

**CAPITAL PROJECTS ADVISORY REVIEW BOARD**

Via Teams

**Meeting Minutes**

**April 11 , 2024**

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<b>MEMBERS PRESENT</b>	<b>REPRESENTING</b>	<b>MEMBERS ABSENT</b>	<b>REPRESENTING</b>
Janice Zahn ( <i>Chair</i> )	Ports	Corey Fedie	Public Hospital Districts
Keith Michel ( <i>Vice Chair</i> )	General Contractors	Mark Riker	Const. Trades Labor
Lekha Fernandes	OMWBE	Rep. Mike Steele	House (R)
Bobby Forch, Jr.	Disadvantaged Businesses	Rep. Steve Tharinger	House (D)
Senator Bob Hasegawa	Senate (D)	Senator Judy Warnick	Senate (R)
Bruce Hayashi	Architects		
Janet Jansen	State Government		
Santosh Kuruvilla	Engineers		
Karen Mooseker	School Districts		
Mark Nakagawara	Cities		
Matt Rasmussen	Counties		
Irene Reyes	Private Industry		
Linneth Riley-Hall	Transit		
Steven Russo	Specialty Contractors		
John Salinas II	Specialty Contractors		
Kara Skinner	Ins./Surety Industry		
Robin Strom	General Contractors		
Josh Swenson	Construction Trades Labor		
Robynne Thaxton	Private Industry		
Olivia Yang	Higher Education		

*Staff & Guests are listed on the last page.*

**CALL TO ORDER & ROLL CALL FOR QUORUM**

*Chair Janice Zahn called the virtual meeting of the Capital Projects Advisory Review Board (CPARB) to order at 8:00 a.m.*

A meeting quorum was acknowledged.

**WELCOME BOARD MEMBERS & INTRODUCTIONS**

Chair Zahn welcomed everyone to the meeting and recognized new member, Steven Russo, representing Specialty Contractors. Mr. Russo reported he is employed by UMC, a mechanical contractor. He has been involved in a number of alternative delivery projects and is pleased to join the Board.

**APPROVE AGENDA – Action**

Talia Baker reviewed changes to the agenda to adjust timing to afford more time to the report by the WSDOT Project Delivery Method Review Task Force. Agenda items removed were reports by the JOC Evaluation Committee and the Education Connection Committee.

*Linneth Riley-Hall moved, seconded by Irene Reyes, to approve the agenda as modified. A voice vote approved the motion unanimously.*

**APPROVE MEETING MINUTES OF FEBRUARY 8, 2024, FEBRUARY 20, 2024, & MARCH 18, 2024- Action**

*Irene Reyes moved, seconded by Lekha Fernandes, to approve the minutes of February 8, 2024, February 20, 2024, and March 18, 2024 as published. A voice vote approved the motion unanimously.*

**INVITATION FOR PUBLIC COMMENTS – Information**

There were no public comments.

**CHAIR REPORT – Information**

Chair Zahn congratulated Robynne Thaxton on her reappointment to the Board by the Governor.

Chair Zahn reported on preparations for the Board’s in-person meeting in May.

The Board received a request to attend the House Local Government Committee on June 10, 2024 to review the Board's bill related to SHB 1621. Chair Zahn contacted the Chair of the House Transportation Committee regarding the WSDOT Project Delivery Method Review Task Force and the four projects and confirmed the timelines of the project reports.

PRC appointments have been scheduled between two Board meetings. Chair Zahn said she was unable to attend Project Review Committee (PRC) business meeting in March to provide guidance and answer questions regarding the appeal of the Spokane Public Facilities District project and the Board's action to overturn the decision of the PRC. She plans to attend the next PRC business meeting to address questions. She shared that she received some feedback of concern, as some members of the PRC were frustrated with and not understanding the Board's action.

## **BOARD ENGAGEMENT**

### **Board Members Opening Thoughts/Shared Commitments – Discussion**

Members individually shared their respective opening thoughts. Members spoke to being focused, optimistic, anxious, hopeful, distracted, patient, and eager to learn.

### **LEGISLATIVE UPDATES – Information**

Chair Zahn reported the Governor signed several budget provisos associated with several new tasks assigned to the Board. As mentioned previously, the House Local Government Committee requested an update from the Board on SHB 1621 and the SB 6167 bill that did not advance in the House during session.

### **PRC APPOINTMENTS – Action**

Ms. Baker reviewed the process of PRC appointments for the benefit of new members. Candidates are asked to share information about their respective experience with Design-Build and GC/CM and respond to questions from Board members. She outlined the voting process. Next month, the Board will consider appointments to fill vacant positions of Higher Education (2), General Contractor (2), Owner -General Public combined with General Owner (2).

