

## CAPITAL PROJECTS ADVISORY REVIEW BOARD

1500 Jefferson Street SE  
Presentation Room  
Olympia, Washington 98504

**Minutes**  
**May 10, 2018**

<b>MEMBERS PRESENT</b>	<b>REPRESENTING</b>	<b>MEMBERS ABSENT</b>	<b>REPRESENTING</b>
Walter Schacht ( <i>Chair</i> )	Architects	Rep. Vincent Buys	House (R)
Rebecca Keith ( <i>V. Chair</i> )	Cities	Greg Fuller	Specialty Contractors
Teresa Berntsen	OMWBE	Mike Shinn	Specialty Contractors
Steve Crawford	Higher Education	Rep. Steve Tharinger	House (D)
Bill Frare	State Government	Vacant	Higher Education
Senator Bob Hasegawa	Senate (D)	Vacant	Construction Trades Labor
Neil Hartman ( <i>for Mark Riker</i> )	Construction Trades Labor		
Ty Heim	Public Hospital Districts		
Joaquin Hernandez ( <i>Telecon</i> )	Private Industry		
Charles Horn	Insurance/Surety Industry		
Brent LeVander ( <i>Telecon</i> )	General Contractors		
Robert Maruska	Washington Ports		
Irene Reyes ( <i>partial telecon - p.m. session</i> )	Private Industry		
Gary Rowe ( <i>Telecon</i> )	Counties		
David Talcott ( <i>for Santosh Kuruvilla</i> )	Engineers		
Andrew Thompson	General Contractors		
Senator Judy Warnick ( <i>Telecon</i> )	Senate (R)		

*Staff & Guests are listed on the last page*

### **WELCOME & INTRODUCTIONS**

*Chair Bill Frare called the Capital Projects Advisory Review Board (CPARB) meeting to order at 8:34 a.m.*

A meeting quorum was attained. Members provided self-introduction.

### **APPROVE AGENDA - Action**

Rebecca Keith requested an alteration of the agenda for the afternoon session recognizing that the appointment of the Project Review Committee 'City' position should be deferred because the position does not expire until December 2018.

Chair Frare recommended notifying the candidate of the appointment deferral as a courtesy. He added that Mr. Santosh is a strong supporter of the candidate for the position. David Talcott affirmed interest by Mr. Santosh to participate in the discussion of the candidate's qualifications.

Robert Maruska recommended deferring a motion on the appointment of the PRC 'City' position until the afternoon session.

Ms. Keith added that she mentioned to the candidate that the appointment might be delayed; however, the candidate expressed interest in attending regardless of the outcome.

Walter Schacht recommended adding the Design-Build (DB) Best Practices Committee report and the discussion on the Legislation Calendar/Milestones as part of the report on the Design-Build Statute Review Committee.

*Robert Maruska moved, seconded by Rebecca Keith, to approve the agenda as amended. Motion carried unanimously.*

**APPROVE FEBRUARY 8, 2018 MINUTES – Action**

The following changes were requested to the December 14, 2017 minutes:

- On page 3, within the first line, correct “Kick Datz” to reflect “Nick Datz.”
- On page 6, revise the second to last sentence in the fourth paragraph to state, “Additionally, the Treasurer’s Office identified RCW 47.29 as acceptable to the Treasurer’s Office with respect to how debt is handled.”
- On page 7, correct “(4729)” within the second paragraph to reflect, “(RCW 47.29).”
- On page 4, change the first sentence of the second to last paragraph to state, “Chair Frare reported SB 6546 was sponsored by Senators Hasegawa and Warnick.”
- On page 3, at the top of the page, correct “Joe Klein” to reflect “Joe Kline.”

*Andrew Thompson moved, seconded by Steve Crawford, to approve the minutes of February 8, 2018 as amended. Motion carried unanimously.*

**PUBLIC COMMENT**

*Chair Frare encouraged public comments throughout the meeting.*

*Chair Frare acknowledged Ty Heim for his service on the Board. Mr. Heim is leaving the Board. He presented Mr. Heim with a letter of appreciation from the Board.*

**CPARB Officer Election – Action**

**MISSION & GOALS AND LEADERSHIP & SUCCESSION – Discussion**

Chair Frare referred to Mr. Schacht’s memorandum addressing strategic vision, leadership, succession, and recent conversations on mission, goals, and leadership of the Board. One major pending action before the Board is Recertification of CPARB in 2020. The Board is authorized as a body through June 2021. He invited Mr. Schacht to speak to his memorandum.

Mr. Schacht shared that the scheduling of officer elections prompted some personal reflections as well as conversations with several individuals about the Board’s performance and future challenges. The Board has been effective in handling many issues; however, the Board is also responsible for working toward successful outcomes in fulfilling power and duties as authorized by statute. Two years ago, transition of the leadership was essentially unfamiliar territory to many members given the length of service by previous leadership. Mr. Maruska served as Chair for over eight years with Ed Kommers serving as Vice Chair. Leadership at that time was “comfortable” given the complexity of the issues involving the sunset review and reauthorization. The transition of leadership can be difficult for most boards with some requiring a succession plan where the vice chair automatically advances as chair.

Under the statute, the Board’s narrow set of responsibilities include evaluating capital projects of the state, reviewing contracting methods, impacts, and outcomes, and advising the Legislature on public works deliveries. Mr. Schacht recommended the Board should consider a self-evaluation process over the next year to determine the Board’s effectiveness because he is uncertain as to whether the Board fully meets its obligations to evaluate public construction processes. The ongoing issue with data collection continues. The Board lacks an intentional process for reporting to the Legislature on actions of the Board. A good example is the work completed on the Design-Build Best Practices Guidelines, which in part was in response to a legislative mandate. However, the Board never provided a report to the Legislature. The Board should be more intentional in its actions.

Reauthorization was completed in 2013 as part of an eight-year cycle. The two-part process requires a sunset review by the Joint Legislative Review and Audit Committee (JLARC) and reauthorization by the Legislature. In 2020, the Board is scheduled for a sunset review. Mr. Schacht said he was appointed to the Board when reauthorization was nearly completed but understood the process was intense. During the sunset review, JLARC acknowledged the Board’s good work in some aspects of the Board’s responsibilities; however, the evaluation addressed four key points with three focused on data collection. Now, five years later, data collection has not been implemented. He emphasized the importance of implementing data collection prior to the next sunset review because it has been difficult for the Board to determine project outcomes without project data.

The Board's advocacy is important in fulfilling the Board's mission. The Board should submit a report as mandated by the Legislature. The Design-Build Best Practices Guidelines were developed in response to a proviso in the 2015 Capital Budget but never submitted to the Legislature. The Board should more effectively advocate for Board-approved legislation and begin planning for CPARB-proposed legislation during the 2019 session. Additionally, the Board should engage with the Governor's Office about the importance of timely Board appointments to ensure the Board maintains its expertise, leadership, and diversity.

Mr. Schacht noted that in many ways the Board's leadership process is atypical for most boards. Most boards have a nominating committee to identify prospective leaders. That approach eliminates the awkwardness of the current self-nomination process while enabling the Board to identify candidates who are committed to working as a team. The Board lacks a succession plan whereby the vice chair advances to the chair position automatically enabling the Board to build leadership capacity. The Board should consider a more structured process. He asked the Board to consider amending the bylaws to change leadership elections to an odd year in September and creating a succession plan for automatic advancement of officers on a rotational basis. Finally, the Board should consider forming an Advocacy Committee responsible for representing CPARB at the Legislature and the Governor's Office.

Mr. Maruska shared information on the original intent of the cycle for officer elections. At the time of the original appointments, the goal was appointing a chair and vice chair to participate in both short and long sessions because of the bridge in bills between sessions. At that time, reauthorization was not a factor in considering the timing of elections.

*Joaquin Hernandez joined the meeting via teleconference at 8:57 a.m.*

Ms. Keith remarked that she found the memorandum compelling and appreciated the strategic assessments for the long-term and pursuing the sunset review earlier, particularly with respect to data collection and meeting the Board's mission. She emphasized the importance for members to consider how to position the Board for reauthorization, as well as demonstrating how the Board is meeting its mission.

Aleanna Kondelis, University of Washington, said she formerly worked for the City of Seattle and participated on several Board committees. She was a practitioner of public work methodologies for public agencies for many years. Mr. Schacht's observations are spot on because she is concerned as a practitioner using the methodologies and needs those tools to do an effective job in delivering capital projects. It is important to ensure the process is right and moves forward. She expressed appreciation for many members on the Board as she has developed relationships in different capacities for many years. She appreciates the knowledge and expertise members contribute to the Board; however, she has concerns about sharing of information, specifically data collection. Many cities and other public owners are unaware of the reporting requirements. A lack of communication exists between the Board and practitioners. Practitioners want to be partners with the Board to share information. Knowledge is lacking in how to engage with the Board at the right and appropriate level. Public owners can assist the Board in promoting more engagement through the use of public owner groups. Owners want to ensure the legislation remains intact to ensure the tools are available. She encouraged the Board to consider different ways to engage.

Andy Thompson commented that upon his appointment to the Board, his first involvement was on data collection efforts with Senator Hasegawa and others. In 2016, the framework for data collection was established. In the following two years, data collection has not been a priority. Moving forward with conversations on reauthorization and succession, the Board has an opportunity to prioritize data collection, review the framework for data collection, and work with public owners to identify current efforts to help the Board develop a plan moving forward. As the Vice Chair, he is not actively pursuing nomination for the position during the upcoming election. The bylaws require the Board to elect public and private leadership.

Senator Hasegawa shared that prior data collection efforts resulted in four categories identified for data collection. As a member of the Board, he wants to ensure there is adequate access to contracting opportunities for minority business enterprises (MBEs). The questions that were settled to reach that point were somewhat generic; however, it was important to pursue the process rather than stalling on particular data points. It is also important to initiate efforts as soon as possible to determine if data collection provides the data that would enable the Board to identify whether the outcome is resulting in the Board achieving its social obligation to provide contracting opportunities for MBEs.

