

Bill Page #	RCW Cite	Language Recommendation	Notes/Comments	Rationale
5	RCW 39.10.220, Board—Membership—Vacancies	Added language to (2)(a) to add "one representative which must represent the interests of the disadvantaged business enterprise community..."	As recommended by the Reauthorization Committee	This is to add a representative on CPARB specifically to represent MWBE interests, which currently is not required under the statute. This also allows for representation, participation, and added perspective to conversations about equity in contracting that will continue after reauthorization.
6	RCW 39.10.220, Board—Membership—Vacancies	(11) The board shall encourage participation from persons and entities not represented on the board, <u>including providing opportunities to gain insights from businesses owned by minorities, women, and veterans, and small businesses.</u>	As recommended by the Reauthorization Committee	Including language like this thematically throughout the document helps to embed this into the work we all do and makes it more likely that that folks will follow it, as well as provides the endorsement and directive from the Legislature which is in line with other actions that body has taken supporting equity in state contracting.
7	RCW 39.10.230, Board—Powers and duties.	(1) Develop and recommend to the legislature policies to encourage competition and to further enhance the quality, efficiency, and accountability of <u>and equity in</u> capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding best practices, expansion, continuation, elimination, or modification of the alternative public works contracting methods, <u>including considerations for reducing barriers for participation by disadvantaged business entities;</u>	As recommended by the Reauthorization Committee	Ensuring involvement and including considerations for potential impacts or ways to improve equity in contracting as part of the policy development/assessment process will help in the overall effort to reduce barriers to equity in contracting. Without ever asking the question, or including those perspectives in discussions, it's difficult to identify those barriers in the first place and be able to do something about them. Including this as a consideration will help those conversations occur in the general work.
8	RCW 39.10.240, Project review committee—Creation—Members.	(2) The board shall, by a majority vote of the board, appoint persons to the committee who are knowledgeable in the use of the design-build and general contractor/construction manager contracting procedures. Appointments must represent a balance among the industries and public owners on the board listed in RCW39.10.220 <u>and must include at least one member representing the interests of disadvantaged business enterprises.</u>	As recommended by the Reauthorization Committee	This recommendation follows the theme of enshrining current practices and goals of representation on the Board and in Committees. Having MWBE perspectives on the panels/committees will be important to check assumptions and ensure learning opportunities are seized on. Inclusion here is especially important due to the following statute on the next page relating to duties and subcontractors. Subcontracting tends to have large impacts on participation of MWBEs, so this inclusion seems appropriate here.
8	RCW 39.10.240, Project review committee—Creation—Members.	(3) The chair of the committee, in consultation with the vice chair, may appoint one or more panels of at least six committee members to carry out the duties of the committee. Each panel shall have balanced representation of the private and public sector representatives serving on the committee <u>and should, to the extent reasonably practicable, include a member representing the interests of disadvantaged business enterprises.</u>	As recommended by the Reauthorization Committee	Similar recommendation as included above, however, given that there may only be one representative, this a permissive statement here rather than a mandate (shall/must) to allow flexibility for reasonable work levels and logistics. Also, adding "to the extent reasonably practicable" will allow for exceptions as we don't want this one person to have to serve on multiple panels or become a barrier to forming panels if they cannot serve.
17	RCW 39.10.330, Design-build contract award process	Adjust subsection (1) to add the underlined: "(1) Contracts for design-build services shall be awarded through a competitive process using public solicitation of proposals for design-build services. <u>At minimum, the public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for design-build services, and the availability and location of the request for proposal documents. The public body is encouraged to post the design-build opportunity in additional areas, such as websites for business associations or the office of minority and women's business enterprises, to further publicize the opportunity for qualified design-build teams.</u> The request for qualifications documents shall include:"	As recommended by the Reauthorization Committee	It's a bit narrow and outdated to only include the legal newspaper – we can encourage going beyond this minimum requirement and suggest opportunities for inclusion. We understand publication in a legal newspaper is a standard legal requirement and do not suggest removing it, but it would be worthwhile to consider that there at least be an encouragement in addition to the newspaper to publicize this in a more modern, inclusive way that will actually solicit bids.

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17	RCW 39.10.330, Design-build contract award process	(ii) Evaluation factors for finalists' proposals shall include the management plan to meet time and budget requirements and one or more price-related factors. Evaluation factors may also include, but not be limited to the technical approach, design concept and the outreach -inclusion plan to include small business entities and disadvantaged business enterprises as subconsultants, subcontractors, and suppliers for the project;	As recommended by the Reauthorization Committee	Instead of longer, more detailed language, we recommend substituting this broader term "inclusion plan" here to allow for flexibility and encourage actions beyond just outreach.