Chair Zahn invited the applicants to speak to their respective applications.

### **Owner – Public Hospitals (1 Position)**

**Garett Buckingham** reported he serves as the Director of Design Construction at Evergreen Health, a King County Hospital in District 2. He has served in the role for five years. The hospital recently completed its second of two GC/CM projects and is establishing policies to utilize Job Order Contracting, and Design-Build in the future. Prior to assuming his current position, he was employed at the University of Washington in a variety of roles including Project Manager, Assistant Director, and Senior Project Manager. As Project Manager, he participated in the first GC/CM project valued less than \$10 million and the first Progressive Design-Build project. As Assistant Director, his teams worked on six different Progressive Design-Build projects. He currently serves as the President of the Western Washington Chapter of Design-Build Institute of America, is a prior member of the Board, and was involved in efforts to renew RCW 39.10. He believes alternative delivery methods for public agencies provide tools to deliver appropriate projects in an efficient manner that serve all constituents. The delivery methods create a collaborative environment supporting the goals of public agencies and facilities with better quality in a timely manner at the most efficient cost. When an owner uses the tools well, the tools enhance the abilities for designers and builders including facilitating a more inclusive selection process and support of underutilized firms. However, when an owner is not familiar with utilizing the tools well, the project team's performance can be severely handicapped. He supports owner-training support from industry leaders in the consulting industry, recognizing owners who are using those tools well, and supporting best in class owners to help develop processes to inform and educate other owners. He advocates helping owners who have not prepared well to use a particular tool and would like to support the industry by joining the PRC.

Olivia Yang conveyed her support of appointing Mr. Buckingham to the PRC.

*Irene Reyes nominated Garett Buckingham to serve on the PRC representing Owner-Public Hospitals.*

No other nominations were offered.

***By a unanimous vote of affirmation, Garett Buckingham was appointed to the PRC representing Owner-Public Hospitals.***

### **Owner – Ports (1 Position)**

Chair Zahn disclosed that one of the applicants works for the Port of Seattle. She followed up with staff to ensure there would be no conflict of interest. No recusal from the vote is necessary.

**Heather Munden** reported she serves as a Construction Manager for the Port of Seattle. She oversees the Terminal, Tenant, and Noise Program at SeaTac International Airport. She worked five years in the airfield and five years on the Seattle waterfront. She began working on alternative delivery projects nearly two decades ago on GC/CM projects. She is currently assigned to four GC/CM projects at the airport. She has been part of building engineer systems and other design-builds at the airport, as well as working at the interim Westside Fire Station and the closeout of the D Annex. Her team oversees Job Order Contracting at the terminal. Additionally, she instituted some working groups at the Port of Seattle for GC/CM and Design-Build and worked closely with procurement to launch the working groups. The working groups developed best practices guides for GC/CM and Design-Build. She has experience working in the federal sector and serves as the subject matter expert at the Port of Seattle for FAA funded projects and is currently working on a large federally funded concourse project. Her work is to ensure the procurement process meets federal procurement requirements and federal funding stipulations working in tandem with other airports in the state to obtain input on federally funded requirements. She supports alternative delivery methods and has additional experience as a former elected official of a small city.

Ms. Yang asked about the organization of the Port of Seattle in terms of project construction management for selecting and managing the procurement process. Ms. Munden responded that alternative delivery is a collaborative approach to the procurement process while the contracting procurement is handled through the Port's central procurement office. As subject matter experts on construction, the project manager is responsible for scope, schedule, and budget. However, for alternative delivery projects, the efforts are collaborative with her team directing the contracts for Design-Build and GC/CM projects. She serves as the lead for the Request for Proposal (RFP) development process working in collaboration with procurement.

**Stanley Ryter** said he serves as a Senior Project Manager at the Port of Tacoma and has been with the Port for 11 years. The Port of Tacoma works on both Design-Build and GC/CM projects. He is responsible for presenting project proposals to elected officials for project funding requests. His team is responsible for delivering any type of project from paving to pier projects. He has been involved in project delivery during his 30-year career. Previously, he was employed in transportation and bridge engineering and delivery and worked on the SR 520 floating bridge serving in a supervisory role during the Design-Build process. His current challenge is assisting the Port of Tacoma in the journey of Design-Build projects. He is involved in the Port's first Progressive Design-Build project through a joint project with Tacoma School District's Maritime Skills Center to construct a \$120-\$150 million Port Maritime Center to create a 60,000 square-foot Port Administration building and a new District Skills Center on a 20-acre parcel along the Foss Waterway in Tacoma. The complicated project includes assistance by a mentoring agency. The project involves joint procurement efforts, 10 teams, and high-profile community engagement and reporting to elected officials. His passion is delivering projects and he is not locked into any particular delivery method other than ensuring the right delivery method is selected to for successful project outcomes.

