

GRANT CO. PUBLIC UTILITY DISTRICT - LOAD GROWTH DB PROJECT

1. What are the lessons learned from your previous Design-Build project?

Grant PUD is excited to build on the success of its previous Design-Build experience and apply lessons learned to the upcoming Load Growth Project. The recently completed Substation Reliability Project was a notable success, saving two years in delivery time versus traditional methods. The following key lessons learned were documented throughout the course of the previous project and during a formal lessons learned exercise performed by David Gunderson and Rick Cherf. These lessons are well aligned with the DBIA Best Practices listed in the Design-Build Done Right publication.

General

- Trust and transparency are key project drivers. Grant PUD will set this expectation early and model the desired behavior by extending trust to its teaming partners. Gaps in trust will be identified and addressed quickly during the course of the project.
- Communication – Grant PUD will encourage early participation from all project participants on both the owner and contractor side. We will work with our Design-Builder and Owner's Team to establish and adhere to clear communication processes during project execution.

Procurement

- The procurement process developed by Robynne Thaxton for the previous project worked well and allowed Grant PUD thoroughly evaluate proposing teams based on their qualifications. Grant PUD plans to use the same process again including RFQ, Shortlist, RFP, and confidential Proposer Interviews.
- Grant PUD has specific project requirements related to design standards for substations. We are developing more comprehensive Initial Basis of Design Documents that will clearly communicate these requirements at the RFP Stage.
- Grant PUD has learned that Design-Build is not a turn-key process that is done in a vacuum. Success depends on strong collaboration with the owner throughout. Grant PUD will staff the project early with the right internal team to support the Design-Builder and will use the qualifications based process to select a Design-Builder with a demonstrated history of working collaboratively with owners.

Contracting

- It is critical for Grant PUD to establish a detailed, realistic budget up front. This will help streamline the GMP negotiation process and help ensure a fair outcome for both Grant PUD and the Design-Builder.

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QUESTIONS RE: PROJECT APPLICATION

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- Grant PUD will work with the Design-Builder to ensure alignment of contract incentives for all major players, particularly the electrical contractor and the civil contractor.
- Grant PUD will establish clear cost reporting requirements for the Design-Builder using a pre-determined cost breakdown structure.
- The Load Growth Project will update the incentive structure for the Design-Builder with more emphasis on performance incentives and the elimination of cost savings incentives.

Executing

- Grant PUD's internal staff will perform Testing and Commissioning of all project sites rather than including this in the Design-Builder's scope.
- Grant PUD will implement an improved site inspection protocol with clearer understanding of roles and responsibilities for the QA team.
- Grant PUD will implement or require the Design-Builder to implement a more robust document control system to aid in communication and transparency for all parties

2. Mr. Tomlinson shows availability of 5% to the project, what percentage is he available for procurement? It appears he is the only one with broad range of procurement DB experience.

Many of our team members have extensive experience in design-build procurement including Robynne Thaxton, legal representative, Stanley Consultants, Owner's Rep, and Scott Tomlinson, project advisor. Robynne Thaxton led the procurement effort on our last design-build project and is the point person to lead our team on that aspect of the delivery as well. As Robynne's resume shows, she has performed this role on many progressive design-build projects. Eric Smith, who worked as a consultant on our first design-build project, is now with the University of California at San Diego. In the attached letter, he explains Robynne's role in our first design-build project as well as his experience with Robynne on other projects. In fact, Robynne will not be able to be present at the PRC presentation because she is one of only two approved instructors by the Design-Build Institute of America on Progressive Design-Build Best Practices, and she will be teaching the procurement section of that class in Baltimore during the presentation.

In aggregate Scott Tomlinson is expected to contribute 5% of his time to the project over the full project lifecycle with more of his involvement concentrated up front during the procurement process. Scott is currently providing input to the project team on updates to the contracts and the Design-Builder selection process based on lessons learned from the previous project.

