

Project Feedback Process Workgroup

Meeting Notes 9/21/2023

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Committee Members: (14 members, 8 = Quorum)

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| X Dave Johnson <i>Co-Chair</i> , General Contractors | X Art McCluskey, Owner General Public |
| X Jeff Gonzalez, <i>Co-Chair</i> , Owners State | X Karen Mooseker, School Districts |
| X Kurt Boyd, Specialty Subcontractors | X Mike Pellitteri, Specialty Subcontractors |
| X Marvin Doster, General Contractors | Irene Reyes, Private Industry |
| X Lekha Fernandes, OMWBE | Linneth Riley Hall, General Owner |
| Bobby Forch, Jr., Disadvantaged Businesses | Robynne Thaxton, Private Industry |
| X Thomas Golden, Design Industry-Architects | X Olivia Yang, Higher Ed |

Guests:

Talia Baker, DES Staff

Scott Middleton, Mechanical Contractors Association of Western Washington

Colleen Newell, MFA

Co-Chair Dave Johnson called the meeting to order at 11:01 a.m. A quorum was established.

1) Review and approve agenda - Action

Co-Chair Johnson reviewed the agenda and asked the group for any edits before proceeding. The intent of this meeting is to discuss and work through the initial objective relating to the pre-education approach. Co-Chair Jeff Gonzalez asked to include an item on the agenda to discuss the proxy issue that was indicated at the last CPARB meeting, which may require action by the committee. He also indicated he would provide a debrief of the committee report out to CPARB.

Jeff Gonzalez moved, seconded by Kurt Boyd, to approve the agenda with the proposed modifications from Jeff Gonzalez. The motion was approved by a voice vote.

2) Approve minutes from July and August – Action

In the August meeting minutes, Co-Chair Johnson's and Co-Chair Gonzalez's titles were incorrect and needed to be swapped. Talia Baker corrected Co-Chair Johnson's title to General Contractors and Co-Chair Gonzalez's to Owners State.

Olivia Yang moved, seconded by Kurt Boyd, to approve the meeting minutes. The motion was approved by a voice vote.

3) Use of proxies in committee meetings – Discussion/Action

- a) Based on the discussion from the last CPARB meeting, this committee may need to take action to allow proxies to participate and vote in committee meetings. The interpretation from the Board Development Committee is that proxies are based on the filled positions for each committee. However, there are committees that have positions that are not filled, and so there needs to be clarification that the quorum is based on the filled positions.
- b) Additionally, this committee can adopt the rule that an informed proxy may join meetings on behalf of an official member and may also take action or vote. "Informed" means that the committee member who is not able to attend must discuss with the proxy and let the committee chair know at least 24 hours in advance of the meeting. Then the proxy may attend on their behalf and vote. This committee must officially adopt this rule.
- c) This is different from how CPARB conducts its business, which may only be done by appointed members. CPARB's bylaws state that Board proxies are not able to vote, however, Committee proxies can attend and vote in committee meetings if the committee allows it.
- d) This committee must vote on the following items:
 1. Quorum is based on filled positions, not on total designated positions.

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2. Proxies make up quorum.
 3. Informed proxies can vote.
- e) It was clarified that at least the second and third items must be voted on. There are currently no unfilled positions on this committee. Co-Chair Johnson confirmed that this committee could move forward with voting on all three.
- f) Kurt Boyd asked for clarification about what the term “informed” means for each proxy, expressing concern about ensuring accurate information and background is passed along to the proxy. In order to ensure a proxy is informed, some members have passed along notes to proxies and then confirmed that they understand the intent and purpose of the committee.
- g) In the Education Connections Committee, there was recently a discussion about whether proxies can vote. From that conversation it was determined that not much can be accomplished in the meeting if they are not able to vote and are present just to help the committee meet quorum. This is effective if the proxy is not required to present something, but rather that they understand the group they represent and can vote in accordance with their stakeholders.

Olivia Yang moved, seconded by Kurt Boyd, to adopt all three rules regarding proxy participation and ability to vote in the Project Feedback Process Workgroup. The motion was approved by a voice vote.

