

# Capital Projects Advisory Review Board

## ORGANIZATION AND OPERATION

### PREAMBLE

The membership of the Capital Projects Advisory Review Board (Board) is broadly based, and reflects the interests of design and construction industries, labor, minority and women businesses, higher education, ~~general administration~~ department of enterprise services, sureties, public hospital districts, school districts, cities, counties, ports, and the Legislature. Members sit as individuals; they will, however, be expected to seek out the opinions of their representative groups.

### MEMBERSHIP

Capital Projects Advisory Review Board Members:

<u># of Members</u>	<u>Votes</u>	<u>Representing</u>	<u># of Members</u>	<u>Votes</u>	<u>Representing</u>
2	Yes	Construction General Contractors	1	Yes	Cities
1	Yes	Architectural Profession	1	Yes	Counties
1	Yes	Engineering Profession	1	Yes	Ports
2	Yes	Construction Specialty Contractors	1	Yes	Public Hospital Districts
2	Yes	Construction Trades Labor	1	Yes	School Districts
1	Yes	OMWBE	1	No	House of Representatives (D)
1	Yes	Higher Education	1	No	House of Representatives (R)
1	Yes	General Administration	1	No	Senate (D)
2	Yes	Private Industry	1	No	Senate (R)
1	Yes	Insurance/Surety Industry			
<b>23 Total Board Members, 19 are voting, 10 for quorum</b>					
<b><del>14-15</del> are appointed by the Governor. <del>9-8</del> are appointed by others.</b>					

### PURPOSE

The 2005 Legislature created the Board under ESHB 1830 (RCW 39.10.800 and 39.10.810) and the 2007 Legislature (Chapter 494, Laws of 2007, 2SHB 1506) revised its duties to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on project outcomes, and to advise the legislature on policies related to public works delivery methods. The 2013 Legislature reauthorized the Board (Chapter 222, Laws of 2013, SHB 1466) and extended alternate public works contracting procedures through July 1, 2021. Specifically, the Board shall:

- Develop and recommend to the legislature policies to 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 expansion, continuation, elimination, or modification of the alternative public works contracting methods;
- Evaluate the use of existing contracting procedures and potential future use of other alternative contracting procedures including competitive negotiation contracts;

- Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;
- Appoint members of ~~the Project Review Committee~~committees; and
- Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

## PROCEDURES

### Chair

The law provides that the Board shall select a Chair by majority vote of the voting members. The Chair will establish the agenda and conduct the meetings, and will be the primary spokesperson for the Board.

The Board shall also select a Vice-Chair by majority vote of the voting members. The Vice-Chair shall conduct the meetings in the event of the Chair's absence.

### Meetings

Meetings of the Board may be scheduled by the Chair or upon the request to the Chair by a Board member.

### Attendance

Board members are expected to consistently attend board meetings. When a member is unable to attend a Board meeting, the member should advise the Chair in advance. Board members may attend a meeting via teleconferencing or videoconferencing when those media are available. Board members may send an informed substitute to sit in for discussion but not for official actions or voting. Under the law, the Chair may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.

### Quorum

A minimum of ten of the 19 voting members of the Board must be present in order for the Board to ~~conduct business~~call the meeting to order and take action. During a meeting when a quorum is no longer present, the Board may continue to conduct business, including but not limited to, receipt of public testimony, discussions, considerations, reviews, evaluations and committee reports but shall not take action until a quorum is present. An action means a collective positive or negative decision, or an actual vote by the Board members present upon a motion, proposal, appointment or resolution.

### Parliamentary Procedures

The Chair shall be guided by *Robert's Rules of Order* in conducting the meeting. The Rules of Order may be suspended by a majority of the voting members with the purpose of the suspension identified in the motion.

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### Agendas

At the close of each meeting, the Board will identify proposed discussion and action items for the next meeting's agenda. Any Board member may ask for an item to be placed on the agenda by consent of the Board. The Chair will finalize the agenda and have staff distribute it at least ten (10) working days prior to a scheduled meeting.

At the start of each meeting, Board members may ask for the addition of discussion items to the agenda by consent of the Board.

### **Public Comment during Meetings**

The Board's meeting agenda will provide for a public comment period of up to 15 minutes. The Chair will set and monitor time limits during the public comment period. The Board may also take public comments during the meeting at the discretion of the Chair.

### **Decision-Making**

Consensus is the preferred method of decision-making. If the Chair determines that a consensus cannot be reached, the Chair may call for a majority vote of the Board. A majority is ten or more of the 19 voting members of the Board, regardless of how many voting members are present. Only voting members present at the meeting may vote. Voting members are indicated in the membership list above.

### **Meeting Minutes**

Minutes will be recorded and made available to the Board for review prior to the next meeting and approval at the next Board meeting. After approval, minutes will be made available for public inspection.

### **Open and Public Meetings Act**

The Board is subject to the Open and Public Meetings Act. Meetings will be publicly advertised in a timely manner, held in ADA-accessible locations, and accommodate auxiliary aids for persons with disabilities when requested in advance.