Robynne Thaxton asked Mr. Ryter whether he has any experience with GC/CM projects. Mr. Ryter advised that he not worked on a GC/CM project. However, based on conversations with the architect on the differences between the delivery methods, he has some understanding of the subtleties between the two delivery methods.

Chair Zahn invited nominations.

*Ms. Thaxton nominated Heather Munden for appointment to the position of Owner – Ports on the PRC.*

*Bruce Hayashi nominated Stanley Ryter for appointment to the position of Owner – Ports on the PRC.*

No other nominations were offered.

***A roll call vote on the nominations followed:***

*Lekha Fernandes – Heather Munden*

*Bruce Hayashi – Stanley Ryter*

*Santosh Kuruvilla – Heather Munden*

*Mark Nakagawara – Heather Munden*

*Irene Reyes – Heather Munden*

*Steve Russo – Heather Munden*

*Kara Skinner – Heather Munden*

*Josh Swenson – Stanley Ryter*

*Bobby Forch Jr. – Heather Munden*

*Janet Jansen – Heather Munden*

*Karen Mooseker – Heather Munden*

*Matt Rasmussen – Did not vote*

*Linneth Riley-Hall – Heather Munden*

*John Salinas II – Did not vote*

*Robynne Strom – Heather Munden*

*Robynne Thaxton – Heather Munden*

Olivia Yang – Heather Munden  
Janice Zahn - Heather Munden

Keith Michel – Heather Munden

**By a majority vote of affirmation, Heather Munden was appointed to the PRC representing Owner-Ports.**

Chair Zahn thanked Mr. Ryter for applying for the position and encouraged him to consider participating on other Board committees. She congratulated Ms. Munden on her appointment.

**Owner – School Districts (1 Position)**

**Jeff Dryden** reported he has served as the Assistant Director of Construction and Planning at the Bethel School District for the last five years. Over the last five years, Bethel Schools has initiated or completed four GC/CM projects and four Design-Bid-Build school projects. The initial four GC/CM projects served to lead the school district through the GC/CM process and the advantages and disadvantages of utilizing the GC/CM delivery process. Although he lacks any Design-Build project experience in the state, he served 24 years in the Navy as a project manager and owner's representative on several Design-Build projects.

Karen Mooseker asked Mr. Dryden to describe his role in a recently completed GC/CM project. Mr. Dryden explained that he was involved in the entire project and served as the lead to develop the project application, developing and issuing the RFQs and RFPs for the contractor, selection of the architect for all GC/CM projects, and supervising project managers for each project.

Irene Reyes asked whether inclusion and outreach presented any challenges for the projects. Mr. Dryden advised that inclusion and outreach continues to be a challenge as the district is located outside of the King County/Tacoma metropolitan area often leading to more difficulties in attracting contractors. All projects include significant outreach. The school district works closely with project contractors on their respective outreach programs with numerous outreach events completed for projects to encourage minority and women-owned business participation. The school district was able to attract bid submittals by several minority contractors. For the Evergreen School project, the school district will meet its MWBE goals but not for the high school project because of the low bid requirements for many of the bid packages.

Santosh Kuruvilla asked Mr. Dryden about his Design-Build experience in the Navy. Mr. Dryden responded that he served at Naval Base Kitsap in Bremerton, NAVFAC Southwest, Bahrain, Asia, and Rota, Spain. The Navy experienced several iterations of Design-Build beginning with the original Design-Build methodology through the issuance of a small spec package. The Navy also completed many Design-Build projects using bridging documents by hiring an architect to complete initial design followed by Design-Build contracting to finalize the design.

Bobby Forch asked about specific MWBE goals for projects. Mr. Dryden said he did not recall the specific goals. The school district has not established specific goals other than each project include development of goals in conjunction with contractors. The goals are developed and published as part of the bid process.

