

**CPARB Reauthorization Committee Meeting Notes**  
**March 5, 2020 12 p.m. – 3 p.m.**  
**Seattle Municipal Tower, Suite 4110, Seattle, Washington**

**In attendance:**

**Chair:** Rebecca Keith (WA Cities)

**Vice-Chair:** Robynne Thaxton (Private Industry) - phone

**Members:** Loren Armstrong (WA Ports) - phone, Santosh Kuruvilla (Engineers) – phone, Scott Middleton (Specialty Contractors), Eric Nordstrom (Counties) – phone, Mike Pellitteri (General Contractors), Olivia Yang (Higher Ed), Becky Blankenship (Architects) - phone, Linneth Riley-Hall (Transit) - phone

**Guests:** Denise Colvin (City of Seattle), Nancy Deakins (DES), Don Laford (CMMA) - phone, Bill Dobyns-Lydig, Dan Seydel – phone, Howard Hillinger - phone, Quinn Dolan (Centennial Construction) - phone

***Meeting is called to order with a quorum present at 12:07 p.m.***

***Welcome and introductions.***

***Approve agenda.***

- Rebecca wants to add a discussion about the status and impact of COVID-19 to the agenda.
- February 18<sup>th</sup> meeting minutes were distributed in advance. Rebecca calls for any corrections or edits to the minutes. It was noted that the date was missing from the top of the page and has since been corrected. Bill Dobyns stated that he was present in person at the February meeting and not on the conference call. With those corrections all approved the February 18<sup>th</sup> meeting minutes. None opposed.
- **DECISION:** All approve the February 18th minutes. None opposed.
- Rebecca called for approval of the December 2<sup>nd</sup> meeting minutes. No corrections were requested, and all approved the December 2<sup>nd</sup> meeting minutes. None opposed.
- **DECISION:** All approve the December 2nd minutes. None opposed.

***Update on GCCM Committee and March 24 Joint Meeting.***

Scott first gives updates on the GCCM committee meeting:

- Committee has made progress from July 2019 – March 2020. The next meeting is scheduled for March 10<sup>th</sup>. The March 24<sup>th</sup> meeting will be joint with the Reauthorization Committee.

## GCCM Committee Tentative Approvals

- Scott prepared a list of proposals for review. The committee has tentatively agreed to some legislation changes and will highlight those today. The committee has not taken final action, which is the purpose of the meetings on March 10<sup>th</sup> and March 24<sup>th</sup>.
- Subject matter areas where the committee has given tentative approval (TA) for changes:

### RCW 39.10.350(1)(g):

- RCW 39.10.350 (1)(g) addresses concerns about the timely process of equitable adjustments and change orders.
- The committee has reached tentative agreement on changes to the language in RCW 39.10.350(1)(g); and
- These changes will put the onus on public owner to act within 30 calendar days versus 60 days; if the public owner does not respond then contractors do not waive any rights to process.
- Mike states 30 days was put in there to align with what's in 39.04 change orders.
- Rebecca thinks this is in another section of 39.10. The intent was public body owners can still respond or not respond. The best practice is to promptly respond to request.
- Scott states the committee has agreed on well vetted language to address those concerns. Final action will be taken on March 10<sup>th</sup>.

### RCW 39.10.350(5):

- Scott notes there are concerns about the scope and clarity of independent audits.
- The GCCM committee has discussed clarifying the scope of the audits, specifically if there is a lump sum contract or element.
- The committee's TA is adding language at 39.10.350(5) indicating the public body shall define the scope of the audit in the contract. This gives proposers a heads up on audit procedures.
- The committee did not reach an agreement on how to deal with lump sum contracts but will look at that through dealing with best practices including the scope of the audit.
- Olivia states the scope of the audit will be in contract.

### RCW 39.10.360:

- In procurement of GCCM there were some concerns about clarifying what elements make up a fee and what makes up the SGC. Transparency and level playing field are similar concerns regarding ECCM procurement.

- GCCM Committee has language that has been tentatively approved. The fee will be a component that will be part of a price proposal. The fee is based on the estimated MACC, and, if owner chooses to include any other price related factors they need to be identified in the request for proposal. This makes it clear to everyone about what is being proposed.
- Includes language that in no event shall a price factor be included in overall project or bid. Brings more in line with design build procurement. Gives public owners flexibility on price related factors but needs to be more transparent. This dictates how they will be evaluated and scored.

