

**Committee Members:** (12 positions, 7 = Quorum)

x	Keith Michel (General Contractors) – Co-Chair	x	Mark Nakagawara (Cities) – Co-Chair
x	Linda De Boldt, WA Cities	x	Diane Pottinger (Water District Representative)
x	Roger Ferris, Fire Districts		Irene Reyes (Private Industry)
x	Liz Anderson (WA PUD Assoc)		Mark Riker (Labor)
x	Sharon Harvey (OMWBE)		Michael Transue (MCA)
x	Bruce Hayashi (Architects)	x	Olivia Yang (Higher Education)

**Guests & Stakeholders:**

	Eric Alozie	x	Jessica Letteney, MFA
	Logan Bahr, Tacoma Public Utilities	x	Monique Martinez, DES/CPARB Staff
	Talia Baker, DES/CPARB Staff		Scott Middleton, MCAWW
x	Randy Black, Lakewood Water District		Roe Paulalasi-Gonzalez
	George Caan, WA PUD Association		Paul Richart, Alderwood Water & Wastewater District
	Bill Clark, WA PUD Association		Abigail Vizcarra Perez, MetroParks Tacoma
x	Joren Clowers, Sno-King Water District Coalition	x	Rob Wettleson, Forma Construction
x	Nancy Deakins, DES/CPARB Staff		Maggie Yuse, Seattle Public Utilities
	Brandy DeLange, Assoc. WA Cities	x	Janice Zahn, Port of Seattle
	Judi Gladstone, WASWD		

**The meeting began at 11:32 a.m.**

**Call to order and roll call for quorum**

Monique Martinez added new positions to the committee member list, members Linda De Boldt and Olivia Yang, and the open fire district representative. A roll call of members confirmed the meeting quorum.

**Review/approve agenda – Action**

Co-Chair Keith Michel asked the group to review and provide any edits to the agenda.

*Co-Chair Nakagawara moved, seconded by Diane Pottinger, to approve the agenda. A voice vote approved the motion unanimously.*

**Approve December 19, 2023, meeting notes – Action**

Co-Chair Michel asked the group to review and provide any edits to the minutes from the meeting on December 19, 2023.

*Co-Chair Michel moved, seconded by Diane Pottinger, to defer approval of the minutes until the next meeting when more committee members are present. A voice vote approved the motion unanimously.*

**Status on outreach to fire districts for a representative – Discussion**

Diane Pottinger mentioned her communication with Fire Chief Matt Cowen from the Shoreline Fire Department. Chief Cowen had reached out to fire district commissioners and expressed appreciation for being included in the conversation. Diane indicated that Chief Cowen was informed about the Capital Projects Advisory Review Board (CPARB) meeting and expressed her intention to follow up with him regarding attendance after the meeting.

Co-Chair Michel highlighted that CPARB has designated a position for a representative from the fire district during committee roll calls.

### **Bill Language**

Co-Chair Michel clarified that the committee's aim is to establish a platform for engaging in new discussions regarding the nuanced aspects of the language within this bill and the corresponding work, which CPARB seeks to facilitate discussion around.

Diane proposed that, given today's attendance at the meeting, CPARB postpone discussions on bill language until after the legislative session.

Co-Chair Mark Nakagawara acknowledged his role as the representative for cities on the committee, acknowledging the diversity among cities, including classifications like code cities. He expressed the challenge of adequately representing all cities and suggested that broader city representation on the committee would be beneficial. Linda DeBoldt volunteered to fulfill this role on the committee.

Linda introduced herself with gratitude for the opportunity to join the committee, highlighting her previous involvement as a stakeholder and guest over the past year. With six years of experience at the City of Bellevue Utilities Department, she currently serves as the Assistant Director in the Engineering Division, overseeing the implementation of the capital program. Prior to this role, Linda held the position of Public Works Director for the City of Redmond, managing various capital programs including water, sewer, stormwater, transportation, and parks. Her extensive career also includes three decades of service at the City of Seattle, focusing on transportation and utilities, culminating in her retirement from Seattle Public Utilities in 2013. Linda's background encompasses a wide array of capital project public works, environmental, and planning programs, with particular expertise in public works project management, including design, construction, contracting, and compliance with state laws, especially within Seattle's framework as a first-class city. She expressed her enthusiasm for contributing to CPARB's deliberations on the legislation.

Co-Chair Michel expressed appreciation for Linda's participation and valued her fresh perspective and relevant experience.