22	RCW 39.10.360, General contractor/construction manager procedure—Contract award process.	Add the underlined to subsection (2): "(2)Contracts for the services of a general contractor/ construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. <u>At minimum</u> ,the public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be performed, a notice of its request for qualifications from proposers for general contractor/construction manager services, and the availability and location of the request for proposal documents. <u>The public body is encouraged to post the general contractor/ construction manager opportunity in additional areas, such as websites for business associations or the office of minority and women's business enterprises, to further publicize the opportunity for qualified general contractors/ construction managers.</u>	As recommended by the Reauthorization Committee	It's a bit narrow and outdated to only include the legal newspaper – we can encourage going beyond this minimum requirement and suggest opportunities for inclusion. We understand publication in a legal newspaper is a standard legal requirement and do not suggest removing it, but it would be worthwhile to consider that there at least be an encouragement in addition to the newspaper to publicize this in a more modern, inclusive way that will actually solicit bids.
23	RCW 39.10.360, General contractor/construction manager procedure—Contract award process.	Added language to evaluation factors for qualifcations of the GC/CM to include consideration of both past performance of utilization of MWBEs and also consider the proposed plan for inclusion to allow people the opportunity to course correct and get better.	Reauthorization Committee didn't finish discussion on this or vote. Some changes adjusted the changes that the Committee had already agreed to but that is more of swapping "office of minority and women's business enterprises certified businesses" for "disadvantaged business enterprises" as that term is defined as businesses certified by OMWBE in RCW 39.10.210. There is continued discussion around whether to make consideration of the inclusion plan permissive or mandatory and how to word the language. If the inclusion plan is mandatory, folks are pretty convinced that the phrase "to the extent permitted by law" is included.	There is continued discussion around whether to make consideration of the inclusion plan permissive or mandatory. OMWBE is comfortable with either approach, but feels it is important that inclusion plans can be considered to allow opportunities to change, improve, and grow.
27	RCW 39.10.380, General contractor/construction manager procedure—Subcontract bidding procedure.	Added the underlined to subsection (1): (1) All subcontract work and equipment and material purchases shall be competitively bid with public bid openings and require the public solicitation of the bid documents. <u>At minimum</u> , the general contractor/construction manager shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the subcontract work will be performed, a notice of its request for bid, and the availability and location of the bid documents. <u>The general contractor/construction manager is encouraged to post the subcontract opportunity in additional areas beyond the legal newspaper as required by this subsection, such as websites for business associations or the office of minority and women's business enterprises, to further publicize the opportunity for qualified subcontractors.</u>	As recommended by the Reauthorization Committee	It's a bit narrow and outdated to only include the legal newspaper – we can encourage going beyond this minimum requirement and suggest opportunities for inclusion. We understand publication in a legal newspaper is a standard legal requirement and do not suggest removing it, but it would be worthwhile to consider that there at least be an encouragement in addition to the newspaper to publicize this in a more modern, inclusive way that will actually solicit bids.

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27	RCW 39.10.380, General contractor/construction manager procedure—Subcontract bidding procedure.	Added underlined language to the new language at the end of subsection (1) to read: "Individual bid packages are to be prepared with trades separated in the manner consistent with industry practice to maximize participation and competition across all trades <u>and to reduce barriers to and increase participation by disadvantaged business entities</u> . Bundling of trades not normally combined into one bid package is not allowed without justification and specific approval by the public entity.	Reauthorization Committee didn't get to this during the meeting to review.	This is a small addition to the already great new language offered by the Reauthorization Committee. We are grateful that unbundling principles were included by the Reauthorization Committee and the additional language we suggest here acknowledges unbundling as a practice that reduces barriers to and increases participation of MWBEs. The more we state that these things are important and should be considered, the more these practices will be normalized and (hopefully) improve equitable opportunity.
29	RCW 39.10.385, General contractor/construction manager procedure—Alternative subcontractor selection process.	Added language to in subsection (1)(a), consistent with other areas in the draft: "The general contractor/ construction manager and public body are encouraged to post the notice in other areas beyond the legal newspaper as required under this subsection, such as websites for business associations and other locations and mediums that will further publicize the intent to use this alternative selection process."	As recommended by the Reauthorization Committee	OMWBE recommendation, but less critical than the recommendation for publishing subcontract bidding opportunities. It's a bit narrow and outdated to only include publication in a legal newspaper – we can encourage going beyond this minimum requirement and suggest opportunities for inclusion/notice. We understand publication in a legal newspaper is a standard legal requirement and do not suggest removing it, but it would be worthwhile to consider that there at least be an encouragement in addition to the newspaper to publicize this in a more modern, inclusive way consistent with above recommendations in regards to publishing subcontract bidding opportunities. And other publication options may even be low to no cost and is not intended to increase administrative costs.
