

CAPITAL PROJECTS ADVISORY REVIEW BOARD

SeaTac Airport Conference Center
17801 International Boulevard, Room 6012M
Seattle, WA 98158

Meeting Minutes - **DRAFT**

May 11, 2022

MEMBERS PRESENT	REPRESENTING	MEMBERS ABSENT	REPRESENTING
Janice Zahn (<i>Chair</i>)	Ports	Senator Bob Hasegawa	Senate (D)
Bill Dobyns (<i>Vice Chair</i>)	General Contractors	Mark Riker	Const. Trades Labor
Eza Agoes (<i>Proxy for Linneth Riley Hall</i>)	Transportation	Rep. Mike Steele	House (R)
Corey Fedie	Public Hospital Districts	Rep. Steve Tharinger	House (D)
Lekha Fernandes	OMWBE	Senator Judy Warnick	Senate (R)
Bobbie Forch, Jr.	Disadvantaged Business		
Bruce Hayashi	Architects	Vacant	Counties
Janet Jansen	State Government		
Santosh Kuruvilla	Engineers		
Keith Michel	General Contractors		
Karen Mooseker	School Districts		
Mark Nakagawara	Cities		
Irene Reyes	Private Industry		
John Salinas II	Specialty Contractors		
Mike Shinn	Specialty Contractors		
Kara Skinner	Ins./Surety Industry		
Josh Swanson	Construction Trades Labor		
Robynne Thaxton	Private		
Olivia Yang	Higher Education		

Staff & Guests are listed on the last page

CALL TO ORDER & ROLL CALL FOR QUORUM

Chair Janice Zahn called the Capital Projects Advisory Review Board (CPARB) hybrid meeting to order at 9:12 a.m. A roll call of members confirmed a meeting quorum.

WELCOME BOARD MEMBERS & INTRODUCTIONS

Chair Zahn welcomed members to the first hybrid meeting since the beginning of the pandemic.

Talia Baker explained the meeting format and the use of microphones for members attending the meeting. Members are scheduled to celebrate the passage of Senate Bill at approximately 11:30 a.m. during lunch.

APPROVE AGENDA – *Action*

Janet Jansen moved, seconded by Mike Shinn, to approve the agenda as published. A voice vote approved the motion unanimously.

APPROVE MEETING MINUTES – *Action*

April 13, 2023

Ms. Baker reported members received two different sets of the April 13, 2023, meeting minutes. DES has contracted with Maul Foster & Alongi to assist in providing minutes during Valerie Gow's absence in September and October. The second set of minutes is an example of the minutes prepared by Maul Foster & Alongi.

Members discussed some of benefits of providing condensed minutes since the meeting recording is available to the public and members. Discussion points included the availability of meeting recordings, thoroughness of detailed minutes, timeliness of receiving them, and the benefits of producing condensed minutes. Members supported retaining the thoroughness of minutes, considering opportunities to provide accessibility to recordings, and retaining Maul Foster & Alongi dependent upon budget availability.

Irene Reyes moved, seconded by Janet Jansen, to approve the minutes of April 13, 2023, prepared by Puget Sound Meeting Services and Maul Foster Alongi as published. A voice vote approved the motion unanimously.

INVITATION FOR PUBLIC COMMENTS – *Information*

Vice Chair Bill Dobyns invited public comments.

There were no public comments.

CHAIR REPORT – Information

Chair Zahn reported her time since the last meeting was spent on preparing for the first hybrid meeting and attending many of the Board’s committee meetings. She also monitored progress on the Board’s legislative bill and was able to attend the bill signing on Tuesday, May 9, 2023.

BOARD ENGAGEMENT – Information

Board Member Opening Thoughts/Shared Commitments

Chair Zahn reviewed the Board’s Shared Commitments published on each meeting agenda. She invited opening comments from members.

Members individually shared their respective thoughts about the future work of the Board and their appreciation of the hard work completed to ensure passage of the Board’s bill. Several members spoke to the importance of continuing important conversations and focusing on pertinent issues to ensure efficient and productive meetings. Several members who were unable to attend the meeting in person conveyed appreciation for the hybrid format to enable them to participate.

