

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

CPARB	Issues	Consensus/Resolution	Open Issues
CPARB Membership (RCW 39.10.220)	<ul style="list-style-type: none"> <li>• Missing representation from transit or horizontal construction</li> <li>• Public/Private balance</li> <li>• Is there a need for CM representation on CPARB</li> <li>• NEW: representation reflecting geographic regions of state [O.Y to follow up with proposed language]</li> </ul>	<ul style="list-style-type: none"> <li>• Statute change to add position for transit/transportation representative on CPARB statute</li> <li>• Update: Committee would like to see written proposals</li> </ul>	<ul style="list-style-type: none"> <li>• How to maintain private/public balance. Possibilities under consideration: <del>1) determine whether two districts could be combined to one vote, 2) consider adding a private sector in addition to transit</del> <ol style="list-style-type: none"> <li>1) add private industry position for CM representation [follow up: D. Laford to provide proposed language];</li> <li>2) <del>remove Hospital District position</del></li> </ol> </li> <li>• Proposal for transit representative to be appointed by State Transit Association [proposal is being re-evaluated]</li> <li>• NEW: how the Transit position is appointed [Linneth Riley-Hall to follow up]</li> <li>• New: Requirement for members appointed to be knowledgeable – F/UP: Scott and Nancy D. to propose language</li> </ul>
CPARB Roles and Responsibilities (See RCW 39.10.220 and .230)	<ul style="list-style-type: none"> <li>• JLARC has interpreted 'duties' to mean must do each item in RCW 39.10.230</li> </ul>	Tentative approved following changes to RCW 39.10.230	RCW 39.10.230 (2) and (3)  See comment under data collection

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

	<ul style="list-style-type: none"> <li>• What is CPARB’s role with respect to evaluating contracting procedures?</li> <li>• Is CPARB’s advisory only or is there an enforcement aspect?</li> </ul>	<p>The board has the following <del>powers and duties</del> authority:</p> <p>(1) Develop and recommend to the legislature policies to <u>encourage competition, and to</u> further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding <u>best practices</u>, expansion, continuation, elimination, or modification of the alternative public works contracting methods;</p> <p>(2) Evaluate the use of existing contracting procedures and the potential future use of other alternative contracting procedures including competitive negotiation contracts;</p> <p>(3) Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;</p> <p>(4) Appoint members of committees; and</p> <p>(5) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures.</p>	<p>[New Proposal: Restore “powers and duties” AND amend .230 (5) as follows:</p> <p>(5) <del>Develop and administer questionnaires</del> ; <u>Subject to the board’s capacity and funding, gather designed to provide quantitative and qualitative data on alternative public works contracting procedures to support the board’s advisory work.</u></p>
--	--	---	--

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

CPARB Questionnaires, Data Collection and Evaluation	<ul style="list-style-type: none"> <li>• Who is CPARB collecting information for?</li> <li>• Note overlap with business diversity and competition issues</li> <li>• Note overlap with data collection</li> </ul>	<ul style="list-style-type: none"> <li>• There is value in CPARB being able to develop and administer questionnaires</li> </ul>	<p>Are concerns resolved by change to 'powers and duties' or are further revisions advisable? Follow up research re: whether elimination of powers and duties will raise concerns with AG or legislature [Update 3/2/20 – this is Complete – see proposal above under .230]</p>

**Design Build**

Exceptions for PRC approval NEW: "pre-engineered metal building" – currently does not require PRC approval; keep the exception? Define the term? What would be the ramifications of either approach Follow up: Robynne to follow up with Walter, check with organizations like Port of Seattle

NEW: Reduce the threshold from \$2 M to \$500,000

NEW: bonding requirements – should it include the whole dollar amount of the project

<b>PRC</b>	<b>Issues</b>	<b>Consensus/Resolution</b>	<b>Open Issues</b>
PRC Membership	NEW: concerns about quorum, concerns about vacant positions	Mirror CPARB's representation public/private	Update: Howard H. and Robynne T. will follow up
Role of PRC	<ul style="list-style-type: none"> <li>• Does PRC have role in enforcement or evaluating projects after completion</li> <li>• Conflict of Interest issues and RCW 39.10.240 (4) and (5)</li> </ul>	UPDATE: No statute changes proposed	Whether conflict of interest concerns are best addressed by PRC by laws or whether revisions to statute are needed.