#### RCW 39.10.380:

- One of the goals of the GCCM committee is to bring more harmony and consistency across 39.10. One of those areas is public solicitation for proposals and advertisements.
- The committee made some changes to 39.10.380 as well as the selection of subcontractors outside of specialty contractors in 39.10.385. These were technical clean ups, not substantive changes. For TA items the committee still needs to vote on changes as a package.

#### MCA Proposals:

- The MCA is proposing several changes to ECCM procurement. Proposals have been out there for some time. The last GCCM committee debated on the proposals and scaled back as a result. The committee is making changes which should be ready by the March 10<sup>th</sup> meeting.
- Olivia is working on some language with other public owners about other proposals including cutting out K-12 from using 39.10.385. The MCA's focus is for the public body to have approval to use MCCM.
- Group discussion:
  - This would be part of the public body's initial application to PRC in getting GCCM approval.
  - PRC approval would include a question or two in the section about ECCM, does the owner intend to use and the plan.
- MCA had been in the position to get rid of interviews however the feedback was they have a lot of value.
  - Moved off that idea but would be advocating for some additional criteria around those that are used and where in the process they would go.
  - Should they still be scored in written qualifications as a first step?
- Linneth asked, with ECCM would you ask a question on the application?
- Scott answered yes.
- Linneth asked if you ask questions about intent to use would that be a disqualification of using ECCM?

- Scott answered the committee's position is that you would need PRC approval for ECCM and MCCM.
- Rebecca states that MCA had clarified at last meeting to withdraw proposal to remove school districts.
- Scott stated MCA's position is the PRC approval but is not sure if the committee is going there.
- Rebecca stated if PRC approved at the project approval stage it would not bind a public owner to use it.
- Olivia notes:
  - This is a compromise from MCA.
  - We should look at sequence of activities to get permission.
  - if you use a schematic to pick ECCM and MCCM and add PRC on top of that sequentially, believes it defeats the purpose of bringing subs on early and having people who are building project at the table.
- So, going into PRC with a plan for entire project delivery is chance to demonstrate you can do the entire thing.
- Bill can see both sides and thinking about if the GCCM is going to manage process rather than owner.
- Rebecca clarifies that this raises concerns to be addressed at other committee meetings; today's meeting is to discuss lay of the land and questions about content of proposal.
- Robynne has been reviewing older proposals and wondered if there is an updated redlined version of latest proposals?
- Scott states no. He will send out TA items for review; they had track changes in Dropbox for committee members.
- Rebecca states that proposals are coming in from a variety of sources.
- Scott:
  - To be clear, the TA'd items are available in a clean PDF copy and will make sure to distribute.
  - ECCM's are still in progress and have been scaled back.
  - A few proposals haven't been debated yet.
  - Another item that's been proposed is expanding ECCM to all trades and will be discussed at meeting on March 10<sup>th</sup>.
  - Some want to have more proposals at the ECCM levels which will also be discussed at meeting on March 10<sup>th</sup>.
  - There are proposals to add language for support as allowance for acceptance of project.
  - The language in 39.10.380(6) states if lowest bid is over budgeted amount then it would remove 2% to within 5% of budget.
- Mike states if it's less than 2% it can be negotiated.
- Scott:

- Will need to clarify on Tuesday as they talked about increasing from 2 – 5%.
- Will look at that and take out the \$125,000 from the statute because it is not relevant to today's figures.
- someone proposed 10%.
- Olivia doesn't understand the context so she will have to follow up about the reasoning from 5 – 10%.
- Scott asks for Rebecca or Olivia to correct any misstatements
- Olivia:
  - No. 8 is parallel to what Bill discussed, they want to negotiate it out.
  - Negotiated work has certain skills that are helpful in GCCM, and she doesn't want to exclude that.
- Mike wants to clarify what Rebecca said about the use of and/or from a legal standpoint.
- Rebecca:
  - Doesn't like and/or in statute, but hasn't come to a final position on *and* or *or*;
  - Understands the concerns about being able to break into method without disrupting the pool of proposers.
- Rebecca:
  - Asks if there are any additional questions for Scott or GCCM members and thanks Scott.