Contracting opportunities have not been increasing over the last several years despite efforts during the last legislative session to repeal I-200. He would personally support the repeal of I-200. However, and despite the outcome, data are required to move forward with analysis to enable a clear argument whether contracts are addressing inclusion. He supports moving forward with data collection efforts as soon as possible to identify potential legislative adjustments. He asked whether as a non-voting member he would have an opportunity to participate in the election.

*Chair Frare confirmed that Senator Hasegawa could not cast a vote as a non-voting member.*

Steve Crawford said Mr. Schacht's memorandum is very appropriate and timely because it is important for the Board to consider the future through the reauthorization timelines with a plan in place for leadership to continue pursuing efforts during that period. It is also important to have a well-thought process that achieves assurance of success for reauthorization.

Gary Rowe questioned whether the agenda includes any action to amend the bylaws based on the recommendations offered by Mr. Schacht.

Chair Frare clarified that the agenda includes action to amend the bylaws to update the procedural process for administrative hearings in response to a protest of a PRC decision. The Board temporarily adopted the procedure in June 2017. The action was included on the February meeting agenda; however, because the meeting lacked a super majority of voting members, the item was deferred.

Mr. Rowe asked whether any type of action is anticipated with respect to the recommendations. Chair Frare recommended that more discussion would be warranted before moving forward with a formal process to amend the bylaws as recommended by Mr. Schacht.

Don Laford, Construction Management Association of America, said he has been attending CPARB meetings for quite some time and data collection has been a topic of discussion at nearly every meeting. He asked about the reasons for the delay in implementing data collection.

Chair Frare responded that originally, the delay was attributed to the lack of funding. Another delay was encountered because of a prioritization process within the IT section limiting capacity of resources. Recognizing the need for resources, data collection was transferred to the University of Washington.

Ms. Keith expressed appreciation for the comments by Ms. Kondelis because the problems encountered with the lack of funds, resources, and bureaucracy have been detrimental. It is time to start thinking creatively to resolve the issue.

#### ***ELECTION – Action***

*Chair Frare invited nominations for the position of Chair.*

Robert Maruska nominated Walter Schacht to serve as Chair. As a former Chair, he did not do a good job of succession during the terms he served with Mr. Kommers. The recommendations are a good idea to encourage more rotation and afford opportunities to members to contribute different perspectives. The nomination serves as the first instance of a private sector representative serving as Chair.

Teresa Berntsen nominated Bill Frare to serve as Chair. Mr. Schacht's comments were excellent and timely. However, in terms of continuity, it is important to maintain continuity of the Board.

Mr. Schacht addressed his nomination. During prior discussions, he believed he could contribute by assuming the Vice Chair position; however, during the process of considering where the Board is strategically and future direction he realized that he is nearing completion of his second term and believes he could serve the Board better as the Chair. His initial intent was pursuing conversations around strategic issues because the succession plan is critical to ensure an effective Board that is stable and has a diversity of voices. He believes he has a good perspective on the issues, he thinks strategically, and has committed to CPARB significantly over the last six years during the development of the life cycle cost analysis guidelines, development of the DB Best Practices Guidelines, and current efforts on DB statute

review. Having invested that time, it is important to use the remaining time to assist in positioning the Board. He would like to have an opportunity to secure the Board's future. The Board has an incredible role in representing all stakeholders.

Chair Frare commented on his respect for Mr. Schacht and the assistance he provided on a number of key issues. The memorandum identifies the Board's strategic issues relative to mission, reauthorization, advocacy, and leadership development. Leadership sustainability and succession planning are important. Serving as the Vice Chair would have likely benefitted his succession as Chair by providing an opportunity to gain some experience in overseeing meetings. However, he learned the role through on-the-job training. The position carries many responsibilities to include administrative tasks of chairing an open public meeting, establishing the agenda, and publicizing the meeting notice. He is fortunate to have the support of staff. During the last two years, he has established relationships with legislators of both houses and the State Capitol Committee, as well as with legislative staff. During the past session, he encountered some difficulties with DES management understanding his dual role as Chair and as an employee of DES. Establishing those different relationships and interests enabled a better understanding by the Governor's Policy Office on his role as Chair. His relationship with the Attorney General's Office and Dawn Cortez and others were instrumental in helping the Board through the Enloe Dam protest last summer and ensuring the Board quickly established procedures to resolve the issue expeditiously without impacting the project's schedule. He believes he is prepared as the Chair to move forward and believes he would be the most effective candidate to serve as Chair.

With there being no further nominations, Chair Frare closed nominations for the Chair position.

Chair Frare described the voting procedure by first selecting the candidate by a majority vote with a final vote to approve the selection through a vote of the majority of members.

Members voting in support of Mr. Schacht's nomination included Steve Crawford, Ty Heim, Walter Schacht, Andy Thompson, Robert Maruska, Rebecca Keith, and Gary Rowe.

Members voting in support of Mr. Frare's nomination included Charles Horn, Teresa Berntsen, Bill Frare, Irene Reyes, Joaquin Hernandez, and Brent LeVander.

***By affirmation, members unanimously elected Walter Schacht as Chair.***

Mr. Schacht assumed the role of Chair.

Chair Schacht and the Board acknowledged and thanked Mr. Frare for his work over the last two years as Chair. Chair Schacht invited nominations for Vice Chair.

Mr. Thompson nominated Rebecca Keith to serve as Vice Chair.

Ms. Keith conveyed appreciation to Mr. Frare and Mr. Thompson for their work and for their support of the organization. Succession planning and reviewing the long-term vision of the organization are important. She continues to learn and would rely on input from others, as well as reaching out to others who are not members of the Board. She would be honored to serve.

With there being no further nominations, Chair Schacht closed nominations for Vice Chair.

Ms. Reyes asked the nominee to share her vision and goals for furthering inclusion plans or participation by MBEs or certified MBEs. Ms. Keith replied that one important aspect of data collection is gaining a better understanding of actual inclusion data for alternative deliveries versus traditional delivery methods. Feedback from communities outside the greater metropolitan areas of the state has indicated a lack of applicants. She envisions a need to review policies to expand the labor pool. The review should be a holistic approach. Within the last several years, the Board learned the importance of inclusion of women, minority, and small businesses within public works processes. She is also interested in utilizing the work of the state's disparity study to inform the Board's work and data collection efforts.

Ms. Reyes asked whether the nominee's focus is for certified MBEs or self-identified MBEs. Ms. Keith said she appreciates the difference; however, all members encounter situations where they represent both their employer's position and the Board's position. She works for the City of Seattle. The City's program does not include certified firms, a policy choice by the City. Generally, she supports public owners making policy choices; however, she is also receptive to a dialogue on the pros and cons. She is not committed to any specific position other than she is receptive to more dialogue because public owners should have the ability to make policy decisions based on an owner's political and policy goals.

***By affirmation, members unanimously elected Rebecca Keith as Vice Chair.***

*Mr. Rowe left the meeting via teleconference at 9:34 a.m.*

Chair Schacht reordered the agenda to consider amending the bylaws.

**BYLAWS APPROVAL - Action**

Mr. Frare advised that the proposed procedures were utilized for the Enloe Dam protest. He supports including the procedures within the bylaws.

Talia Baker reported another proposed amendment is deletion of the last sentence in Article VII Committee stating, "*Proposed changes to procedures or bylaws shall not take effect until approved by the Board.*" Additionally, other amendments corrected references to RCWs and other statutes as appropriate.

Mr. Maruska asked about the purpose of removing the Board's approval of PRC bylaw changes. Ms. Keith recalled that the recommendation was from the Assistant Attorney General as the Board, under the statute, does not have oversight of PRC bylaws. Mr. Frare affirmed CPARB's authorizing statute provides specific oversight of some PRC actions but not specifically oversight of PRC bylaws.

***Bill Frare moved, seconded by Robert Maruska, to adopt the CPARB Bylaws as amended.  
Motion carried unanimously.***

**PROJECT REVIEW COMMITTEE – Informational Chair Report for January 25 & March 22, 2018**

Rustin Hall, Chair of the PRC, invited members to attend a PRC meeting to provide a better sense of knowing that a difference is being made between the PRC and project applicants. People are learning through the process how to be more successful with alternative delivery. Members are always welcome to attend to experience that process.

Mr. Hall said his term as Chair ends on June 30, 2018. One requirement of the Board is the PRC Annual Report. He recommended the report should not be confined to the specifics of \$2 million to \$10 million DB projects, but should include information on activities occurring over the last year on what the PRC has learned and information about its transitioning planning. Janice Zahn with the Port of Seattle assumes the Chair position on July 1, 2018.

The PRC conducted more meetings this year than in any other year with more applications submitted. The May 24, 2018 meeting includes presentations from 13 applicants with each presentation allocated one hour. The PRC is comprised of an incredible group of committed professionals who are unified in the committee's purpose and mission of moving the entire agenda of alternative delivery forward. He is proud of all members for the work they have accomplished this year.

On January 25, 2018, members considered a GC/CM project application from Tahoma School District #409 for Shadow Lake Elementary School. The project is a multi-faceted project in an occupied operation. Members considered whether the project applicant satisfied criteria in statute, i.e., the necessary experience to successfully complete the project with a good management plan, budget, approach, and GC/CM experience. The School District had the appropriate budget and management plan, satisfied RCW 39.10 criteria for complex phasing, occupied sites, critical involvement, and public benefit. The applicant demonstrated GC/CM in-house staff experience, supported by GC/CM expertise from OAC, Perkins Coie, and BCRA Architects. Members unanimously approved the application.

