

Capital Projects Advisory Review Board's

Local Government Public Works Study Committee (5418)

Meeting Summary August 27, 2020 (Meeting #5)

1. In Attendance:

Jon Rose (MRSC) Chair

Andy Thomspen (Granite Construction) Vice Chair

Members: Kristin Hall (Snohomish PUD), Chris Herman (WPPA), Jane Wall (WSAC), Jolene Skinner (L&I), Karen Moosekar (Mukilteo School District), Keith Michel (Forma Construction), Michael Transue (MCA)

Participants: Laura Herman (L&I), Matthew Hepner (CEW), Judy Isaac (MRSC), Sarah Bollard (MRSC), Nancy Deakins (DES)

2. Approval of Meeting Minutes

- a. No changes were requested to the minutes of May 28, 2020
- b. No changes were requested to the minutes of June 25, 2020
- c. No changes were requested to the minutes of July 23, 2020
- d. No changes were requested to the minutes of August 6, 2020

Michael Transue moved to approve meeting minutes of May 28, June 25, July 23 and August 6; Keith Michael seconded, motion carried with 8 yays, Andy Thompson abstained.

3. Approval Timeline

- a. Reviewed timeline on the slide; CPARB board to receive draft in September 10th and the final report by December meeting
- b. Plan to reach out to those we interviewed in a feedback webinar in late September

4. Voting Members

- a. Discussed plan to move through recommendations quickly while voting, and come back to recommendations that need further discussion at the end

5. Committee Purpose

- a. Reviewed materials on slide

6. Prior Discussion

- a. Reviewed materials on slide

Potential Recommendations Discussion

7. Uniformity Discussion Points

- a. Reviewed materials on slide

- b. Yellow on slide are new ideas or ideas that came out of prior discussion but may need further explanation
 - c. Recommendation 1: Irrigation and Port Districts Small Works Roster Thresholds to 350k
 - i. Michael Transue said he's worried about this recommendation as there are many small ports and irrigation districts
 - ii. Keith Michael asked about why reclamation districts are blank on the chart on the previous slide, Jon Rose confirmed that reclamation districts have to go through full bid for every contracting process and not sure if that should be changed
 - d. Recommendation 2: Implement state-wide inflation factor based on CCI at given intervals
 - e. Recommendations 3: Expand authorization for no-bid process to agencies
 - i. Kristin recognized that PUDs also have this authorization
 - f. Recommendation 4 Allow all counties to use unit price contracting or expand unit price contracting to all
 - i. Kristin and Keith expressed concern about the determination
 - ii. Jane Wall expressed that counties having purchasing departments was an oversight
8. Uniformity Future Studies
- a. Reviewed materials on slide
 - b. Andy Thompson expressed that these are all important issues that we've brought up that need further study to make solid recommendations on
 - c. Jane Wall expressed that there are too many statutes controlling counties and that's why unit price contracting got put in a place that restricts in accidentally
9. Efficiency Discussion
- a. Reviewed materials on slide
10. Efficiency future studies
- a. Reviewed materials on slide
 - b. Evaluation advertising requirements
 - i. Andy Thompson expressed that there will be different opinions from businesses and public agencies, specifically around advertisement requirements
 - ii. Michael Transue agreed that local newspaper may not be useful, according to data collected by MRSC
 - iii. Laura Herman expressed this may be a politically sensitive point as local newspapers are currently suffering
 - iv. Michael Transue agreed and said they moved through different local newspapers
 - v. Nancy Deakins expressed that the local newspaper means the one the county chooses
 - c. Evaluation possibilities for electronic solicitations and bidding for all competitive bidding
 - i. Jane wall expressed that this is a big issue in the age of COVID, as many requirements require folks to be there in person
11. Outreach and Education Discussion Points
- a. Reviewed materials on slide

- b. CPARB update to supplemental bidder responsibility guidelines
 - i. Andy asked Nancy about the history of this document
 - ii. Nancy Deakins expressed that it was updated in 2019 with new laws but needs to be more discussion and context around mentor law. Nancy also mentioned a recent inquiry that displays that this is an issue, that folks need more education around supplemental criteria
12. Outside of Scope but of Relevance
- a. Reviewed materials on slide

Voting on Recommendations

Meeting reviewed Potential Recommendations for Consideration Document

Michael Transue okay with Recommendations 5-11 and Future Studies 1-11 without further discussion

Kristin mentioned we may want to add priority to one or two of the future studies. Kristin recommends two priorities as: electronic submissions (future study recommendation 9) and newspaper advertising requirements (future study recommendation 6)

Karen would prioritize future study recommendation 5

Kristin expressed that if we do not have time to finalize the future studies prioritizing, then we can move all to the CPARB board.

Chris Herman moved to approve Recommendation 5, Kristin seconded motion. Motion passed unanimously.