3. What exactly did Mr. Tomlinson do on the King County Family Justice Center project as it is shown as planning experience for DB?

At the request of the King County Council, Mr. Tomlinson reviewed the Children and Family Justice Design-Build Documents to determine if the County's project design documentation were clear and consistent, and that the contract language would be effective in limiting the County's

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exposure to change orders and design liabilities. Mr. Tomlinson also addressed mitigating potential disputes and project risks, clarifying permitting responsibilities, and determining if a thorough design oversight process was adequately defined within the contract documents in his report to the Council.

THAXTON PARKINSON pllc

Robynne Thaxton (formerly Parkinson), JD, FDBIA

9311 SE 36th St., Suite 103

Mercer Island, Washington 98040

(206)909-5290; www.rtp-law.com

e-mail: rparkinson@rtp-law.com

Robynne Thaxton is the Managing Member of Thaxton Parkinson pllc and one of the leading experts in construction law and alternative procurement both in Washington State and on a national basis. She served on the National Design Build Institute of America Board of Directors from 2010 - 2016. She also serves on the Executive Committee of the American Arbitration Association National Construction Dispute Resolution Committee. In addition, she was the Vice Chair of the DBIA Education Committee and the former chair of the DBIA National Legal and Legislation Committee, where she continues to serve and is instrumental in drafting and revising the DBIA form Design-Build contracts and subcontracts. Robynne has been a designated Design-Build Professional since 2005 and is in the first class of Design-Build Designated Fellows. Robynne was named as a Washington Super Lawyer in 2010-2019. Robynne is also a Fellow with the Construction Lawyers Society of America. Robynne is also the principal of Progressive Design-Build Consulting, LLC, a consulting firm dedicated to progressive design-build projects.

COMMERCIAL LAWYER and CONSULTANT

- ❑ Thaxton Parkinson, PLLC
2008 to Present
- ❑ Progressive Design-Build Consulting, LLC
2018 to Present
- ❑ Groff Murphy PLLC:
Of Counsel 2001 to 2009
Partner 1998 to 2000
Associate, 1994 to 1997
- ❑ Seattle University Albers School of Management
Adjunct Professor, 2002 to 2005
- ❑ XO Communications, Inc. (Formerly Nextlink)
Director of Contract Administration 2000 to 2001
- ❑ Perkins Coie: (Anchorage and Seattle)
Associate, 1989 to 1994

REPRESENTATIVE RECENT DESIGN-BUILD EXPERIENCE

- ❑ Developed the course materials and one of two approved instructors for the Design-Build Institute of America's Progressive Design-Build Best Practices course.
- ❑ Working with Grant County Public Utility District on its second progressive design-build substation project (approximately \$40 million)
- ❑ Consulting with Morrow County, Oregon on developing the RFQ/RFP and contract for its progressive design-build administration building (approximately \$4.5 million)
- ❑ Working with the City of Tacoma on its hydro-power turbine re-wind (approximately \$8 million)
- ❑ Consulting with the Bonneville Power Administration on developing a progressive design-build procurement and contract template for a new building (approximately \$200 million) (as Progressive Design-Build Consulting)
- ❑ Consulting with Western Washington University on its progressive design-build New Dormitory (\$60 million) and Administrative Services Building (\$10 million) Projects (as Progressive Design-Build Consulting)
- ❑ Developing a Progressive Design-Build RFQ, RFP and Contract template for the Washington State Department of Enterprise Services.
- ❑ Consulting with the University of California System and University of California San Diego to develop the procurement documents and contract for the UCSD Triton Pavilion Project (approx. \$300 million) and template documents for progressive design-build the University of California system(as Progressive Design-Build Consulting)