### **Ad Hoc ~~Subcommittees~~Committees**

Under the law, the Board may set up ~~sub~~committees as it desires and may invite nonmembers of the Board to serve as committee members

The Board shall, by majority vote, appoint a Project Review Committee (PRC) to:

- ~~Certify public bodies for a period of three years to use the design-build or GC/CM, or both, contracting procedures for projects with a total project cost of ten million dollars or more~~Certify, or renew certification for, public bodies to use design-build or general contractor/construction manager contracting procedures, or both;
- Review and approve the use of the design-build or GC/CM contracting procedures on a project by project basis for public bodies not certified under RCW 39.10.270;  
~~and~~
- ~~Review and approve the use of the GC/CM contracting procedure by certified public bodies for projects with a total project cost under ten million dollars.~~Review and approve not more than fifteen projects using the design-build contracting procedure by noncertified public bodies for projects that have a total project cost between two million and ten million dollars. Projects must meet the criteria in RCW 39.10.300(1). Where possible, the committee shall approve projects among multiple public bodies. At least annually, the committee shall report to the board regarding the committee's procedure of these projects and its recommendations for further use: and
- Review and approve not more than two design-build demonstration projects that include procurement of operations and maintenance services for a period longer than three years.

The members of the PRC shall be knowledgeable in the use of the design-build and the GC/CM contracting procedures. Appointments must represent a balance among the industries and public owners on the Board.

**Staff & Technical Assistance Requests**

Board members shall make any requests for staff and technical assistance through the Chair.

**Media**

Each member of the Board may answer questions representing the position of the Board without personal opinions or opinions representing personal constituencies. Board members shall refer to the Governor's Boards & Commissions Membership Handbook for guidelines.

# Capital Projects Advisory Review Board

## **SUBCOMMITTEE GUIDELINES\***

### **Mission/Purpose**

The ~~sub~~committees of the Capital Projects Advisory Review Board (Board) are formed by the Board to support the mission of the Board as defined in ~~2SHB 1506-1466~~ (Chapter ~~494222~~, Laws of ~~20072013~~, RCW 39.10.) to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on projects outcomes, and to advise the legislature on policies related to public works delivery methods. Specifically to:

- Develop and recommend to the legislature policies to 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 expansion, continuation, elimination, or modification of the alternative public works contracting methods;
- Evaluate the use of existing contracting procedures and potential future use of other alternative contracting procedures including competitive negotiation contracts;
- Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;
- Appoint members of ~~the Project Review C~~committees; and
- Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

### **Membership**

Under the law, the Board may set up ~~sub~~committees as it desires and may invite nonmembers of the Board to serve as subcommittee members. The Board will approve the membership of ~~sub~~committees as well as the ~~Sub~~Committee ~~Lead~~Chair.

### **Meetings**

~~Subcommittees-Committees~~ may be scheduled by the ~~Sub~~committee ~~Lead~~Chair, or upon request of the Chair of the Board.

### **Attendance**

~~Subcommittee-Committee~~ members are expected to consistently attend ~~sub~~committee meetings. When a member is unable to attend a ~~sub~~committee meeting, the member should advise the ~~Sub~~committee ~~Lead~~Chair in advance. ~~Subcommittee-Committee~~ members may send an informed substitute to sit in for discussion as well as for actions to move recommendations to the Board for decision.

### **Quorum**

To have a quorum of ~~sub~~committee members, there must be more than fifty percent present for the ~~sub~~committee to conduct business and take action. During a meeting when a quorum is no longer present, the committee may continue to conduct business, including but not limited to, receipt of public comment, discussions, considerations, reviews, and evaluations but shall not take action until a quorum is present. Action by the ~~sub~~committee is defined as discussion and

decisions on what will be recommended to the Board at a Regular Board Meeting. It is recognized that there may be a quorum of the Board in attendance at ~~sub~~committee meetings. If there are ten of the nineteen voting members of the Board present at a ~~sub~~committee meeting, official Board discussion and decisions will be deferred to a Regular Board Meeting.

#### **Meeting Minutes**

Minutes will be recorded and made available to the ~~sub~~committee for review. Minutes will be made available to the public through the Board's website.

#### **Open & Public Meetings Act and Public Comment during Meetings**

~~Subcommittees~~ Committees are subject to the Open and Public Meetings Act. ~~Subcommittee~~ Committee meetings will be publicly advertised in a timely manner, held in ADA-accessible locations, and accommodate auxiliary aids for persons with disabilities when requested in advance. ~~Subcommittee~~ Committee Leads ~~Chairs~~ will provide staff with date, time, and location of ~~sub~~committee meetings. Staff support for the Board will publish the meeting notices.

There will be time allowed for the public to provide input to the ~~sub~~committee members during the ~~sub~~committee meetings. The ~~Sub~~committee Lead Chair will set and monitor time limits during the public comment period. The ~~Sub~~committee may also take public comments during the meeting at the discretion of the Lead Chair.

\* The Project Review Committee may establish and maintain its own procedures or by-laws that are approved by the Board.