

CPARB Reauthorization Committee Meeting Minutes
Monday, June 17, 2019 1 – 4pm

Members attending:

Rebecca Keith (City of Seattle – Chair) Loren Armstrong (WA Ports), Becky Blankenship (Architects), Neil Hartman (WA Building Trades), Janet Jansen (DES), Santosh Kuruvilla (Engineers), Eric Nordstrom (Counties), Mike Pellitteri (General Contractors), Linneth Riley-Hall (Transit), Robynne Thaxton (Private Industry), Lisa Van der Lugt (OMWBE), Olivia Yang (Higher Ed)

Substitute:

Ed Kommers present for Scott Middleton (Specialty Contractors, past CPARB Vice-Chair)

Others attending: Jesse Gilliam (City of Seattle), Bob Maruska (CPARB – Washington Ports, past CPARB Chair), Walter Schacht (CPARB – Architects, current CPARB Chair)

Agenda item: Welcome and Introductions

Rebecca Keith called the meeting to order at 1:06pm. Quorum present. Those present in person and on the phone introduced themselves.

Agenda item: 2019 meeting minutes

Attendees reviewed the meeting minutes.

Motion: Robynne made a motion to the approve the minutes, seconded by Olivia.

Vote: The motion carried unanimously.

Agenda item: Discussion of CPARB’s roles and issues to address

Rebecca framed the discussion: under the current statute, what is CPARB’s role? Rebecca pulls up RCW 39.10.220 and the committee reviewed the legislation.

What’s working well

- Ed gave perspectives from his experience as Vice-chair of CPARB. He explained that CPARB was formed by legislators to vet and filter broad stakeholder group. Before stakeholders went directly to legislators and it was confusing. Having CPARB increased credibility of stakeholders.
- Bob: CPARB’s consensus-based decision-making – being able to come to legislators saying we have negotiated and have made this agreement - carries great weight. Split votes were not helpful.
- Ed: Keeping a focus on contracting procedures and procurement is important.
- Walter (Olivia agrees): JLARC says that strength for CPARB Dialogue-oriented consensus building. Strength is workshops, education – the subjective side. Our strength is being a policy board of stakeholders – bringing a broad range of people together to have discussions. Focus can be on best practices, business equity, adding efficiency to public owner processes.
- General consensus that there is collaboration in CPARB you don’t get anywhere else.
- Olivia: When public owners behave properly, they can have increased flexibility. When not there needs to be enforcement and oversight.

What's not working/What didn't work

- Bob: A majority/minority vote did not work as well in CPARB as consensus decision-making.
- Ed: When CPARB strayed into topics/areas that don't directly impact people represented on CPARB (issues far away from construction contracting processes and procurement) it was less effective.
- Walter: Notes JLARC said that CPARB's strength is not collecting data. Only collect level of self-performance on GCCM issues. "Counting beans is not making a bean salad." (Rebecca agrees). Data collection continued in challenges section.

Questions

- Rebecca: Does CPARB's role include evaluating all contracting methods (DBB), is so should it be explicit?
 - Committee members (Robynne) believe that the statute already allows for CPARB to evaluate both traditional and alternative public works contracting methods. Linneth reminds the group the focus of CPARB has not been exclusively alternative public works.
 - Linneth recalls supplemental builder criteria development to support DBB.
- Olivia: Policing traditional public works is a very big job – is it more valuable to focus on alternative public works?
- Bob's Recommendation: Examine each item in 39.10.230 to ensure that the scope is correct and works to our strengths.

Challenges

- Interpreting CPARB's role with respect to evaluation. Ed and Robynne note it is difficult to compare and evaluate different alternative public works projects given the unique qualities, although that was what JLARC review seemed to want.
 - Bob: Should we consider asking for changes that make JLARC less obligated to compare and evaluate construction projects
 - Robynne says that there is value in evaluation of different alternative public works – it is both difficult AND valuable
 - Linneth: Could take some words out of 39.10.200 to make it more general
- Linneth: Changing too much of the structure and content of the legislation at this time may take the focus away from reauthorization.
- Data discussion:
 - Walter: There is pressure at the PRC level to collect additional data – WMBE, project-based data.
 - Rebecca: There is a difference between can we ask for more information and should we ask for more information.
 - Olivia: Data is more for advocacy purposes, not for evaluation purposes.
 - Linneth: look into what decisions are being made using the data collected.
 - Rebecca: Self-performed GCCM data is current focus of the data committee – ability to collect data can be helpful to CPARB if there is a purpose.
 - Ed: notes that data can be used inappropriately as it is not all judging criteria as part of the project.

- Mike: Is it possible to get analytics out of the statute? Or maybe refined a bit at least?
- Walter observes direction in 2013 JLARC sunset document regarding data – it would be good to follow the recommendations
- Linneth: notes that a letter on GC/CM data collection from January 30, 2019 said we should be putting additional requirements within six months.
 - Rebecca notes the GC/CM data committee is working on this.
- Bob/Robynne: Keep language about collecting data but be clear amongst ourselves about why we are.
- Olivia: We are not an academic data gathering group. We are not the auditor's office or the AG office. Let's focus on what we do well.
- Ed: Be very careful about expanding authority and role of CPARB with respect to reporting obligations, narrowing CPARB's role is less of a concern.

