

Capital Projects Advisory Review Board  
**Project Feedback Process Workgroup**

Meeting Notes 4-27-2023

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**Location:** via Teams

**Committee Members:** (14 members, 8 = Quorum)

Kurt Boyd	X	Art McCluskey
X Marvin Doster	X	Karen Mooseker
X Lekha Fernandes	X	Mike Pellitteri
Bobby Forch, Jr.	X	Irene Reyes
X Thomas Golden	X	Linneth Riley Hall
X Jeff Gonzalez		Robynne Thaxton
X Dave Johnson	X	Olivia Yang

**Guests:**

Talia Baker, Staff

Nancy Deakins, Staff

Janice Zahn, CPARB Chair

**Meeting started at 8:02 am**

Talia Baker, CPARB & PRC Support, and Janice Zahn, CPARB Chair, shared CPARB's discussion around the PRC's applicant issues that lead to the development of a subcommittee to address them. Janice shared CPARB's appreciation for PRC's initiative to address issues that come up. She shared concerns toward ensuring that both the PRC and CPARB stay within their statutes, because oversight, accountability and compliance is not addressed in this statute. The discussion resulted in an agreement that a collaborative workgroup could identify the problem issues and work together to seek out solution(s) to will satisfy both the PRC as a review and approval committee and CPARB as an advisory board to the legislature.

Historically, CPARB had developed a Data Collection Implementation Committee in 2018 to review Data Collection efforts in response to some recommendations by JLARC. This committee also worked to identify what data was relevant and how data collection fits into the CPARB mission. Ultimately it was determined that CPARB is an advisory board with a committee that approves or disapproves applications and certifications only. Data collection is only used to help inform and advise on policy changes. As part of the RCW 39.10 Reauthorization in 2021, there was language added that any data collection support is funneled through DES. The last time oversight was discussed, the PRC made changes to the GC/CM applications to address self-performance percentages so when owners come to the PRC they are being asked about their knowledge and experience with the alternative delivery method. It will be important to identify exactly what issues need to be addressed and how might CPARB and the PRC together address them while being very clear about the mission and role that has been provided by the legislature.

Per RCW, CPARB is a policy board, but this does not negate the question of what to do when things go badly. Olivia suggested that CPARB and the PRC try to remember they are not the accountability agents and are here to help improve the whole process so possibly some best practices should be identified. Identifying what an ideal applicant would look like, vs criticizing for poor performance could help coach poor performers to correct their behavior.

CPARB member, Lekha Fernandez, shared her appreciation that the PRC is asking very good questions, regardless of where the accountability mechanisms live. Asking where the accountability lives and how that can be enforced and informed within statute seems to be the big question.

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CPARB member, Olivia Yang, suggested the questions within the PRC applications could be worded in a way to guide and inform the applicant on the expectations of using the delivery method. Maybe the current applications can be reviewed to identify areas where some rewording could help guide the applicant into supplying better information without overreaching the PRC statute. There may be other opportunities to educate and inform the applicants to provide better applications and comply with statute.

PRC member, Dave Johnson, shared some observations of applicants misusing alternative delivery methods. The frustration comes in when Owners or General Contractors are not implementing the process in accordance with the RCW. This can come in a variety of ways. One example he shared was regarding contractor scoring. The RCW clearly states that when opening a Fee and GC proposal, the scoring is shared at the same time. The statute is there to ensure transparency, and when this doesn't happen there are questions about the fairness of the process opening the possibility of dispute. He pointed out that this observation could simply be an education issue. Another example Dave shared focused on EC/CM & MC/CM subcontractors. A contractor will have proposals going out where they are asking for a full estimate and budget as part of the proposal process which was not the intent of the statute or a best practice for using EC/CM & MC/CM. He's not sure how to educate these owners without identifying the bad practices in an effort to correct the behavior and ensure alternative delivery is done the right way.

Olivia pointed out that trying to promote good behavior does not mean other owners are oblivious to the bad actors. They also want to correct the bad behavior to avoid potential changes to the RCW. It could be helpful to ask questions about how they, as an applicant, resolved issues on their last project or certification.

Dave shared his concern regarding the fact the PRC members rotate every 3 years. How can those observations be captured for the next time an applicant comes to the PRC? Some form of repository for concerns that come up which can be accessed when an applicant returns to the PRC would be helpful, but what would that look like and how would that be maintained?

PRC member, Mike Pellitteri, suggested this workgroup could be used as a forum to talk about concerns from the various stakeholder groups. A clearing house is needed with a way to share the information and air any grievances that come up. There needs to be someplace to discuss these issues and consider ways to resolve them while working to improve the system for the future.

Olivia asked what is currently being done when misuse of the statute is observed. Does anyone talk to the owner to help educate them?

Dave shared there are PRC members who do reach out to educate Owners when they see a problem. They have also noticed that often the team who presents the projects are not the same staff doing the selections or going through the process, so there can be a disconnect. Staff turnover is also a huge issue because any education shared one-on-one can be lost and thus adding to the overall problem.

The first response on the owner's behalf is usually that they didn't know about whichever process was brought up. Then that owner may come back 6 months or a year later and they still haven't implemented any changes even though it was believed they were educated on the correct process.

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Janice shared that CPARB wants to understand what the challenges are and identifying a goal and objective to pulling this group together so a solution can be figured out will help a lot.