### ***COV-ID Virus***

- Rebecca:
  - Asks if there are there any concerns related to meetings.
  - States the City of Seattle is encouraging employees to meet by Skype to avoid large meetings in person but doesn't know what the future holds.
  - Will continue to make Skype options available but will also keep the physical meeting location.
- Linneth asks if we have defined what a large meeting is?
- Olivia has heard 10 people is considered a large meeting.
- Rebecca states this was a King County health recommendation
- Olivia states she likes having these meetings and believes there is value for showing up in person
- Mike states his daughter attends Bothell High School and the Northshore school district is shut down until March 25<sup>th</sup>. The school district is scrambling with how to teach kids remotely.
- Rebecca will update people if use of facilities for outside meetings changes. She will continue to reassess as necessary and realizes this is impacting people's work schedules.

### ***Matrix Issues list complete***

- Rebecca:
  - The next meeting is joint with GCCM committee about the state of their recommendations.
  - In the meantime, we are moving towards knowing what other issues we need to address such as the proposed language for us to use and debate;
  - Continue to review issues matrix to make sure we know what areas we have open items and still need proposed language.
  - The issues matrix was updated on March 1<sup>st</sup> and distributed.
  - Is there anything that was missed or overlooked?
- Robynne thought it encompassed what we talked about but it needs to get to a point where we have actual language.
- Rebecca asks if anyone else has questions.
- Dan asks if we're seeking specific language on small businesses? Business equity committee meetings? Missing anything?
- Dan:
  - Appreciates question and wonders about priorities that have been expressed by small/diverse business community.
  - Wants to find parity and alternative works language around inclusion.
  - Wants there be consistency in each one of the RCWs as there seems to be different language in JOC v. GCCM and design build.
  - There is concern as to experience and how it is evaluated.
  - Over the years they've tried to develop permissible language to empower agency to make best decisions.
  - The environment is changing and efforts to remove permissive language from *may* to *shall*;
  - Appreciates opportunity to participate in this group and level of effort.
- Rebecca understands the parity issue that small businesses wants to be called out as well as women and minority business.
- Dan states when it is called out the language is different. The small business community would like to see more parity.
- Olivia states it's harmonizing rather than parity so it's the same set of requirements.
- Dan:
  - Believes there is confusion around GCCM about what happens to GCCM when there is federal funding;
  - There are certain contractors that interpret it different than other contractors.
  - It would be helpful if there could be clarity on what that process should look like and whether it gets incorporated like CCO, transportation and environmental projects.
- Linneth asks to clarify if Dan is looking for interpretation for federal requirement within RCW?

- Dan:
  - Doesn't know if that's exactly what small business is looking for but at a high level when federal funds come into play there are federal goals and sometimes they are more than race neutral but race conscious;
  - WSDOT chimed in last year and appeared their interpretation may not be the one to use.
  - DES may have a different interpretation.
- Nancy, speaking for DES, states some clients do have federal funding and have to take it on a case by case basis to determine requirements for funding. The state statute says to the extent required by law.
- Olivia:
  - This is oversimplifying to say state funds and federal funds do both apply?
  - She thought what happens is if you have two kinds of money they come with different sets of rules but both rules apply.
  - You pay the higher prevailing wages and the feds say you have to have a certain percent of certified firms.
- Nancy suggests we look at what the federal requirements are for different jobs as sometimes federal laws trump state laws.
- Olivia believes federal laws have stricter requirements than state laws.
- Nancy states there are also different interpretations and is not sure we can solve it in state statute.
- Rebecca notes that
  - Dan provided written proposals over a year ago related to 1295 bill and asks if they are what is proposed?
- Dan states he will go over that this afternoon and send what has been communicated. He doesn't think there are major changes. Possibly a change from *may* to *shall* but will go through 1295 to make sure the recommendations of small business community will be communicated to Rebecca.
- Rebecca would like to distribute to group next week as this is an open issue and they should look at proposals.
- Linneth:
  - On the issue log with CPARB membership and transit there is still an open issue for transit to be appointed.
  - She is still communicating with folks as to who should be on the CPARB representation for transit.
  - She is still checking with government relations folks and will move up the chain as needed.
- Rebecca informs Linneth that the current statute allows two options – governor or industry appointments.
- Linneth doesn't know much about state transit association. Government relations works closely the state transit association and she is trying to learn more about it but needs more time.