**Jay Rowell** reported he serves as the Director of Special Projects with Central Valley School District. He has 38 years of experience and education either as a Teacher, Principal, Associate Superintendent, or Superintendent. In the last 10 years, he has worked with the PRC on GC/CM project proposals and Heavy Civil GC/CM projects for the school district. Over the last 10 years, the school district has completed over 30 projects with many of the projects large renovation of schools, 3 Design-Build projects, 10 GC/CM projects, and 3 Heavy Civil GC/CM projects. He also presented the district's request for alternative delivery certification to the PRC to complete GC/CM projects. He does not have any practical experience with Design-Build but has been studying the delivery method over the last several years to determine whether the application would benefit the district, as the district recently passed a new capital levy for new projects. He would like to serve on the PRC as a representative of Eastern Washington and has had the pleasure of working with members of the PRC to include Ms. Riley-Hall who served as the school district's instructor for a number of the district's GC/CM certification classes.

Ms. Reyes recognized Mr. Rowell's roles within the school system as it affords him with the opportunity to understand the needs of students.

Ms. Mooseker requested additional clarification as to the applicant's involvement or participation on GC/CM projects. Mr. Rowell said he has overseen all construction within the school district over the last two years. Thirteen of the projects

were GC/CM with three of the projects Heavy Civil GC/CM. He has not been involved in any Design-Build projects, but the school district is exploring the delivery method as it moves forward with capital levy projects.

In response to a suggestion by Ms. Reyes for clarification by the Board to distinguish applicable project experience with either GC/CM or Design-Build, Chair Zahn pointed to the difficulty of determining appointments of candidates applying to the PRC. The Board has not discussed the potential need for more recruitment because sometimes the right candidates have not applied. The Board could render a decision to pursue more outreach to fill positions. Selection involves weighing different factors of each candidate, as applicants are not identical as each candidate brings their lived experience, interests, and thoughtfulness to different positions.

Chair Zahn noted that one applicant currently serving on the PRC was unable to attend to speak to their respective application. She asked whether any Board member could speak to Taine Wilton's application. She invited Ms. Mooseker, as the representative for School Districts, to provide additional insight as to the position.

Ms. Mooseker spoke in support of Ms. Wilton's candidacy in terms of depth of experience with alternative procurement. She has worked with the Edmonds School District for many years and serves as the Director of Capital Projects. Capital construction within school districts is dependent on bonds or capital levies and the structure of most departments managing projects are varied across the state. The Edmonds School District has a long and established history of its capital department and capital programs. Ms. Wilton has served as the school district's PRC representative. Ms. Mooseker said she strives to attend as many PRC meetings as possible especially when school districts are presenting project proposals or agency certifications. She has witnessed Ms. Wilton participation as a member of a PRC panel during those reviews and supports her reappointment to the PRC.

Ms. Thaxton pointed out that members of PRC panels do not necessarily have Design-Build or GC/CM experience when reviewing project proposals for a specific delivery method. It is beneficial to the PRC when members have experience as an owner. As many school districts have not pursued Design-Build projects, many applicants lack Design-Build experience. It is unusual for a school district applicant to have both GC/CM and Design-Build project experience. She supports her application for reappointment.

In response to Ms. Reyes comments, Linneth Riley-Hall cited RCW 39.10.240 (2), which states, "*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 of public and private sector representatives of the board listed in RCW 39.10.220 and must include at least one member representing the interests of disadvantaged business enterprises.*" She conceded that often, the Board has difficulty in attracting candidates who have experience with both delivery methods.

Chair Zahn invited nominations.

*Ms. Thaxton nominated Taine Wilton to serve on the PRC for the Owner-Public Schools position. Ms. Mooseker supported the nomination.*

No other nominations were offered.

***By a majority voice vote of affirmation, Taine Wilton was appointed to the PRC representing Owner-School Districts.***

Chair Zahn thanked Mr. Dryden and Mr. Rowell for applying for the position and encouraged them to consider participating on other Board committees.

### **Project Review Committee – Information**

PRC Chair Kyle Twohig briefed members on the outcome of two PRC meetings. The first meeting was a special meeting requested by an applicant denied project approval during the January meeting. The applicant resubmitted a revised application and delivery method that was more suitable for the project. The panel approved the application.

At the March meeting, members reviewed and approved five projects totaling \$1.9 billion. All projects received unanimous approval. Members considered and approved a recertification application from Sound Transit for Design-Build and GC/CM.

To date, the PRC has received 2:1 Progressive Design-Build applications versus GC/CM project applications. At the last meeting, none of the GC/CM projects included any alternative subcontractor procurements.

During the business meeting, members approved a minor bylaws amendment clarifying participation of PRC members on panels in line with previous practice and legal advice. PRC is scheduling another in-person/hybrid meeting in May in Spokane at the Talbott Event Center. Election of a new Vice Chair is scheduled during the May meeting. Jessica Murphy is scheduled to assume the Chair position on July 1, 2024.

