Committee Members: *(13 positions, 7 = Quorum)*

x	Nick Datz–Chair		
	Shannon Gustine (General Contractors)		Mark Nakagawara (Cities)
x	Aaron Young (DES)		Santosh Kuruvilla (Engineers)
x	Sam Miller (Architects)		Todd Mitchell (Construction Trades Labor)
	Scott Middleton (Specialty Contractors)		John Palewicz (Private Industry)
x	Traci Rogstad (K-12 Schools)		___ (OMWBE)
x	Alexis Blue (Higher Ed)	x	Janice Zahn (Ports)

Guests & Stakeholders:

	Shelly Henderson, Mukilteo School District	x	Keith Michel, attending on behalf of Shannon Gustine, representing General Contractors
x	Ian Hernandez, attending on behalf of Mark Nakagawara, representing Cities	x	Angela Peterson, Port of Seattle, Construction Contracting Manager
x	Claire Hornacek, Maul Foster & Alongi		Cathy Ridley, Exeltech Consulting, attending on behalf of Santosh Kuruvilla, representing Engineers
	David Jobs, OAC Services		Mitch Romero, Parametrix, attending on behalf of Howard Hillinger

Meeting started at 1:03 p.m.

Discussion Highlights:
Addressed outstanding comments for each chapter and timeline for manual completion.

Next Meeting: February 28, 2024

Action items:

1. Introductions:

    a. Nick Datz, with Sound Transit, representing Public Owners

    b. Alexis Blue, representing Higher Education

    c. Claire Hornacek, with Maul Foster & Alongi, notetaking

    d. Ian Hernandez, from the City of Seattle, representing Cities

    e. Keith Michel, representing General Contractors

    f. Angela Peterson, with Port of Seattle, Construction Contracting Manager

    g. Sam Miller, with LMN Architects, representing Architects

    h. Aaron Young, representing Department of Enterprise Services (DES)

    i. Janice Zahn, also representing Ports and CPARB Chair

    j. Traci Rogstad, with Renton School District, representing K-12 Schools

2. A quorum was established and Chair Datz asked if anyone had edits to the meeting notes from October 2023. No one stated that they had comments or edits. Chair Datz put forward a motion to approve the notes from the last GC/CM Committee meeting held on October 25, 2023. Keith Michel—General Contractors made a motion to approve the notes from the October meeting as issued. Traci Rogstad—K-12 Schools seconded the motion. The group confirmed by verbal approval and the October 25, 2023 meeting notes were accepted. Alexis Blue—Higher Ed recused herself from voting because she was not in attendance at the last meeting. Without her vote the quorum was maintained, and the verbal approval of the October 25, 2023 notes stands.

   a. During the last meeting each chapter was added into a single document and was assigned a chapter lead to go through their assigned chapter and address all outstanding comments except for comments to be addressed by the committee as a whole during this meeting, the list of graphics (charts, timetables, etc.), and any DEI gaps that they notice in the chapters. After this is done a couple people from Parametrix will go through and make sure the document has one voice throughout. The people assigned to this task have not been identified yet. After that round of editing is complete, the manual will be sent to CPARB for their comments.

3. Chair Datz suggested going through each section to check on the updates.

   a. Chair Datz was assigned the Introduction and Subcontracting chapters.

      i. He was able to address all the comments in those chapters and created notes for graphics. He also created graphics notes.

4. Chair Datz paused and asked if everyone was able to get into the OneDrive to address comments. Aaron Young—DES and Sam Miller—Architects were both not able to access the OneDrive. Chair Datz said after the meeting he will try to make sure everyone has access to the OneDrive. If it doesn't work, he said he will send out the document via email.

5. Chair Datz then shared a document outlining the needed graphics flags to compile a list of what they will need. They need to find someone to take a lead on the graphics. Chair Datz asked that when people go through their sections, they should add their graphics needs to the end of the chapter.

6. Chair Datz also created a tab for final production tasks that will need to be done after the document is finalized. This is meant to be a resource for the people doing the final review so they know what to look for and terms to make uniform throughout the document (i.e. using the term "public body" versus "public owner" versus "owner.")

7. Chair Datz went back to speaking about the chapters he reviewed for this meeting. He said he had nothing that needed to be addressed with the committee.