Issaquah School District #411 presented a Progressive DB project application for a new high school. The \$120 million project is funded through a capital bond. The project has a complex layout with parking beneath athletic fields. The applicant demonstrated responsible budgets, timeline, and a management plan for the project. The applicant satisfied RCW 39.10 criteria for highly specialized construction activities, greater innovation and efficiencies, significant delivery time savings, and public benefit. The applicant had not completed a DB project but demonstrated DB expertise with the team of OAC and Pacifica Law Group. Members approved the application unanimously.

The third project application from Issaquah School District #411 was a Progressive DB new middle school project. The project is part of the District's capital campaign and very similar to the high school project in complexity, approach, and with a parking structure located beneath athletic fields. The same team would manage the project. The project involves maker spaces with specialized equipment and systems and construction adjacent to other operating district facilities. The project was approved unanimously.

During the March 22, 2018 meeting, a quorum of members acted on requests by the Board. The PRC amended its bylaws over the course of several meeting. Members reviewed and approved updates to the following documents:

- Project Information Sheet
- DB Project Application
- DB Project Scoresheet
- GC/CM Project Application
- GC/CM Project Scoresheet
- Certification Information Sheet
- Certification Scoresheet
- Recertification Scoresheet

Members continually strive to review project applications through the proper lens of the statutes and guidelines rather than by personal opinions. Many of the updates to the documents assist to maintain that focus. Other changes included updates to some outdated references. Members approved changes to the documents unanimously.

During the meeting, members considered a GC/CM application from Chelan County Public Utilities District (PUD) for modifications to the Rock Island and Rocky Reach Dam. The complex project includes multiple buildings completed through phasing of projects of complex systems. Industry expertise was also limited. The \$70.6 million project satisfied the criteria for occupied sites for continued operations and safety. The project required the GC/CM's expertise on scheduling and phasing. The project was unanimously approved.

Members unanimously approved the GC/CM application from the William Shore Pool District for the Aquatic Center Renovation and Expansion project. The project is a \$12.9 million expansion and renovation of an existing aquatic center. The applicant demonstrated responsible budgets and timelines for the project. The applicant satisfied criteria as the site is occupied with a portion of the facility to be renovated. Required GC/CM experience for the team would be supplemented by Mike Purdy, Gregory Guedel/Legal Council, Zenovic and Associates, Vanir Construction Management, and ARC Architects.

The last project application was a GC/CM project from Clallam County Public Hospital District for the Olympic Medical Center Central Sterilization project. The project was clearly a poster child for approval as the project was in an occupied building and included replacement of equipment, hazardous materials abatement, and upgrading and relocating heat elements within a sterile environment. The Robinson Company provided GC/CM experience and availability. Other expertise includes Perkins Coie, Sazan Group, and TBS Engineering. Because of some discrepancy between the application and the presentation, the vote was 6 approving and 2 denying. A substitution on the management team prior to the presentation was not listed within the application; however, the individual was introduced during the presentation. The project team was able to convince the majority of the panel that the team was ready and would be successful.

Recruitment is ongoing to fill the following positions with terms expiring June 30, 2018:

- Bill Dobyms – General Contractors
- John Palewicz – Owner, General Public
- Linneth Riley-Hall – Owner, General
- Joe Stowell – Owner, Cities
- Rob Warnaca – General Contractors
- Owner – Public Hospitals (Darrin Gillis left in July 2017)

Notification was received from Jeanne Rynne advising of her move to California and resignation of her Higher Education position effective June 30, 2018.

Chair Schacht inquired about the status of including DB Best Practices Guidelines as previously directed by the Board within the DB Application. Mr. Hall advised that at the time of the update the guidelines were not included. However, the document will be amended to include the guidelines at the next meeting in July.

Ms. Keith inquired about the discrepancy for the term expiration of the Owner, Cities position. Mr. Hall affirmed the position's term would be corrected to reflect December 30, 2018 rather than June 30, 2018.

Chair Schacht questioned the difference between Owner, General Public and Owner, General. Mr. Hall indicated that he does not believe there is any documentation or definition between the two positions. He recommended deferring discussion during his subsequent report on positions.

Mr. Hall reported the statute requires PRC to provide an annual report on the committee's review procedure of DB projects valued between \$2 million and \$10 million. Since 2013, when the requirement was adopted within the statute, the Board has not received a report. Based on available information, five DB projects were identified meeting the criteria between 2013 and the present. Mr. Hall reviewed the projects:

Agency/Company	Project Name	Date	Cost
Washington State Schools Directors' Assoc.	Headquarters New Building	Approved – 9/28/2017	\$2,626,000
City of Everett Public Works	East Clearwell Roof Replacement	Approved – 1/26/2017	\$2,968,000
Spokane Public Facilities District	Spokane Veterans Memorial Arena	Approved – 7/28/2016	\$4,000,000
City of Richland	Fire Station #74 Construction	Approved – 3/27/2014	\$3,480,000
City of Everett	Grand Avenue Park Bridge	Denied – 1/23/2014	\$6,480,000

Generally, the projects presented to the PRC were either very successful or highly successful. Mr. Hall shared that he participated in several presentations on the City Richland's Fire Station project, which was an interesting case study because there were similar projects in the Tri-Cities area under construction simultaneously. One was a DB project and the other was a traditional Design-Bid-Build. However, the DB project saved nearly \$1 million. The Spokane Public Facilities District completed a smooth DB process.

Mr. Hall said he does not perceive any significant concerns or a need to continue to focus on projects valued between \$2 and \$10 million for DB. Based on the experience of PRC members, the projects are much more dependent on the type of the project rather than the magnitude of the budget. Some projects are inherently better for DB, such as remodels/renovations where feedback from the design builder is crucial. The fundamental notion of DB applying to those types of projects is valid. He recommended continuing the course, as there have been significant detriments to date.

Moving forward, the frequency of DB applications has increased, especially Progressive DB. Historically, it was heavily weighted towards GC/CM applications. The Annual Report represents \$2-\$10 million DB projects completed to date.

Mr. Hall asked for feedback from the Board.

Chair Schacht asked Mr. Hall to document his recommendations to assist CPARB in reintroducing legislation eliminating the 15 project restriction of projects costing between \$2 million and \$10 million, as well as the annual reporting requirement. A memorandum would be helpful for the Board to justify those changes to existing legislation.

Chair Schacht commented on the evolution of alternative project delivery moving away from GC/CM towards Progressive DB, which speaks to the importance of data collection. As data collection resumes and data confirm the shift, the Board should consider what is driving the shift. Data on what has occurred with GC/CM and why it has been abandoned would be helpful because there likely are clear reasons. The Board might be missing useful information by not understanding what needs to occur to ensure GC/CM remains a viable tool.

Mr. Hall reported on the status of CPARB's request for PRC data collection in response to a request by the Minority Business Advisory Council to include information on OMWBE inclusion plans. PRC members support the policy of actively implementing outreach and promoting opportunities. Members discussed the request and shared the following feedback:

- To help reduce redundancy, the PRC should reach out to certified public bodies and request information on the types of templates used, if any, to document and process the information. Many owners may be required by current law to implement OMWBE inclusion plans and track results.
- The PRC should contact the Washington State School Directors' Association and request a copy of its policies and procedures templates used by all school districts in the state.
- The PRC recommends the CPARB should expand the policy to include all project applicants and not just certifications and recertifications. The scope of that policy should include both contractors and professional service providers.
- As DES staff is responsible for processing collected data, development of the template format for the applicants will require some assistance from staff to ensure the information aligns with database programs.
- Clarify the data specifically desired to ensure clarity of the template to simplify the data input process while accomplishing the intent of the new policy.
- The OMWBE information on inclusion would not be used by the PRC during evaluation of applications, as the provision is not included in statutes.
- PRC plans to prepare proposed changes to application documents as required to ensure applicants provide pertinent information to satisfy the new policy requirements. Those changes will be incorporated into the existing document and not formatted as an attachment. The language will clarify for the applicant that the information is informational only and not used as part of the evaluation criteria.
- Applicants will be asked to provide historical data from previous projects as part of the application. Data for projects not completed will be provided post-completion by public bodies as required in RCW 39.10.320 and 39.10.350.

Mr. Hall reported the PRC continues to work on developing the template and reviewing examples from other agencies. He cited an application from Tacoma Public Schools for construction management professional services, as an example of how an applicant satisfies the requirements for MBE and Woman Business Enterprise (WBE) utilization plans. The application requests the applicant provide the name of the MBE/WBE contractor, classification certification, description of the work, and percent or dollar amount to be applied towards the overall MBE/WBE goal for the project. The intent is to create a compact set of questions to simplify the process while ensuring adequate information is provided to satisfy the policy.

Mr. Maruska asked about the tentative timeline the PRC foresees in receiving data for analysis. Mr. Hall replied that he believes the committee can accomplish the task before the end of the year. He asked about the Board's anticipated schedule for data collection to ensure all data parameters can be analyzed by the data collection program. Within the next three months, the PRC would likely have a draft of the information to be obtained, which should be aligned with the system's data parameters.

Ms. Berntsen cited the Board's direction to collect data for certifications and recertifications. She acknowledged efforts to research information on other methods where data have been collected. She offered to assist with PRC efforts.

However, the Board forwarded five specific data parameters to collect.

Mr. Hall clarified that for certifications and recertifications, the suggestion also includes project applications as well.

Mr. Thompson acknowledged the thorough discussion by the PRC and the concise list of bulleted items. Based on changes in PRC leadership, he suggested prioritizing data collection.

Mr. Maruska asked about the status of PRC's overall efforts on the Board's previous request. Mr. Hall emphasized that the primary role of PRC is to review applications; however, as part of that work, the committee is collecting and vetting examples to avoid reinventing the wheel to develop the best methodology for modifying the application. Those efforts should be completed within the next several months, if not earlier. The unknown at this point is identifying the variables of interest through an established systematic fashion to enable input of the data to evaluate outcomes. For example, essay questions could produce good information but it might not be possible to input into the data collection program. Alternatively, it might be possible to request the same information in a specific format that could be evaluated significantly faster than evaluating a response to an essay question.