Members also reviewed some changes in terminology, discussed a gap in the mentoring program specific to the role of panel chairs. Typically, the informal practice has entailed not assigning members as a panel chair until after one year of service on the PRC. Members also discussed the Board's decision to overturn the PRC's denial of the project application from the Spokane Public Facilities District. Members discussed scoring criteria and elements considered or not considered when reviewing applications. Many questions centered on the process of an appeal. Historically, there have been few appeals because most applicants reapply at the next meeting or request a special meeting. Members emphasized encouragement of applicants who have been denied to reapply or request a special meeting as opposed to filing an appeal.

Vice Chair Jessica Murphy added that leadership has committed to following up on some of the topics at the next business meeting. Leadership will also convey Chair Zahn's comments regarding the appeal and the Board's action.

Chair Zahn said she plans to attend the next business meeting to answer questions. She noted a minor correction of the Board's vote within the PRC update and supported following up with applicants who receive a denial to convey the possibility of modifying the application and reapplying rather than appealing the decision to the Board. Only three appeals have been filed since the Board was established.

Senator Hasegawa reported on his attendance to the PRC meeting. He was unclear as to the process PRC follows and attended because of interest in the Sound Transit owner re-certification. The time constraints were noticeable with insufficient time to afford a more thorough review of some issues that were not apparent in the written report submitted by Sound Transit. The re-certification review included a PowerPoint presentation by two representatives from Sound Transit followed by a brief discussion on inclusion and a quick wrap-up process. In Sound Transit's application for recertification, he had many questions surrounding lessons learned, such as the status of the I-90 project's extensive delay and cost overruns and the status of the light rail station in downtown Seattle. Only two lessons learned were documented in the application and the material did not reflect audits of Sound Transit other than an explanation during the presentation. He expressed interest in pursuing a conversation on how certification and recertification applications are evaluated by the PRC. Although public comment was afforded, he believed the application would be referred to the Board for final approval. He believes the process could be improved to ensure public money is well spent and public questions are answered. No questions were offered from the community's perspective on the operation of Sound Transit and lessons learned on projects that he believes some communities believe include some deficiencies within the projects. He noted that he has scheduled a meeting with Sound Transit officials to discuss his concerns more thoroughly.

PRC Chair Twohig explained how the panel process includes a consistent timeline for all applicants to ensure fairness of each panel review. PRC members are provided with the applicant's application before the meeting to review and to ask questions. Member questions are confined to the statutory requirements on the qualifications of the application and the applicant. Issues surrounding previous projects may or may not have been identified; however, it also speaks to whether the statute requires a review of those issues during the evaluation. Although it appears the PRC should be more involved at the project level, members veer away from that process as the PRC is not tasked with that responsibility.

Ms. Riley-Hall thanked Senator Hasegawa for the questions. A meeting has been scheduled to provide a briefing on all Sound Transit projects to address questions or concerns. She acknowledged a series of quality issues on the East Link project. Sound Transit is using lessons learned from those projects and applying them to other projects. The agency has a robust lessons learned program. The presentation affords adequate time to respond to all questions.

Chair Zahn advised that following a break, the focus of the meeting will be on the Board Development Committee, SHB 1621 Review Committee, BE/DBI Committee, and the WSDOT Project Delivery Method Review Task Force with the following items tabled: Project Feedback Process Workgroup and Small Works Committee to afford sufficient time for reports and actions and to ensure the meeting ends at the scheduled time.

*Chair Zahn recessed the meeting at 9:37 p.m. for a break. Chair Zahn reconvened the meeting at 9:45 a.m. A meeting quorum was confirmed.*

## **COMMITTEE & WORKGROUP REPORTS – Continued**

### **Board Development Committee – *Information/Action***

Co-Chair Thaxton referred to the pre-read for the proposal on PRC position terms introduced at the last meeting. The proposal was reviewed and approved and is a revision of terms limited to the next term for PRC positions to prevent a large number of vacant positions because of terms expiring concurrently. The proposal staggers PRC positions, equalizes the number of appointments each year to avoid too many appointments in one year, avoids over burdening any specific stakeholder group, and keeps interim terms to the extent possible. The proposal corrects existing terms.

Mr. Kuruvilla thanked the committee and staff for their efforts to develop a proposal to solve a difficult situation.

***Linneth Riley-Hall moved, seconded by Irene Reyes, to approve the PRC Position Appointment Realignment proposal as presented. A voice vote approved the motion unanimously.***

Co-Chair Thaxton referred to a pre-read of a list of committees with open positions. The request is for members to review the list of vacant positions and consider joining a committee and/or promoting participation within each member's respective stakeholder group who would be willing to serve on the committee.