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

	<ul style="list-style-type: none"> <li>MCAWW proposals for PRC review of MCCM/ECCM</li> </ul>		
--	---	--	--

**Accountability/Oversight**

Interviews in the selection process – in all areas of the statute	<ul style="list-style-type: none"> <li>Interviews are not expressly addressed in statute, but there is language on evaluation;</li> <li>Transparency in scoring of interviews</li> </ul>		
Prompt processing of change orders	<ul style="list-style-type: none"> <li>GCCM committee addressing</li> </ul>		
Transparency after selection	<ul style="list-style-type: none"> <li><b>Update:</b> Information to proposers after the successful candidate is selected</li> </ul>		

**Sunset**

**Issues**

**Consensus/Resolution**

**Open Issues**

Elimination of Sunset provision	<ul style="list-style-type: none"> <li>Sunset provision allows CPARB to review the statute periodically. Concern regarding how changes to statute will be made outside of this process.</li> <li>Reauthorization is a check on the process.</li> </ul>		
Retaining Sunset provision	<ul style="list-style-type: none"> <li>JLARC review is not required</li> </ul>		

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

	<ul style="list-style-type: none"> <li>• Review process is time consuming and takes a huge amount of resources</li> <li>• Provisions of statute can be reviewed and revised outside of Sunset review</li> <li>• Smaller agencies may not invest time in alternative procurement if the statute will sunset</li> </ul>		
--	---	--	--

<b>Business Equity/Diverse Business Inclusion</b>	<b>Issues</b>	<b>Consensus/Resolution</b>	<b>Open Issues</b>
Business Equity/Diverse Business Inclusion Committee review and input pending			
	<ul style="list-style-type: none"> <li>• NEW: Use of past experience in the selection process; small business concerns;</li> <li>• Harmonize language between JOC, GCCM, and DB with respect to inclusion and small business;</li> <li>• GCCM projects and federal funds</li> </ul>		NEW: D. Seydell will submit written proposal

<b>Alternative Procurement of Mechanical/Electrical (RCW 39.10.385)</b>	<b>Issues</b>	<b>Consensus/Resolution</b>	<b>Open Issues</b>

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

See MCAWW proposals presented on September 9, 2019	See MCAWW commentary with proposals presented on September 9, 2019	Seek input and review from GCCM Committee	
	NEW: Proposal to expand use of early alternative procurement to subcontractors meeting dollar threshold (major trades)		

<b>GCCM</b>	<b>Issues</b>	<b>Consensus/Resolution</b>	<b>Open Issues</b>
General overview	<ul style="list-style-type: none"> <li>GCCM committee to do first review</li> </ul>		
Encouraging competition	<ul style="list-style-type: none"> <li>GCCM Committee to do first review</li> </ul>		
Process	<ul style="list-style-type: none"> <li>GCCM Committee to do first review</li> </ul>		

<b>JOC</b>	<b>Issues</b>	<b>Consensus/Resolution</b>	<b>Open Issues</b>
Gordian Proposals	JOC Committee recommendations presented to Committee on 11/4/19 and 11/18/2019	Tentatively approved the following: <ul style="list-style-type: none"> <li>Add a definition of "coefficient" to RCW 39.10.210: coefficient <i>means, the job order contractor's competitively bid numerical factor applied to the prices</i></li> </ul>	<ul style="list-style-type: none"> <li>Conflict of interest – JOC and RA committees rejected addressing in JOC statute;</li> <li>Use of term 'bid';</li> </ul>

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

		<p><i>as published in the unit price book, which at a minimum, includes overhead and profit."</i></p> <ul style="list-style-type: none"> <li>• Amend definition of "job order contract as follows: "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of <del>negotiated definitive</del> work orders for public works as defined in RCW 39.04.010."</li> <li>• Amend definition of "unit price book" to delete references to profit, overhead and bonding</li> <li>• In 39.10.430 (3)(f) replace reference to 'proposal price' with 'proposal coefficient'</li> <li>• Delete reference to information about 'project' in the solicitation/proposal – no specific project at that stage</li> <li>• Technical correction to delete moot reference to contracts prior to 2007.</li> </ul> <p>Conflict of interest – JOC and RA committees rejected addressing in JOC provisions of statute</p>	<ul style="list-style-type: none"> <li>• Whether definition of "Coefficient" should include bonding</li> <li>• Further research re: bonding work orders not entire \$ value of prime contract and whether RFP must specify clearly.</li> <li>• <b>NEW: review updated information re: bonding, overhead and profit</b></li> </ul>

**"Clean-Up"**

**Issues**

**Consensus/Resolution**

**Open Issues**

**RCW 39.10 REAUTHORIZATION ISSUES AND DECISION MATRIX (Updated March 5, 2019)**

RCW 39.10.230		Delete last paragraph re: life cycle analysis	
Use of the word 'bid' throughout Chapter 39.10	Consider whether use of word 'bid' is consistent and appropriate in relevant sections		