PRC member, Marvin Doster, shared he has observed owners that abuse the use of alternative delivery to the point that his firm no longer pursues work with them. He considers this solution to not be in the best interest of the intent of the use of alternative delivery. He would like to identify how much of this is occurring throughout the alternative delivery community so it can be reported to the legislature and then possibly revamp the certification\recertification process based on past performance as well as the current criteria. There have been a lot of positive questions coming forward from the PRC, asking the applicants what they intend to do to improve their processes, but when the applicant comes back, and they have not improved their processes they give the same excuses. There isn't any accountability methodology in place even with the encouragement from the PRC for cleaning up their processes.

Janice shared her perspective as to these issues being why CPARB was created, to address these issues and identify possible changes within the statute. She appreciates hearing these issues.

Lekha acknowledged these are tough questions and thanked the PRC members for bringing these questions and concerns forward. She is still new to CPARB and looks forward to helping to identify methods of accountability.

CPARB and PRC member, Linneth Riley Hall, urged caution towards directly asking the legislature to make changes w/o fully vetting the concerns and possible solutions first. She has observed seeking resolution to issues that come up at the lowest possible level can have very positive results. She has done this within her agency when issues have been brought forth. When she was the PRC chair, and similar issues came up, she would call the owners who had issues and talked to them about the RCWs and identify what owners can and cannot do within those parameters. She agrees there isn't a mechanism to report a concern for the bad actors. It's always a good idea to bring these problems through CPARB before requesting changes to the RCWs. She acknowledged the issue with one-off contacts potentially only impacting that one owner for that one project. There are monthly owners' groups where this information could be shared. As a PRC member and a public owner representative, she has used her position to address the RCW with other owners.

Olivia agreed if a contractor feels wronged and reaches out to the owner, but that owner continues to make the mistake, there needs to be a method to address the issue. If a general contractor feels they have been wronged, perhaps the next step can be they take it to their local trade association. Then that trade association can take it to CPARB. Maybe this group can explore broader steps to identify issues and possible remedies.

Janice expressed that it is great to have a group of problem solvers. This committee still needs to identify the overall group goal, consider if there are other stakeholder groups that should be part of this workgroup, and identify leadership before going too much farther into the substance of the issues that obviously need to be heard.

CPARB member, Irene Reyes, shared her interest in the importance to consider the metrics, accountability, and consequences around these issues. This group needs to consider what the

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process will be for identifying the problems and considering what the consequences will be, or else these problems and complaints will continue.

PRC member, Tom Golden, shared that the PRC's only tool is to disapprove a project or certification as a consequence of poor use of the delivery method. This workgroup could be a place to discuss issues that come up either through personal experience or their stakeholder groups. He agrees that the goal would be to inform the industry of the consequences of not following the statute once those are identified.

Irene added a potential consequence could be to delay the project for 30-60 days before they could reapply for approval as a possible option.

Linneth shared her appreciation of the desire to start identifying consequences. This group is not quite ready to focus on that issue yet as there still needs to be a Purpose Statement to identify this group's primary role or goal. One more item to consider adding to the future list is how can the invitation for feedback be extended beyond this committee.

Olivia suggested extending future meetings to 90-minutes to ensure this group can get the administrative stuff out of the way and then we can settle into addressing these issues. She asked Talia to send out a Doodle Poll for 2 hrs to allow for full discussions and make room for a possible standing monthly meeting.

Lekha reminded the group to consider identifying a Charter or Scope. It would be good to have the group pull together ideas or elements of what they each believe this group's goal\charter should include. She will send Talia an example charter for members to consider

Irene asked if the group could consider the meetings to be only 90 minutes to start with and then retain the option to extend an additional half an hour if needed and folks have time.

Janice asked the group to consider if all the right players are included? Workgroup members do not have to be just PRC or CPARB members, external stakeholders are welcome to participate.

Olivia shared that MCA has faced similar issues and thinks Scott Middleton may be able to assist or recommend someone to participate.

Linneth asked if anyone was interested in Co-Chairing to make movement forward easier. However, nobody stepped forward, so everyone is asked to consider the opportunity. Possibly one Public and one Private representative could take on the Co-Chair roles.

Talia will do her best to pull together a Doodle for the next meeting, get these notes out as quickly as possible.

**Action items from this meeting:**

Group Homework –

1. Identify elements that should be included in the Workgroup Charter
2. Consider willingness to be a Co-Chair. Should these be a balance of Public\Private reps or CPARB\PRC reps?

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3. Identify possible additional workgroup members and reach out to see if they would be interested in participating.
4. Lekha will forward an example Charter to Talia to share with the greater group.
5. Talia will send out a Doodle Poll for the next 90-minute meeting.

***Future Topics:***

1. Who can stakeholders reach out to when they identify an issue or grievance?  
*(Clearing house, Discussion Forum)*
2. What are the steps to take once an issue has been identified?  
*(1:1, contacting local trade association, bring to CPARB, use legislation changes only as a last resort)*
3. What are the metrics?
4. Who has the accountability authority?
5. What are the consequences of not complying with the statute?  
*(Delay in project\cert approval by 30-60 days?)*
6. What is the best way to educate the community?
7. How can the information regarding feedback\grievances and consequences of noncompliance be distributed?

**Meeting adjourned at 9:00 am**

**References\Resources:**

[Project Feedback Process Workgroup](#) webpage

[Project Review Committee](#) homepage

[Capital Projects Advisory Review Board](#) homepage