- Rebecca:
  - Wants to recap prior consensus about horizontal representation on the board.
  - It didn't have to be limited to largest transit organization but wants a sizeable transportation presence.
  - One way to achieve this is with government's appointments.
  - Asks if committee has strong feelings? Do we independently weigh in?
- Olivia states part of the conversation was that volume of Sound Transit work is the same as the collective amount for the entire state.
- Rebecca:
  - Committee has spoken about possibly restructuring to include a transit representative based on size or organization.
  - This is a novel approach based on statute.
  - Is not sure if that's best direction as we're an advisory board.
  - Is personally comfortable with it being the transit association.
  
- Linneth:
  - Doesn't know if that transit committee includes Sound Transit.
  - Government relations forwarded the website info to her but it was not what she was looking for;
  - She didn't see anyone from Sound Transit on the board, only smaller bodies;
  - She has questions for her government relations folks as to whether they should be looking to the transit association for representation at CPARB;
  - Sound transit also has a board that represents all transit agencies including Pierce, King and Snohomish.
- Olivia looked at the WSTA website and wonders if the idea is to get a consumer like Sound Transit at the table. She's not sure those two goals coincide and is not sure they're building anything but just running buses.
- Scott:
  - Asks for a point of clarity. Are they looking at the governor appointee path or other appointment?
  - If they make this recommendation is there any vetting by CPARB
- Rebecca believes the criteria is in the statute at the beginning of 39.10.220.
- Scott:
  - Asks if the governor is taking multiple applications and looking at the qualifications of several folks over what may just be a transit authority.
  - Are we more likely to get someone who does more than bus shelters?
- Rebecca understands question and states the point is well taken with regard to statute.
- Howard:



- Working with Pierce transit;
- Two projects were approved in the last year were for a maintenance barn and rapid bus;
- His perspective is that transit should be represented on CPARB but not to the extent that other transportation agencies cannot participate;
- We should not write it in a way that only Sound Transit can fill it.
- Rebecca asks if we need to add criteria for the agency and notes that is something new in the statute.
- Nancy does bring up issue of membership as criteria for government appointees and need for a viable suggestion to be more consistent.
- Rebecca asks if DES would be willing to propose in writing?
- Nancy answers yes.
- Scott can help with language.
- Linneth:
  - Mentioned the Sound Transit board shares representation from different transit agencies;
  - It wasn't to say that Sound Transit is the only entity, only that the board has representation from other agencies Unlike the state transit association which has no representation for smaller or larger transit.
- Rebecca suggests if we put language about experience it may resolve the issue.
- Dan suggests they take off hospital representation.
- Rebecca:
  - Next step is actual content;
  - Wants to get to a point today about what we're changing in statute;
  - Eliminating the hospital districts representation would cause problems.
- Scott references page 5 of matrix about alternative contracting. Wants to add in a proposal that has come from the group about adding all subcontractors.
- Rebecca suggests expanding to early alternative procurement to subs meeting the dollar threshold.
- Olivia: on the membership issue, is it a good idea to say that board should represent the different geographic regions of the state?
- Scott states that consistent with the strategic planning discussion by CPARB, they want more influence from Eastern Washington and talked about idea of adding a private rep that is central to Eastern Washington.
- Olivia states that at the moment there is no one from Eastern Washington.
- Rebecca brought up Walter Schacht's request to review 39.10.300 eliminating the exception for pre-engineered buildings to go before the PRC.
- Rebecca states he was proposing to eliminate it based on the structure, but specific wording was not defined. He started asking people in the industry and there was no consensus on meaning.
- Olivia asks is a remedy to Walter's concern a definition of pre-engineering?
- Rebecca states his proposal was to strike.