*Janet Jansen nominated Bill Frare to serve on the Board Development Committee.*

Ms. Fernandes requested withdrawal from serving on the Project Feedback Process Workgroup.

Mr. Kuruvilla advised that he plans to withdraw membership from the GC/CM Committee as he has missed several meetings. However, he is actively recruiting for a new member.

Chair Zahn asked members to review the list and if not currently serving on a committee, consider membership with the Board appointing new members to the committees at the May meeting.

***By a majority voice vote of affirmation, Bill Frare was appointed to the Board Development Committee.***

Co-Chair Thaxton reported another request is for members to volunteer to serve as mentors. She asked members to contact Vice Chair Michel if interested in volunteering to serve. Finally, the membership of the PRC requires a balance between public and private members. Currently, the PRC has a significant imbalance between public and private members. The committee is requesting the Board's guidance with respect to focus on individual stakeholder groups or an increase in Owner-General Public positions.

Co-Chair Fernandes explained that the imbalance affects both public and private positions. Approximately four public owner positions are vacant compared to the Board's membership makeup, which might require the addition of three to four public positions to ensure a public/private balance as required by statute. Within specific sectors, an imbalance exists in the private sector which incorporates many representations within the private industry. An analysis is possible to review private positions to identify balance while also meeting statutory requirements of knowledgeable and skilled members in alternative delivery procurement. The committee is seeking guidance from the Board on the committee's focus.

Chair Zahn affirmed the importance of adhering to the RCWs that speak to representation, distribution, and alignment. She suggested releasing a survey to collect feedback from members between meetings to afford guidance to the committee as the request warrants more time than available during this meeting. Members should be prepared to provide feedback at the May meeting to the committee. She recommended adding the request to the Board's important deadlines.

Co-Chair Thaxton advised that the committee is considering the development of a recruitment webpage to refer potential members to obtain necessary resources to understand the role and responsibilities of committee membership.

### **SHB 1621 Review Committee – *Information***

Vice Chair Michel updated members on the committee's recent efforts. During the course of two meetings, members updated new members on the committee's task. The committee continues to experience strong participation from stakeholders and committee members. At the last meeting, the committee received positive feedback from construction trades labor and specialty subcontractors on the key component with respect to navigating all technical provisions and negotiations to attain common ground. The outcome was a shorter definable list of action items. Some homework is necessary to evaluate some of the negotiation points internally. Members developed a timeline and plan to meet in May. At the next meeting, his expectation is to bridge some of the remaining issues that have not achieved consensus.

Vice Chair Michel said he recognizes the sensitivity and timeline based on moving forward after the last legislative session. Committee leadership is committed to completing the committee's work to move legislation forward to the Board for crafting an effective bill with sufficient time to move it through the legislative process.

Senator Hasegawa provided feedback on the bill that failed during the last session. He assumed the bill was supported entirely by the Board. He presented the bill under the auspice of the Board's support; however, as the bill was considered during hearings, it was obvious the Board's full support was lacking. He cautioned the Board to ensure any advancement of a bill includes either the Board's consent or at least inform him of the possibility of the bill encountering problems to avoid undermining his credibility when presenting a bill with unanimous consent.

Chair Zahn replied that the Board was not aware of the positions of fire districts that did not participate. Fire district representation has been included on the committee. The goal is to bring legislation that is fully vetted and supported.

### **BE/DBI Committee – Information**

Co-Chair Fernandes updated members on the status of the committee's work in support of SB 6040. The committee is establishing the project schedule, scope, and working on stakeholder definitions led by three task groups. The committee is scheduled to vote on all three issues by April 17, 2024. The timeline is aggressive for completion of the recommendations. She asked members to be responsive when the committee requests information or refer the committee to appropriate stakeholders to enable the committee to complete stakeholder engagement. Outreach has been aggressive, and the lists are long because the committee needs feedback and input. The aggressive schedule calls for a vote by the committee to finalize the draft report to the Board to enable the Board to vote on the report at the October meeting to provide a report to the Legislature in November. At the next meeting, the Board will receive the stakeholder lists and engagement strategy, fully defined scope, and the project schedule as pre-reads for the May meeting. The Board is asked to provide feedback or opinions on the three elements. The committee plans to begin drafting the report on April 17, 2024.

Chair Zahn conveyed appreciation for the ambitious timeline to begin drafting the report. SB 6040 on prompt pay moved through the Legislature with a proviso that CPARB will provide recommendation, which is a testament to the Legislature's belief that CPARB is the right venue to advance prompt pay. Chair Zahn committed to the Legislature to complete the work, which speaks to her confidence in the committee to meet timelines. It is important that all voices are represented in the recommendations. She asked whether other representation should be considered for membership.

