget of \$375,804 through June 2023. Some outstanding expenditures remaining from previous months for travel reimbursements. Ms. Deakins responded to questions about the remaining forecast and explained that actual expenses have been incurred through March 2022. The remaining forecast reflects the remaining budget for each major category of expense for the biennium rather than projecting the expenses because of uncertainties associated with the format of future meetings and its impact on expenses.

Talia Baker noted other substantial costs are for public notices for Project Review Committee meetings in eastern and western Washington, as these project notices are based on the location of projects going before the committee.

Ms. van der Lugt questioned the allocation of meeting minutes under the category of Goods and Services rather than under Professional Services Contracts. Ms. Deakins explained that meeting minutes have been categorized under Goods and Services by the agency's accounting department as a direct cost. Ms. van der Lugt referred to earlier conversations about limited funding for the Board and a potential resolution. She asked whether there have been any discussions for including a budget request during the next legislative session to support the Board's work. Ms. Deakins replied that there have been no discussions concerning a budget request other than DES reallocating the Board's budget to the capital budget of Engineering and Architectural Services rather than in the operating budget that often experienced a shortfall. Under the capital budget, the Board is fully funded unless the Board believes an increase in the budget is necessary.

Ms. van der Lugt noted that in the most recent past, several committees often discussed having additional administrative support. Chair Zahn added that Senator Hasegawa has affirmed that the work of the Board is important and if the budget

is insufficient, the Board should consider requesting a budget increase. However, she does not believe a budget shortfall has been identified by the Board at this time.

Senator Hasegawa recalled that funding for the Board was moved to the capital budget. He offered to pursue a request if the Board needs additional funds to operate efficiently. Additionally, during the last legislative session a bill was passed requiring payment to individuals who participate on various state boards, committees, and commissions. He asked whether that legislation might affect the Board's budget.

Ms. van der Lugt recalled prior conversations about more support from DES Governmental Affairs. There could be an opportunity to pursue more funding as many individuals volunteer their time to prepare spreadsheets, follow-up, and prepare meeting agendas and information. She stressed the importance of the Board's budget including sufficient funds to pay for administrative support in addition to funds directed by the Legislature to compensate individuals for serving on state boards, committees, and commissions.

Ms. Yang commented on the importance of examining the different levels of support within the current allocation prior to considering a request for more funding. Additionally, the format of future meetings should be considered because in-person, zoom, or a combination are factors outside budget implications because it also speaks to accessibility of meeting participants attending meetings easier if meetings are virtual rather than in-person.

Chair Zahn summarized the discussion and acknowledged the importance of moving to the "new normal" and considering a new meeting format and how it might affect future budgets. The second aspect as mentioned by Senator Hasegawa is reimbursement of individuals serving on state commissions, committees, and boards. The majority of Board members are sponsored by their respective organizations; however, it may not be the same situation for all Board members or for individuals serving on Board committees. Those issues deserve a broader conversation under the budget umbrella. She recommended adding the issue to the parking lot for future scheduling.

Meeting Format - Discussion

Chair Zahn reported the Governor recently rescinded the emergency proclamation effective June 1, 2022. At this time, sufficient information is unavailable as to how the action affects future meeting formats.

Ms. Baker advised that the notification of the Governor's action was recently received lifting the restriction for in-person meetings. She has been exploring possible ramifications in terms of how that might require in-person meetings moving forward or whether meetings can continue to be held virtually or through a hybrid combination of virtual and in-person. As the Board's and the PRC's membership are diverse, at the very minimum, the department would continue to offer a hybrid format to enable members to participate virtually. In response to the Governor's action, the conference room at the DES Building has been reserved for Board meetings. It is anticipated that the building will open by the Board's September meeting. As the Board could elect to meet in-person during the September meeting, she plans to research audio and recording options available within the conference room to afford members the opportunity to participate virtually in addition to in-person attendance. The Board is requested to provide direction on the format of future meetings, such as reverting fully to in-person meetings, offering a hybrid format, or continue meeting virtually. Board members attending in-person meetings are eligible to receive travel reimbursement.

Ms. Thaxton commented that the Board's Bylaws afford attendance via telephone conference if available. A decision will be dependent upon on the video and recording capability within the conference room at DES. She prefers continuing virtual meetings as it benefits members who need to travel to Olympia. Virtual meetings have increased public participation as well.

Ms. Yang echoed Ms. Thaxton's comments but noted that prior to COVID, some meetings of the Board included participation by members via telephone conference who often were at a disadvantage. She suggested that if the Board determines to move forward with in-person meetings, the Board should designate several meetings a year as virtual meetings but avoid a hybrid option as those participating virtually are at a disadvantage.

Mike Shinn questioned whether the DES conference room was modified to afford the option of virtual meetings. The previous teleconferencing capability in the room was insufficient as it was difficult to hear callers. Ms. Baker affirmed the conference room audio and video capabilities have been updated. However, at this time she is not familiar with the capabilities of the new equipment other than the room has video capabilities. The room was updated to include cameras placed at both ends of the room along with an upgraded sound system. The room continues to lack a fiber connection requiring the use of a landline telephone system. With the use of a variety of microphones the audio experience should be improved.

Mr. Salinas said that as a father of young children with a working spouse, his small business needs constant attention, and he would appreciate continuing a virtual option for members. Travel time from Seattle to Olympia can take quite some time especially during construction activities. He supports the option of participating virtually.

Ms. Mooseker agreed with many of the comments and prefers retaining most of the meetings in a virtual format because there has been more participation since the Board starting meeting virtually. It is difficult for members calling in through the conference system in the conference room to participate. There is also value of in-person meetings and perhaps scheduling in-person meetings on a limited basis during the year could be another option.

In response to an inquiry by Senator Hasegawa regarding fiber, Ms. Baker clarified that the data center is connected by fiber but the conference room within the DES building is not connected to fiber. She has registered multiple complaints about the teleconferencing quality during the Board's meetings in the room. She was informed that some improvement would be possible by providing more microphones. The use of the internet rather than telephone lines would likely improve audio capabilities.

Senator Hasegawa noted that if the Board pursues a hybrid-meeting model, it is possible to secure alternative meeting locations, such as a Senate hearing room or other legislative meeting rooms that can accommodate a smaller group of people.

Chair Zahn conveyed appreciation for the feedback and recommended deferring the issue as a follow-up discussion. Based on member feedback as COVID restrictions are lifted, continuation of virtual and/or hybrid meetings should continue to allow for continued public participation. It may entail providing a venue for either virtual or in-person attendance. It is also important to acknowledge raised hands from members attending virtually to ensure they are afforded the same level of engagement and ability to participate as in-person attendees. She has attended other hybrid meetings that included multiple monitors to increase visibility of virtual attendees.

COMMITTEE REPORTS

Board Development Committee – *Information & Action*

Ms. Thaxton reported she continues to serve as the interim Chair of the committee. Efforts have been ongoing to appoint co-chairs representing public and private members. She affirmed her willingness to continue serving as a co-chair and recommended increasing efforts to fill the vacant co-chair position. The committee's last scheduled meeting lacked a quorum and was canceled. Up to that point, the committee's efforts focused on onboarding for new members, developing a list of amendments to the bylaws, and discussing conflict of interest issues. She is developing a list of conflict-of-interest statutes applicable to the Board and comparing those provisions with suggestions for amendments to the bylaws. However, any amendments to conflict-of-interest provisions in the bylaws are subject to the Administrative Procedures Act and no provisions can contradict state statutes. Additionally, Ms. van der Lugt is interested in serving on the committee, which requires appointment action by the Board. Ms. Thaxton said that by the September meeting, she anticipates submitting co-chair appointments to the Board for consideration.