8. Chair Datz moved on to the Close Out, Alternative Subcontractor Selection, Total Construction Costs chapters, assigned to Keith Michel—General Contractors.

   a. Keith Michel—General Contractors said he also was not able to access the OneDrive. He asked for clarification on the deadlines for completing the manual.

9. Chair Datz moved on to the Evaluating Use, GCCM Readiness, and Heavy Civil chapters, assigned to Mitch Romero and Howard Hilinger.

   a. Mitch Romero attended the October 25, 2023 meeting on behalf of Howard Hillinger. He was not in attendance at the January 31, 2024 meeting.

10. Chair Datz moved on to the Procurement chapter, assigned to Angela Peterson—Ports.

   a. The Procurement chapter is the only section not pulled into the main document. Chair Datz said after the meeting he would add it into the full document. Angela Peterson—Ports said there were a couple outstanding comments the committee needed to weigh in on. She couldn't remember the comments off the top of her head. She thought they had to do with how to pay for bonds.

   b. Chair Datz pulled up the Procurement chapter in SharePoint and suggested they walk through any outstanding questions as a committee.

   c. There were no outstanding comments in the chapter, and Angela Peterson—Ports didn't recall any outstanding issues to highlight with the group. She looked over some emails from November and determined she addressed comments via email and resolved and deleted them on the document.

d. She mentioned the cost matrix will need to be added as an appendix at some point but it is ready to be added in.

e. Chair Datz said he would add that chapter into the main document.

f. Sam Miller—Architects couldn't get into the OneDrive. Sam Miller—Architects suggested opening his chapters on the meeting to see if any comments could be addressed by the group. Chair Datz agreed and also said they could review Keith Michel—General Contractors' chapters as well. Chair Datz opened the Preconstruction chapter.

g. Chair Datz asked Angela Peterson—Ports if the comments were still accurate. She said she would double check on some comments to see if they were previously resolved. She thought they had to do with entering the preconstruction agreement and getting rates and level of effort and guidance around that.

h. Sam Miller—Architects told Angela Peterson—Ports if she can take a look and send him comments or suggested language he will incorporate it in.

i. Angela Peterson—Ports thought there was another comment about closing out too. She said she would double check on those comments.

j. Janice Zahn had suggested a comment on scheduled updates.

k. Chair Datz said it looks like that was one of their comments: how often does one update the schedule? It probably depends on the agency and project and framework being used. He said it's probably best resolved with a comment that schedules need to be updated on a regularly identified basis for all parties.

l. Sam Miller—Architects said that sounds good.

m. Chair Datz said they need a graphic in there. That's it for that section.

n. Sam Miller—Architects told Angela Peterson—Ports to let him know what she has and he will clean up the language.

o. Angela Peterson—Ports said the part she mentioned has that graphic as well as Preconstruction. She said she could find it and send it if anyone was interested. She said they took the graphic from CDOT. It's a workflow that shows the design milestones for what the designers are responsible for and then headlines what the contractors are responsible for. It has check-ins for checking the schedule and cost estimates at different points. Chair Datz said that would be great to add in.

p. Chair Datz made a graphics folder and told everyone to feel free to upload graphics there.

11. Chair Datz suggested starting from the top of the document and going through the comments. They looked at evaluating the use of GC/CM. Chair Datz pulled up a comment regarding when they select the GC/CM, typically no later than completion of schematic design. Chair Datz asked if that is still a best practice or do they need to clarify or change that.

a. Keith Michel—General Contractors said he thought it was appropriate to include a best practice. He said it's worth noting there's nothing prescriptive in RCW.

b. Chair Datz asked if the term "schematic design" is clear enough for most users.

c. Sam Miller—Architects asked if it should say "x percent completion" instead. Chair Datz thought that was too specific.

d. Chair Datz resolved the comment.