LEGISLATIVE SESSION CONCLUSIONS – Information

Nancy Deakins acknowledged and thanked Ms. Baker for maintaining the weekly legislative tracking report.

During the 2023 session, 2SHB-2SSB 5268 was passed and signed on Tuesday, May 9, 2023. SHB 1050 passed and was signed for the apprenticeship utilization requirements, as well as SHB 1621 for standardization of procurement rules for local government and special districts. The bill includes a requirement for the Board to prepare a report and recommendation by December 2023. Senate Bill 5088 was essentially a “clean-up” bill adding references to contractor registration licensing laws. In 2020, the Legislature passed some licensing laws for plumbers, electrical, and elevator contractors. Senate Bill 5088 added language to ensure other statutes included correct references for continued accountability of contractors with new licenses in the areas of workers’ compensation, public works, and prevailing wage statutes. One section changes the mandatory responsibility criteria by updating the references to the licenses that require verification at the owner level, as well as the general contractor level. The Board maintains guidelines for responsibility criteria that will need to be updated. Ms. Deakins recommended adding a discussion on the update under New Business later in the meeting.

Chair Zahn advised that any bills introduced during the 2023 session that did not pass are automatically carried forward to the 2024 legislative session. Those bills may affect the Board and warrant a conversation about tracking bills during the 2024 session to ensure the Board is proactively engaged in conversations related to pending bills in 2024.

Chair Zahn thanked Irene Reyes, Bill Frare, and Dawn Egbert for joining her at the bill 5268 signing ceremony. The Governor did not enact any line-item vetoes in the bill other than inquiring about emergency clause language, which was clarified.

VICE CHAIR ELECTIONS – Action

Chair Zahn conveyed appreciation to Vice Chair Dobyons for his work on behalf of the Board and their partnership during the last year. The Board Development Committee created criteria for elections of officer positions. The process invites letters of interest submittals. The committee announced a call for letters of interest for the Vice Chair position. Keith Michel submitted a letter of interest.

Chair Zahn invited nominations from the floor for the Vice Chair position. No other nominations were offered.

Irene Reyes nominated Keith Michel to serve as Vice Chair.

Keith Michel shared that he deliberated on the challenges of the position. He was appointed to the Board a year ago and served on several committees prior to his appointment. The recent bill signing ceremony solidifies the hard work of the Board and members of the public who participate and support committees. Efforts by the Board benefit the industry and the state.

Santosh Kuruvilla said he has worked with Mr. Michel on several committees. Mr. Michel is engaged and has good insight. He complimented him for volunteering to serve as Vice Chair because the role can be difficult.

Irene Reyes moved, seconded by Olivia Yang, to appoint Keith Michel as Vice Chair of CPARB.

A roll call of voting members unanimously approved the motion:

PROJECT REVIEW COMMITTEE (PRC) APPOINTMENTS - *Action*

Ms. Baker reported 12 positions are expiring at the end of June. Two applicants applied for the vacant position of Owner-Higher Education. Both applicants were unable to attend this meeting and requested deferral of the appointment until September 2023. An applicant who applied for two Women/Minority Business Enterprises positions also requested consideration of his application for the position of Design Industry-Architect as the applicant is a licensed and practicing architect. Two Design Industry-Engineer positions are expiring. DES received two applications for the positions. Only one applicant applied for the vacant position of Owner-State. Three applicants applied for two Women/Minority Business Enterprises positions. Four applicants applied for two vacant Specialty Subcontractors positions. Four applicants applied for three Construction Manager positions.

Chair Zahn asked Ms. Yang to share her views for deferring the Owner-Higher Education appointment as a representative of Higher Education.