- Robynne stated that she believes his concern was that there could be a great deal of design to a pre-engineered building.
- Olivia stated Walter was telling her that an applicant to the PRC was blunt about not going to PRC because it was a pre-engineered building.
- Robynne works with the applicant, and they noted the requirement for the building to be a pre-engineered metal building because the type of building was quicker and would meet their time constraints. Further, they didn't want to run afoul of the statute, and this was an attempt to comply with the statute.
- Olivia states the earlier problem was the definition of modular buildings.
- Nancy states the rest of paragraph A in 300 was changed to say not more than 10 prefabricated modular buildings.
- Rebecca states the housing authority has its own statute now regarding modular buildings.
- Nancy believes it allows them to use that if there are federal concerns but needs to look at it more. Maybe they just take it as Walter's proposal to either eliminate it or look at ramifications of eliminating it or defining it more clearly.
- Bill states if you eliminate it totally you can't buy a pre-engineered building that is not design-build.
- Robynne – the Caltech LiGO project is a gravitational telescope that received money to build an education center, and they were trying to figure out how to do it. They looked at the Hanford reach facility as an example, and it didn't have to go through the PRC. They also reached out to other people and were told they didn't have to go to the PRC. Caltech put out an RFQ and Walter objected. Caltech hired her and corrected the issue and is going before the PRC on the 26<sup>th</sup>. Walter's objection to the pre-engineered metal building issue was that they were looking for a pre-engineered metal building with flow from exhibit to exhibit and wanted to use the Hanford reach facility as an example of the type of design they were looking for. Walter claimed that the project did not meet the spirit of the definition of pre-engineered building
- Olivia – so they are going to PRC as design build?
- Robynne – Caltech's position is they don't have to go to PRC, but they don't have time to argue over the issue, as the project is time sensitive. They chose the pre-engineered building construction type because it was easier and quicker. With respect to PRC approval, it fits within every criteria; therefore, Caltech is getting approval despite the fact they don't have to
- Santosh – was just talking to Walter – hearing and observing that the original statute references portable facilities. Walter's opinion is that it causes more confusion than anything else. Walter wanted to delete reference to pre-engineered building and define what portable facility means in WAC.
- Robynne – participated in the discussions regarding this provision and recalls that pre-engineered buildings were in there because the Port of Seattle puts up a lot of these types of buildings that are not portable. The Port uses this method

because it was quicker. The exception is also for pre engineered metal buildings not just portables – need to talk to the Port about deleting it

- Rebecca – first time it has come up in years – felt obligated to bring it up – thought the way Bill summarized it was good that pre-engineered building does not require PRC so we should either keep the exception or should we define it, and what are the ramifications of no change? She noted that she is not sensing consensus on change.
- Bill – There is nothing in any procurement method that prevents having any component of a project design build – certain components are only design build of any project – if we were to strike this and someone came in with pre-engineered building and other components, project could be approved and still meet all standards.
- Olivia – something about portable buildings and modular and pre-engineered – industry is customarily that the vendor provides the material and installs it like a metal stair, sprinkler, etc. – really isn't a designed building in the way we were talking about

### ***No break – power through***

- Rebecca – belief that more discussion is needed
- Robynne – specifically wants to check in with the Port of Seattle
- Rebecca – follow up task – ask Walter if there is a proposal – does anyone want to take ownership for follow up
- Robynne – will speak with Port of Seattle and follow up on recommendations
- Olivia – wants to see if Walter has a proposal
- Bill – better to do nothing than to make it worse

### ***Roll Call***

- Rebecca – review of Matrix issues under CPARB membership – roles and responsibilities. Any other issues to add to CPARB roles and responsibilities? --
- Mike – if CPARB's role clearly expands to 39.04
- Nancy – over the year CPARB has had a committee – all public works – for example bidder responsibility language in 39.04 through CPARB – CPARB also worked on undisputed claims section
- Mike – asks if there is no dispute that CPARB can recommend on 39.04
- Several people agree that CPARB has authority to address 39.04 and any items related to standard traditional public works and not necessary to add to issues
- Rebecca – is on agenda more because we have to report to legislature – includes small works – committee to address anti-bid shopping statute
- Nancy – CPARB has had strategic planning and priorities from all the stakeholders so things have been priorities but no proposals

- Olivia – helpful if message could be sent to legislature to remind them that CPARB is here – they review many bills – service that CPARB can perform for the legislature – as a clearing house
- Rebecca – lobby CPARB representative if you have additional issues
- Rebecca – Is there anything else – conflict issues raised by Andy, but he was not putting forth a proposal
- Olivia – requested that the committee review reducing the threshold for projects to \$500k
- Bill – not cost effective
- Olivia – in Eastern Washington it is effective
- Mike – it takes a certain level of sophistication for that type of work – design build guys will continue to go down lower and lower
- Olivia – happy to limit to Whitman county – they have a need
- Linneth– regarding design build this may be a new issue -- with design build they require a bond of the entire project which includes the design part of it and not the construction piece and asked if there was any thought or conversation about applying it to only construction
- Bill – can't segregate them
- Rebecca – is it different from GCCM precon
- Robynne– design-build is different because there are different levels of responsibility. If you don't bond the design portion you only have a bond for the construction portion of the Work. It is generally not a good idea. We should think about it
- Mike – what do other states limit look like
- Robynne. It is rare that states have any limit at all
- Scott – concerned that reducing the dollar amount then you get into smaller contractors in the lower bid world. With MCCM, larger contractors won't complete with lower bidders. The lower you get, you compromise the bid process
- Olivia – the market is adding a new skill set with lower limit – like a learner experience. It's ok if we define it as Eastern Washington only
- Scott – asks is design build committee resolved
- Rebecca – says CPARB kept in place if we need to amend any best practices
- Scott – maybe that's something the design build committee can look at – knowing that CPARB's resources are stretched
- Rebecca – goal is to make sure we have a robust issue statement – make sure we have everything on the matrix to address what needs to be added