Chair Zahn reviewed the current membership of the committee and acknowledged Mr. Schacht's long-term service on the Board and Board committees. Current members of the Board Development Committee include Santosh Kuruvilla, Irene Reyes, Robynne Thaxton, Bill Dobyns, Linneth Riley Hall, Olivia Yang, and Janice Zahn. The recommendation is to appoint Ms. van der Lugt as a member of the committee.

Robynne Thaxton moved, seconded by Olivia Yang, to appoint Lisa van der Lugt as a member of the Board Development Committee. A voice vote approved the motion unanimously.

Several members acknowledged and thanked Ms. Thaxton for serving as the interim Chair as both co-chairs (*Walter Schacht & Bill Frare resigned from the committee*).

Chair Zahn noted that Mr. Frare resigned from the committee to assume the position of chair for the Small Works Committee. Additionally, the committee previously assumed some tasks to review PRC procedures to include position descriptions and minimum criteria for each position. A prior PRC Chair developed position descriptions; however, not all positions were consistent in terms of criteria or minimum qualifications. The Board Development Committee was assigned a task to review position descriptions and qualifications to avoid inequity or disparity of PRC positions.

Ms. Thaxton affirmed she would add the task to the committee's list of items.

Subcontractor Bid Listing Policy Evaluation Committee – *Information & Action*

Vice Chair Dobyms reported the committee met in April. The update includes a report on activities to date and an appointment request.

The committee was formed in response to a task directed by the Legislature to provide a report by November 1, 2022, on recommendations to modify current legislation. Committee members agreed to solicit feedback and recommendations from each constituency group and other constituents to assist the committee in drafting a report of recommendations in July for presentation to the Board in September to enable the Board to review the draft report for any modifications to meet the November deadline. He asked members to solicit feedback from their respective constituents on both current legislation and any recommended changes.

For the benefit of new members, Vice Chair Dobyms explained how provisions were changed approximately two years ago to the subcontractor bid listing statute. The committee pursued feedback from the industry and developed a set of recommendations resulting in modifications to the statute to include mechanical, electrical, and plumbing subcontractor bid listings on any bid opening within one hour of the opening with an additional component to include structural steel and rebar subcontractors to be listed within 48 hours of a bid opening. When the legislation was approved, the Legislature included direction to CPARB to provide a report by November 1, 2022, on any issues and/or recommendations resulting from the legislation.

Each member of the committee was tasked to solicit feedback from his or her respective group on potential changes to the legislation to recommend.

Chair Zahn reviewed the current list of members for the benefit of new Board members.

Vice Chair Dobyms noted that the committee recognized the lack of representation by school districts. Ms. Yang reported Ms. Mooseker contacted Laura DeGooyer from the Lake Washington School District who has indicated an interest in serving on the committee.

Ms. Mooseker reported Ms. DeGooyer is the Capital Projects Manager at Lake Washington School District. Lake Washington School District is the second largest school district in the state. Ms. DeGooyer's background and experience is in construction serving in a variety of roles. She has served as a construction manager and received a degree in mechanical engineering from Gonzaga University. In her role at Lake Washington School District, she would provide a good perspective to the committee.

Bill Dobyms moved, seconded by Mike Shinn, to appoint Laura DeGooyer representing school districts to the Subcontractor Bid Listing Policy Evaluation Committee. A voice vote unanimously approved the motion.

Vice Chair Dobyms reviewed the timeline for the Board to review and finalize the report. The proposal affords the Board two meetings to review the report prior to finalizing and submitting the report to the Legislature in November.

*Chair Zahn recessed the meeting at 9:52 a.m. for a break.
Chair Zahn reconvened the meeting at 10:05 a.m.*

Small Works Committee – Information

Bill Frare, Co-chair, reported that Ms. Reyes is unavailable to assist in the update on the status of the committee. The first meeting is scheduled on May 13, 2022. The first meeting will confirm the scope and intent of the committee and identify a process for forming smaller work groups to complete the tasks. More information on the status of the committee's efforts will be provided at the Board's September meeting.

Mr. Frare shared information on the committee's scope of work. [RCW 39.04.155](#) governing small works rosters is outdated and has been amended several times creating some confusion as to the intent of the statute. The Board's June 2021 Local Government Public Works Contracting Report to the Legislature was developed with assistance from Municipal Research and Services Center (MRSC) of Washington State. The report identified some inconsistencies within the application of Small Works pertaining to limits for cost escalation and other factors that necessitated consideration for some revisions to the statute. Additionally, Small Works Rosters (SWR) are viewed as a measure to promote the participation of minority and women-owned businesses within the construction industry. The statute was originally developed as an administratively efficient method to offer small public works contracts with fewer restrictions. The committee's task is to provide small and diverse businesses a market to build credit history, bonding capacity, and small business incubation within Small Works. One work item is defining "small business" as the federal Small Business Administration definition is too encompassing for the state's intent. The committee's focus is defining methods to create and maintain rosters, explore options of a statewide roster, discuss and define requirements for limited public works, such as threshold, bond requirements, retainage requirements, and the ability to target small and diverse businesses, as well as consideration of a direct buy or no competition threshold for very small dollar limits. The committee has been directed to explore a two-tier system relative to public owner capability to administer the Small Works statute, which may include different limits within a two-tier system. The committee plans to discuss an inflation escalator and how it might affect thresholds. One of the initiatives from the Legislature is to avoid individual agencies contacting legislators requesting limit or threshold changes on a regular basis. The purpose of the committee's work is to recommend legislation that addresses those concerns by creating legislation that creates an automatic threshold based on cost escalation and links to enabling statutes to ensure consistent application of the statute, as well as consistent application of the thresholds as identified.

Discussion ensued on member openings. Mr. Frare requested deferral of the discussion as several invitations have been offered to individuals and he prefers to afford those individuals an opportunity to attend the next meeting and then consider appointments to the committee.

Irene Reyes joined the meeting.

Ms. Reyes reported she received some positive feedback from several large contractors concerning SWR. The feedback identified one challenge as contract language, which should be revisited as it speaks to how language is interpreted. The interpretation of the language is how contractors execute the contract. Contractors are seeking assistance with interpretation of the language by both owners and general contractors.

Chair Zahn questioned whether recent feedback from general contractors is embedded in the current scope of work for the committee. Ms. Reyes advised that she believes the concern is included within the committee's scope; however, she wanted to address the concerns she received.

Mr. Shinn suggested committee membership should include contractors representing both general contractors and specialty contractors.

Chair Zahn noted that all committee meetings are open to the public and agreed on the importance of representation within the committees.

Mike Shinn requested the inclusion of representation from MCAA or MECA with the name to be identified for consideration by the Board. Mike Riker supported the request. The Board unanimously supported the recommendation.