Co-Chair Fernandes affirmed her belief that the current slate of members represents the appropriate balance; however, WSDOT requested replacement of a member on the committee. All members are striving to complete the assignment. The stakeholder document is quite expansive and represents all voices and ideas for future engagement. As all Board members are stakeholders, it is important members are engaged and respond to any calls for action to enable the committee to meet its deadline.

Chair Zahn thanked Co-Chairs Fernandes, Kuruvilla, and Reyes for their efforts.

### **WSDOT Project Delivery Method Review Task Force – Information**

Co-Chair Linneth Riley-Hall noted that similar to the BE/DBI Committee, the task force is on a fast-track and aggressive schedule. The mission of the task force is to review planned procurement methods for specified WSDOT projects and provide recommendations on the procurement methods to the Office of Financial Management, the Department of Transportation, and the Transportation Committees of the Legislature for project L1000199 by July 1, 2024, and projects N52600R, N00900R, and M00800R by December 1, 2024.

Tom Zamzow with Walsh Construction was appointed as Co-Chair. Several members were already appointed by the Board; however, other members representing different areas are required. Co-Chair Riley-Hall cited her membership as the only owner represented on the committee in conjunction with Ms. Fernandes with OMWBE. Other individuals requested for appointment include Jessica Murphy, City of Seattle, Joseph Kline from Washington State University, and a member representing minority businesses. The meetings are open to everyone and all input is welcomed as it is important to receive feedback from everyone. The committee has scheduled meetings every two weeks. The first meeting was held on March 27, 2024, and meeting minutes are posted on the event page. The task force homepage includes resources of all materials collected by the committee. She urged the Board to take time to read the materials. WSDOT is supporting the committee through presentations of information which will also be posted on the homepage. The next meeting will focus on more discussion with WSDOT about the delivery methods. For the SR 18 project, WSDOT reviewed Design-Bid-Build and Design-Build as delivery methods for the project but did not review Progressive Design-Build, GC/CM, or



Heavy Civil GC/CM. The discussions will help inform task force members in preparation of a draft report as a pre-read at the May CPARB meeting.

Ms. Jansen proposed the addition of Bob Armstead to the committee representing NAMC.

Mr. Forch volunteered to join the committee representing both MSVBE and as an individual who is familiar with WSDOT's processes.

*Irene Reyes moved, seconded by Linneth Riley-Hall, to appoint Lekha Fernandes, OMWBE; Jessica Murphy, City of Seattle; Joseph Kline, Washington State University; Bob Armstead, NAMC, and Bobby Forch, Jr., MSVBE, to the WSDOT Project Delivery Method Review Task Force. A voice vote approved the motion unanimously.*

Ms. Thaxton encouraged task force members to send a knowledgeable alternative if unable to attend a task force meeting.

Chair Zahn advised that since the first recommendation to the Legislature is due on July 1, 2024, it is likely the Board would need to schedule a special meeting in June to review the recommendation from the task force.

Co-Chair Riley-Hall shared that the task force is scheduled to meet twice prior to June and plans to produce an outline and preliminary information for review by the Board at its May meeting.

Ms. Baker advised that she would forward an email to members to schedule a special meeting in June to review the task force recommendation.

## **NEW BUSINESS**

### **Member Ideas**

Chair Zahn conceded that very little progress has occurred on parking lot topics. It is likely actions will be delayed until the Board completes legislative requests.

Ms. Fernandes announced that the Public Works Small Business Enterprise Certification has launched, and applications can be submitted. OMWBE has received some applications from certified businesses. The application is available on the agency's website.

Chair Zahn noted parking lot items on continuous improvement and recruitment process for committee members could be removed as the Board has been actively working on those issues. She encouraged the Board to consider scheduling a retreat. Additionally, at the February meeting, discussion involved releasing a survey to members to receive feedback on prioritization of parking lot items. She and staff will work on releasing the survey in the next week or so to receive input from the Board.

Senator Hasegawa requested the Board periodically measure outcomes against the Board's mission as a follow-up to his experience encountered when he attended the PRC meeting. He is appreciative of the work of PRC members; however, if members only consider the request form submitted by applicants, he does not believe the evaluation is sufficient in terms of the issues addressed in the applicant's processes and lessons learned. The Board should pursue more scrutiny as the approvals represent billions of dollars of authority without commensurate scrutiny that should have been applied.

Chair Zahn recommended referring the recommendation to the Board Development Committee to examine and vet for potential improvements.