Olivia Yang suggested postponing discussions until the conclusion of the current legislative session, citing the absence of several committee members at the meeting and the potential risk of decisions being made without their input.

Olivia then requested a recap of outstanding issues, including the extension of bidder responsibility to all cities, clarification of the definition of prudent utility management (PUM), and the \$300,000 threshold. There were inquiries into what constituted the threshold, encompassing labor, total project costs, and equipment, and the committee's understanding of PUM definitions which would aid future discussions.

Sharon Harvey added to the meeting chat: March 7, 2024 - Sine Die (last day of Legislative Session)

Nancy Deakins informed the attendees about a one-page fact sheet she shared in the meeting chat regarding Senate Bill 6167, which adopts the recommendations of CPARB concerning local government procurement rules. She emphasized that only two recommendations were carried forward, outlining the proposed future stakeholder work for the committee. Nancy then displayed the one-pager on her screen.

Co-Chair Michel provided background information for newer committee members, explaining that the committee was established to provide recommendations for a bill that had passed a year prior. The recommendations, endorsed in the December 2023 CPARB meeting, included maintaining Recommendations 1 and 2 as listed on the fact sheet: standardized threshold limits of \$75,500 for a single trade and \$150,000 for multiple trades (standardized thresholds of \$75.5K and \$150K). These thresholds were proposed to apply to all public entities to ensure consistency in how other public entities handle self-performing work and navigate related circumstances.

Co-Chair Michel emphasized that the ongoing committee work aims to address the contentious issues the committee had managed during the previous summer and through CPARB recommendations in December. The recommendations, outlined in the one-page fact sheet, provide insight into the focal points of the bill and the committee's efforts to achieve consensus.

Diane inquired about the consequences if CPARB fails to reach consensus, to which Olivia responded, stating that the existing provisions in Senate Bill (SB) 6167 would remain unchanged. Furthermore, none of the bidder responsibility public utility district ideas would proceed substantially.

Co-Chair Michel emphasized the importance of acknowledging the original bill's implementation date, highlighting the current recommendation to postpone implementation for another year. The ongoing legislative session is directly tied to the committee's future actions regarding necessary revisions to the bill. Olivia pointed out the significance of monitoring whether SB 6167 passes or if SB 1621 comes into effect, a sentiment echoed by Co-Chair Michel.

Co-Chair Nakagawara mentioned that timing played a role in the committee's decision to cancel its last scheduled meeting, as members were closely monitoring the progress of SB 1621 through the Senate.

The committee assessed the status of SB 6167, with Nancy reporting that the bill is currently undergoing a reading in the Senate. It must advance out of the Senate by midnight on February 14, 2024, to remain active. She mentioned that CPARB Chair Janice Zahn had discussed with Senator Hasegawa the bill's advancement for a floor vote, confirming that the legislative session concludes on March 7.

Nancy provided context for SB 6167, explaining that it incorporates the areas of agreement identified by CPARB. CPARB had voted for a two-year trial period for the standardized thresholds of \$75.5K and \$150K and suggested delaying the implementation of other provisions due to lack of consensus. Conversations held late last fall have led to ideas aimed at achieving consensus, but CPARB requires more time and the participation of other members, including labor, private industry, and subcontractor representatives, to fully discuss these ideas.

*Roger Ferris joined at 11:53 a.m.*

*Joren Clowers joined at 11:59 a.m.*

*Janice Zahn joined at 12:00 p.m.*

Diane inquired with Co-Chair Michel about a suggested date for reconvening to discuss the issues. Co-Chair Michel explained that today's CPARB meeting serves as a check-in to confirm understanding of the bill's progress in the legislative process and to outline future tasks for the committee in anticipation of SB 6167's potential support. He affirmed the idea of meeting again after the legislative session concludes.

Roger Ferris introduced himself as the Executive Director of the Washington Fire Commissioners Association, representing fire districts. He assured his availability for all meetings to provide the perspective of the Fire Commissioners Association, as requested. Ryan Spiller, the association's lobbyist, will be succeeded by Roger due to Ryan's legislative commitments. Roger expressed gratitude for the invitation and the opportunity to participate in the committee.