The Board discussed committee membership and noted a correction to the membership listing aligning Karen Mooseker as the representative of school districts. Discussion ensued on potential duplication of membership from OMWBE and MWBE. Mr. Frare described the importance of including a MWBE contractor because the individual would provide a different perspective and articulate some of the barriers they may experience to compete effectively. Mr. Riker recommended adding several labor representatives that are craft-specific to the trades as well. Mr. Frare supported the request. He noted that Rachel Murata represents OMWBE, but his recommendation is to include a MWBE contractor as a member to help identify barriers that are specific to those entities.

Vice Chair Dobyms recommended renaming the 'MWBE' position as 'MWBE Contractor' to eliminate confusion.

Chair Zahn reviewed recommended changes to the committee's membership.

Mr. Riker recommended deferring any action on appointing labor representatives until after the committee meets the next day and after he has had an opportunity to identify tradecrafts that would be most effective in providing valuable input.

Mr. Shinn asked about the threshold of Small Works contracts. Mr. Frare advised that the threshold is \$350,000 for most public agencies, with some agencies limited to no more than \$300,000.

Ms. Reyes inquired about the possibility of identifying a DBE or WBE business representing trades and whether that could result in duplication of membership. Mr. Frare explained that Small Works projects can include multiple interests and different perspectives ranging from small family-run businesses to trades, unions, and apprenticeship interests, which should be addressed for Small Works contracting.

Mr. Riker advised that he represents workers regardless of union or non-union affiliation. It is important for membership to include labor representatives because he is not knowledgeable in code and licensing requirements for electrical, plumbing, or mechanical trades. While he can speak and inform from an overall labor perspective, if discussions include licensure or code issues, expertise from those trades should be represented on the committee to provide valuable input. He asked Ms. Reyes to explain her question because within different crafts there are many subsectors.

Ms. Reyes said her question pertained to the membership of the committee and the possibility of a minority plumbing company and whether that representation on the committee would be categorized as labor or as a MWBE.

Mr. Riker acknowledged the question and clarified that he does not represent business and that there are business interests including OMWBE and MWBE contractor representatives, as well as general contractors and subcontracting companies representing the business side. He represents workers and wants to ensure the committee has the proper labor representatives for specific crafts that are licensed.

Chair Zahn suggested that it is likely those types of nuances could be addressed by the committee as the first meeting is scheduled on May 13. Mr. Riker agreed membership issues would likely be addressed during the meeting.

Chair Zahn asked Senator Hasegawa for any guidance on the work of the committee. Senator Hasegawa said he is interested in following the committee's progress. He supports moving forward and beginning the work to achieve the goals. He addressed Ms. Reyes concerns of business representing the interests of labor, which he believes would not be inherently effective, although there may be some inherent conflicts with MBE participation issues with respect to worker justice. He anticipates the committee can resolve some of those issues and asked staff to forward a link to the meeting so he can join the meeting.

Business Equity/Diverse Business Inclusion Committee - Information

Chair Zahn reported a special meeting has been scheduled in June to review and vote on the report. She invited Mr. Kuruvilla and Ms. Yang to provide an update on the committee's progress.

Mr. Kuruvilla described the task assigned to the committee. The committee was directed by the Board to respond to Section 20 of Senate Bill 5032 to create guidelines for increasing and sustaining access to contracting opportunities in alternative public works for minority, women, veteran-owned businesses, and small businesses. Initially, the committee established two subcommittees - Best Practices Subcommittee chaired by Aleanna Kondelis and Brenda Nnambi, and an External Stakeholder Engagement Subcommittee chaired by Irene Reyes and Linda Womack. The four co-chairs completed much work and outreach to different businesses. He acknowledged the efforts by the co-chairs and subcommittees as the tone of the report was established by the subcommittees. At the end of last year, the subcommittees combined and began meeting regularly. The difficult task of drafting the report was assumed by Maja Huff with Washington State University (WSU) and Rachel Murata with the Office of Minority and Women Business Enterprises (OMWBE). He thanked Olivia Yang with WSU and Lisa van der Lugt with OMWBE for enabling Ms. Huff and Ms. Murata to spend time working with the committee to draft the Report.

Mr. Kuruvilla reviewed the report's table of contents. During the discussions and outreach over the last year, three fundamental challenges emerged for small businesses - access to opportunities, access to capital, and access to training. Those challenges are the three pillars of the report, and each chapter is organized to address those pillars. More recently, feedback has been received on the need to account for accountability and shift in culture, which have been integrated within the report. The table of contents is intended to capture the three pillars, culture shift, and accountability. The three chapters are organized similarly with three sections outlining the roles of owners and prime contractors/consultants, small and diverse businesses/support organizations, and potential legislative changes.

The Executive Summary is intended to capture the entire document concisely. The report includes an appendix of resources and reference materials. Additionally, several months ago the committee released a survey. The survey results are included in the appendix.

Mr. Kuruvilla encouraged members to read the report and submit comments.

Maja Huff referred to a spreadsheet for tracking comments identifying the page and section of the report to enable tracking of numerous comments. She described how to use the spreadsheet. The appendix includes all reference materials, as well as documenting the work of the committee and all the resources utilized in the development of the 25-page report.

Ms. van der Lugt thanked Mr. Kuruvilla and Ms. Yang for their efforts in planning, strategizing, and leading the effort in the development of the report. She acknowledged the efforts by Rachel Murata and Maja Huff who converted all the feedback and information sources into a report. As to the body of the work and the meetings, all participants were encouraged to offer feedback. It was important to receive feedback from those individuals who did not agree with the approach, and it was important to receive all opinions to produce a report that is reflective of that inclusive effort. Although the report is lengthy, she encouraged members to read the report section by section, as well as reviewing the Executive Summary.

Senator Hasegawa referred to the Access to Capital section. Previously, he presented information to the Board about public banking and the possibility of creating a state bank to increase access to capital primarily for underserved communities including MBEs. He asked whether the committee engaged in any conversations about that option or whether there was any interest to include information about that option within the report. Mr. Kuruvilla conveyed interest and referred to his conversation with Ms. Yang about reaching out to his office to engage in a more detailed conversation.

Senator Hasegawa summarized the state bank proposal. The proposal could drastically increase the state's public financing capacity for all capital projects in the state. A bill is under consideration by Congress to create a national infrastructure bank, which at some point could be collectively or individually supported. The bill, House Resolution 3339, would create a National Infrastructure Bank. The concept for a state bank centers on the collection of all taxes and

the requirement to hold those funds within a bank account. The state's current bank is a major Wall Street Bank. Depositing funds within that account results in the state losing control of its funds. When the state requires funds for a capital project, the state must work with the bank to sell bonds to finance projects, which resembles a home mortgage application process. However, selling bonds as a state financing strategy is a time-consuming and elaborate process to access funds until the state reaches its debt capacity limit as outlined in the State Constitution. The state has hit the debt ceiling for many years resulting in the inability to finance more capital construction until the state has paid off 25 to 30-year debt. The proposed concept is creation of a state bank owned by the people of Washington, which provides access to capital and lending capacity. Banks also have the ability to leverage money, an option not available to the state. The building trades passed a resolution in support of a state bank, as well as the Labor Council, State Democrat Party, and many other local legislative districts. If the state is able to capitalize a bank with \$100 million from the capital budget and afforded the ability to accept cash deposits from the state, the state would have the ability to leverage a billion dollars in lending capacity from the initial \$100 million. A state bank receiving state revenues would increase financing capacity by billions of dollars. In terms of assisting small and minority businesses for access to capital, the National Association of Minority Contractors has endorsed the national infrastructure bank at the federal level as the bill proposes capitalizing the bank with \$500 billion leveraging to \$5 trillion in lending capacity. It is similar to a mechanism Franklin D. Roosevelt used, the National Reconstruction Finance Corporation, to finance "New Deal" projects to lift the country out of the depression. A national effort is underway to create a national infrastructure structure that is based on Roosevelt's model. The State Legislature is also working on a similar model for the state to create a state publicly owned bank for infrastructure needs.

