

## **CPARB Reauthorization Committee Meeting Minutes**

July 1 1pm-4pm

### **Members attending:**

Rebecca Keith (City of Seattle – Chair), Robynne Thaxton (Private Industry – Vice Chair); Loren Armstrong (WA Ports, telephone), Becky Blankenship (Architects, telephone), Janet Jansen (DES, telephone), Santosh Kuruvilla (Engineers, telephone), Scott Middleton (Specialty Contractors) Eric Nordstrom (Counties, joined by telephone during meeting), Mike Pellitteri (General Contractors), Linneth Riley-Hall (Transit, joined by telephone during meeting), Lisa Van der Lugt (OMWBE), Olivia Yang (Higher Ed)

### **Others attending:**

Andrew Thompson (CPARB, General Contractors), Jerry Vanderwood (AGC), Janice Zahn (PRC, Port of Seattle), Jesse Gilliam (City of Seattle, joined during committee updates), Dan Seydel (Platinum Group, small business), Melissa Van Gorkom (Staff for Senate State Government, Tribal Relations and Elections Committee)

### **Agenda Item: Welcome and introductions**

Rebecca called the meeting to order at 1:05 pm with a quorum present.

### **Agenda Item: Review and Approval of June 17, 2019 Meeting Minutes**

The group reviewed the minutes of the Committee meeting held June 17, 2019. One correction was made: Nancy Deakins from DES participated by telephone and was added to the list of ‘others attending’. After a motion and second, the minutes were unanimously approved as corrected.

### **Agenda item: Review and update issues list**

The group reviewed the issues tracking list that was distributed before the meeting.

### **Agenda item: Committee Updates**

#### **Data Committee Report (Andy)**

- Question on the table is: what GCCM data should public bodies report given the self-performance limitation from GCCM?
- As public bodies are up for re-certification, they are asked to provide information on GCCM self-performed work.
- The data committee examined several documents submitted by re-certification applicants (Lake Washington School District, Sound Transit) to look at level of detail that is appropriate to fulfill JLARC request and for the needs of CPARB PRC.
- Andy notes in the current environment (tracking software, L&I, B2GNow) there is data available. It is a question of administering and the getting the funding to gather data from other sources.

- Olivia notes that the data collection issue is a question of the role of CPARB.
  - Data has not been a strength of CPARB.
  - CPARB is not a compliance board.
  - CPARB is a policy making and collegial expertise board.
- Lisa notes that the first recommendation of the disparity study is to implement data collection with a data platform. OMWBE will be taking this on in the next year with 4-6 new staff, training 23K state employees.
- Dan notes that data issues can go very deep
- Scott asks if CPARB can develop a policy so that data collection is not mandated by the Legislature and the policy can be revisited and updated – Legislature gives authority; CPARB gives data collection policy
  - Lisa echoes having flexibility for state agencies to adjust is crucial
- Robynne reflects on the intent of the legislation: to look at alternative public works v. DBB
- General discussion and reflection on the authority of CPARB’s role continues
- Andy – should it be CPARB’s duty to talk about the possibility of encouraging L&I, OMWBE to do this?
  - Olivia believes the collection of data should not be involved with this work
- Question about qualitative v. quantitative data – what is CPARB best at doing?

**Agenda Item: CPARB’s Powers and Duties**

- Suggestion to separate powers and duties within the RCW
- Robynne notes that what needs to be evaluated over time will be changed over time – so designating authority and then letting CPARB determine duties make sense
- Olivia notes it would be best to layer out the different items CPARB does so that not everything looks like a hammer – policy analysis, collaboration.
- Mike says that the complexity of GCCM’s administration and bureaucracy is what stops many small businesses from engaging in alternative public works.
  - Sees CPARB’s job to identify the problem and do brainstorming around problem
- Andy notes that CPARB should allow all stakeholders a forum to bring in issues – not just about alternative procurement (it is agreed generally CPARB has the authority to look at all types of public works processes)
  - Mike elaborates CPARB should also look at DBB
  - Rebecca clarifies: is it the duty of this committee to decide whether to look into traditional DBB?
  - Scott asks if all stakeholders are here to discuss the issues with DBB is the committee takes that role
  - Robynne states: because there is authority in the statute, is there a requirement?
  - Olivia suggests add “the power to” on 39.10.230 (5) – develop and administer

- Linneth notes that current language allows CPARB the authority to look at alternative public works beyond DB and GCCM
- AGREEMENT: YES, there is value in CPARB being able to develop and administer questionnaires
  - Andy: We have a duty to do this, but there is not funding to implement this process (also true for SL 5418)
- Janet gives an update on 5418: received direction to hire consultant to do data gathering – there is no funding but Bill Frare suggests they will receive reimbursement
  - Andy suggests we take 5418 mandate to CPARB for discussion
  - Dan states we should include the Department of Revenue for discussion
- Olivia suggests reauthorization of 39.10 and looking at 39.04 is a very large process
  - Linneth states another committee could be brought to look at 39.04
- 39.10.230 (5) “upon which evaluations are based” – what does this mean?
- Andy: add encouraging competition (this might mean through training, other materials)
- Lisa asks about legislative and policy strategy for CPARB – Rebecca answers that is something the committee needs to address and additionally CPARB chair and she are working on this, intend to get legislative sponsors