Mr. Maruska asked staff whether the existing system would be capable of collecting and analyzing the information or whether a new system would be necessary. Nancy Deakins said the current system would be capable dependent upon the input parameters of the data to be collected.

Ms. Keith asked whether stakeholders advocating for the data have been involved in the dialogue about the form of information to be provided. It appears that since the questions will be incorporated within the application, the information should be available on PRC's website page because all submitted applications are published. She asked about any engagement with the MBE/WBE communities concerning the format. Mr. Hall advised that PRC has not outreached to any other stakeholders at this point, as members wanted to make more progress on understanding the Board's request and whether efforts to date are an accurate interpretation to ensure the outcome satisfies the Board's policies. That work has not been completed and is the next step.

Ms. Reyes asked about the timeline of the data applicants are required to include. Mr. Hall said most other information requests imbedded within the application seek information over the last five years. Many contacts from rural communities shared that the information should not be mandated because many agencies cannot locate companies nor have the mechanisms for contacting companies. However, once implemented, the information will help identify gaps by sorting information on a local or regional basis.

Mr. Hall updated the Board on the request to provide position descriptions for PRC positions. PRC members were asked to develop a position description for their respective position. Feedback ranged from a one-line description to a full-page description. The information was forwarded to previous PRC Chairs as a final draft review. Descriptions were categorized into three areas of design (architects & engineers), contracting (specialty contractors & general contractors), and owners. The objective was drafting position descriptions to attract qualified candidates while not discouraging potential applicants from applying.

Mr. Hall reviewed the position descriptions. He noted that RCW 39.10.240 provided limited direction. The distinction between General Owner and General Public Owner was more difficult as the statute lacks distinction between the two positions. For General Owner, the PRC recommends the position should be a public body to help maintain the balance between public and private and have an ability to represent the fundamental facility design and construction interest and concerns of General Owners. The candidate must be an employee of a public body in the state of Washington and have a working knowledge and experience with alternative capital projects delivery methodologies as defined in RCW 39.10 with a preference (recommended by Linneth Riley-Hall) given to Owners not represented on CPARB or the PRC, such as WSDOT, Ferries, or Sound Transit.

Mr. Maruska said he believes that the Board retitled General Owner from a position that was identified when PRC was first established. The position of General Owner was not included in the initial matrix of PRC positions. Although, he supports PRC's recommendation, the position was not initially included.

Mr. Hall offered to address any questions regarding the draft position descriptions.

Chair Schacht asked for the source of the language appearing in red italics in several of the position descriptions. Mr. Rustin replied that the italicized sections were edits not intended for inclusion in the final draft.

Ms. Keith asked for feedback on any concerns surrounding PRC appointments by the Board. Mr. Hall replied that the Board has done a good job of appointing excellent individuals. All members are hard-working. On May 24, prior to the Memorial Day weekend holiday, only two members are unable to attend the meeting, which speaks to the dedication and caliber of PRC members.

Mr. Frare thanked Mr. Hall for his service as Chair and his excellent work in providing reports to the Board. The PRC has completed much work since the Board's last meeting in response to several requests. Those requests required extra efforts by PRC members. Chair Schacht echoed similar comments. The PRC has been chaired by excellent individuals. The work completed by PRC is very organized and the presentations are clear and succinct.

*Chair Schacht recessed the meeting from 10:29 a.m. to 10:42 a.m. for a break.*

### **JOC EVALUATION COMMITTEE REPORT – *Informational*** ***Review of Small Business DRAFT Legislation***

Amy Engle, Chair, JOC Evaluation Committee, thanked Senator Hasegawa for supporting legislative changes for Job Order Contracting (JOC) as recommended by the committee. The committee continues its review of best practices during monthly meetings. Discussions have centered on recent legislation opening JOC to all public owners. Members support documenting best practices, developing a training program for public owners, and identified five training topics for focus. The first is the selection process and criteria to ensure public owners are able to select strong JOC candidates. Members reviewed several RFQs to determine criteria that would ensure new owners could select strong JOC candidates during the selection process. The second is Minority Women Business Enterprises (MWBE) participation into three separate elements. One topic is subcontracting bonding. The committee agreed it is the contractor's responsibility to manage that risk. None of the JOCs contacted by the committee require subcontractor bonding. Subsequently, members do not believe it is an issue at this time. The second issue is on ways to increase MWBE participation. Today, participation rates have averaged 12% to 18% through a detailed outreach program by identifying availability and contacting non-certified MWBE's to promote certification and developing an ongoing program to increase awareness of public procurement and how each of the different owner entities work. Following participation by MWBEs, the next step is broadcasting their involvement to other firms. JOCS are sharing information to benefit owners that might not be using the same subcontractors or suppliers. Finally, the committee discussed reporting requirements. Most of the discussions centered on reporting and data collection. The committee is requesting input on the definition of "qualified" as certification is clear while "qualified" is not clearly defined.

The committee also discussed portfolio and schedule management and contract performance. By having JOC on the campus at the University of Washington, it is likely costs can be reduced because the on-site contractor can manage the portfolio of projects. Members also discussed an owner training program and what it might entail if the program is available to all public owners. The last item was reporting and data collection. DES is requesting 2016 and 2017 data. The goal was to launch data collection in April; however, the launch was delayed as the University and DES are still in discussions about the type of data to capture for MWBE participation. Currently, the model includes 16 different columns, which could be perceived as daunting. The goal is to ensure proactive reporting for minority and business diversity while acknowledging that the current reporting format tends to be more reactive.

Mr. Maruska asked for more clarity with respect to proactive versus reactive reporting. Ms. Engle replied that prior to issuing JOC work orders, an outreach program is submitted to OMWBE for review. That process could be perceived as reactive. Best practices would move that requirement to the selection process to identify historical outreach efforts and past performance, which would become scoring elements. The plan is to work with OMWBE to include that process within the front end of the selection rather than at the end of the process. In terms of reporting, rather than focusing on the end of the project, the focus would be on doing a better job at the beginning of the project. Data still needs to be collected, but rather than it being cumbersome, the effort should consider ways to be more responsive at the beginning of the project.

Mr. Maruska asked whether the committee is recommending inclusion of a requirement for general contractors to provide the bond because it significantly impacts smaller minority and women contractor participation. Ms. Engle affirmed that intent.

Mr. Reyes asked whether bonding is required from minority subcontractors. Mr. Maruska shared that the Port of Seattle is revising contract language to require the general contractor or the prime to provide a retainage bond that includes subcontractors. The intent is to know the cost upfront and ensure all subcontractors are treated equally and compete on a level playing field because there are challenges in their ability to secure bonding.

Ms. Engle said the committee's discussion focused on payment performance bonding rather than retainage bonding.

Ms. Reyes reported the minority community, especially contractors, receive full support from most public agencies. Public agencies are avoiding imposing bonding on subcontractors, which typically are minority businesses.

Mr. Maruska asked about the timeline for best practices. Ms. Engle said the initial target was to complete best practices by the end of summer; however, since the request for data was delayed, data are lacking for review. The new target is to complete the work by the end of the year.

Mr. Maruska asked whether public bodies are required to report annually on JOC projects. Ms. Deakins affirmed public bodies are supposed to report annually.

#### **HIGH PERFORMANCE DBB COMMITTEE – Disbursement – Action**

Chair Schacht inquired about the Board's previous action to expand membership on the committee. Ms. Deakins noted that because the Board lacked a meeting quorum, action for expanding membership was not discussed. Additionally, at the last meeting of the committee, members recommended disbanding the committee because it is no longer a proviso requirement within the DES budget.

Chair Schacht shared information on the original intent of the committee. He and a number of architects had some concerns about DB performance guarantees and design and price competitions. At that time, he met with the House Capital Budget Committee Chair about the potential of considering Design-Bid-Build (DBB) as a means to achieve high-performance buildings. After some research, a budget proviso was included in the DES budget. The proviso has since expired in addition to changes occurring within the industry. With the evolution of Progressive DB and the dissolution of specific performance guarantees for state-funded projects, it no longer is a viable topic among architects.

*Robert Maruska moved, seconded by Bill Frare, to disband the High Performance on Design-Bid-Build Committee effective immediately. Motion carried unanimously.*

#### **P3 LEGISLATION PROJECT PLAN/ STAKEHOLDER INVOLVEMENT – Information**

Mr. Thompson reported James Lynch, who was leading P3 efforts is no longer with Ahlers & Cressman. Subsequently, he contacted John Ahlers, Chair of the Public-Private Partnership Committee, to discuss scheduling a meeting with the Treasurer's Office. Mr. Ahlers agreed on the need to follow-up on the concerns articulated by the Treasurer during the Capital Budget work session. They recommend inviting Representative Buys, as the sponsor of the legislation, to meet with the Treasurer. Mr. Thompson contacted the Treasurer's Office to confirm a meeting date and has been unable to confirm the meeting date.

Some contractors within the general contractor community are very interested in pursuing P3 legislation. In consideration of the substantial amount of work completed to date by a cross section of public and private industry participants and the collective input and concerns from Board members, Mr. Thompson said he intends to learn more about the Treasurer's concerns surrounding HB 2726. At the next meeting, he would like to provide a report to the Board surrounding those concerns. In the interest of transparency, it is well known that he is an advocate for P3 recognizing that there is a difference of opinions on the Board. When the Board moved the draft legislation forward, the Board acknowledged not involving the Treasurer's Office, as it was not part of the original scope. However, input from the Treasurer's Office would be important because the bill was not successful in moving forward.