Chair Zahn thanked Senator Hasegawa for sharing the information and agreed on the importance of including the information within the section on Access to Capital.

Chair Zahn requested an update on recent conversations surrounding access to opportunities as one of the key pillars for supporting small businesses.

Ms. Yang replied that the report should be representative of an entire effort with the underlying culture and accountability serving as the foundation with the three pillars recognizing that access to opportunity as the most important because it creates jobs and affects lives and communities. It is important to focus on access to opportunity as access to capital and training enables a company to become equipped to take advantage of the opportunities to be successful and to pursue future opportunities. During a conversation with Dr. Johnson, she spoke to the importance of creating capacity by affording access to capital, as well as enabling companies to compete and complete projects successfully without worrying about cash flow to enable the company to be in a better position to compete for the next project. It speaks to a cycle of building a robust pool of diverse and small businesses. Many of the ideas are intertwined and some of the specific ideas that were discussed included different ways of securing loans or even donations and providing resources to new businesses. She cited different kinds of resources and skill sets businesses need to launch a business. As those businesses grow into larger businesses, different skill sets are needed and it is important to have support agencies identified and possibly a way to inventory all training that might be available, as well as identifying any training gaps or offering on-the-job mentoring by a prime to a diverse business serving as the subcontractor. Many opportunities have not been explored that the committee intends to explore.

Ms. Reyes offered that the barrier for financing has many facets, which requires more examination as to why financing for MBEs is such a big barrier. Many MBEs are risk-adverse in seeking financing and many owners are risk-adverse in contracting with MBEs. Regardless of the issues, it is always about risk. It is important to focus on ways to reduce or decrease the perception of risks by owners and bankers to enable more opportunities for MWBEs. Risk continues to be a hindrance for MBEs.

Ms. Olivia commented that she is encouraged by the engagement of committee members offering ideas and vetting ideas. It is important to acknowledge that the report is not completed, as the work is important to continue. The report lays the foundation for future action. At the last committee meeting, members recommended that following submittal of the report to the Legislature, the committee should recess for a well-deserved break. She recommended establishing a legislative writing committee because of two categories of next steps following the committee's submittal of the report. The first is potential legislative policy changes and the second surrounds issues that are continuing, require refinement, or are the next

generation for the development of best practices. To ensure focus on needed legislation, she suggested pausing the Business Equity/Diverse Business Inclusion Committee and establishing a Legislative Writing Committee to focus on legislative changes in support of the Business Equity/Diverse Business Inclusion Committee, Small Works Committee, and possibly the Subcontractor Bid Listing Policy Evaluation Committee to ensure a singular focus for all legislative policies rather than a silo process.

Ms. Yang asked members to read the report and submit comments via the spreadsheet as outlined by Ms. Huff within the next two weeks to afford time for the committee to consider all comments and incorporate any changes during the next two meetings of the Business Equity/Diverse Business Inclusion Committee. It would also be helpful to indicate whether a member has no comments.

Chair Zahn queried members on any potential barriers that might prevent the approval of the report at the June meeting. Mr. Riker and Mr. Salinas responded that they would review the document before the June meeting. Ms. Skinner advised members that the report also includes a substantial amount of resource materials. Mr. Michel encouraged members to provide feedback on the report as the committee worked tirelessly to complete the document. Ms. Thaxton thanked the committee and the Co-chairs for the excellent report. She echoed Mr. Michel's encouragement for members to submit comments prior to the June meeting to avoid any surprises. Ms. van der Lugt noted that the bulk of information is included within the appendix.

Discussion ensued on the meeting length required for the special meeting in June. The Board supported scheduling the special meeting on June 9, 2022, from 8 a.m. to 9 a.m.

Mr. Kuruvilla thanked and acknowledged the support received by Chair Zahn and Ms. van der Lugt. He acknowledged the thoughtful guidance provided by his Co-Chair, Olivia Yang.

Ms. Yang extended her thanks to Chair Zahn, Ms. van der Lugt, subcommittee co-chairs, and to the committee as a whole for their work to complete the report.

Chair Zahn reviewed the timing and status of agenda topics. She suggested revising the agenda and moving next to *New Business*.

Bill Dobyms moved, seconded by Kara Skinner, to revise the agenda moving New Business as the next item for consideration. A voice vote unanimously approved the motion.

NEW BUSINESS – Discussion & Action New Committee

Chair Zahn invited feedback on establishing a committee responsible for drafting legislative changes.

Ms. Yang said a list of topics was identified by three committees, as well as potential changes to the PRC statute. She suggested affording time to discuss potential legislative changes and drafting legislative changes by the end of September.

Chair Zahn outlined the timeline to prepare and promote legislative changes through the legislative process.

Senator Hasegawa recommended establishing a committee and completing legislative changes as soon as possible as pre-filing for the legislative session begins 30 days before the start of the legislative session. Early December is when bills are pre-filed affording time for chairs of committees of jurisdiction to study the bill and schedule bills for hearings. The committee needs to complete its work in sufficient time to afford time for staff to submit legislative language. He recommended seeking assistance from DES staff or legislative staff.

Discussion ensued on prior legislative processes by the Board. Ms. Yang outlined the proposal for the committees to engage in a discussion on the specific topics followed by drafting legislative changes similar to the Board's reauthorization process. She recommended the committees should work together to ensure totality of discussions and in drafting potential legislative changes.

Mr. Riker conveyed concerns as he does not believe the purpose and intent of the Board is a legislative drafting body other than the Board provides input on proposals. His concern is that the Board is stepping outside its purpose and scope.

Ms. Yang respectively disagreed as the Board has drafted legislation on numerous occasions. The proposal is not different then how the Board pursued reauthorization and or other previous legislative changes.

Mr. Riker said his recall is different, as he believes the Board has asserted a position and added to proposals submitted rather than drafting legislation with the exception of reauthorization, which is within the scope of the Board.

Ms. Thaxton also respectively disagreed and although she is a newer member of the Board, she was substantially involved in legislation offered by the Board. One example is the Design-Build statute changes submitted by the Board, as well as for other statutes. It is incumbent on the Board when recommending best practices to submit recommended changes to legislation as well. The Board's scope includes development and recommendations to the Legislature on policies for alternative delivery methods and recommendations on best practices, expansion, continuation, elimination, or modification including specific recommendations for reducing barriers or increasing participation. She supports establishing a committee to review potential changes and provide guidance on proposed legislative changes.

Ms. van der Lugt said she does not believe the request is for legislative staff to draft legislation, as it is the responsibility of the Board to submit proposals. She supports the Board's involvement and active role as the Board is the subject matter expert.

Ms. Reyes respectively disagreed with Mr. Riker and supported the comments of Ms. Thaxton and Ms. van der Lugt.

Chair Zahn conveyed appreciation for the exchange of opinions and thoughts as the conversations increase the Board's strength and reaffirms its mission. It is important all members understand and are on the same page concerning process. She also wants to ensure the Board does not pursue areas where those efforts are not supportive of current Board tasks.