4) Report out to CPARB - Discussion

- a. Co-Chair Gonzalez provided a summary of his report out to CPARB during the board meeting, which included the following highlights:
1. An overview of the committee’s objectives and mission
 2. Monthly meeting cadence
 3. Coordination with Education Connections Committee to confirm there is no duplication of efforts.
 4. Clarification that the focus of this group is to deterrent, rather than to police owners.
 5. Ensuring this committee is mindful of and follows the criteria outlined RCW 39.10 for approval and rejection of projects and certifications.
- b. Co-Chair Johnson and Co-Chair Gonzalez recently met with Curt Gimmestad, who chairs the Education Connections Committee (ECC) . They were able to determine that there is no overlap between the committees and clarified that the ECC’s purpose is focused on providing educational resources.
- c. There are open invitations between the two committees to attend each meeting. They also agreed to share anything that was developed between the two committees to ensure information is being shared and to support each other in their work. Part of the preventative piece that this committee is working on requires education, and so working with the ECC will help ensure that their work aligns with this committee’s objectives.

5) Establish\Draft a Group Charter – Discussion/Action

- a) An overview was provided of the following objectives that were discussed in the last meeting:
1. Establish a preapplication process that can help owners be successful, and define what success means.
 2. Create a process to manage post-incident occurrences and establish ways to ensure the issue does not happen again.
- b) The group was asked if these two items should be the key objectives and focus of this group.

Lekha Fernandes moved, seconded by Olivia Yang, to establish these two objectives to be the primary focus for this committee. The motion was approved by a voice vote.

6) Pre-Education / Preventative Maintenance Approach – Discussion

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- a) The intent of this meeting is to focus on the first objective and help establish a preapplication process that can help owners be successful, and define what success means. It is important to determine what the end goal should look like and what steps they can take to get there.
- b) The term “owner readiness” was introduced to the group, which was discussed a few years ago during the reauthorization period. This entails the owner having technical skills in project management, as well as a general awareness of the whole context. This can be boiled down to the owner’s interpretation of the RCW and if it is consistent and in line with the original intent. The idea of owner readiness is more focused on being responsible and aware. If there is agreement about what else this means, the next problem is determining how an owner can be prepared to self-evaluate that they are responsible and ready. The next consideration is how the PRC application can be designed to ensure the owner is ready and responsible.
- c) This group should focus on an objective that is more attainable and practical rather than something that is too robust and detailed. There also needs to be succinctness and a focus on the problem issues. It may be helpful to have a broad scope document available on the website so that people have a reference point and, if there are common issues, they have a common understanding of a targeted approach to ensure success. It was noted that certain considerations and issues need to be paid attention to, for example, related to the GC/CM process and how that has not been followed. In many of these situations the issue may be related to education, and those managing the work may not be updated on the nuances that come with the RCW and GC/CM processes.
- d) This committee was formed because of the feedback that PRC has received, and there is now a need to determine a remedy. One of the items that was discussed at the EM/MCCM Committee was about developing a series of principles to guide committee members. After those principles were published, owners or general contractors were cavalier about going in a different direction. From an education standpoint, it’s important to get more buy-in from people and avoid the situation of having to change the statute at the time of reauthorization. While these principles are not statute, they provide guidelines and best practices for people to follow. One of the issues with these principles is that they were not very well known. There is a need to ensure that the guidelines and best practices that this committee comes up with are prominently displayed and easy to access.
- e) There is a GC/CM Committee that has been meeting to develop best practices over the last several years and is currently wrapping up. There may be an opportunity to do something similar for the PRC and create a best practices document and then link it in the application to ensure that owners have reviewed the best practices for their delivery model.
- f) When it comes to the preventative maintenance approach, it’s important that PRC applicants have read and are familiar with the RCW and best practices. Those who present at the PRC meetings are often head chiefs, but the issue often lies on those who are downstream and do not have an understanding or awareness of these principles. It’s important to ensure the managers not only understand these best practices but take steps to educate and bring awareness of these principles to the project team.
- g) It was suggested that the PRC application questions should be framed as essay questions rather than a yes/no check box. It may be helpful to note what some of the correct answers would be and provide this on the website. As they are preparing to apply, reading these questions may help encourage them to take steps in preparing, such as attending the next Education Foundation class.
- h) There tends to be a formula when agencies come before the PRC, which gets copied across all construction management firms who are writing proposals for approval. With the suggested approach, it would appear that the answers are being provided so their proposals can get approved. There is a need to set clear expectations, while simultaneously ensuring people are not gaming the system. While owners may not necessarily be gaming the system, there is a lot of innovation. There are several

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people who are figuring out a formula that will help them get through the PRC approval, which is something that has happened in the past.

