

Capital Projects Advisory Review Board
Legislation Writing\Drafting Committee
Minutes 11/22/2022

Meeting Location: via Zoom

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<https://wsu.zoom.us/j/94900556396?pwd=Y3Z6ajkrR21abUkrVXlhd0Njd2tRUT09&from=addon>

Meeting ID: 949 0055 6396

Passcode: 955065

Members: (9 members, 1-2 alternates; 5 = quorum)

<input checked="" type="checkbox"/> Nancy Deakins, DES Owner-State	<input checked="" type="checkbox"/> Irene Reyes, Private Industry\DBEs
<input checked="" type="checkbox"/> Bill Dobyns, General Contractors	<input checked="" type="checkbox"/> Lekha Fernandes, OMWBE
<input type="checkbox"/> Andrew Greene, Perkins Coie (Co-chair)	<input checked="" type="checkbox"/> Olivia Yang, Higher Education (Co-chair)
<input checked="" type="checkbox"/> Erik Martin, Counties	<input type="checkbox"/> <i>vacant, Construction Trades Labor</i>
<input checked="" type="checkbox"/> Scott Middleton, MCAWW	
<input checked="" type="checkbox"/> Mark Nakagawara, Cities	

Alternates:

<input type="checkbox"/> Rachel Murata, OMWBE (<i>alternate</i>)	<input checked="" type="checkbox"/> Maja Huff, Washington State University
<input type="checkbox"/> Sarah Erdmann, OMWBE	<input type="checkbox"/>

Guests:

<input checked="" type="checkbox"/> Erik McCarley	<input checked="" type="checkbox"/> Vicky Schiantarelli
<input checked="" type="checkbox"/> Keith Michel	<input checked="" type="checkbox"/> Jolene Skinner
<input checked="" type="checkbox"/> Karen Mooseker	<input checked="" type="checkbox"/> Michael Transue
<input checked="" type="checkbox"/> Brenda Portaro	<input checked="" type="checkbox"/> Jerry VanderWood
<input checked="" type="checkbox"/> Mark Riker	<input checked="" type="checkbox"/> Michele Willms
<input checked="" type="checkbox"/> Cathy Robinson	<input type="checkbox"/>

Agenda

3:00 pm Members Gather/Confirm Quorum
3:03 pm Report on CPARB special meeting
4:00 pm Adjourn

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Item 1: **Members gather**

- Call to Order
- Quorum confirmed

Action by: Committee
Status: Approved and complete

Item 2: **Meeting topic: Report on CPARB special meeting**

Co-chair Yang shared that the draft language prepared by this committee was approved by CPARB at the special November meeting. Work remaining includes adjusting the language into bill form and preparing the fiscal note that will be attached to it. Co-Chair Yang will work with Nancy Deakins, Ann Larsen, Janice Zahn, and Bill Frare to determine next steps—the companion language drafted by the Small Works Committee will hopefully be approved at the December meeting, after which they will need to determine whether to present both issues together or as separate bills. This question was also posed to the group.

- Multiple members felt that keeping the issues separate could make it more likely that one or both bills are passed. The statutes relevant to small works have been controversial in the past, so whatever can be done to keep these issues clear would make their success more likely.

Members discussed the applicability of the new small business definition to different parts of the RCW, and whether it would apply only to alternative public works and the small works roster (39.04, 39.10, 39.19) or also to goods and services (39.26).

- The point was made that if a public agency was to hire a consultant not classified under construction—for instance, environmental, engineering, or architecture—a different definition of small business might apply.
- Members also discussed the difference and crossover between personal services under RCW 39.26 and professional (AE) services under RCW 39.80.
- It was shared that it may not make sense to use employee number maximums to define small business in different contexts than alternative public works/construction. Partly because of the way different NASC codes may apply depending on the situation, it will take more work to determine an appropriate way to apply the new definition of small business to RCW 39.26 and 39.80.
- Multiple members felt that while working on the issue of goods and services would be worthwhile in future, the work done thus far has been in the context of the small works roster and the inclusion plan requirements in RCW 39.10. This is also the context in which CPARB has approved the draft language. Revisiting the definition in the context of RCW 39.26 and 39.80 should be done with DES after this legislative session.

Action by: Committee

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Status: Approved and complete

Item 3: **Next Steps and action items**

- Co-chair Yang will share with CPARB that committee members feel that two separate bills are the right approach.
- Co-chair Yang, Nancy Deakins, Ann Larsen, Janice Zahn, and Bill Frare will work together on developing the approved language into bill form, including the fiscal note to be attached.

Adjourn at 3:47 pm