Mr. Maruska asked whether more discussion occurred about the ties between the proposed legislation and Washington State Department of Transportation's (WSDOT) P3 statute. Mr. Thompson replied that although there were no formal discussions, it would make sense to reach out to WSDOT. Mr. Maruska agreed that from a personal perspective for P3, reaching out makes sense; however, the Board's scope is RCW 39.10 and alternative public contracting. It would be unusual for CPARB to recommend to the Legislature changes to WSDOT's statute. Mr. Thompson said that was never the intent. Rather, it would be in the best interests of the state to be aware of the work that has been completed over the last two years on P3 legislation and RCW 39.10. WSDOT currently has P3 legislation but is not pursuing P3 projects. The issue is whether to formally inquire or at least inform WSDOT. He is hesitant to pursue any contact with WSDOT without the support of the Board.

Ms. Reyes asked whether any public agency has expressed interest in championing P3 efforts. Mr. Thompson said he has not identified any public agencies willing to champion efforts; however, there has been interest.

Chair Schacht suggested the topic deserves a more focused conversation and recommended scheduling some time for a discussion. He acknowledged interest by some public owners for access to the funding mechanism P3 provides. However, many believe the legislation was too complex and difficult to apply. Design professionals are as worried about P3 as they have been about DB because of the doubling of isolation from owners during the selection process. Yet, architects recognize P3 provides value to some public owners. Architects are conflicted. He attended the Capital Budget hearing to testify on behalf of American Institute of Architects (AIA) Washington Council along with Van Collins representing the American Council of Engineering Companies of Washington. While AIA was not entirely opposed to the legislation in principle, AIA did not believe the legislation was ready for passage. However, prior to testifying, the Treasurer testified that he did not believe the legislation was constitutional. It should not be problematic to continue researching P3 issues, but at some point, the Board should determine whether to continue rather than operating in a gray zone with some members in support and others in opposition.

Matt Calcavecchia, Public Facilities Group (PFG), expressed surprise concerning the conversation as he has a list of communities in Washington that have reached out to him and PFG to look into public/private partnerships. It is important to understand that there are two distinct kinds of public/private partnerships with one accessing equity and conventional debt and the other using a tax exempt model, known as IRS 63-20. Washington State leads the country in public-private partnerships for the number of projects successfully completed on time and under budget. Within the last year, over 12 communities have reached out to PFG seeking an alternative delivery approach. If the Board is spending time articulating whether or not Progressive DB, DB, or GC/CM is going to be efficient and offer savings to publicly secured projects, it seems it would be in the Board's best interest to complete an analysis on whether public-private partnership could extend those savings. His agency's experience reflects that the use of tax exempt debt in combination with the time savings of private sector expertise produces savings beyond DB and Progressive DB. The Board should consider investigating and commenting on whether P3 offers savings to public agencies.

Mr. Crawford said P3 is used in other parts of the country quite often. The tool provides benefits in certain situations. It is worth pursuing further. The first action should focus on resolving the Treasurer's concerns surrounding constitutionality.

Mr. Thompson noted that his intent was to provide a short presentation. He would like to meet with the Treasurer and provide a report at the September meeting. He plans to contact John Ahlers as the Chair and pursue a conversation with the Treasurer. Next steps should be determined at the September meeting after receiving more information from the Treasurer. He offered to speak with Matt Calcavecchia after the meeting regarding P3 efforts.

Chair Schacht recommended scheduling an hour on the agenda. He offered to work with Mr. Thompson to set the context for the discussion.

Ms. Keith supported Mr. Thompson contacting the Treasurer, as it would help inform the Board's September discussion.

**UPDATE ON DATA COLLECTION EFFORT – Information**

Chair Schacht recommended receiving an update on the status of data collection and then entertaining an option to re-establish the Data Collection Committee with several members serving to assist in initiating efforts to develop a plan with milestones to ensure collected data is used to inform decision-making and to demonstrate the Board is satisfying the requirements of reauthorization.

Ms. Deakins described some of the issues contributing to the delay in data collection. After budget and resource issues, DES was able to work with the University of Washington to initiate efforts. With the delay of the capital budget, efforts stalled because of the lack of funds. Since then, work has continued with the technology development team at the University of Washington. She was recently informed that Ms. Engle might be assisting in the effort. DES and the technology development team check in regularly. She and Ms. Baker will review information to be collected. Another important component is collection of data on OMWBE inclusion plans for minority and women-owned firms. The former committee wanted to avoid owners/contractors having to re-input data already submitted in other databases. Currently, the Department of Labor and Industries (L&I) collects affidavits on contracting amounts, which could be integrated within the data collection system. If an interface is necessary, additional funds might be required for the project. At this point, information for collection needs to be determined to assign data fields. She supports reconvening the committee to assist in identifying the pieces of information to satisfy CPARB's policy recommendations.

Chair Schacht asked Mr. Thompson for input on a process or mechanism to initiate data collection no later than September 2018.

Mr. Thompson advised that the first step is organizing a committee of members with an interest in data collection. He volunteered to work with other members to initiate efforts. Additionally, in terms of budget preventing the ability to move forward, the statute assigns data collection to public owners. It might entail looking at data collection differently to enable a sustainable program because public owners are required to provide the data.

Chair Schacht suggested not attempting to resolve all issues now. He recommended reformatting the Data Collection Committee as a small working group to implement the data collection system no later than September 2018.

Ms. Reyes questioned why budget continues to be an issue if the Board is responsible for data collection.

Mr. Crawford remarked that the budget for data collection has been an ongoing issue and is the main reason a data collection system hasn't been developed. DES lacks the resources to implement data collection. The committee can define the data to collect but a system must be available to input the data. Public owners are required to provide the information but are not required to provide the data collection system.

Mr. Thompson offered to serve on the Data Collection Committee. He invited Ms. Kondelis to consider participating. Ms. Kondelis acknowledged the University's plan to participate.

Ms. Keith said that although much information is available, the issue is around aggregating the information and inputting data into a format that can be used. She agreed resources have not been available and the task has been easy to defer. She supports re-establishing the committee but cautioned that a September date is very ambitious.

Chair Schacht outlined some of the outstanding issues of defining data to be collected and negotiating services with the University of Washington.

Ms. Deakins noted funds for data collection are included in the budget; however, the initial agreement with the University of Washington did not include a technology interface with other database systems.

***Bill Frare moved, seconded by Teresa Berntsen, to form a Data Collection Implementation Committee and appoint the following committee members: Teresa Berntsen, Rebecca Keith, Nancy Deakins, Irene Reyes, Ty Heim, Andy Thompson, and Amy Engle.***

Ms. Bentsen offered that the committee should identify by September what can be accomplished and whether additional resources would be required to advance to the next step.

***Motion carried unanimously.***

**GC/CM SELF PERFORMANCE BID OPENING VENUE – Discussion**

Mr. Thompson introduced Mike Pellitteri with PELLCO Construction Inc. Mr. Pellitteri shared some concerns about some element of the GC/CM process.

Mr. Pellitteri said he is the President of PELLCO Construction and the immediate Past President of the National Utility Contractors Association and a member of the Association of General Contractors (AGC). He introduced Phil Navert, an estimator with PELLCO Construction. Mr. Navert initially contacted Mr. Thompson about some of the concerns.

PELLCO Construction is a 21-year old general contracting firm specializing in public works projects of substations, transit centers, schools, and fire stations. The company typically performs earthwork, utilities, structural concrete, rough carpentry, and finish carpentry. Over the last several years, the company shifted from general contracting to subcontracting. With the advent of GC/CM, the company began pursuing those types of projects. The first GC/CM project was in 2010 for the Woodinville High School project. Since then, the company has completed seven other GC/CM projects. Currently, four GC/CM projects are near completion and four projects are scheduled to begin in June. Most of the bids are for earthwork and utility packages. The company has offered bids on a dozen structure packages typically involving structural concrete or steel erection. The company was only successful in receiving a bid award for one of those projects. It has been very difficult to compete against the GC/CM if they intend to bid on the trade package as well.

Typically, bid documents are developed to provide the GC/CM with several competitive advantages. When bidding against a GC/CM on a bid package, provisions are often included stating something similar to, “*The GC/CM intends to submit a bid package for the (trade) package as a trade contractor. For this reason, the owner will manage the bidding process for this package.*” While the provision stipulates the owner will manage the bidding process, the actual practice involves the GC/CM receiving the questions from subcontractors and processing the bid openings at its office rather than the owner’s office. Those situations serve to place the GC/CM in a more competitive advantage, and in many cases, the questions submitted by subcontractors are never answered. Additionally, in some cases, a 300-page addendum has been released the day before the bid due date based on a submitted question. The process gives the GC/CM an advantage because the GC/CM is aware of the questions and likely knows the answers, which assists in the preparation of its bid.

During bid openings in the GC/CM’s office, the process provides the GC/CM with a competitive advantage because other subcontractor bid runners must often contend with traffic and lack of wireless communications for the bid runner to communicate with the company. The result is the GC/CM has the advantage of being in the same office and can identify companies submitting bids prior to the GC/CM completing its final tally for submittal. Mr. Pellitteri asked the Board to consider reviewing RCW 39.10.390 (2) on GC/CM subcontracting and consider revising the language to stipulate that the owner or the architect needs to administer questions on bid packages when the GC/CM plans to bid, and that bid openings occur in a neutral location.

