

Small Works Committee

Meeting Notes 12-8-2023

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Committee Members: (15 positions, 14 members, 5 alternates, 8 = Quorum)

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| x Bill Frare, DES – Owner State (Co-Chair) | Irene Reyes, Private Industry/ DBEs (Co-Chair) |
| x Dawn Egbert, Ports | Mark Riker, Labor |
| Bobby Forch Jr., Diverse Business | x Cathy Robinson, Cities |
| x Sharon Harvey, OMWBE | x Jolene Skinner, L&I |
| x Josh Klika, MRSC | x Kara Skinner, Insurance/Surety |
| Scott Middleton, MCAWW | Olivia Yang, Higher Education |
| Karen Mooseker, School Districts | |
| x Brenda Nnambi, Transit | Vacant, Counties |

Alternates:

- | | |
|---|--|
| x Maja Huff, Higher Education (alternate) | Angela Peterson, Ports (alternate) |
| Mark Nakagawara, Cities (alternate) | x Brian Ross, Higher Education (alternate) |
| Reasa Pearson, L&I | Julie Underwood, Cities (alternate) |

Guests & Stakeholders:

- | | |
|------------------------------------|---------------------------------|
| x Talia Baker, DES; CPARB Staff | Brenda Portaro |
| x Emilie Brown, DES Communications | Laura Preftes |
| Kathleen Fae Kamerrer | Jon Rose, MRSC |
| x Theresa Gonzalez | Leanne Snyder |
| x Claire Hornacek | Emma Taylor, MFA |
| x Janet Jansen, DES | Abigail Vizcarra Perez |
| x Brynn Linville, MRSC | Janice Zahn, Ports; CPARB Chair |
| Cindy Magruder | |

The meeting was called to order at 1:31 pm.

Action: Approve past meeting minutes

Co-Chair Frare requested a motion to approve minutes from November 16, 2023. Cathy Robinson moved to approve the minutes, and Kara Skinner seconded the motion. The committee approved the motion by voice vote.

Subcommittee Updates:

DES:

Co-Chair Frare reported that they filed their CR-102 on November 22, 2023. They have scheduled their hearing for January 9, 2024, at 10:00 a.m. It's a virtual public meeting, to be held on Zoom. That information has gone out on public notices. He said if anyone on the call needed a copy of the CR-102 to let him know and he would forward it. He said DES is getting ready for the next phase of implementation, which is working with MRSC to get squared away with moving the DES roster to the MRSC roster. They need to sort out what kind of policy and procedure changes they will have to make internally and start to work on contract templates that they will eventually post on their website for folks to use as foundations for their own contracts.

MRSC:

Josh Kilka reported that MRSC is working on updating the Small Works roster guide. They have been looking at their last version and creating a new addition in alignment with some of the changes that they're going to see. They have also been meeting with the cross-team implementation communications team, which is OMWBE, L&I, and Apex Accelerator, to talk about developing a webinar around the changes and doing some business engagement.

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OMWBE:

Sharon Harvey shared that OMWBE is working with L&I, DES, MRSC, and Apex Accelerator on a webinar that will come out early 2024, maybe in March along with other collaborations to get the word out. OMWBE's rules became permanent on November 17, 2023, filed as Washington Administrative Code 326-20-087. She reported that they are working on IT with MRSC and the system B2GNow to make sure that's on track. On the certification side, they have expanded their team and are ramping up and should be ready by early February 2024.

Dawn Egbert asked for additional guidance on benefits for organizations to use to encourage small businesses to go through the new registration process. Dawn said that OMWBE's materials and information are great to have, but they are finding that contractors are still asking why they should register. Sharon replied that a major benefit is the statewide roster and to the ability to direct contract. If they have six or more certified businesses on that roster, then the local government or agency must use one of the certified businesses and it's a direct contract. That is the incentive.

Dawn also said they're getting ready to do a campaign at the port, partnering with small businesses trying to get on the rosters. They want to highlight the program and provide information and resources so businesses can reach out to OMWBE.

Cathy said the issue is not necessarily getting the word out to small businesses, but that very small businesses with only a few employees do not have the bandwidth to meet all the requirements to join. She said she is concerned that a lot of the smaller businesses will not participate until some of the requirements are streamlined. Sharon asked which requirements Cathy was referring to. Cathy clarified that part of the problem is following the L&I requirements, and part of it is completing all the forms and consolidating the requirements for reporting. A lot of entities require the contractor to log into the B2GNow system and update their information, and some small businesses just don't have the bandwidth to do that.

Cathy said the other barrier that is being brought up is the prompt pay issue and money being withheld for too long. She understands there is another committee working on that problem. She doesn't think it's any one issue she mentioned, but how all the issues compound together. Sharon thanked Cathy for sharing so OMWBE can address these barriers and assist certified DBEs to get certified as public works small businesses.

L&I:

Jolene Skinner reported that their CR-103 was just filed on Wednesday, December 6, 2023. It is set to be effective by July 1, 2024. They are implementing their IT efforts and are conducting testing to make sure everything works. She reiterated that L&I, MRSC, OMWBE, and Apex Accelerator are working on a webinar. L&I will be providing webinars on different topics towards implementation in conjunction with MRSC.

Communications Subcommittee Report:

Emilie Brown shared that the subcommittee is continuing to meet every two weeks to make sure they're sharing information. They are continuing to gather outreach events so they can coordinate messaging.

The next big piece of work in February or March 2024 is putting together a virtual webinar for firms regarding the logistics of implementation. This webinar will be recorded, and everyone involved in the subcommittee will be able to share it. They also plan to be at the Northwest Alliance conference in March 2024 and are continuing to coordinate on how to get the information distributed.

New Business:

There was no new business to discuss.

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2024 Meeting Schedule:

The Small Works Committee did not meet during last year's legislative session. Talia Baker asked the committee if they wanted to maintain the current schedule of meeting the second Friday of the month or if another timeframe would be preferable for the committee.

Members shared that there may be legislation that will impact the Small Works Committee's work and it would be helpful to continue to meet. Others agreed ongoing collaboration would be beneficial. Co-Chair Frare highlighted that this legislative session is unlike last year's in that the committee has a lot of work going on simultaneously. There is still a lot to coordinate as they are working on implementation, developing the small works roster, MRSC processes, DES contract templates, and guidance and training. Co-Chair Frare proposed that the committee continue to meet for one hour on the second Friday of every month. The committee approved the motion by voice vote.

Brian Ross had a question on Senate Bill 5186. The bill says that DES, in collaboration with OMWBE, will develop standard template contract provisions for public works and other goods and services contracts. He thinks it's related to antidiscrimination in their contracts and asked if the Small Works Committee has completed that process. Co-Chair Frare said they are very close and asked Janet Jansen, who is the program manager for engineering and architecture services, to elaborate. Janet said they are close. DES has worked with their goods and services team, OMWBE and a number of agencies, and are close to completion. They need to implement these templates by January 1, 2024. Brian asked if DES would be willing to share before January 1st and if so where would they be found. Janet said DES will have the documents finalized on time by the end of the month and will release a training when it is added to the DES Public Works webpage.

Co-Chair Frare asked if there were any other questions. No one had questions. Co-Chair Frare adjourned the meeting.

Meeting adjourned at 2:00 pm.

Next Meeting:

The next meeting will be on Friday, January 12, 2024, at 1:30pm.

References/Resources:

12-8-23 Small Works Committee Agenda (Talia Baker)

Proposed Rule Making CR-102 (Co-Chair Frare)

SB 5268 Implementation Timeline (Sharon Harvey)