## **Next Steps**

Rebecca summarizes:

- Before next meeting make revised draft and bring to next meeting
- 39.10.230 (5) Make an edit to show CPARB has authority to collect qualitative and quantitative data, but indicate it is not part of mandated duties
- 39.10.230 (1) Add encourage competition
- 39.10.230 (1) Add best practices or training
- 39.10.230 (5) clarify what evaluations actually mean (or delete the phrase)
- 39.10.230 (3) – if a recommendation to eliminate – check in with Bob Maruska or others who may have helped draft it to ensure there is not a reason to keep them there
- Begin to engage legislators (Steve Tharinger)

## **Agenda Item: CPARB Membership (update from Rebecca)**

- Rebecca revisits last discussion on CPARB membership – consensus to add a position for transit - she had the task to reach out to public hospital districts and school districts.
- Executive Director of the Association of Washington Public Hospital District died last week unexpectedly – Rebecca has contacted the Association, but unclear when there will be a contact and there may be delay.
- School districts – Steve Crawford has retired and the school districts need to appoint another member.

- Rebecca recommends waiting before deciding to combine the districts to allow time to vet with the appointing associations for school districts and hospital districts
- Dan asks – is PUD a district? (not sure at this time)
- Dan opens up discussion, are there other groups, safety, other stakeholders to add?
- Robynne states she feels CPARB is balanced from a stakeholder perspective – and she is concerned about increasing size because it makes quorum difficult.
- Melissa suggests check in with transit lobbyists.
- Olivia – separate people from votes/positions when deciding what CPARB membership positions should be.

### **Agenda Item: Sunset Provisions**

- Currently in statute to be repealed in 2022, but no alternative contracts July 1, 2021
- Scott states he is in strong support of keeping sunset in as it requires stakeholders to come to the table to talk about things that are working and not working
  - Linneth asks – can we talk about issues without a sunset?
  - Scott agrees people can talk without a sunset but endorses the formalized process for all stakeholders to come to the table and give input; and reauthorization is a check on the processes within the statute
- Linneth – what if a report was authored every five years to function to force parties to convene?
  - Scott expressed it is a thought
- Olivia – thinks we should understand perspective of why sunset is important as a goal, and try to decide all the ways we could achieve that goal
- Dan – sunset is not effective
- Lisa: depends who is on the board on how effective the sunset is
- Mike: perception there is momentum heading in owners’ direction – and without going through process – how will we make changes to statute?
  - Robynne: we just made a number of changes with DB process outside sunset
- Mike, Robynne, Dan, Olivia engage in discussion about opportunities for small business engagement through alternative public works, as well as efficacy of alternative public works in general for contractors
- Janet – lots of options to continue with improvements even if we do not have the sunset – DBB is not for everyone, we allow more flexibility with more options available to us
- Jerry – AGC does not have a specific viewpoint at this point on renewal, however he believes discussions like the one happening now are very valuable.
- Santosh – has reached out to ACC and several other groups – all favor reauthorization, with an underlying concern being that with DB they feel their services are being commoditized
- Eric – takes a lot of effort from smaller agencies to do DB; for smaller agencies to buy into DB process it takes a mental shift
  - Concerned that if smaller agencies feel that something will sunset, they may not invest the time

- Loren – agrees with other owners – sunseting is not the right mechanism to deal with revision
- Linneth – considers tax payer dollars to talk about reauthorization v. what is working and not working
- Rebecca – question is sunset process how want to spend our time, but agrees the dialogue and conversation is important
- Closing question – at what point should we address this issue and come to consensus on this?
  - Robynne clarifying question – is there a path to get to the end of reauthorization?
- Dan – needs more information on personal opinions v. what is correct
- Linneth – we should be fixing all delivery methods regardless of reauthorization
- Olivia – we need to frame not as sunset or not but instead as what are the things we like and what don't we like, and how can we get there
- Rebecca sees questions about process
  - She will look into a “sunset lite”
  - Suggests we revisit in the fall
- Robynne will break down all of the sunset requirement issues for the discussion and suggests people review them – the requirements and process is very involved
- Jerry – is there anything magical about seven years? Robynne – no – it was what we negotiated.
  - What is the timeline that adds value?

### **Next Step**

- Rebecca, Robynne do research and we will revisit in fall

### **Agenda Item: Confirm upcoming agenda meeting and schedule**

- Look into PRC provisions
  - Andy – look into bylaws (conflict of interest information)
    - Section 5 of 39.10.240 deals with this issue
  - Robynne and Rebecca will look into how to share word documents

### **Next meetings**

July 15 1pm-4pm

July 29 9:30-12:30pm

September 5 1-4pm

### **Attendance reminder**

- If a committee member who is appointed cannot attend member may send someone else who is authorized to speak on their behalf with notice to chair

**Meeting adjourned at 3:50pm.** *Minutes recorded by Jesse Gilliam and Rebecca Keith*