Mr. Riker acknowledged the comments and shared that since his initial involvement with the Board in 2009, the scope of the Board has expanded. He is cautious about expanding the scope as the Board does have parameters defined in statute that should be adhered to by the Board.

Ms. Reyes offered that it might be timely for the Board to revisit the Board's scope and work the Board should be pursuing.

Chair Zahn summarized the request to establish a new committee to assist the Business Equity/Diverse Business Inclusion Committee on any recommended legislative changes for consideration by the Board.

Senator Hasegawa cited CPARB's authorizing status and reviewed the first paragraph to provide some clarity on the Board's mission: [RCW 39.10.220](#) *Board—Membership—Vacancies. (1) The board is created in the department of enterprise services to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on project outcomes, and to advise the legislature on policies related to public works delivery methods.* That provision speaks to how the Board advises the Legislature, which is by drafting legislation based on his opinion.

Chair Zahn requested volunteers to serve on the committee.

Ms. Yang, Ms. Thaxton, Mr. Martin, OMWBE representative (to be assigned), Mr. Dobyms, Mr. Riker (to be assigned representing labor), and Ms. Reyes volunteered to serve on the committee. Ms. Yang recommended inviting Andrew Greene from Perkins Coie who has agreed to serve.

Chair Zahn asked Ms. Deakins to provide guidance to the committee on the legislative timeline.

Ms. Deakins outlined previous legislative processes, which includes presenting proposed legislation to the Board at the September meeting with final review during the October meeting for final approval in December to meet the pre-filing deadline.

Ms. Yang nominated Scott Middleton representing MCA as a committee member. Mr. Middleton confirmed his willingness to serve via a text message to Ms. Yang.

Senator Hasegawa asked whether the committee would consider budget requests or adjustments. Ms. Yang replied that during committee discussions some remarks were shared about funding support for agencies supporting the Board's work.

Ms. van der Lugt noted that any budget request for the Board is routed through DES. Senator Hasegawa affirmed that is why the Board's budget is so difficult to discern as it is integrated within the DES capital budget. Previously, the budget was split between the operating and capital budget for DES. DES needs to have the ability to evaluate the needs of CPARB and authorize an appropriation from the DES budget to the Board. The Board's budget is not appropriated by the Legislature, which could be changed if the Board desires.

Chair Zahn suggested budgeting for the Board warrants a separate conversation. She asked Vice Chair Dobyms to meet and discuss the budget with DES staff for a better understanding as to how the Board's budget is established. The Board could discuss any recommendations generated from those conversations.

Olivia Yang moved, seconded by Irene Reyes, to appoint Olivia Yang, Robynne Thaxton, Erik Martin, OMWBE representative (to be assigned), Bill Dobyms, Mark Riker (to assign a labor representative), Irene Reyes, Andrew Greene (Perkins Coie), and Scott Middleton (MCA) as members of the new committee; Legislative Writing/Drafting Committee. A voice vote unanimously approved the motion.

PRC Appointments – Action

Chair Zahn outlined the process for appointments to the PRC. The Board lacks any candidates for the position of Construction Trades Labor and will defer appointment pending submission of applications. The Board is scheduled to consider appointments to five positions.

Ms. Reyes requested deferral of an appointment for the Disadvantaged Business Enterprises position to enable the Board to consider more than one candidate for the position.

Ms. Deakins pointed out that the position was advertised along with a request to the Board in April to reach out to constituents to solicit interested candidates for the position.

Ms. Reyes contended that the Board should have the opportunity to consider several candidates for the position. Ms. van der Lugt said she would be unable to support Ms. Reyes' position as DES has advertised the position and outreach has occurred to solicit more interest. She agreed on the importance of improving the recruitment process; however, the Board received an application from a very capable candidate.

Ms. Thaxton said she also supports considering more candidates for the position.

Mr. Martin suggested the Owner – Counties position should also be deferred to afford more outreach to solicit candidates. He noted that as a new member of the Board he was unsure of his role in soliciting interest and intends to take a stronger role in outreaching potential candidates. Ms. Murphy has served the PRC very well and his comments are not intended to cast any negativity against Ms. Murphy other than Ms. Murphy is employed by a city rather than a county. He discussed the position with the Washington State Association of Counties (WSAC) to increase efforts to attract county candidates.

Ms. Baker provided additional information on the outreach and advertising process for PRC positions. PRC openings were published in the Spokesman Review and the Daily Journal of Commerce for a week. The Board has directed the publishing of recruitments twice a year because of the expense. The positions were also posted on the PRC and CPARB

webpages along with extending multiple requests through the Board and the Project Review Committee to reach out to stakeholders to solicit interest. Additionally, recent legislation requires the PRC to have a DBE representative participate on all panels. One current PRC member representing the DBE community has volunteered to serve on panels when possible. Committee members representing other stakeholder groups have ensured DBE interests are addressed during the panel process. The Board recently approved the appointment of Young-Sang Song representing Disadvantaged Businesses, who was the only applicant. Mr. Song has been very helpful and has served on PRC panels.

Vice Chair Dobyns commented that the Board has undertaken a recruitment process with advertisements. All positions are volunteer positions. If the Board sets a precedent requiring multiple applicants for each position, the Board runs the risk of not filling positions timely with PRC suffering the repercussions of unfilled positions. The Board has appointed numerous positions when only one candidate applied and should move forward with an appointment when a qualified volunteer has applied.

Mr. Kuruvilla agreed the Board should continue with the appointments as DES and staff expended efforts to place the advertisements. The Board should move forward with the appointments as the process was followed and the positions were advertised sufficiently. The Board received applications from very qualified candidates for both positions.

Ms. Reyes shared that Bob Armstead transmitted an email stating his opinion that the Board should defer appointment of the DBE position as the National Association of Minority Contractors (NAMC) was not notified of the vacancy. He has offered to work with her to identify candidates.

Chair Zahn summarized the comments beginning with the county position. The Board received feedback from Mr. Martin, the County representative who relayed that WSAC is interested in providing county candidates for the PRC position. He has requested deferral of the appointment because he intends to outreach and identify candidates.

Mr. Martin requested an additional month to outreach as he is committed to outreach to attract one or more viable county candidates.

Ms. Yang noted that she believes the candidate for the position, Jessica Murphy, is being considered for one of the leadership positions on the PRC. She noted that Ms. Murphy's term ends June 30, 2022.

Chair Zahn noted that the PRC has typically enabled incumbents to serve in their positions until a candidate has been appointed with some members serving beyond their term because of the lack of a new appointee. She understands the interest by Mr. Martin to recruit candidates to represent the county position because it is important to ensure PRC has the representation from each membership entity.

It was noted that the June meeting is a one-topic special meeting with no PRC appointments. The next PRC appointments would not be scheduled until September.

Mr. Martin asked whether the Board would consider releasing an advertisement for the county position during the summer. Ms. Baker affirmed the request.

Mr. Shinn pointed out that if Ms. Murphy's term expires in June and she is elected as vice chair, her term would be extended to cover the term of office.

Chair Zahn suggested the issue merits a discussion by the Board in terms of automatic appointment extensions and whether the Board prefers to continue the process.