Mr. Thompson asked whether the issue is prevalent industry-wide or only involves some GC/CMs. Mr. Pellitteri replied that GC/CMs are limited within the industry; however, there are some GC/CMs who follow the rules while some do not follow the rules. In one recent example, the company attended a pre-bid conference for a structures package. When the GC/CM realized there was competition, the GC/CM moved the bid date back, which is unusual because it typically would be a postponement of a bid date rather than moving the bid date. The company was also bidding on the earthwork package. The GC/CM moved the concrete package bid date up because the GC/CM knew the concrete package was complementary to the earthwork and utility packages. If a company is able to complete the earthwork and utilities work first and then work on the concrete, the company can control the scope of work much better. Mr. Pellitteri said the issue has created some problems in addition to other practices, such as specific specifications in a trade bid package requiring a full-time superintendent, a full-time project manager, or even requiring the subcontractor to provide its own temporary power source when the GC/CM is bidding as a trade contractor. In other instances, the GC/CM will

not allow the subcontractor to use the dumpster while other trades are allowed to use the dumpster. Most GC/CMs include provisions for forklift and rubbish disposal within their general conditions. However, those conditions are not included within their bid submission for that work affording the GC/CM a competitive advantage.

Mr. Maruska asked about protest or appeal procedures for solicitation violations that offer some resolution. Mr. Pellitteri acknowledged the options for filing protests. However, based on his perspective and others within the same field, it would entail working in an environment where a successful bid protest was filed against the GC/CM. There are also some anecdotal stories about trade contractors bidding against GC/CMs and awarded the packages only to be told by the GC/CM that the trade contractor would never successfully bid against the GC/CM for any future packages.

Chair Schacht identified the issue as evaluating the concerns and determining an approach the CPARB should recommend. As he previously inferred, the Board's focus has been on DB and to some extent on JOC over the last several years rather than on GC/CM.

Tee-Hee Han, Sound Transit, commented that Sound Transit has been receiving complaints from GC/CM primes concerning the agency's control of subcontractor bid packages. Sound Transit advertises that any GC/CM bid submittal is reviewed for the scope of work to identify any provisions that might unfairly promote self-performance.

John Cross, Korsmo Construction, agreed there are some issues. However, as a general contractor that performs work as a GC/CM, owners are asked to facilitate the bid opening venue and personnel to manage the bid opening and bid process.

He acknowledged that could entail a conflict of interest. His company has dealt with the situation but he is unsure whether other GC/CMs have pursued similar actions. With respect to Request for Information (RFI), the company generally accepts bid RFIs and only issues responses as an addendum prior to the bid to afford all bidders access to the information. He acknowledged Mr. Pellitteri's perspective but is unaware of practices by other general contractors. The suggestion that a GC/CM has an advantage over subcontractors bidding on packages with respect to general conditions typically entails general conditions managed as part of negotiated support services or related to the scopes of work that the general contractor as the GC/CM has maintained. His company tries to be very specific on bid packages as to what is required. Should the general contractor be the successful bidder, the general contractor is expected to perform the work to the same extent as another subcontractor. He emphasized that his company strives to avoid protests.

Ms. Kondelis remarked that several years ago, an ECCM/MCCM Best Practices Committee was established with several papers submitted on the selection of major bid packages through the GC/CM bid process, as well as some of the bidding components. A place to start could entail a review of the committee's work. The committee polled and received information from owners on their respective bidding procedures. Some public owners submitting copies of their procedures included the City of Seattle, Sound Transit, and the University of Washington.

Chair Schacht queried the Board on possible next steps to address the concerns.

Mr. Maruska offered that the issue is similar to other issues the Board addressed during reauthorization as the process affords more time to delve into issues in a broader context. Additionally, if the issue was imminent, the Board would likely need more information to pursue investigation, as some owners might not be aware of the best practices guidelines. The Board could encourage owners to use best practices to alleviate some of the concerns as an interim step. Should the Board consider some statutory changes, the Board could include the topic on the list of issues during the Board's work on reauthorization. He added that based on his experience with GC/CMs, they have shared that the GC/CM delivery method is highly prescriptive.

Chair Schacht recommended considering action at the September meeting to form a Reauthorization Committee to identify issues that should be evaluated for statutory changes or recommended as part of best practices.

Mr. Thompson shared that he has spoken with others specifically involved in GC/CM and Heavy Civil who have shared similar concerns about how the GC/CM delivery method is applied and whether it is being applied as intended.

**ADOPT REVISED DESIGN-BUILD BEST PRACTICES GUIDELINES - Action**

Vice Chair Keith chaired the meeting.

Mr. Schacht shared information on the broad interests of Design-Build Best Practices Guidelines. Additionally, the guidelines were submitted to Design-Build Institute of America (DBIA) for a panel discussion scheduled in November in New Orleans. As previously mentioned, the guidelines were not reviewed by the Attorney General's Office prior to publication. Consequently, Assistant Attorney General Dawn Cortez reviewed the guidelines in detail during a meeting with him, Ms. Deakins, Mr. Frare, and others. Subsequently, a revised version was drafted but not in an edited format form because of the program's limitations, which was used specifically for the inclusion of links. The proposed revision has limited changes in content with a majority of the changes correcting references and formatting. He thanked Ms. Cortez for the review on behalf of the Board because it significantly improved the document.

The only changes relevant to content centered on level of flexibility for using Progressive Design-Build. Language that speaks to the possibility of starting a project with a limited project description was revised to reflect that the statute requires a detailed project description. Additionally, previous language on the possibility of setting the budget by working with the Progressive Design-Build team was revised because the statute requires a target budget. Those provisions that speak to optimism about the use of Progressive Design-Build but were not included within the statute were removed, as well as ensuring the document aligns with the statute. Chair Schacht asked the Board to review the revised version.

Mr. Maruska asked whether the substantive changes pertain to the alignment with statute or whether there were other changes. Mr. Schacht advised that the only changes to content dialed back language citing the inherent freedom offered by Progressive Design-Build. He cited an example where language inferred that it might be possible to determine the budget at any point in the process. Language on contract scope and cost was revised to reflect that the contract award for Progressive Design-Build occurs after the selection of the team. In other sections, the changes indicate that a target budget is required at the point in time when the solicitation is released. The changes are essentially statute alignments and not substantive.

Mr. Frare reported he supports the changes and agreed the changes ensure alignment with the RCW.

***Steve Crawford moved, seconded by Bill Frare, to approve the Design-Build Best Practices Guidelines as amended.***

Ms. Baker inquired about the status of changes to the Word version of the document. Mr. Schacht noted only one version of the document was amended to reflect the changes. At some point, a report is required for submission to the Legislature, which likely would be an updated version in Word.

***Motion carried unanimously.***

Mr. Maruska recommended adding the date of the revision to the document, as the Board historically tracks revisions for all official documents.

**DESIGN-BUILD STATUTE REVIEW COMMITTEE REPORT – Information**

Mr. Schacht updated members on the status of efforts by the Design-Build Statute Review Committee.

The committee has met twice. While the committee is reviewing the DB statute, DES is also reviewing Progressive DB. In an attempt to align efforts, some scheduling issues have arisen. The Board previously recommended removal of limiting the number of \$2 million to \$10 million projects. Because of timing for submittal of any legislation changes for the 2019 session, urgency has increased.

Committee members agreed to review the following issues:

- Bonding – *bonding is a challenge, particularly in Progressive DB, for professional services when there may be a pre- construction services contract. Additionally, pre-construction services now include all the work of design professionals. Another question surrounds bonding capacity (currently included in the RFP phase) and whether it*

*should be part of the RFQ phase because short-listing a firm that does not have adequate bonding capacity is not reasonable.*

- Release of retainage early to benefit small businesses (may not be related to RCW 39.10).
- Questions surrounding records requirements for solicitation and competition period. *Some questions were addressed by the statute previously. The DB Best Practices Guidelines addresses evaluation factors and information requirements. The statute is repetitive about requirements during the RFQ and RFP phase, as well as information that many believe should be in the RFQ is not required until the RFQ. Members have initially agreed that all qualifications should be addressed upfront and scored at that time rather than requesting the same information a second time. The current statute indicates that the information may be “considered.” Removing the requirement for supplying the information during the RFP would help simplify the RFQ phase to include only cost or price-related factors and technical information. Members also agreed that the project description should be included in the target budget and in any other documents of importance to DB teams.*
- Review the issue of diverse business inclusion requirements. *Currently, it is an option a public owner can exercise. The issue is whether to consider whether the CPARB has the ability to make it a requirement or add to the requirement.*
- RCW 39.10.335(B). The provision is rarely used; however, it allows a public body to determine whether all the proposals are equal and select the proposal with the lowest price. *The statute is confusing and will require stakeholder outreach to determine if the provision has been utilized.*
- Honorarium payments.
- DB methods and the definition of Progressive DB.
- Other questions surrounded the data PRC uses to evaluate project applications.

The committee plans to outreach to the Office of the Superintendent of Public Instruction (OSPI) because school districts are using DB more than ever, as well as outreaching to WSDOT. The committee also wants to continue pursue eliminating constraints on the number of projects between \$2 million and \$10 million.

Mr. Schacht asked members for any feedback on other issues surrounding DB procurement the committee should address.

Mr. Maruska asked whether the list could have been more extensive if it was viewed from the lens of reauthorization or whether the list is, in effect, prompting reauthorization efforts earlier. Mr. Schacht replied that the list represents issues members identified within the DB provisions of the statute. Reauthorization will entail a comprehensive task. The committee also agreed stakeholder outreach would be important.

Mr. Thompson asked about the timeline and if there is any intent to submit legislation in January 2019. Mr. Schacht explained that the intent is to propose legislation in January at a minimum. The assumption is that the Board would support approving the change to eliminate the limitation on \$2 million to \$10 million projects. Additionally, the committee is focused on presenting a proposal to CPARB addressing all the issues no later than September 2018 with the possibility of scheduling a Board meeting in July to review efforts by DES.

Mr. Thompson asked whether the proposal would include any legislative changes to JOC. Mr. Schacht replied that the focus is only on DB. Essentially, the committee was tasked to review DB and all other proposed legislation would be packaged by the Board.

Charles Horn commented that there are many questions in the industry regarding bonding. He offered to review any changes proposed by the committee with some industry contacts. Mr. Schacht offered to include Mr. Horn's name on the committee's distribution list.