### ***PRC Membership***

- Rebecca stated that she hasn't received any input
- Olivia: we don't have to have a one to one membership. The question should be whether they are they qualified to make assessment of owner readiness

- Rebecca – had trouble with finding barriers – thought statute was general as to that specific point
- Olivia – recruits for each position
- Rebecca – review statute language –
- Nancy – ok to be flexible
- Rebecca – is there an issue we need to fix with that
- Bill suggested that we check with chairs of PRC if they have trouble with members to get a quorum on any PRC meeting. So many projects are coming forward that for last month's meeting the PRC had two separate rooms. There were not enough panel members to hear any project. Suggested expanding the PRC membership for that purpose
- Rebecca asked whether that creates issues with the requirement for a quorum.
- Nancy noted that still requires a quorum
- Howard stated that he is not sure if expanding the PRC solves that issue but rather having more flexibility to fill with folks would be helpful
- Linneth agrees with Howard. PRC members who terms have expired and have been unsuccessful getting back on while other positions remain vacant. CPARB should allow folks to fill other positions, which may solve concerns about sufficient panel members.
- Rebecca noted that in some cases they've allowed City employees to fill in for County. The language is flexible enough to allow language for a balance of public industries and owners.
- Rebecca – will keep it on Matrix and seeks a volunteer to follow up on issue
- Howard – will volunteer to take it on
- Rebecca – anybody on the committee to assist Howard
- Robynne – can work with Howard on that

### ***Accountability and Oversight***

- Rebecca noted that this discussion is happening in the GCCM committee, but it should also be looked at in the context of design build. We are waiting to see what comes out of GCCM committee. Andy may be making further proposals or recommendations.
- Robynne noted that regarding the issues on accountability and oversight, there have been general discussion but not any concrete proposals. The committee needs concrete proposals to be submitted so they can be considered
- Howard noted that there have been some questions in the past about applicants diverting from their applications. He suggested soliciting input from PRC members if oversight is called for and appropriate mechanism. He will take the issue to the next PRC meeting.
- Rebecca asked what does it mean to say the project diverts from the application?

- Howard provided an example of an application for a large project that was approved on the qualifications of the project manager; however, two months after the PM was replaced with someone without project qualifications
- Olivia – transparency after selection is a big umbrella
- Robynne noted that in the last review of the statute, there were a fair number of provisions that we included about transparency with proposers. The remedy for an owner not doing what they are supposed to is the same as with an owner who does not follow procurement requirements and same as if someone didn't select the lowest qualified bidder. There is a create a lawsuit. It could also potentially be brought up without a statutory change when a public body seeks either certification or project approval. The PRC can decide the requirements. One of those requirements could be if the public body misled you last time.
- Howard thinks it's worthwhile to ask the current PRC for guidance.
- Rebecca noted that the role of PRC is on the issues matrix. Would this be the place where we want to go amend the statute and if so, she agrees that Howard should have the conversation and there is value in the follow up
- Olivia noted that the first thing we need to do is to make sure we know what the universe is and then come back to prioritize
- Rebecca – thank you for keeping back on track – on the list – sunset issues – trying to make sure the list is all there

### ***JOC issues***

Rebecca noted that the JOC Meeting is on the third Thursday and she get update on original definition of coefficient, but she would not go into the substance now. She is not aware of any other issues with JOC

### ***Clean up***

- Rebecca noted the issue with use of the word bid – maybe the Chair and Co-Chair should follow up
- Rebecca noted that the JOC committee didn't recommend a change but suggested we look at it and make sure it's the right word.