30	RCW 39.10.385, General contractor/construction manager procedure—Alternative subcontractor selection process.	Adjusted language in subsection (3)(e) as follows: " The firm's plans for outreach to minority and women-owned businesses <u>inclusion of disadvantaged business enterprises, to the extent permitted by law</u> "	Reauthorization committee did not reach this recommendation in its review, but this is consistent with other suggested changes made within the bill draft.	Adjusted this language to make to broader than just outreach and less prescriptive. Used "disadvantaged business entities" as it is the term that is defined in this chapter meaning OMWBE certified businesses. This is the same change as suggested in other areas in the draft and allows also considering the proposed plan for inclusion to allow people the opportunity to course correct and get better.
34	RCW 39.10.400, General contractor/construction manager procedure—Prebid determination of subcontractor eligibility.	Added language in (1)(b) regarding notice of intent to evaluate and publication in a legal newspaper: "The general contractor/construction manager and public body is encouraged to post the notice in additional areas beyond the legal newspaper as required under this subsection, such as websites for business associations and other locations and mediums that will further publicize the intent to use this alternative selection process;"	As recommended by the Reauthorization Committee	OMWBE recommendation, but less critical than the recommendation for publishing subcontract bidding opportunities. It's a bit narrow and outdated to only include publication in a legal newspaper – we can encourage going beyond this minimum requirement and suggest opportunities for inclusion/notice. We understand publication in a legal newspaper is a standard legal requirement and do not suggest removing it, but it would be worthwhile to consider that there at least be an encouragement in addition to the newspaper to publicize this in a more modern, inclusive way consistent with above recommendations in regards to publishing subcontract bidding opportunities. And other publication options may even be low to no cost and is not intended to increase administrative costs. We have made this recommendation throughout the document as well. We also recommend adding to best practices.

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37	RCW 39.10.430, Job order procedure—Contract award process.	Add the underlined language to subsection (3) as follows: (3) The public body shall publish, at least once in a statewide publication and legal newspaper of general circulation published in every county in which the public works project is anticipated, a request for proposals for job order contracts and the availability and location of the request for proposal documents. <u>The public body is encouraged to post the request for proposals for job order contracts and the availability and location of the request for proposal documents in other areas, such as websites for business associations or the office of minority and women's business enterprises, to further publicize the opportunit(ies).</u> The public body shall ensure that the request for proposal documents at a minimum includes:	As recommended by the Reauthorization Committee	The last clause after the comma may not be necessary, but we can just remove the parentheses and make it plural "opportunities" because that is consistent with the rest of the sentence being plural too. Either approach is fine with us. The JOC publication requirements are actually inconsistent with the language in other areas – elsewhere it only states "legal newspaper" and does not also include statewide publication" like it does here. It's a bit narrow and outdated to only do newspaper publication – we can encourage going beyond this minimum requirement and suggest opportunities for inclusion. We understand publication in a legal newspaper is a standard legal requirement and do not suggest removing it, but it would be worthwhile to consider that there at least be an encouragement in addition to the newspaper to publicize this in a more modern, inclusive way that will actually solicit bids. And other publication options may even be low to no cost and is not intended to increase administrative costs. We have made this recommendation throughout the document as well.
39	RCW 39.10.430, Job order procedure—Contract award process.	Add the underlined to subsection (5): "(5) The job order contractor shall publish notification of intent to perform public works projects at the beginning of each contract year in a statewide publication and in a legal newspaper of general circulation in every county in which the public works projects are anticipated. <u>The job order contractor is encouraged to post the notification of intent to perform public works projects in other areas, such as websites for business associations or the office of minority and women's business enterprises, to further publicize subcontractor opportunities.</u> "	The Reauthorization Committee did not get to this recommendation but this is consistent with other changes that the Reauth Committee recommended elsewhere in the document.	Change is consistent with other recommendations for encouraging publicizing opportunities beyond publication in a legal newspaper.
43	RCW 39.10.460, Job order procedure—Required information	Add the underlined language to subsection (3): "(3) A list of subcontractors hired under each work order, <u>including whether those subcontractors were certified small minority-, woman-, or veteran-owned businesses</u> ; and..."	The Reauthorization Committee did not get to this recommendation. However, there were other discussions outside the committee that talked about the language changing reporting to the board requirements to public bodies shall "maintain and make available."	This is just asking for an additional data point to be collected on information that is already required and is about obtaining the data that is so sorely needed. OMWBE will be able to obtain this data more readily from state agencies as we implement the electronic data collection system enterprise-wide, but it will not cover political subdivisions/all public bodies so this addition will help gather that data here.
53	New Section – General contractor/construction manager – Heavy Civil Construction Projects	Changed "outreach plan" to "inclusion plan" consistent with other areas to make this broader.	The Reauthorization Committee did not get to this recommendation, but it is similar to other recommendations that the Reauth Committee approved.	Instead of longer, more detailed language, we recommend substituting this broader term "inclusion plan" here to allow for flexibility and encourage actions beyond just outreach.