Discussion on Recommendation 5

- Kristen support
- Karen supports
- Michael supports
- Keith supports

Michael moved to approve Recommendation 6, Kristin Hall seconded motion. Motion passed unanimously

Discussion on Recommendation 6

- Karen Moosekar asked for clarification. Jon Rose and Andy Thompson discussed that this recommendation would be for an agency (to be approved) would collect in one place, with a simple process, that doesn't create burden for individual agencies
- Kristin supports after hearing clarification
- Chris Herman expressed that many small ports districts have their own rosters may find this burdensome

Michael Transue moved to approve Recommendation 7, Kristin seconded motion. Motion passed unanimously.

Discussion on Recommendation 7

- Jane Wall asked for clarification for sentence “resources available”. Jon Rose clarified that a certification is considered a resource, getting certified may also give you access to other resources
- Judy Isaac expressed that there may need to be more clarified in writing to include small business certifications
- Andy Thompson expressed whether we should add the word “certified” Sarah Bollard expressed that that would exclude many agencies programs that are considered “registration”
- Michael Transue expressed that we should include DBE’s on the list
- Jolene Skinner expressed that they used “certified” in recent statute

Chris Herman moved to approve Recommendation 8, Kristin seconded motion. Motion passed unanimously.

Discussion on Recommendation 8

- none

Jane Wall moved to approve Recommendation 9, Michael Transue seconded motion. 3 yes, 3 nay

Discussion on Recommendation 9

- Nancy Deakins is not sure what needs to be updated. Expressed that this may already be in CPARB’s main mandate.
- Kristin expressed that this is not written very specifically
- Michael Transue mentioned that the most important part is that it is funded
- Andy Thompson is not sure this is within our framework, that this should be a recommendation
- Nancy Deakins thinks it should just be on CPARB’s radar in their strategic plan to have it looked like in the future

Michael Transue moved to approve Recommendation 10, Andy Thompson seconded motion. Motion passed unanimously.

Discussion on Recommendation 10

- Andy Thompson is in support because sometimes when these events are on the same day, it makes small businesses have to pick
- Nancy Deakins centralized lists need more funding than some other recommendations

Michael Transue moved to approve Recommendation 11, Jane Wall seconded motion. 4 yays, 4 nays. Split vote.

Discussion on Recommendation 11

- Keith is a nay on this, there are plenty of resources out there already

- Kristin expressed concern of establishing an agency for this purpose, wish there were time to talk about cost benefit

Chris Herman moved to approve Recommendation 1, Jane Wall seconded motion. Keith moved approval for a second time, Kristin Hall seconded. Motion passed unanimously

Discussion on Recommendation 1

- Judy Isaac explained that the port and irrigation district authorizing statutes have reference dollar amounts and those should be removed
- Judy Isaac also explains that Reclamation Districts have not been authorized to use the small works roster so should not be included

Kristin Hall moved to approve Recommendation 2, Jane Wall seconded motion. Krisin, chris, karen, jane, andy, yay) Jolene abstain, keith, michael no. 5 yes, 2 no, 1 abstain.

Discussion on Recommendation 2

- Michael expressed concern about increase based on CCI, it may be too much. Questioned whether this was an automatic increase or if it was something the legislature would review every 5 years.
- Jane expressed that this is a legislative feat to get this changed. This means that there wouldn't be a need to go to the legislature again and again
- Michael Transue will be voting no on recommendation – thinks the legislature needs to be engaged, would want it to be localized not state-wide,
- Jane Wall is going to be yes – in five years the legislature will have turned over, it is very difficult to re-educate year after year
- Andy Thompson will be a yes for the legislature
- Kristin agrees with Jane Wall and Andy Thompson
- Chris Herman feels like this is the real reason we're here, add that this is a recommendation from CPARB. CPARB could adjust it
- Keith Michael is more nay – feels like there's more opportunity to complicate and confuse, doesn't believe this would make it less complicated
- Michael agrees that having a state-wide factor is difficult and concerning
- Joelene expressed that this may need more study

Kristin Hall moved to approve Recommendation 3, Keith Michael seconded motion. 5 yays, 1 nay

Discussion on Recommendation 3

- Michael Transue expressed concern over transparency, can't support this
- Nancy Deakins expressed whether this includes state agencies. Jon Rose expressed that we mean all 'local' agencies

Jane Wall moved to approve Recommendation 4, Kristin Hall seconded motion. 6 yes, 1 abstain, 1 no

Discussion on Recommendation 4

- Andy and Judy discussed changing title to "local government agencies"

- Michael Transue is going to abstain, does not know enough about the unit price contracting process and concerned about purchasing department
- Jolene is a no – more oversight is needed with unit price contracting before expanding this process
- Judy explained that many cities do not have purchasing departments and have the authority to use it
- Chris explained that port districts were the second to get specific authority for unit price contracting, SAO began to question specific authority to use it. Been in practice for many years by many local governments large and small
- Jane expressed that all local governments get unanimous/near unanimous vote from the legislature when bringing up this authority
- Chris would like to remove government size from the motion. Withdrew after discussion, there section including purchasing departments is simply addressing of the current state of affairs.

MEETING ADJOURNED AT 11:14AM.