Mr. Crawford asked whether the list of questions would be available to members to review and respond. Mr. Schacht said he would work with staff to post the information. Mr. Crawford added that any best practices legislation should be separate from any proposed changes to JOC.

Mr. Maruska remarked that he was involved in the initial legislation for DB and the reasons surrounding the inclusion of price factors. It would entail a big step to change existing legislation exclude price and base selection strictly on qualification or whatever the committee recommends. The Board might want to consider another statute for

qualification-based selections. DES might have some enabling statute similar to other public owners that often result in adjusting those statutes to address a specific issue.

Mr. Schacht noted that none of the committee members recommended removing price.

Vice Chair Keith added that the committee agreed it would be helpful to identify all issues. She agreed there are questions surrounding price factors and its definition. There could be a filtering process or further input from the Board on what issues to address because of a future policy decision on when and how to submit changes and the pros and cons of that process. It may be more important to submit a fix on one issue now and address the other issues later. She encouraged members to provide input to the committee as the committee's next step is outreach.

Mr. Schacht shared information on what prompted the committee's work. Essentially, it was the desire for a clear understanding of how to use the statute to facilitate Progressive DB. That was a key issue within the guidelines that included subsequent reviews clarifying that intent. The three key issues that would facilitate the use of Progressive DB if better defined in the statute include price factors, defining the technical approach to design concept, and requirements surrounding a detailed project description. The initial conversation by the committee included whether Progressive DB should have a stand-alone component to the statute that frees it from the constraints of a procurement method designed for something different than Progressive DB. The initial concern by public owner members centered on supporting the statute because of the flexibility while acknowledging Washington State University's pursuit of Progressive DB bridging, which also generated some concerns.

Mr. Frare shared information on a potential statutory proposal by DES for Progressive DB. DES is concerned about the existing process and ensuring it is in alignment by making some recent adjustments to both the procurement process and the contract to ensure DES efforts are in compliance. Of importance to DES are the detailed project description and price factors and their respective definitions relative to Progressive DB. Progressive DB has been promoted as an excellent tool for DES to use. Consequently, a number of Progressive DB projects are in construction. DES supports adding a separate section that details the requirements of Progressive DB, as the method is more qualifications-based than other delivery methods. DES wants to move forward with proposed legislation to ensure DES maintains its authority to pursue desired Progressive DB contracting. CPARB's legislative timelines do not necessarily match with DES timelines. As a cabinet agency reporting to the Governor and subject to the rules of the Office of Financial Management (OFM), DES needs to submit the proposed legislation in July to complete the vetting process by OFM and the Governor's Policy Office. By November/December, DES should receive notice whether the legislation should proceed. At that point, the bill would be submitted as agency-requested legislation. Last year, the Board approved a CPARB legislative bill at the December meeting, which was not in sufficient time to work through the legislative process. DES wants to submit legislation that is at least similar to the proposal shared with the DB Best Practices Committee in July to ensure appropriate time for vetting through the various processes. DES also wants to continue working with CPARB and the DB State Review Committee to align the efforts to produce one single proposal addressing the issues.

Mr. Schacht shared that he may step down as Chair of the DB Statute Review Committee because of his new CPARB role. The committee's efforts at its next meeting will focus on Progressive DB in an attempt to draft a committee proposal to CPARB, as well as ascertaining whether the proposal aligns with the DES proposal. Should a draft of an initial proposal be possible, the Board might want to schedule a meeting in July to accelerate the review of the draft or acknowledge placeholder legislation by DES. The committee should be fully committed to a full report in September as an information item to receive feedback for action at the October meeting. Action in October should afford adequate time to begin pre-session advocacy. It also might be conducive to share information with the Chairs of the House and Capital Budget Committees and the Vice Chair of the Senate Ways and Means Committee over the summer. He regularly meets with them over the summer as part of his representation duties for AIA. The two possible tracks moving forward could involve DES moving forward with its proposal and the Board supporting advocacy efforts for the CPARB proposal or advancing CPARB's schedule to meet in July.

Members discussed the possibility of scheduling a July CPARB meeting.

Mr. Frare recommended meeting in July to work on resolving any differences prior to submittal of the DES legislation.

Based on a majority of members supporting a special meeting in July, Vice Chair Keith recommended polling members online for a meeting date sometime during the second or third week in July.

Mr. Maruska asked about the timeline for DES to submit final legislative language. Mr. Frare advised that the language could be revised up to the September timeframe.

Mr. Schacht added that dependent upon the committee's efforts, it might be possible to draft legislation during its next meeting in May for review in June to determine if both legislative drafts could attain consensus.

Mr. Frare clarified that recent information indicates legislation submitted by DES is due no later than August 24, 2018.

Vice Chair Keith recommended establishing a timeline based on the status of the committee's work and then sending a Google poll to members to determine a date for a special meeting.

Ms. Deakins added that at the end of the last committee meeting, members discussed establishing a small workgroup to work with Chair Schacht and herself on the draft DES legislation prior to the May committee meeting. Mr. Schacht recommended following up with a conversation after the meeting.

Mr. Frare noted that Ms. Reyes would be unable to attend the afternoon session resulting in a lack of a meeting quorum. Following further discussion on availability of members, Chair Schacht recommended recessing for a break rather than for lunch.

Chair Schacht recessed the meeting from 12:33 p.m. to 12:48 p.m. for a break. *Neil Hartman had left the meeting prior to the break.*

Members attending the afternoon session included Andy Thompson, Robert Maruska, Rebecca Keith, Irene Reyes (*telecon*), Joaquin Hernandez (*telecon*), Teresa Berntsen, Ty Heim, Bill Frare, Steve Crawford, and Walter Schacht. *Brent LeVander (telecon) joined the afternoon session later in the meeting.*

#### **PRC MEMBERSHIP APPOINTMENT – Action**

##### **PRC POSITION – Owner, General Public – 1 Position**

Chair Schacht invited applicants to speak to their respective applications.

**Art McCluskey** thanked the Board for allowing him to present his qualifications. He is an assistant State Construction Engineer with the Washington State Department of Transportation. He serves as the state's DB Program Manager. His duties include all DB activities for the state spanning training, policy and procedures, and evaluation processes. Prior to joining WSDOT, he accumulated four decades of experience in the engineering and construction industry and has served in the roles of a consultant, construction manager, general contractor, design builder, owner, and an owner's representative. He has been an owner for both private and public sectors representing WSDOT as a public owner and a fortune 100 company for the private sector. He looks forward to serving on the committee and using his varied expertise in all facets of the industry in DB. WSDOT's authority for DB is governed under RCW 47.20.780-785. The RCW is less prescriptive than RCW 39.10 but with many similarities in terms of the types of projects that qualify for DB, the evaluation process, and the requirements for documentation. He believes he is very well versed in DB. Prior to joining WSDOT, he was involved in several DB projects nationwide and in the first DB project for several agencies to include the Massachusetts Transit Authority and Sound Transit in 2010 for the airport link extension. He has also completed DB projects prior to the establishment of DBIA in Florida. He is a member of DBIA and served as the Co-chair of the Transportation Conference recently held in Portland, OR. He is also a member of CPARB's DB Statute Review Committee. He does not believe WSDOT has been represented on a CPARB committee and looks forward to serving in that capacity and providing expertise in evaluating presentations of qualifications.

**John Palewicz** said he recently retired from the University of Washington and was rehired as a part-time employee and is working on a number of projects. He has been a member of PRC and has served as Chair. He values PRC and his

involvement and believes he has some interesting qualifications for serving in the General Public Owner position. He has chaired the Oversight Committee for the Seattle School District. PRC is experiencing a substantial increase in the number of K-12 public schools using alternative delivery methods of GC/CM and DB. He has also been working with several public agencies to include Washington State Ferries as an advisor on the Colman Dock Project, a civil GC/CM project, as well as with Evergreen Health to assist the agency with its first GC/CM project. He worked with the City of Orting and provided a presentation to King County Metro. He is also becoming more involved with a number of public agencies, which would support the PRC position. He has the ability to represent public owners as a public employee at the University of Washington. His senior level experience with capital assets delivery for 21 years at the University provided a working knowledge of experience with alternative capital project deliveries as defined in RCW 39.10. Many project applicants before the PRC has completed DB projects, as well as GC/CM projects. However, the projects must be completed according to the requirements of RCW 39.10 in the state of Washington. Much of the work of the PRC is ensuring a project is successful as well as following the requirements of 39.10. That experience and knowledge of the RCW is critical for the PRC position.

Chair Schacht invited discussion on the two candidates for Owner, General Public.

Mr. Frare conveyed his respect for the work Mr. Palewicz has provided to the PRC both as a member and as a prior Chair. The selection of the candidate is difficult; however, it would be interesting to have a WSDOT representative on the committee.

Mr. Thompson thanked both candidates. Because of the heavy civil component, he favors the candidate from WSDOT. It is often difficult to make a decision, but in this case, PRC would benefit from having a member from WSDOT.

Mr. Crawford noted the relevance of having a person knowledgeable of RCW 39.10. An increasing number of K-12 districts are pursuing alternative delivery projects.

Chair Schacht remarked that both candidates are over-qualified equally. He has known Mr. Palewicz for 15 years. Mr. Palewicz has been a great asset on the work completed on the DB Best Practices Guidelines Committee. He supports his candidacy.

David Talcott (Alternate) reported he has known Mr. McCluskey for many years. He has three main advantages that would benefit PRC. He has 360 knowledge of DB from the owner's perspective, as well as the private and contractor perspectives. He is now a WSDOT leader for DB statewide managing a program of several hundred million dollars. PRC needs his voice very badly. He also has tremendous knowledge of RCWs 39.10 and 47.29. Mr. McCloskey is a tremendously qualified candidate.