12. Chair Datz looked at a comment and said that's not something they could do as a group.

13. Chair Datz looked at the Preconstruction chapter. He asked Sam Miller—Architects to check that chapter to make sure they're not duplicating or saying something different.

a. Sam Miller—Architects agreed, and said he thinks he flagged that section as duplicating and he will look over the whole chapter and resolve the comments.

b. Chair Datz read a comment and asked Angela Peterson—Ports if she knew what it was about.

c. Angela Peterson—Ports said she thought they were going back and forth in the cost summary matrix about how to pay for the negotiation of MAC and having it here, being clear about how it gets paid. She said she doesn't want to complicate it more.

d. She said if you're negotiating the MAC in preconstruction, how does it get paid for? She asked if putting it here makes it seem like it gets paid for here.

    e.   Chair Datz said he understood what she was saying. He said a lot of projects specifically state that we're not paying for negotiating with you. Chair Datz agreed that this does give the impression that you pay for negotiation. He wondered if they were trying to get at the development of the backup for negotiations. He suggested leaving it out so they don't give the wrong impression.

    f.   Angela Peterson—Ports agreed and said obviously you have to do MAC negotiation before signing off on the MAC. She said she could go either way.

    g.   Sam Miller—Architects asked if it is a best practice to not pay for MAC.

    h.   Chair Datz said that from an owners standpoint it doesn't make sense to pay the other person for negotiating for more money.

    i.   Sam Miller—Architects asked if that should be in the document somewhere since it's not touched on elsewhere.

    j.   Keith Michel—General Contractors said that it usually shows up in the GCs and the cost matrix.

    k.   Chair Datz said that he thinks it should be mentioned as a best practice that you don't pay for negotiation so that newer owners or people who don't go into this don't accidentally do it.

    l.   Sam Miller—Architects asked if it should go into the section that covers that process.

    m.   Chair Datz said it probably should go into the total contract cost section. He said that section also was not updated. Chair Datz put a note in that section for Keith Michel—General Contractors, who is in charge of the cleanup of that section.

14. Chair Datz moved onto the next comment. He said he thought they had had a lot of conversations about this comment. He said he would leave this comment for the section lead to make sure it's clear enough on how they're using the term "different contingencies." Chair Datz said that he remembers discussing removing references to the RCW so they don't get into definition.

    a.   Angela Peterson—Ports said they talk about it in the total contract costs. The contingencies are defined there.

    b.   Chair Datz edited that comment to say confirm use of contingencies in the section.

    c.   Aaron Young—DES asked if the owner's contingency is part of the TCC.

    d.   Chair Datz clarified that there are a lot of other contingencies in there, so they want to make sure they're not confusing how they define contingency. They talk about budget contingencies and that's a confusing aspect for some people because it is a part of the TCC, to Aaron Young—DES' point. They talked about other potential buckets for contingencies in the TCC, like design work or other elements that have been flagged for construction to deliver the project.

    e.   Aaron Young—DES asked would the contingencies in the TCC be separate from the contract.

    f.   Chair Datz said this is for changes between the negotiated time of the MAC to 100% design, because there's always a bit of change. He wants to get back into what they have defined as a design contingency or what other contingency buckets they had flagged. He asked Aaron Young—DES to check out that section to make sure they were clear on that.

    g.   Angela Peterson—Ports said there is a design developmental allowance, the buyout contingency, escalation allowances, and a couple other ones in that TCC document.

    h.   Chair Datz said they just want to be clear they're not using budget contingencies in any other fashion. Part of the RCW for budget contingencies is owner control outside of the contract.

    i.   Chair Datz suggested they remove that whole part and just jump into the narrative because every time they use a direct quote they will have to go back and update it when it's changed. Sam Miller—Architects agreed.

15. Chair Datz pulled up a couple comments that he said he would go through and verify.

16. Chair Datz asked if they had talked about shared savings in development or procurement or any other chapters? He asked if they even want to get into that as a best practice.

    a.   Sam Miller—Architects said he would recommend against them.

    b.   Angela Peterson—Ports said they're allowed in RCW, but if someone chose to do it, it would be kind of a one-off situation and relevant to that project and how that agency runs things. It's not really a best practice.

    c. Sam Miller—Architects said that in his experience they can cause more harm than good. He would advocate for putting a warning in the best practices manual saying if someone is considering shared savings to be careful about what they're incentivizing. L&M feels pretty strongly that shared savings generally do more harm than good. They incentivize overly conservative estimating.

    d. Chair Datz said he thinks it's fine to leave it out and not even open the door for conversation.

    e. Keith Michel—General Contractors said he agrees with everyone but because the RCW suggests it can be a part of the process, he feels they should touch on it here and express some of the concerns everyone just expressed. He thinks the best practice here is recognizing they exist but that they don't recommend them and give reasons. Some of those reasons are not clear to people who have never done it before and may not understand how shared savings work. They could be perceived as valuable.