- ❑ Assisting Seattle City Light with developing the procurement documents and contract for the Boundary Dam Generator Overhaul Project (Units 51, 52, and 54) and the Cedar River Substation Project.
- ❑ Developed eight design-build training modules for the Washington State Department of Transportation.
- ❑ With Hill International, assisted with developing design-build best practices white papers for Washington State Legislature Joint Transportation Commission
- ❑ Consulted with Los Angeles County to develop the procurement and contract for its Mental Health/Correctional Treatment Facility (\$1.8 billion)
- ❑ Developed the RFQ/RFP and progressive design-build contract for the renovation of the City of Spokane Riverfront Park Pavilion Project (\$18 million)
- ❑ Developed the RFQ/RFP and progressive design-build contract for the renovation of the City of Spokane Post Street Bridge (\$14 million)
- ❑ Developing the RFQ/RFP and progressive design-build contract for the Okanogan County PUD Enloe Dam Powerhouse Project (\$40 million)
- ❑ Consulted with the City of Portland to develop the RFQ/RFP and progressive design-build contract for renovation of the Portland Building, a historic landmark (\$100 million)
- ❑ Developed the RFQ/RFP and progressive design-build contract for progressive design-build renovation of the International Arrivals Facility at Seattle/Tacoma International Airport (\$650 million).
- ❑ Responsible for drafting the form RFQ/RFP and RFQ/RFP Guide for the DBIA national form contracts.
- ❑ Developed the RFQ/RFP and progressive design-build contract for the City of Richland Town Hall Project (approx. \$12.5 million) and the City of Richland Fire Station Project (approx. \$3 million)
- ❑ Developed the RFQ/RFP and progressive design-build contract for the City of Liberty Lake Town Center project (approx. \$13 million)
- ❑ Developed the RFQ/RFP and progressive design-build contract for the Grant County Public Utility District Substation Reliability Project (approx. \$13 million)

EDUCATION

J.D., University of Colorado School of Law, 1989

B.A., University of Texas at Austin, 1986

RECENT SELECTED PUBLICATIONS AND SEMINARS

“Design-Build Contract and Risk Management” Design Build Institute of America. Since 2004, instructed this course over 100 times in 20 states

“Best Practices in Progressive Design-Build,” DBIA National Conference, New Orleans (November 2018), DBIA Transportation Conference (April 2019), DBIA Water/Wastewater Conference (April 2019)

“Progressive Design-Build”, A4LE National Conference, Chicago (October 2018)

“Nuts and Bolts of Progressive Design-Build: The Performance”, DBIA Webinar (June 2018)

“Nuts and Bolts of Progressive Design-Build: The Contract”, DBIA Webinar April 2018

“The Design Contingency in Transportation Projects”, DBIA Transportation Conference, April 2018

“Nuts and Bolts of Progressive Design-Build: The Procurement”, DBIA Webinar March 2018

“The New DBIA Form RFQ and RFP”, DBIA Webinar March 2017

“Progressive Design-Build”, California Community Colleges Facilities Coalition Annual Convention, November 2016

“Comparison of DBIA, AIA, ConsensusDocs Form Contracts”, AGC BuildCon, Oct 2016; DBIA National Conference, November 2016; Construction Superconference December 2016; AGC Webinar, April 2017.

“New DBIA Form RFQ/RFP”, DBIA National Conference, November 2016; DBIA Water/Waste water conference March 2017; DBIA Transportation conference March 2017

“Progressive Design-Build in Transportation”, DBIA Transportation Conference General Session, April 2016

“Progressive Design-Build in Washington,” DBIA Northwest Region Breakfast, March 2016

“DBIA Contract Focus: The RFQ/RFP Process, the Owner’s Considerations”, DBIA Webinar October 2015

“DBIA Contract Focus: Form Contracts,” DBIA Webinar August 2015

“ENR Construction Risk Summit, The Colorado VA Mess and Beyond” Dallas, TX June 2015

“Legal Issues in Alternative Procurement”, Pacific NW CMAA Chapter, March 2015

“Emerging Trends in Design/Build Projects” American Conference Institute, New York, NY February 2015

“Metcalf Construction v. U.S.”, Construction Superconference, Las Vegas, NV December 2014