### ***Rebecca asked if there was anything else to add***

- Olivia – have to try to figure out how to resolve these things
- Nancy – or do we give assignments for proposals and if we don't get proposals it's off the list
- Robynne – with Nancy – can't resolve now but need proposals
- Rebecca – agreed
- Scott – agreed
- Rebecca – that is the intent of the work plan

### ***Recap***

- Rebecca noted the proposal regarding representation regarding geographic regions of the state assigned to Olivia
- Linneth will be assigned the transit position issues.
- There seems to be consensus regarding adding a private industry position
- Don will try to get a written proposal.
- CMAA would generally be looking at a person who is certified by Construction Manager to be a rep, preferred but not mandatory and appointed by the Governor.
- There was discussion regarding representation of Construction Managers on CPARB and the PRC.
- Linneth – how is this issue – on the PRC there was CM representation for a couple positions
- Don – no current representation of Construction Managers on the CPARB board
- Howard – the PRC now has 3 CM positions – people with managing design and construct and altering delivery – appropriate if there is an expansion of private industry – merit to it
- Rebecca asked whether there is reluctance to sort out the language if there's no consensus on adding the position? Do people need to see the language?
- Scott noted that it is helpful to see actual language
- Robynne noted that she needs to see how the whole definition would come into play – agrees with Scott
- Mike noted his concern that contractors are already a minority talking about public v. private – by adding two more positions that further dilutes representation, and the CM position supports the owner's positions.
- Rebecca we previously talked early on about whether the open issue was whether to maintain the public private balance, and there is already a public private balance so we don't need to add a position
- Mike –true private v public there is supposed to be equality
- Rebecca – depends on how you categorize labor and actual numbers – Nancy sent those numbers

Rebecca believes she heard early on that support for including transit was conditioned on adding a private party.

- Scott – that's accurate
- Olivia – yes
- Rebecca asked if we move to consensus and resolution to add a private position and then later decide who to add
- Olivia – then it would be helpful to see the proposal
- Rebecca moved that the committee agrees in that addition to adding a tentative position for transit that it will also add a position to the private sector – proposals and details to be determined later.
- Scott – seconds the motion

- Robynne reviewed the positions in the statute.
- Linneth asked whether there a private small business
- Robynne – there is a member from the office of OMWBE
- Olivia noted that Irene Reyes is an active women business owner.
- Linneth noted that several years ago they discussed adding transit to CPARB. Others stepped forward to add minority/private/small business, now it's private sector construction managers in terms of if we add one transit will we actually be bringing up another concern that others need to be added as well and then the issue dies as it relates to adding transit due to other voices – right now transit is not represented at all – if you look at contractor side you could have a construction manager represent the contractor voice
- Howard in looking at the definition of construction manager in for the PRC, it doesn't have to be a private industry. A person who works for a public owner could have expertise that is useful to have on CPARB.
- Don added that construction managers work for public and private owners.
- Rebeca – not going to get consensus today
- Olivia – if we add Sound Transit we have to balance a public with a private position – first base first
- Scott – supports the motion – consideration of the next step – Don and Scott will prepare written proposals for next steps – how that would work
- Rebecca – should we take the motion off the table until we see the proposals
- Robyn – would be more comfortable seeing the proposal first before adding a position
- Mike – will second that
- Nancy – notes there is not necessarily an Eastern WA position – generally
- Olivia – allow individual conversations to go on because there may be a flaw in the premise there is parity now – those who are passionate about this topic take it offline and bring it back to the next meeting
- Rebecca – willing to take motion off the table if that's helpful – senses people aren't ready to move forward unless they see more details – withdraws her motion
- Robynne – drops out at 2:48 – feel free to assign what needs to be assigned
- Santosh – drops out at 2:49
- Becky – dropped out
- Rebecca – will send out meeting requests for availability for April 7<sup>th</sup>, April 23<sup>rd</sup> and April 30<sup>th</sup>. April 23<sup>rd</sup> is announced – May 1<sup>st</sup> is also on calendar
- Scott – noted that the sunset date consideration is March 19. He is at national convention. The committee knows how he stands, and he will submit proposal.
- Rebecca noted that was on our work plan for the 17<sup>th</sup> and suggests that based on follow up lists today, Robynne and Rebecca take a look at who is providing what and who is updating what and will go back and look at meeting request responses for quorum. She proposed the discussion on sunset for the April 30<sup>th</sup>



or May meeting. She will work with Robynne and make suggestions about work plan items as a committee make tentative approvals and decisions and will make sure we have the maximum participating for the final decision meeting.

***Meeting adjourned at 2:56 p.m.***

***Minutes prepared by Denise Colvin.***