Olivia Yang replied that she was unaware of the deferral request by the two candidates. One candidate is with Washington State University and the second is with the Renton School District. The Renton School District candidate was asked to apply because **while** the position is **specified as higher education, their experience is also applicable as a Higher Education** owner representatives who can provide guidance and advice to ensure projects are successful. The Higher Education position does not necessarily need to be filled by a candidate representing higher education institutions. She supported the request for deferral of the appointment to enable both candidates to participate in the meeting and offered to follow up with the incumbent to ensure continued coverage of the position until a replacement is appointed. The Project Review Committee was established to ensure projects are successful, which speaks to the overriding criteria for candidates rather than the specific sector they represent.

Chair Zahn reported the Board Development Committee is focusing efforts on the PRC governance, number of positions, and job descriptions. The Board might want to consider a discussion prior to the appointment action in September in terms of position representation because there are several higher education certified owner positions on the PRC with few applicants to fill those positions. Conversely, there are many more school district applications. The issue speaks to whether the PRC should include more positions for school districts.

Ms. Yang added that since she recruited both candidates for the Higher Education position, she would not participate in voting at the September meeting.

Design Industry – Architect (1 Position)

Chair Zahn invited the applicants to speak to their application.

Becky Barnhart said she currently is the incumbent for the position. She has enjoyed the opportunity to work with PRC members and engage in many intense conversations over the last several years about ways to improve the process and increase accessibility for project proponents. She looks forward to continuing her service on the PRC because it has afforded her with a great learning opportunity.

Anthony Udeagbala **said he** has been with O’Bunco Engineering as an architect for many years. He has worked extensively on Sound Transit projects. He relocated to Washington during the COVID pandemic. The PRC program is an exciting program bringing contractors together to deliver successful projects. He has delivered many projects as a member of several project teams to include many school projects. He believes his participation, knowledge, and exposure to the process would be helpful to the committee.

Irene Reyes asked Mr. Udeagbala whether he was involved in projects in the state prior to his relocation. Mr. Udeagbala responded that he worked on many projects within the state. He started with Sound Transit projects and was responsible for coordinating an ADA **accessible** platform used by Sound Transit. He also designed **two** transit stations as an employee of O’Bunco Engineering. He is not new to the area or to the state.

Samuel Obunike, President, O’Bunco, spoke to Mr. Udeagbala’s qualifications. O’Bunco Engineering was established in 1997. During the era of Sound Transit project expansions, Mr. Udeagbala was a member of the company’s team. Mr. Udeagbala was instrumental in engineering many Sound Transit projects.

Eza Agoes asked Mr. Udeagbala to expound on his experience in different contract delivery methods and its benefits to the PRC. Mr. Udeagbala explained that when a project is contemplated for a community, it is important to identify the most effective, efficient way to deliver the project. Many factors are considered. Alternative delivery methods evolve

around expanding, exploring project budgets and the management of budgets, and the impact of the project on the community. The delivery method is based on what is most effective for the community and for the particular project. He has worked on Design-Build, Design-Bid-Build, and GC/CM projects where construction managers represent the interests of the owner. Sometimes, if JOC plays a role, it is another delivery method to consider.

Bruce Hayashi commented on the importance of considering a candidate who is a practicing architect rather than a member of a design team. The role and responsibilities of an architect on a GC/CM or Design-Build project are significant involving the management of a series of responsibilities that are beyond the responsibilities of a tiered subcontractor. Architects work in close partnership with general contractors. That experience is important to contribute to the PRC.

Mike Shinn asked Mr. Udeagbala whether he is a practicing architect. Mr. Udeagbala said he is a licensed architect registered in the State of Ohio and the State of Washington. He has worked in the industry for approximately 35 years and managed and delivered projects with budgets over \$14 million. He is well versed in collaborating with design teams and contractors.

Ms. Deakins clarified that the Board shall by a majority vote appoint PRC members recognizing that members of the PRC shall be knowledgeable in the use of Design-Build and GC/CM contracting procedures. The statute does not include a requirement for "experience."

Robynne Thaxton nominated Becky Barnhart to the position of Architect. Santosh Kuruvilla seconded the nomination.

Santosh Kuruvilla moved, seconded by Kara Skinner, to appoint Becky Barnhart to the position of Design Industry-Architect on the PRC. A voice vote approved the motion unanimously.