Ms. Thaxton noted that some of the PRC procedures are governed by PRC bylaws, and some are codified by statute. It is possible to review specific actions by the PRC, such as membership, but other reviews would likely be limited. The request warrants further review and discussion in terms of the Board's ability to modify PRC's processes. It is possible for the committee to examine processes and what the Board could recommend.

Mr. Hayashi agreed the questions addressed by Senator Hasegawa are important as they represent similar questions members have been struggling with in SHB 1621 in terms of conveying much authority to jurisdictions and the importance of ensuring checks and balances are in place with follow-up reporting. The situation speaks to the loss to small businesses, a loss to diversity, and a loss of opportunity for private enterprise to be involved in projects. Many of the projects are often inherently controlled by the municipality that often has unchecked control of the projects, and/or to large contractors who become responsible for all aspects creating harm to the state's development of the business environment.

Chair Zahn reiterated her suggestions to honor the Senator's question properly as it would be important to review the issues within the current work or consider a separate meeting to review how the Board is honoring its mission and acting sufficiently to address issues. She suggested extending the May meeting by 30 minutes to engage in more conversation.

Ms. Reyes commented on the statutes and limitations for the Board to implement changes, which would likely require legislative changes. She has been a proponent of legislative changes for some time.

Ms. Thaxton shared that although she is appreciative of Mr. Hayashi's comments, she does not envision any support for the allegation that alternative delivery harms the small business community. Quite the opposite, her experience has been that alternative delivery can benefit the small business community. On many of her projects, she has experienced higher participation rates for alternative delivery projects. There is a difference of opinion that warrants some investigation in terms of facts and actual numbers as she does not believe the impression is supported by the outcomes.

#### **ADMINISTRATIVE**

##### **Recap of Action Items**

Nancy Deakins reviewed the following action items:

- Chair Zahn to attend the next PRC business meeting.
- Ms. Fernandes requires engagement from all members for feedback on the BE/DEI Committee request.
- Ms. Baker to email a Doodle poll to schedule a special meeting in June to consider WSDOT Project Delivery Method Review Task Force July 1, 2024 submission to the Legislature.
- Chair Zahn and Ms. Baker will release a survey on parking lot items.
- Extension of the May meeting by 30 minutes to address Board business.
- Discuss planning for and scheduling a Board retreat.
- Vice Chair Michel will organize the mentor/mentee program.

##### **May 9, 2024 Draft Agenda – *Review and Discussion***

Vice Chair Michel reviewed a draft of the proposed May meeting agenda. Chair Zahn noted that in the interest of time, some committees will be asked to provide an update through submittal of a pre-read:

- Minutes 4/11/2024
- CPARB Leadership Elections
- Committee/Workgroup Reports:
  - Board Development (Mentors?)
  - Education Connections
  - GC/CM Best Practices (confirm any action required)
  - BE/DBI
  - PRC
  - SHB 1621 Review Committee (w/action for adding members)
  - Project Feedback Process Workgroup
  - Small Works Committee
  - WSDOT Delivery Method Review Task Force
- PRC Appointments – General Contractor, Owner -Higher Ed, & Owner-General Public
- New Business (Special Meeting in June)
- Recap of Action Items

Ms. Baker reported the May meeting will be held at the Green River Community College's Auburn campus in the Student Union Building. She is working with building staff to ensure parking availability and video capabilities.

##### **CLOSING THOUGHTS of Board Members - *Information***

Members shared closing thoughts.

#### **ADJOURNMENT**

*With there being no further business, Chair Zahn adjourned the meeting at 11:00 a.m.*

**Staff & Guests**

Talia Baker, Department of Enterprise Services

Garett Buckingham, Evergreen Health

Nancy Deakins, Department of Enterprise Services

Jeff Dryden, Bethel School District

Bill Frare, Department of Enterprise Services

Jeff Gonzalez, Department of Enterprise Services

Valerie Gow, Puget Sound Meeting Services

Dave Johnson, Project Feedback Process Workgroup

Ping Liu, Flat Iron Corporation

Monique Martinez, Department of Enterprise Services

Marty (no last name), Garland

Art McCluskey, WSDOT

Heather Munden, Port of Seattle

Jessica Murphy, City of Seattle

Sarah Nielson, Wenatchee Valley College

Gina Owens, JOCE Committee

Jon Rose, MRSC

Jay Rowell, Central Valley School District

Stan Ryter, Port of Tacoma

Michael Transue, MCAWW

Kyle Twohig, Spokane County

Jerry Vanderwood, AGC

Michele Wilms, AGC

Charles Wilson, Department of Enterprise Services