Ms. Baker clarified that the vice chair serves a one-year term and is automatically promoted as chair for a one-year term. In 2018, CPARB extended a PRC vice chair's term as the individual's term was expiring that June.

Mr. Martin pointed out that by deferring appointment action it could automatically lock Ms. Murphy's term if elected as vice chair. Based on his conversations with WSAC, the position should be represented by the counties.

Ms. Yang recommended deferring appointment until September to enable a discussion.

Chair Zahn summarized the issues as a request from Mr. Martin to defer appointment of the county representative, as well as PRC's practice enabling an automatic extension of a PRC member if elected to a leadership position. The Board should have an opportunity to determine if that practice should be continued. Her concern is the PRC's decisions in terms of leadership elections would automatically extend a member's term, without action or concurrence from the Board.

Ms. van der Lugt added she supports the request to ensure the position is filled by a county representative.

Ms. Reyes requested clarification as to the legislation requiring DBE representation on panels. Chair Zahn explained that changes in the statute require each PRC panel to include a DBE representative.

Ms. Reyes asked about the identity of the incumbent for the open DBE position.

Ms. Baker reported the position is vacant. Earlier in the year, two DBE positions had been advertised with only one applicant applying. That candidate was appointed to fill one of the open positions. Currently, Sherry Harris is serving as the representative for Minority/Women Businesses on panels.

Chair Zahn clarified that to satisfy the statute PRC is required to include a DBE representative as a panel member.

Mr. Reyes reiterated her request to delay action on the DBE position to afford an opportunity to advertise the position to other MBEs and MWBEs. She questioned the level of relevance of the county's request versus her request to delay the DBE appointment.

Chair Zahn explained that the difference speaks to the county not having a representative three years ago who could serve on the PRC. At that time, the County representative on CPARB endorsed the incumbent who worked for a city to serve in that capacity on behalf of counties. Mr. Martin is requesting an appointment delay to afford him time to solicit a county applicant(s) rather than having the position represented by a proxy who works for cities.

Bill Dobyms moved, seconded by Olivia Yang, to defer appointment of the PRC position representing Counties. A voice vote approved the motion unanimously.

Chair Zahn requested feedback on whether to defer the PRC leadership extension for a future discussion or address the issue at this time.

Mr. Shinn pointed out that PRC operates under a set of bylaws, is a separate entity, and does not require a mandate from the Board. The issue can be addressed by the PRC.

Ms. van der Lugt said the issue speaks to the partnership between the Board and PRC. Chair Zahn clarified her intent to open a dialogue regarding this issue. Earlier it was mentioned that CPARB voted to extend a term if the individual served in a leadership position. Ms. Baker clarified that the action pertained to a vice chair's term expiring. At that time the Board determined that the expiring position would be extended to enable the completion of the term of office.

Ms. Thaxton cited the Board's Bylaws with respect to PRC with provisions stating that the PRC shall establish and maintain its own procedures and bylaws. She is uncomfortable moving forward with discussions without the benefit of discussions with the PRC. It should be a collaborative process between both bodies.

Ms. Reyes commented about the uncertainties of CPARB's budget when she has requested information. She was informed that PRC's budget is more than the Board's budget. She questioned how the Board should equate that difference in terms of governance as the Board allocates most of its budget to PRC, which the Board does not regulate. She questioned the process of collaboration with PRC when PRC operates as a stand-alone entity. Chair Zahn explained that the Board Development Committee has engaged in conversations concerning the Board and PRC's partnership and

the Board's oversight versus PRC as a stand-alone committee. She noted the limited meeting time remaining and pending items to complete, and recommended deferring questions and discussion on the autonomy of PRC versus the Board to the Board Development Committee with any subsequent recommendations presented to the Board.

Chair Zahn recessed the meeting at 12:38 for a break.

Chair Zahn reconvened the meeting at 12:48 p.m. A meeting quorum was reconfirmed.

PRC Appointments – Continued

Chair Zahn returned to the request for deferral of the appointment of the DBE position. She asked for feedback or a motion to defer action.

Ms. Thaxton said she has encountered some difficulty in discerning the difference between deferring action on the DBE position versus the county position and would prefer to offer a motion to afford an opportunity to defer action based on concerns conveyed by Ms. Reyes.

Vice Chair Dobyms explained that the difference between the two issues speaks to qualifications. The proposal to defer appointment of the DBE position is based on the number of candidates and not the candidate's qualifications.

Mr. Kuruvilla said he shares a similar sentiment in addition to the time the Chair expended to engage with Mr. Martin to seek his opinion. Similarly, the Board has a subject matter expert in Ms. van der Lugt and she has made her position very clear on the issue. He questioned the need to deliberate further for extending the DBE appointment to the next meeting.

Ms. van der Lugt said the difference between the two positions is that the action the Board previously approved did not pertain to a subject matter expert. For the DBE position, the Board has an opportunity to appoint a DBE candidate who is active on many boards and committees and is qualified for the position. The Board has completed due diligence to advertise the position. She is unsure as to why the appointment issue was addressed by National Association of Minority Contractors (NAMC) as Ms. Reyes serves on the Board. There may be lessons to learn and more opportunities moving forward to ensure information is shared about vacant positions. However, in this particular circumstance, she supports moving forward with the appointment.

Ms. Reyes reiterated that she is not questioning the qualifications of the applicant. The applicant formally worked at the OMWBE office and for the City of Seattle. Her concern is reaching out to others who have not worked for the state or for the cities who are DBEs within the broader community.

Following an extended discussion between Ms. van der Lugt and Ms. Reyes on the importance of disseminating information on PRC vacant positions to the broader community in addition to efforts by OMWBE advertising openings, Chair Zahn reaffirmed the importance of listening to all voices and recommended deferring the discussion to the Board Development Committee as the appropriate venue to discuss broad notification of PRC vacancies.

Corey Fedie disconnected from the meeting at 1 p.m.

Ms. Reyes reaffirmed that her intent was not to imply the candidate was unqualified but that she believes deferring the appointment to expand the applicant pool would be appropriate.

Irene Reyes moved, seconded by Robyn Thaxton, to defer appointment of the PRC DBE position until September to afford time to attract more candidates.

Mr. Martin asked whether the action to defer appointment would result in the position remaining vacant until September. Ms. Baker advised that one member representing DBE has been appointed and several other members have volunteered to attend panel presentations to ensure DBE interests are represented.

The motion failed following a roll call vote of members: 12- No/3-Yes/1-Abstention

Disadvantaged Business Enterprises (1 Position)

Chair Zahn invited Vicky Schiantarelli to speak to her application.

Vicky Schiantarelli said she is the principal and owner of Schiantarelli & Associates, a management consultant firm with a focus on diversity, equity, inclusion, and availability. She has always been interested in CPARB as she worked with some members when OMWBE first joined the Board as a member. She has served on task forces examining diversity issues for alternative public works for GC/CM and Design-Build projects. She also supports Progressive Design-Build projects and Job Order Contracting. She was also responsible for collecting utilization data on behalf of OMWBE for Job Order Contracting. She has been following and keeping track of all the improvements to the statute and is appreciative of the efforts by the Board. She is interested in collaborative efforts by PRC and the Board. She serves as an advisor to a newly formed organization, Black Coalition of Contractors and Professionals (BCCAP), a small non-profit organization focused on black contractors and professionals working in both public and private projects in south King County. She is assisting in the formation of the organization and supporting its non-profit status. She is also a Tabor 100 member and one of the incorporators and initial board member of Northwest Minority Builders Alliance, an organization focusing on public works and public/private development involving architects, engineers, and other professional services to include the construction community and other related industries. She strives to collaborate and support other organizations within the community. She also is a member of the Seattle Metropolitan Chamber of Commerce and a member of AGC Washington Chapter and serves on AGC's Diversity and Equity Committee. Ms. Schiantarelli shared that she began her career as a carpenter in the 1970s to help fund her college education. She has 42 years of experience focusing on DBE interests and served 15 years with the City of Seattle and 25 years of experience with the state to include employment with the Department of Labor and Industries, Department of Transportation, with 15 years served at OMWBE. She is also one of the members of the OMWBE Advisory Committee and is involved in several alternative delivery projects. She thanked the Board for consideration of her application for the important position.