Ideas

- Walter: Take approach of DBB best practices committee for evaluation (Linneth agrees)
- Bob's Recommendation: Examine each item in 39.10.230 to ensure that the scope is correct and works to our strengths.

Consensus Decision

- For re-authorization, strike final paragraph about life cycle analysis from 39.10.230.

Agenda item: Break (2:20-2:36pm)

Membership of CPARB – what's working, what's not

Rebecca – how was it determined who gets appointed by the governor and who does not?

- Ed: political decision as to who got appointed, current statute is was not how the legislation was originally presented.
- Bob and Ed: Rep. Kathy Haigh was the person who was the mother of this statute – a representative who understood public works.
- Olivia notes Sound Transit is not represented.
- Walter: Statute does not indicate representatives to the board have the responsibility of representing their stakeholders. So, we've seen variance on connection to stakeholders.
 - Walter argues to put representation to the stakeholders in the statute. Olivia disagrees, and feels it may be by-laws or little "p" policy rather than in a statute.
- Walter and Olivia – we are missing a representative from transit. They have the biggest chunk of public works projects in the state
 - Adding transit responds to Santosh's concern that CPARB does not have enough representation for horizontal construction.
 - Robynne: even though WSDOT has its own statute, there is a lot of horizontal work done under 39.10
 - Consensus that WSDOT may not necessarily qualify for a CPARB position – it should be for municipal and regional transit authorities

- Ed cautions make sure that CPARB does not become all public bodies, then it is like regulating itself; ensure that there is some balance between public and private.
- Bob: maybe there could be a combined representation with some existing public entities
- Lisa suggests she knows the Inslee office very well and would be happy to work with Walter to make an appointment to engage the Governor more in these issues
- Rebecca: Sureties is an interesting appointment – would SBE or DBE be appropriate alternative?
- Bob: there was a proposal to add members from five of the Governor’s Commissions – Native, African American, Women, Hispanic, would that be plus OMWBE?
 - Lisa states that she wants to ensure both that people have access to being on the Board and if they are on the Board that they are in the proper representation role
 - Linneth supports diversity in CPARB and the PRC
 - Lisa notes the Governor will announce the results of the disparity study this week
- Santosh: states he is on the Board to represent engineers, not necessarily small businesses, so it may be important to be inclusive of small businesses
- Walter: notes women and minorities involvement have increased but he is concerned about procurement process knowledge and stakeholder outreach
 - Notes diverse members are generally small business owners so it is difficult to make time to be part of the Board
- Olivia: Notes having regional representation is extremely important – anything east (west?) of Idaho is Washington.
- Santosh: At minimum, should invite comment from WSDOT and Sound Transit during the public comment period as the largest entities doing design build.
- Walter notes we have a Business Equity/Diverse Business Inclusion Committee – we should forward questions thinking about CPARB and PRC:
 - Fairly representing diverse businesses
 - Data collection and WMBE
 - Increasing representation of included groups within the Committee
 - Proposes having a certified WMBE position on CPARB
- Rebecca begins to summarize:
 - What’s working: balance of public and private – ensure that balance continues (Robynne expresses concern about the size and quorum – stick to 2-3 new positions– not more than that)
 - What’s not working: no transit representation
 - What remains open discussion: how to maintain balance and add transit, how to represent diverse businesses, consider size of entire CPARB, and regional representation; is hospital, surety representation still appropriate
 - Ask hospitals – is there another way hospitals could have their interests met given they are not filling the position on CPARB? Could their vote be combined with another district (schools) or could hospitals maintain position but make it non-voting so that the balance of public private votes remains if there is addition of public transit
 - If the group gets too big, it will be hard to not have quorum

- Mike: Consider “use it or lose it” for seats – if some group is not using the seat, they should be phased out. Walter agrees that if there is a position, it should be filled and representative should be participating in meetings.

Consensus Decision

- Add a position for Transit

Discussion Summary

- We have worked through things in the statute that are working and not working
- We found one item to change in the statute: Strike 39.10.230 final paragraph
- We discussed what could change with membership and with evaluation
- We decided to agree to add one position for transit
- Rebecca poses a question: are we ready to summarize how to make changes within these buckets?
 - Data and evaluation
 - Membership – should positions be added/combined/eliminated?
 - Input needed from impacted groups

Agenda item: Upcoming meeting schedule

- Next meeting July 1
 - Continue this discussion July 1 and discuss sunset review – what to keep/what to change
 - Defer PRC topic to July 15

Agenda item: Vice/Co-Chair

- Rebecca seeks a vice/co-chair from the private sector to participate alongside her.
- Robynne’s name is moved forward as Vice-Chair.

Vote: All unanimously vote for Robynne as Vice-Chair.

- Loren requests having a separate list of issues that tracks status. Rebecca agrees. Walter suggests possibly using a file sharing services (Dropbox does not work for DES).
- Olivia notes the 5th annual DB Forum with WSU will be July 26 in Pullman.

Meeting adjourns 4:03 p.m.