***Andy Thompson nominated Art McCloskey to fill the vacant PRC position of Owner, General Public. Bill Frare seconded the nomination. By a unanimous vote, Art McCloskey was appointed to serve on the PRC in the position of Owner, General Public.***

Chair Schacht thanked Mr. Palewicz for this many years of service to the PRC.

#### **PRC POSITION – General Owner – 1 Position**

Chair Schacht invited applicants to speak to their respective applications.

**Keith Bloom** reported he is familiar with the State of Washington after returning from a seven-year sabbatical engaged in developing sustainable communities on the Navaho reservation and visiting other states to observe public works projects. He is very familiar with the statutes driving alternative public works and completed the first GC/CM project at Washington State University in 2000, and managed and completed the first DB project for the University. He has completed a number of GC/CM projects with most occurring on the campus of Washington State University. He also worked as a JOC contractor for a private contractor during his time in Arizona at Arizona State University. He wants to serve because he primarily represents school districts as an owner representative. He appreciates the work of the PRC and it would be an honor to serve.

**Linneth Riley-Hall** (*telecon*) referred to her cover letter demonstrating her alternative public works experience as required by RCW. She thanked the Board for the opportunity to serve on the PRC. In November 2016, voters approved the passage Sound Transit 3, a transit expansion program to include light rail in Everett, Tacoma, downtown Redmond, and other locations. Sound Transit is reviewing all delivery methods for all projects to include the GC/CM and DB delivery methods. While transit is not represented on the CPARB, Sound Transit has been invited to serve on various committees to include Heavy-Civil, DB Best Practices, and P3. Sound Transit will continue efforts to be involved. The PRC does not have a membership category specifically for transit or transportation. There are only two member categories available for representation by transit or transportation. They include Owner, General Public and General Owner. She asked for consideration to continue representing transit on the PRC as the General Owner representative.

There were no questions from the Board for either candidate.

**Bill Frare nominated Linneth Riley-Hall to serve in the General Owner position. Rebecca Keith seconded the nomination. By a unanimous vote, Linneth Riley-Hall was appointed to serve on the PRC in the position of General Owner.**

*Brent LeVander rejoined the meeting via telecon.*

**PRC POSITION - General Contractor (2 Positions)**

Chair Schacht invited applicants to speak to their respective applications.

**John Cross** reported he is a project manager director for Korsmo Construction. He has served as a senior project manager for the company for a number of GC/CM and DB projects and has spent time working to understand the processes. He has worked with different agencies and subcontractors involved in the projects. He understands the alternative delivery method process. He is currently overseeing six project teams in various stages of the construction process for GC/CM project delivery. He has lived in Washington State for his entire life and has a vested interest in the process. He submitted his application because he is interested in serving.

**Quinn Dolan** reported he is with Centennial Contractors Enterprises, Inc. and manages the Seattle/Tacoma area. He relocated to the area, which would afford him the ability to attend PRC meetings. He and his staff have worked with many public agencies, architects, and engineers. He cited some projects in Seattle and a number of engineering firms he has worked with over the years. Serving on the PRC provides a great opportunity to expand his knowledge and understanding of RCW 39.10. Most of the work by his firm is on JOC projects with some DB and GC/CM projects. He appreciates the opportunity to share his experience and interest in serving.

**Brian Holecsek** said he works for Graham Construction. The company has offices in Seattle and Spokane. He serves as the Operations Manager of the Spokane office. The majority of his career has been on public works projects, to include many school projects beginning in his early 20s. He has a good blend of public works, DB both traditional and progressive projects, and GC/CM projects. He is solutions-oriented and prefers trading solutions as a team, which is why he believes he is well suited for the position. He has participated on several pilot projects included working with DES and Debra Delzell on the CLT project in eastern Washington. The project was challenging and they were able to complete the project successfully. He has worked across the state on many projects and would contribute his many years of expertise.

**Rob Robinson** said he is the Vice President of SKANSKA and has been with the company for 20 years. During that time, he worked on 17 GC/CM and DB projects. His primary role at SKANSKA is to build alternate procurement projects. He has completed a variety of projects from renovating the old Stadium High School to replacing the UW Burke Museum and expanding a \$150 million hospital project using the GC/CM delivery method. During that time, he has served in a variety of roles working as a project engineer to his current role as the Vice President helping owners utilize the process to overcome some of the challenges occurring in the marketplace. He is also involved in industry associations and participated on panels and in conversations about the RCW and the statute and sharing lessons learned. He has also worked as a stakeholder on a committee reviewing RCW 39.10.350 and ECCM/MCCM. He is interested in exploring and conversing about any changes to potential civil GC/CM. He is very interested in the opportunity to serve

and would be much honored.

Chair Schacht invited the Board's discussion on the candidates.

Mr. Frare noted that Mr. Holecek's letter was not submitted on his company's letterhead. He asked whether Mr. Holecek's candidacy is supported by his company to ensure he has the latitude to attend meetings. Mr. Holecek affirmed his company is supportive of his candidacy to serve on the PRC.

Chair Schacht offered that Mr. Holecek is from eastern Washington, which is a consideration when recruiting new members to ensure PRC representative includes the entire state. The Board has received applications from four highly qualified candidates.

***Bill Frare nominated Brian Holecek with Graham Construction. Robert Maruska seconded the nomination. By a unanimous vote, Brian Holecek was appointed to the position of General Contractor.***

***Brent LeVander nominated Quinn Dolan with Centennial Contractors Enterprises, Inc. Andy Thompson seconded the nomination. By a majority vote, Quinn Dolan was appointed to the PRC in the position of General Contractor.***

#### ***PRC POSITION – Cities***

***Rebecca Keith moved, seconded by Bill Frare, to defer appointment of the Cities position until December 2018. Motion carried unanimously.***

#### ***LEGISLATIVE CALENDAR/MILESTONES – Information***

Mr. Frare presented a draft proposal of a flowchart outlining the Board's legislation calendar. The proposal designates commencing committee work between January and August followed by the committee's proposal submitted to the Board at the September meeting. The Board either approves or disapproves the proposal. If the proposal is not accepted, a revision cycle is initiated and the proposal is returned to the Board for approval. After approval, the proposal is submitted to the code reviser. The Board would receive a bill draft form in October/November. After review and approval, the draft would be returned to the code reviser for assignment of a bill number. The Board would pursue sponsors for the bill in December and initiate advocacy actions.

Ms. Berntsen commented that in order to avoid repeating the past, the committee should provide a summary of the bill, policy fiscal impact, and a list of affected parties and known positions by the September timeframe.

Mr. Maruska recommended including outreach within the process because a number of groups have legislative agendas, which should be recognized as part of the process.

Members discussed timing for stakeholder outreach.

Ms. Berntsen remarked that it would be difficult to secure a sponsor without outreach occurring first. Mr. Maruska replied that because the process is through CPARB, members are knowledgeable about all stakeholder positions on a particular issue. He clarified that outreach during the September/October timeframe would entail seeking support and advocacy of any proposed legislation.

Chair Schacht suggested forming an Advocacy Committee to help leverage all knowledge. A small working group could help the Board prepare because it is likely the Board will be proposing legislation for each legislative session. The process affords an opportunity to model best practices and take advantage of the experience represented on the Board. He offered to contact members individually for follow-up in September to create a committee.

#### ***DRAFT AGENDA FOR SEPTEMBER 13, 2018 – Action***

Chair Schacht said if a meeting is scheduled in July or August the agenda would focus on DB statute review dedicated specifically to Progressive DB.

Chair Schacht and members offered input on the following September agenda topics:

- Data Collection Committee Report
- Discussion on formation of Reauthorization Committee
- Discussion on rotation of officer terms- possibly establish a working group
- Report on Design-Build
- Report on Private/Public Partnership Committee
- Consider public comments about GC/CM concerns
- PRC Report
- Discussion on what entails OMWBE Certification
- Proposed 2019 Legislation
- CPARB Self-Evaluation (a tentative proposal by Chair Schacht)

Most members supported an all-day meeting as long as the information is provided prior to the meeting.

Chair Schacht added that he would work with staff on providing clarity on the meeting schedule and attendance confirmation to ensure a meeting quorum.

Mr. Thompson noted the Board has one vacant Higher Education vacancy and one vacancy for the Construction Trades Labor position. As a former Vice Chair, leadership has expended efforts to communicate with the Governor's Boards and Commission Office to fill those vacancies. He recommended pursuing efforts to influence action for the selection of the vacant positions. Additionally, to ensure the effectiveness of the Data Collection Implementation Committee, public owner help, support, and attendance are necessary. He plans to work with leadership and staff to transmit an email to potential candidates to solicit participation.

#### ADJOURNMENT

*Bill Frare moved, seconded by Walter Schacht, to adjourn the meeting at 1:29 p.m. Motion carried unanimously.*

#### Staff & Guests

Talia Baker, Department of Enterprise Services  
Kelsey Beck, City of Seattle  
Keith Bloom, Education Services District #112  
Matt Calcavecchia, Public Facilities Group  
Jon Cornelius, NUCA of Washington  
John Cross, Korswo Construction  
Quinn Dolan, Centennial Construction  
Nancy Deakins, Enterprise Services  
Amy Engle, University of Washington  
Curt Gimmetstad, Absher Construction  
Rustin Hall, ALSC Architects  
Linneth Riley-Hall, Sound Transit (Telecon)  
Brian Holecek, Graham Construction

Valerie Gow, Puget Sound Meeting Services  
Tae-Hee Han Sound Transit  
Janet Jansen, Department of Enterprise Services  
Aleanna Kondelis, University of Washington  
Don Laford, CMAA  
Art McCluskey, WSDOT  
Scott Middleton, MCAWW  
Phil Navert, PELLCO Construction  
John Palewicz, University of Washington  
Mike Pellitteri, PELLCO Construction  
Rob Robinson, SKANSKA  
Melissa Van Gorkom, Washington State Legislature - SCS  
Oliva Yang, Washington State University