GCCM Committee

Legislative Recommendations

Committee Members:

Nick Datz (Sound Transit), Co-Chair Scott Middleton (Specialty Contractors), Co-Chair

Shannon Gustine (General Contractors) Rebecca Keith (Cities) Penny Koal (DES) Santosh Kuruvilla (Engineers) Sam Miller (Architects) Todd Mitchell (Construction Trades Labor) John Palewicz (Private Industry) Traci Rogstad (Schools) Lisa van der Lugt (OMWBE) Olivia Yang (Higher Ed) Janice Zahn (Ports)

GCCM Committee Summary of Legislative Recommendations

Item	Recommendation	Rationale	Statute(s)
1	Define "Risk Contingency" and "Budget Contingencies"	There has been some confusion with these types of contingencies. For example, risk contingency funds have been used to cover overall budget shortfalls. In addition, this sets clear expectations for PRC review and discussion on contingency provided outside of the MACC. Committee believes that defining these terms will better ensure funds are used for intended purposes.	RCW 39.10.210
2	Move "heavy civil construction project" language into one section of RCW 39.10	"Heavy civil construction project" language is currently scattered throughout RCW 39.10 and co-mingled with traditional GCCM making it difficult to sort through and understand how provisions apply to the different project types. Committee felt that language was better-organized if located in one section of RCW 39.10. These are non-substantive changes.	Various
3	Add language to promote timelier processing of equitable adjustments, changes orders, and claims	There has been some frustration among contractors, specifically trade partners including small businesses, about the pace of processing EAs, COs and claims and impacts on their right to be compensated. In some cases, review must go through several different divisions of a public owner, which takes time. The committee believes that reducing the response time from 60 to 30 days will help and is more consistent with other areas of Washington law, including RCW 39.04.360. Also, if a response is not issued within 30 days, contractors are not deemed to have waived any rights in the claims process. The original intent of the	RCW 39.10.350

4 Clarify scope of independent audits There is minimal guidance about the scope of independent audits, especially if the contract or a detriment, requiring the dispute resolution process rather than allowing the parties to continue to work together. RCW 39.10.350 4 Clarify scope of independent audits There is minimal guidance about the scope of independent audits, especially if the contract or relements of the contract have been negotiated to lump sum. For better transparency, the scope of the audit is defined in the contract for construction and provided at the beginning of the solicitation process. This allows the contract or and trade partners to track appropriately to facilitate the audit. RCW 39.10.360 5 Clarify use and scope of the fee and any process Committee's intent is to make GCCM selection more like design-build selection. This would amend RCW 39.10.360 to require submission of a percent fee, but allow owners to choose to include any other price-related factors in the GCCM evaluation process. In addition, the bid requirement for fixed specified general conditions is removed to allow for flexibility in how the SGCs are established to best suit the needs of the project. For transparency purposes, the RFP needs to define what price-related factors wilt be used and what is included in each factor. RCW 39.10.360 6 Align public solicitation/advertisement language in GCCM selection with design-build statute, ease generitiveness of process and encourage competition. RCW 39.10.360 7 Align evaluation factors for GCCM selection more clasely with design-build genulation factors for GCCM selection language RCW 39.10.360 8 </th <th></th> <th></th> <th></th> <th></th>				
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		that promotes open and fair selection process based	
		on objective criteria. Key changes: PRC approval for	
		non-certified public bodies, notice of public hearing in	
		same publication as call for proposals, cumulative	
		scoring of price and nonprice factors, narrowing of	
		evaluation factors to project-at-hand, and clarification	
		regarding SGCs and fee, written final determinations,	
		protests, interviews and independent audits.	
9	Expand RCW 39.10.385 to all trades	Earlier subcontractor involvement can avoid cost	RCW 39.10.385
		issues down the road. Expanding to other trades	
		allows this effective engagement in preconstruction	
		while using the refined selection process based on	
		lessons learned from MCCM and ECCM.	
10	Add language to make negotiated support	Committee's intent is to treat NSS as an "allowance"	RCW 39.10.370
	services (NSS) an "allowance" to be	that is subject to reconciliation at the conclusion of	
	reconciled at conclusion of the work	the work and to clarify who is at risk for the total cost	
		of NSS through the duration of the project. This was	
		deemed appropriate because the intent of NSS is for	
		use on items that are unquantifiable at the time of	
		MACC negotiation. Individual items may be able to be	
		converted to a lump sum during the life of the project.	
11	Provide greater flexibility when all responsive	Committee felt that the term "bid package estimate"	RCW 39.10.380
	bids exceed available funds	provides more clarity than "available funds." The	
		"\$125K" figure in RCW 39.10.380(6)(b) is not relevant	
		by today's standards. Finally, increasing percentage	
		over "bid package estimate" from 2% to 10% provides	
		greater flexibility for public bodies and GCCMs to	
		negotiate changes to meet the bid package estimate	
		and avoid re-bidding.	
12	Clarify subcontractor bid packages	Committee believes this will increase transparency	RCW 39.10.380
		and improves competition in the subcontractor bid	

packages. The committee also feels this maximizes	
competition by aligning bid packaging with industry	
practice and providing best value to the public entity.	