“Modern Application of the Spearin Doctrine”, Washington State DES Client Workshop October 2014

“DBIA Contract Focus on the Prime/Sub Relationship”, DBIA Webinar June 2014

“DBIA Contract Focus on the Procurement Process”, DBIA Webinar, February 2014

“The Five Risks You Never Saw Coming That Could Badly Damage Your Business”, ENR Webinar November 2013

“Best Practices Implementing Washington’s New Legislation”, DBIA NW Region Owner’s Forum, November 2013

“DBIA Contract Focus on the Prime Relationship”, DBIA Webinar November 2013

“Construction Delivery Methods”, Society of College and University Planners, Portland, OR November 2013

“Scope of the Arbitrator’s Authority”, American Arbitration Association Webinar, October 2013

“Metcalf Construction v. U.S.: How the Duty of Independent Site Investigation Negated Owner's Duty to Pay”, American Bar Association Webinar, July 23, 2013

“The Use of Lean Construction Techniques in Design-Build Delivery”, Lean Construction Institute National Congress, October 2012; LCI Cascadia Practice, November 2013

“New DBIA Contract Documents” DBIA National Convention, New Orleans, LA November 2012

“Risk Allocation in Design-Build Delivery”, Northwest Construction Consumer’s Council, October 2012

“Construction Update” Washington State General Administration Client Workshop, November 2010, 2011

“Taking Design-Build to the Next Level”, DBIA National Conference presentation with Barbara Jackson, October 2010

“The Benefits of Integrated Delivery Techniques: IPD and Design-Build Compared”, DBIA National Conference presentation with Tom Porter, Kim Lum, and Craig Unger, October 2010

“Design-Build Risk Factors”, Joint ACEC, DBIA NW Region half day conference, March 2010

“Risk Evaluation in Design Build Contracts”, CSI (Construction Specifications Institute) seminar, December 2009

“The Revised DBIA Family of Documents”, DBIA National Conference presentation with Michael Loulakis, Bennett Greenberg and William Quatman, November 2009

REFERENCES

Design-Build Institute of America

Lisa Washington

Executive Director

lwashington@dbia.org

(202)682-0110

City of Portland

Molly Washington

Assistant City Attorney

(503)577-8411

molly.washington@portlandoregon.gov

City of Richland

Joe Schiessl

Director Capital Projects

(509)942-7578

jschiessl@ci.richland.wa.us

City of Richland

Darrin Sweeney

Project Manager

(509)942-7784

dsweeney@ci.richland.wa.us

Michael Loulakis

Capital Project Strategies

mloulakis@cp-strategies.com

(703)871-5079

Okanogan Public Utilities District

Heidi Appel

General Counsel

HeidiA@okpud.org

(509)341-4221

Grant County Public Utilities District

Russ Seiler

rseiler@gcpud.org

(509)793-1476

Port of Seattle

Nora Huey

Director of Procurement

Huey.N@portseattle.org

(206)787-3408

Western Washington University

Rick Benner

Director of Facilities Development
and University Architect

Rick.Benner@wwu.edu

(360)650-3550

Port of Seattle

Janice Zahn

Asst. Director of Engineering

Zahn.J@portseattle.org

(206)787-3798

City of Tacoma

Sue O'Neill

Asst. Division Manager

Public Works Engineering

soneill@ci.tacoma.wa.us

(253)591-5789

University of California, San Diego

Eric Smith

Associate Vice Chancellor

ericsmith@ucsd.edu

(858)246-2657

City of Seattle

Seattle City Light

Josh Jackson

Capital Project Manager

joshua.jackson@seattle.gov

(206)684-3828

Los Angeles County

Michael Simon

Senior Deputy County Counsel

msimon@counsel.lacounty.gov

(213)974-1943

City of Spokane

Kyle Twohig

Engineering Operations Manager

ktwohig@spokanecity.org

(509)625-6152