Co-Chair Michel expressed appreciation to Roger and requested him to share his contact information with CPARB staff. Joren Clowers inquired if the committee had discussed Senator Hasegawa's amendment to the current bill. He elaborated that the amendment, developed with input from representatives of water and sewer districts and Brandy DeLange, aims to establish bid limit thresholds and remove the expiration date. The amendment requires CPARB to review the Prudent Utility

Management (PUM) and lowest responsible bidder language, with completion slated for October 2024. The stakeholders have reached agreement on the amendment, indicating potential acceptance if it proceeds to the floor. The bid limit increases and CPARB's responsibility to review would remain in effect.

The committee reviewed the text of the amendment on the screen. Janice Zahn said she heard from Michael Transue and Mark Riker (the labor representative) had expressed agreement with that amendment, noting that the intent to accept the standardized thresholds of \$75.5K and \$150K would be permanent and not take effect for two years. This was not how the how CPARB ended up voting, so an amendment appears to be satisfactory.

SB 6167 is currently under consideration in the Senate but has yet to be brought to a vote. Janice indicated that addressing areas identified for cleanup regarding Prudent Utility Management (PUM) would be beneficial to ensure alignment with terminology commonly used by cities. She has separately discussed this matter with Senator Hasegawa, Mark Riker, and Michael Transue.

Joren clarified that the Senate has until 5 p.m. on February 13 to deliberate on the bill. He raised the question of whether further CPARB review on SB 1621 would require legislative direction if the Senate fails to pass the bill.

Janice explained CPARB's approach to its work, highlighting tasks directed from state legislators through bills and its proactive engagement on pertinent issues. She mentioned CPARB's initiative on small works stemming from a previous local government study, indicating that completion by October 2024 would be feasible if CPARB independently carries out the task, allowing for more flexibility in providing language.

Joren suggested continued discussion on the potential scope of further review if the Senate bill doesn't pass.

Janice suggested that the committee look at best practices. Throughout Washington state there are communities of practice or best practices using and developing these tools to better understand how to work within the boundaries of the legislation most prudently.

Co-Chair Michel expressed appreciation for the insight into the bill amendment, seeing it as a positive indication of SB 6167's progress. Joren noted the Senate's remaining time for consideration, with Roger mentioning the bill's position on the Senate's agenda. Joren expressed optimism that the Senate would address the bill during the session.

Liz Anderson sought clarification regarding page 2, line 2, under RCW 54. Specifically, she requested explanation concerning the mention of "prudent utility management" after the term "contract." Additionally, she suggested inserting (b)(a) at line 5. Joren advised contacting Mr. Hazelgrove, Senator Hasegawa, or Michael Transue to understand the origin of the language, noting that this section didn't seem to originate from district initiatives.

Joren highlighted that on page 2, line 2 of SB 6167, the expiration date for the increased thresholds is removed.

Janice confirmed CPARB's approval of the amendment establishing the standardized thresholds of \$75.5K and \$150K as permanent before their vote. Co-Chair Michel reiterated that these points were not areas of contention within the committee last year, confirming CPARB's consensus.

It was recalled that labor and subcontractors were opposed to raising the thresholds, leading to a proposal for a trial period at CPARB as a compromise. Janice confirmed that the amendment includes the standardized thresholds as permanent.

Olivia proposed releasing members active in the legislature to carry out advocacy work and suggested reconvening the committee on March 12, the first meeting after the legislative session ends on March 7.

Assuming the bill passes through the legislature, Janice recommended that the committee outline a process to develop bill language suggestions, ensuring sufficient time for drafting, review, and submission of the report by the end of October.

Co-Chair Michel emphasized the need to establish a roadmap and commitment, identifying it as an action item from the meeting that requires more participation in the planning process.

*Diane Pottinger moved, seconded by Olivia Yang, to adjourn the meeting.*

Janice reported listening to the Senate floor action on SB 6040 related to Prompt Payment in public works, noting an amendment that restricted Prompt Payment to state agencies after negotiation between the Washington State Department of Transportation and Department of Enterprise Services.

*Co-Chair Michel acknowledged the agreement with the motion to adjourn and expressed gratitude to all attendees before officially adjourning the meeting.*

**Next meeting: March 12, 2024, 11:30 a.m.**

**Action items:**

1. Approve the minutes from the meeting held on December 19, 2023.
2. Establish a road map and commitment to develop and review bill language suggestions to facilitate meeting the October 31, 2024, deadline for bill language.

**Meeting adjourned at 12:22 p.m.**

References/Resources:

[RCW 35.22.620](#) – First-Class Cities / Public Works

[RCW 39.04.350](#) – Responsible Bidder

[RCW 54.04.070](#) – PUD General Provisions/Contracts for work or materials