    f. Sam Miller—Architects said he agrees and if the group is comfortable with it to recommend against it in the manual unless there are some overriding reasons that it makes sense for a particular project.

    g. Janice Zahn asked if they want to recommend against it or just express the questions you have to ask before determining if it's a good option. If it's specifically in the RCW as something that's permitted, they need to be very careful about how they word it. Last week at CRC/PRC there was a discussion about progressive design build and if the RCW is silent about something does that mean that you can. And in this case, RCW specifically says you can, so it should be more of a "under what conditions would it be a best practice to do it?" discussion so that they are balancing best practices with what's in the RCW.

    h. Chair Datz said he agrees and the best practices manual is not meant to take a hardline on anything, so he doesn't think it's appropriate to say that people shouldn't do this, especially since the RCW allows it. He said he thinks they should go with the direction that Angela Peterson—Ports, Keith Michel—General Contractors, and Sam Miller—Architects were going and acknowledge it but let people know they really need to think about it as agencies, and what they're trying to accomplish with sharing costs with the GC/CM and just leave it at that.

    i. Sam Miller—Architects added what might be incentivized through shared savings.

    j. Janice Zahn clarified that she is fine with that, but she thought she had heard that the best practices manual would not recommend it which is a little stronger than she would recommend for the manual to say.

    k. Sam Miller—Architects said he thinks he was the one to say that, and he is okay with what Janice Zahn said.

    l. Angela Peterson—Ports asked if she should add that into procurement.

    m. Chair Datz said he thought it should be in total contract costs.

    n. Keith Michel—General Contractors said he thought it should be in procurement because the owner is going to do it or not, but it needs to be included in their initial public solicitation.

    o. Chair Datz said that it's fine to put it in procurement.

17. Chair Datz asked if they talked about protests in the procurement section.

    a. Angela Peterson—Ports said she didn't remember but would check.

18. Keith Michel—General Contractors suggested discussing the project timeline and CPARB coordination, especially since Janice Zahn was present at the meeting.

    a. Janice Zahn said CPARB has meetings in April and May and then a break until September, so if there's any way they can get the best practices manual to CPARB no later than the May meeting that would be preferred. Also, she heard that AGC has their next GC/CM training scheduled for the middle of May. It would be nice to have new material for that training. She feels pressure to have it finished because the next resource they have on best practices is a six- or seven-year-old design build, and a lot has happened since then. She said she was concerned with starting a new activity without closing this one.

    b. Chair Datz asked if Janice Zahn wants it complete by May or to have the draft out for review by May.

    c.   Janice Zahn said she would like it to be voted on and adopted by May.

    d.   Keith Michel—General Contractors said that in the October meeting they discussed the same timeline goal. He said the variable they spent time debating was giving people the opportunity to see the 98% completed draft and accept feedback on it before finalizing it and having CPARB ratify it. They questioned how long to allow feedback on it. There is PRC interest in weighing in and they talked about doing a public forum and posting it on DES' website. They questioned how long to keep it open for feedback. Then the GC/CM committee needs some time to collect the feedback and make potential changes and then have CPARB see that final version. Keith Michel—General Contractors said he was concerned they could be slightly behind on a May deadline goal depending on how long that public comment period is. With that in mind, Keith Michel—General Contractors said he wondered if the 98% completion deadline is May, and the summer when CPARB is not meeting, is the open public feedback period. They have to organize a way to collect feedback. They were going to lean on DES to help collect and organize it. The idea is they close the window, GC/CM meets again, works it into a finish line, then CPARB is able to see the finished product by their first fall meeting in September.

    e.   Janice Zahn said they want to get it right and they've been thoughtful in taking the time to get it right. She had her hopes to get it done sooner but she understands that the reality is different. She asked when the committee will be in a place where there is final draft for both board members and members of the public to give feedback. Is that April or May? Not a final, but final enough to solicit final feedback.

    f.   Chair Datz said the steps to get to the final draft are to finish the reconciliation of comments they're going through now, then have another couple of people come though and read the whole document to get the tone down, address grammar, etc. while the committee is getting the graphics to include in it. That means there are three steps to get to the final version that would be ready to distribute for review. They still have five or six sections to go through and reconcile comments and flag graphics. Chair Datz asked how long do they think they need to do that? Chair Datz said he would ask if Howard Hillinger can go through the heavy civil chapter. If not, Chair Datz will clean up that chapter.