Mr. Kuruvilla commented that he has attended two meetings coordinated by Ms. Schiantarelli. The meeting included a speaker from Microsoft. The Board has been focusing on public/private partnerships and opportunities in terms of DBE development in addition to DBE procurement. He asked Ms. Schiantarelli to speak to her experience in DBE development.

Ms. Schiantarelli said her company's efforts include shoring up support as there are many organizations providing technical assistance; unfortunately, those efforts do not address all needs. Her company is exploring efforts to assist firms in understanding how to become the protégé within a mentor/protégé relationship and requirements in terms of experience for becoming an entrepreneur. The goal is to support individuals who are seeking certification because of the effort involved as a new business that must be established to pursue public projects. She assists owners in developing statements of qualifications, capacity statements, identifying requirements for cash flow for staging and mobilization, and other construction requirements. The company seeks to support those efforts as well as helping to create relationships to ensure the prime focuses on expanding relationships rather than meeting small businesses at the beginning of a project. Those efforts require different types of assistance and support that are lacking for small and DBE businesses.

Mr. Salinas commented that he has never endorsed an individual; however, he has had the opportunity to work with Ms. Schiantarelli over the last 18 months on various committees. Those efforts focused on small and minority-owned businesses and outlined the impacts and experiences of navigating different problems or owner actions that may have affected or served as a barrier to entry for smaller entities. Ms. Schiantarelli contributed to the process as an experienced construction professional along with a perspective of understanding the contractor and subcontractor experiences as well as the administrative side. Ms. Schiantarelli provides a unique perspective that is clearly experienced.

Lisa van der Lugt moved, seconded by Santosh Kuruvilla, to appoint Vicky Schiantarelli to the PRC position representing Disadvantaged Business Enterprises. A voice vote unanimously approved the motion.

General Contractor (2 Positions)

Chair Zahn inquired as to Mr. Michel's continued interest and application for serving on the PRC, with his new appointment to the Board. Mr. Michel said he would like to be considered for the PRC position.

Chair Zahn invited Marvin Doster to speak to his application.

Marvin Doster reported he is the Director of Design-Build Services and Director of Project Development for Mortenson Construction in Seattle. He believes his depth of experience in alternative delivery would be beneficial to the PRC. He began working on alternative delivery projects 25 years ago as a project manager on the University of Washington Bothell Cascadia Campus. Today, he serves as an advisor and executive for a Progressive Design-Build project for Clark Community College for an advanced manufacturing facility. In those 25 years of experience, Mr. Doster reported he was the lead on project teams for the State Capitol renovation project, City of Seattle's Seawall project, City of Kent's ShoWare Center, and many projects at the University of Washington's Tacoma campus. He has experience in both alternative delivery and with different clients. His interest is giving back to the community and to the industry. Stewardship is a core value of Mortenson, and it is a value he has sought throughout his career by serving on various committees and serving as a Design and Construction National Peer Reviewer for GSA and the Department of Veterans Affairs. The position affords an opportunity to serve the industry locally. It is important to set an example by actions for younger professionals entering both the company and to the industry. The opportunity is relevant for him as he has a son who is a construction management student at the University of Washington and will soon be entering the construction industry in the state. He wants to show him by example what it means to give back to the industry. He thanked the Board for its consideration.

Chair Zahn invited Dave Johnson to speak to his application.

Dave Johnson reported he has served as a member of the PRC for the last three years and has enjoyed his service and the ability to contribute to alternative delivery selection in the state. He has been in the industry in the Seattle area working on alternative delivery projects for over 20 years and had the opportunity to work with different clients in all types of project delivery methods from Heavy Civil GC/CM, GC/CM, Design-Build, and Progressive Design-Build. He has witnessed the evolution of alternative delivery and the pros and cons of each method. He enjoys working to ensure an alternative delivery project is successful. There have been times when the method was appropriate and correct for a particular project. The PRC is tasked to ensure appropriate projects are selected for alternative delivery and that rules and statutes are applied correctly. He considers his service on the PRC seriously because if alternative delivery is not successful it negatively affects the method. He enjoys and relishes the opportunity to improve alternative delivery and ensure it is successful in the state. He also has been active in many CPARB committees including GC/CM Best Practices Committee and the Reauthorization Committee because he believes everyone has the ability to improve the process. Based on his experience working on various projects over time, he believes he can provide good input and help ensure the process is successful. He is appreciative of the Board's time and consideration for him to continue serving on the PRC.

Chair Zahn invited Mr. Michel to comment on his application for the position.

Mr. Michel shared that his experience on alternative delivery has been approximately 10 to 15 years. His experience as a whole includes the full range of delivery methods and markets and size of projects. He has worked on small works, Job Order Contracting, GC/CM, Design-Build, and traditional lump sum projects. His range of experience has included GC/CM projects valued at \$3 million to GC/CM projects valued at \$100 million providing unique insights for managing a wide variety of size and complex projects, as well as sophisticated projects and exposure to different project budgets providing a better understanding about the delivery methods. He believes his experience would benefit the PRC in evaluating projects and contributing to the discussions on projects that are appropriate for the delivery method.

Members discussed the nomination and voting process for the two positions.

*Mr. Riker nominated Dave Johnson for appointment to the PRC. Ms. Jansen seconded the nomination.
Ms. Thaxton nominated Marvin Doster for appointment to the PRC. Ms. Reyes seconded the nomination.*

No other nominations were offered.

Karen Mooseker disconnected from the meeting at 1:35 p.m.

A roll call vote of members present approved the appointment of Dave Johnson to Position 1 representing General Contractors: 11-Dave Johnson; 3-Marvin Doster

Chair Zahn congratulated Mr. Johnson on his appointment to the PRC on behalf of the Board.

Chair Zahn opened nominations for Position 2 – General Contractors.

Mark Riker nominated Marvin Doster for Position 2. Irene Reyes seconded the nomination.

Santosh Kuruvilla nominated Keith Michel for Position 2. Olivia Yang seconded the nomination.

A roll call vote of members present approved the appointment of Marvin Doster to Position 2 representing General Contractors: 12-Marvin Doster; 2-Keith Michael

Owner – Ports (1 Position)

Chair Zahn invited Kyle Dilbert to comment on his application.

Kyle Dilbert thanked the Board for its time and consideration. He currently serves as the Senior Manager of Construction Contracting at the Port of Seattle. He has served in the position for four years. He recently had the opportunity to serve one term on the PRC. He has been involved in public works contracting for 17 years at the federal, state, and local level. He is passionate about the field and is grateful for the opportunity to share with the state as a PRC member. He is interested in the contracting aspect of projects by ensuring procurement processes are followed and that open competitive processes are adhered to throughout the state. He looks forward to using his knowledge he has gained over the last three years to assist the PRC through another term of service.