- i) Co-Chair Johnson noted that one of the challenges is determining how owner readiness is assessed and asked the group for suggestions on how to do this. Co-Chair Gonzalez shared that he likes the idea of including questions in the PRC application as an incremental next step, and from there assessing if this results in an improvement.
- j) The group was asked to consider what else can be done on the education side to ensure awareness of the requirements of GC/CM. When owners have a project, often before a bid there is a pre-bid process. There may be value in having a preapplication orientation meeting to provide guidance and steps to ensure the success of the owners. While this would be time-consuming, it would be an important investment in setting the stage for success.
- k) Kurt Boyd shared that he teaches graduate school and noted there is a check list and syllabus for each student. Perhaps creating something similar for the preapplication process may help guide owners and prevent them from gaming the system.
- l) The [Washington State Apprenticeship & Training Council](#) (WSATC) has a Compliance Review Committee, which will look at various apprenticeship programs to see if there are any compliance issues. Any issues will be reported to the WSATC. One suggestion was to bring an owner in through the review period to get a sense of how things are going. The problem with that suggestion is the accountability issue because there is not a compliance authorization for the charter for the committee. There is a need to ensure owners and processes are working well, but the challenge is a lack of authority for compliance.
- m) Another suggestion would be to engage with those owners who are doing well and try to understand what is working well and highlight that. This will show what success looks like and help build techniques that will work towards success. Creating a check-in with new owners to determine what is working and not working may be helpful for them throughout this process.
- n) Being clear with owners is also important, which includes identifying the action, discussing an impact, and requesting changes. If people are carrying out actions that have negative impacts, it is important to ensure changes are made. However, this committee does not have compliance authority, which limits their approach to addressing issues. Dealing with those bad actors was part two of the objectives. When bad things are happening, how do they ensure they are corrected without getting outside of their designated authority.
- o) It was asked whether there are good examples of projects that were well executed and include steps that lead to success. Most of the projects that go through the PRC are done well and correctly, but with those not done right, there are not many actions that are taken to address it. However, the frustrating thing about the project is when things are not going right, there is no authority to deal with it.
- p) It was noted that there is synergy between those two objectives. There are rumors about what is not going well, and there is a need to discover what is not going right. Once they determine what those are, they can go back to the first objective and create the education piece as well as compile data that could be taken to the PRC, if appropriate, to indicate that this problem is persistent. There is another consideration about what to do if the problems are persistent.
- q) There is also the issue of self-interest versus society interest. If owners are tasked to save money in a project, this may set them up for issues of conflict. The best value versus lowest cost is a distinction that often gets lost and may need to be a part of the education factor. Co-Chair Gonzalez brought back the idea of a forum related to the suggestion of having a PRC pre-application orientation training. This may be beneficial to bring forward in other groups.

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- r) Another viewpoint that was brought up at a recent DBIA meeting was objective versus subjective type data. The intent of the RCW was to get the best qualified contractor, and the financial component of the RCW needs to be involved. There are things that need to be recommended to the PRC to tighten up the language.
- s) This is part of what this committee is trying to fix and improve. As the process is being evaluated and issues come up, these issues are less about doing something intentionally wrong but rather not being educated on the statute to understand the intent and purpose. There are different motives and objectives, and often the rules will be pushed to the boundaries in order to suit their objectives.
- t) There are some owners, groups, and jurisdictions that do well in this process. For example, Washington State University runs a very solid procurement process, and most of the time it is good, but there are many that are smart owners and on the general contractors side that are gaining the system. This could be a parking lot discussion: if there are things that lead to gaining the system, how should this be addressed?
- u) Co-Chair Johnson suggested revisiting preventative measures and conducting a summary of those at the next meeting to determine if there are steps or actions to accomplish these. Then this group can begin with the second piece regarding post incidents and begin brainstorming what this might look like.
- v) The group was asked to consider what the reporting structure should look like. For example, is there a form people could download and fill out? The group should also consider what type of storage system they would like to use, and what questions they would like to ask.

7) Next Meeting Agenda – Discussion

- a) During the next meeting they would like to revisit preventative measures approach and identify steps for implementing these, as well as any other preventative measures that they come up with. Co-Chair Gonzalez will work with Talia to compare notes and identify other agenda items and next steps.
- b) This group will also need to discuss the second objective. This will be added to the next agenda to discuss if time allows. Committee members should be ready to brainstorm the following for the discussion on the second objective: how to collect information on what the issues are, vet the information, and then determine what to do with it.
 - Thursday, October 19, 11:00am – 12:30pm
 - Approve Agenda
 - Pre-Education / Preventative Maintenance Approach
 - Identify steps for implementation
 - Post-Incident Approach
 - Next Meeting Agenda
 - Adjournment

8) Action items

- a) Co-Chair Gonzalez to connect with Talia to compare notes and identify next steps and agenda items.
- b) All members brainstorm the following for the discussion on the second objective: how to collect information on what the issues are, vet the information, and then determine what to do with it.

Meeting Adjourned at 12:17 p.m.