    g.   Keith Michel—General Contractors said he thought that Parametrix would help with editing for a common voice and grammar. He said he wants to reduce the duration they need to do that effectively. He thinks giving them a month or six weeks ideally. The GC/CM committee meets monthly, so the chapter work deadline should be the next meeting, or the week before so they can have it in the shared drive. That means three more weeks of what they're working on now. They can finish comments in late February. Then Parametrix can go in. In March and half of April they can get graphics added in, then it's the May deadline.

    h.   Chair Datz said May does seem reasonable. They will have to see what Parametrix comes up with after their review. They'll want to walk through it afterwards and give everyone on the GC/CM committee a chance to read it through as well. It will take about two to three weeks to get that addressed.

    i.   Sam Miller—Architects said that all sounds good. He said they should get this draft done by the next meeting in February. He thinks Parametrix can have a month. If they need more time they can push it. Then they should be able to make the May meeting deadline.

    j.   Chair Datz said he can't speak for Parametrix. He knows they went through a review earlier and it was pretty quick, but he's not sure how long the entire document would take.

19. Sam Miller—Architects said one piece that could be more challenging is graphics. He asked if there is an effort to make them look similar and if they have all the graphics collected.

    a.   Chair Datz said he would like graphics in the 98% draft. He said they need to figure out how to get all the graphics done. He thinks they first need to get all the graphics, then to think about how they look and feel and see if someone wants to take that on. First they get the chapters all cleaned up, then find sample graphics. Everyone should take that on to find some sample graphics that fit what they're looking for, then they can go through and clean up the graphics at

  the next meeting in February and figure out which ones they want to prioritize. That would give them about two months to clean up the graphics before the 98% deadline in May.

  b. Janice Zahn said if the graphics are close enough, then the draft that goes out to review includes the graphics that aren't finalized yet, but the essence of the graphic is there. Then stakeholders and the community will know that this isn't final and their voices matter. In the meantime, they can finalize making the graphics look pretty. As long as the content and the essence is there she said the bar doesn't have to be that high.

  c. Sam Miller—Architects said he has offered L&Ms graphics department to put those together. If they have a little more time per Janice Zahn's suggestion, that would be helpful.

20. Chair Datz confirmed that by the next meeting on February 28, 2024, they will have their drafts completed and all the graphics collected. They will spend the February meeting finalizing those pieces. They will get the document to Parametrix in March. They have a March 27 meeting. He asked if they wanted to move the March meeting to early April. He said he wasn't sure how long Parametrix would need to review the draft. He asked how long everyone would need to review the comments from Parametrix and asked if they want to skip the March meeting and move April's meeting to earlier in the month to go through all the comments then put it together and get it to CPARB in April.

  a. Keith Michel—General Contractors said it seems possible, but they should check with Parametrix. He said he votes to keep the earlier goals to keep the pressure on to wrap the project up.

  b. Chair Datz confirmed the timeline. March will be the Parametrix review. They'll get the comments back from Parametrix at the end of March. The GC/CM committee will get one week to review the feedback from Parametrix. The committee will meet on April 10. Chair Datz said he would confirm with Talia Baker what day they will need to get the 98% draft into CPARB before their May meeting.

  c. Janice Zahn said they usually need materials one week before the meeting, but because the manual is long, whenever it is ready, they should send it out early.

  d. Chair Datz said he would give himself one week after the April 10 meeting to compile the final version after the Parametrix review and the GC/CM review and send it out to CPARB by April 17. That will be what they think is the public-ready version of the manual.

  e. Keith Michel—General Contractors confirmed that in the May CPARB meeting they will not be doing an official approval but will okay it for posting for the summer public commenting.

  f. Janice Zahn said yes, she thinks it would be helpful for the board to see. She said she's trying to decide if she thinks that she would recommend that CPARB board members should be taking the design build and GC/CM training themselves so that they are grounded in their best practices. She said that is just her personal opinion, and she's not sure the whole board would endorse that. If nothing else, reading the best practices manual would be a good step.

21. Chair Datz said he would work to get the links out to everyone so they can get their assigned work done and called an end to the meeting.

Meeting adjourned at 3:01 p.m.

References\Resources:
Best Practices manual OneDrive