Chair Zahn reported on her endorsement of Mr. Dilbert to serve on the PRC. Additionally, Chris Herman with the Washington Public Ports Association also endorsed Mr. Dilbert's appointment.

Janice Zahn nominated Kyle Dilbert to serve on the PRC representing Owners - Ports. Robynne Thaxton seconded the nomination.

No other nominations were offered.

A voice vote unanimously appointed Kyle Dilbert to the PRC representing Owners – Ports.

Chair Zahn congratulated Mr. Dilbert on his appointment on behalf of the Board.

Specialty/Contractors (1 Position)

Chair Zahn invited Mark Harrison to comment on his application for the position.

Mark Harrison reported he is the President and Co-owner/Operator of M&M Electric. He and his partner opened the company in 1991 and have been involved in Design-Build and other alternative delivery projects for 20 years. He enjoys alternative delivered projects and the collaborative efforts with different professionals and tradesmen during the design phase. He has been involved in many RFQs through the RFP and construction processes. He has been successful in those endeavors and is appreciative of the success versus other low-bid projects which are much more difficult. His experience would benefit the PRC and would afford an opportunity for him to learn as well.

Ms. Yang shared that she asked Mr. Harrison to submit his application for the position. She and other University staff have enjoyed working with Mr. Harrison. The ongoing efforts underway in eastern Washington to increase inclusion and participation are different from western Washington. The University has been pursuing different methods for supporting small and diverse businesses and has been fortunate to identify a cooperative partner through Mr. Harrison's company. In addition to his experience working in eastern Washington with different demographics, population density, and labor

markets, University staff members have appreciated the collaboration in trying to move the needle of public contracting forward.

Ms. van der Lugt thanked Ms. Yang for sharing the information as she considered both candidates in terms of diversity, equity, and inclusion and how important it to the work and how each candidate contributes to those efforts. As a native of central Washington, she is familiar with eastern Washington and understands how difficult it has been to achieve support.

Chair Zahn invited Mike Shinn to speak to his application.

Mike Shinn said he currently serves as the Chair of PRC and has been a member of PRC for 15 years and is the longest serving member. The PRC has been evolving over the last several years. The PRC initiated an onboarding program for new members. He and the vice chair spend time discussing upcoming business for the next PRC meeting. It is important as a member to consider project applications through the lens of what is beneficial for the industry. He was involved in one of the first GC/CM projects in the state in 1996 at the University of Washington. His son recently graduated from Washington State University. He began his business as a pipe fitter in November 1994, has built the company on all public works projects, and has been exposed to numerous MC/CM, EC/CM, and GC/CM projects. He is hopeful members appreciate his efforts in support of PRC.

Ms. van der Lugt asked Mr. Shinn to provide some examples as to how his company has practiced equity. Mr. Shinn responded that he has practiced equity beginning the first day of opening his company. In 1996, part of the bidding process in public works required bidding from minority and women companies. The company supports minorities. When he opened the business in 1994, he established three minority companies to assist his company. He served as a mentor and provided the companies with assistance. Most minority and women-owned businesses need mentors to help them through the process as it is not about the actual work; it is the financial and organizational elements of a business where they need assistance.

Ms. van der Lugt asked how that support is reflected through his membership on the PRC. Mr. Shinn said he provides guidance and advice to small businesses. It is important as a member of the PRC to represent specialty contractors within the industry rather than representing his company. Today, specialty contractors in electrical and mechanical are represented on the PRC. However, the other applicant is an electrical specialty contractor, and it is possible, dependent upon the outcome of the selection that PRC could lack representation of mechanical plumbers.

Ms. Thaxton conveyed her appreciation of Mr. Shinn's long-term dedication to the PRC. She has worked with Mr. Shinn over the years and appreciates the history he contributes to the PRC.

Ms. Reyes asked Mr. Shinn how he addresses the potential of conflict of issues with respect to project applicants. Mr. Shinn explained that often, his company has suffered because of his membership on the PRC. His company submitted many bids for projects and only recently was selected on a project. He does not believe he exerts any kind of influence on applicants as he adheres to the rules because his role is to represent mechanical contractors and other specialty contractors.

Mr. Riker commented that members of the building trades are very aware of its history and reputation of not being on the right side of inclusion and opportunity. Members began exploring those issues several decades ago and over the past 22 years, mechanisms have been implemented to help increase diversity, equity, and inclusion amongst the membership. However, it is not a lone effort. Management counterparts and contractor partners (including Shinn Mechanical as a signatory to both the UA and Sheet Metal) are the partners needed to assist in providing those opportunities to individuals interested in the construction trades. That goal has not been achieved entirely but it is important to retain partners such as Shinn Mechanical and MCA of Western Washington to assist in creating those opportunities. He strongly supports Mr. Shinn's candidacy.

Robynne Thaxton nominated Mike Shinn to serve on the PRC representing Specialty/Subcontractors. Mark Riker seconded the nomination.

Olivia Yang nominated Mark Harrison to serve on the PRC representing Specialty/Subcontractors. Santosh Kuruvilla seconded the nomination.

No other nominations were offered.

A roll call vote of members present approved the appointment of Mike Shinn to the PRC representing Specialty/Contractors: 8-Mike Shinn; 6-Mark Harrison

Chair Zahn congratulated Mr. Shinn on his appointment on behalf of the Board.

ADMINISTRATIVE

September 8, 2022 Meeting Planning & Draft Agenda – Discussion

The Board discussed and agreed to the following tentative agenda for the September 8, 2022 meeting:

Committee reports:

- Board member Development Committee
- PRC
- Subcontractor Bid Listing Policy Evaluation Committee
- Business Equity/Diverse Business Inclusion Committee – follow-up on Report
- Small Works Committee
- New Committee – Legislative Writing\Drafting Committee
- GC/CM Committee

PRC Appointments

Budget Discussion

OFM Briefing on Final Document (Tentative)

Jon Rose (MRSC) Briefing on Training and Resource Materials efforts

Chair Zahn thanked Board members for their engagement and robust and meaningful conversations. The next meeting is a special meeting on June 9, 2022, for the final Business Equity/Diverse Business Inclusion Committee Report.

ADJOURNMENT

With there being no further business, Chair Zahn adjourned the meeting at 1:58 p.m.

Staff & Guests

Talia Baker, Department of Enterprise Services

Nancy Deakins, Department of Enterprise Services

Kyle Dilbert, Port of Seattle

Marvin Doster, Mortenson Construction

Bill Frare, Department of Enterprise Services

Valerie Gow, Puget Sound Meeting Services

Mark Harrison, M&M Harrison Electric

Chris Herman, WPPA

Maja Huff, Washington State University

Dave Johnson, Hoffman Construction

Josh Klika, MRSC

Aleanna Kondelis, Akana

Art McCluskey, WSDOT

Scott Middleton, MCA

Rachel Murata, OMWBE

Jessica Murphy, City of Seattle

Cathy Robinson, City of Lynnwood

Vicky Schiantarelli, Schiantarelli & Associates

Prepared by Valerie L. Gow, Puget Sound Meeting Services, psmsoly@earthlink.net