Construction Manager (3 Positions)

Chair Zahn invited the four candidates to speak to their application.

Jeff Jurgensen reported he currently serves on the PRC in the position of Chair. He served one term and was extended for one year because of his chairmanship. This year, the committee has completed many beneficial changes to improve the committee and the process. Some examples include the elimination of members introducing their respective company during a panel review. Another initiative is encouraging members to review applications and forward questions to the panel chair prior to the panel presentation. The committee is striving to be proactive with support from staff. His goal is to continue to work with the Chair and the committee to improve the panel review process. Most importantly, members should proactively recruit future members and encourage participation on CPARB committees.

David Beaudine said he currently serves on the PRC and is completing his second term. He has witnessed the growth of the PRC and the many qualified owners presenting project proposals. Currently, he serves as Vice President with CBRE|Heery. He has worked with the company and in the public sector for over 20 years and currently serves as an Assistant Project Manager for projects located in Eastern and Western Washington. He began working on alternative delivered projects as part of the pilot GC/CM project at Roosevelt High School in 2005. He has been involved in approximately 36 alternative delivery projects involving both GC/CM and Design-Build and has witnessed the growth of the industry and of the delivery methods. He strives to be at the forefront as a mentor to his team and others within the industry.

Jim Dugan said he has served on the PRC for seven years and in the positions of Chair and Vice Chair. His motivation for reapplying is because of the increase in the volume of project applications as well as the complexity of projects. Project complexity includes multiple public agencies, difficult funding mechanisms, and impossible project timeframes. The complexity of the applications has led to his desire to serve as a mentor and a trainer to help clients successfully complete projects, as well as to ensure PRC is successful in the administration of its responsibilities and duties. The complexity has greatly increased beyond some experience level of newer PRC members. Retaining some members with significant experience is important in ensuring the correct interpretation of RCW 39.10 and its application to projects. It is important to retain experience in the next three years from a mentoring and training perspective to ensure clients and peers complete the jobs successfully to the extent possible.

Gina Hortillosa reported she serves as a Project Manager for KBA, Inc., a construction management company located in the Puget Sound area. She is a licensed professional engineer in Washington State and in the State of California and has approximately 27 years of public works experience and 18 years experience with government agencies delivering projects in many different ways. She served different positions from a project manager to a Director of Public Works for the City of Mill Creek. Most recently, she worked on a Progressive Design-Build project for the M Street project, a King County

Wastewater Treatment Division project. As a member of the owner advisory team, she collaborates with Brown and Caldwell. Previously, she delivered projects through different delivery methods including JOC. Earlier in her career in private development, she delivered Design-Build projects.

Ms. Baker reviewed the length of PRC service of incumbent applicants.

Mark Nakagawara commented on the importance of considering each candidate's respective experience when navigating through the nuances of RCW 39.10 that can often appear to be simplistic.

Chair Zahn said the discussion by the Board Development Committee to consider adjusting the cycle of appointments for PRC positions is to ensure even rotation of duplicate positions to avoid appointment of multiple positions concurrently. Appointments for shorter terms could assist in achieving a regular cycle of appointments.

Robynne Thaxton added that the committee discussed ways to address the issue. The committee plans to review each position and the total number of positions by each category with terms expiring concurrently. As the committee did not have an opportunity to form a recommendation prior to the meeting, she suggested the Board should work with PRC members to adjust terms of office on an ongoing basis to avoid multiple appointments for similar positions.

Lekha Fernandes added that the Board Development Committee did not share the information with any of the candidates, which is why the committee did not offer a recommendation for this round of appointments.

Ms. Reyes asked incumbent candidates about their views as to the learning curve required for the position. Three of the candidates currently serve as incumbents and it speaks to the importance for the fourth candidate to have some understanding of the efforts required to become acclimated as a member of the PRC.

Mr. Jurgensen replied that the learning curve is constant at each meeting, which is why leadership met several times over the summer to determine next steps to address challenges. Ideas included mentoring opportunities. Leadership launched a mentorship program. Currently, the program is a work in progress and needs further development. Not developed is a formalized training program although the option has been discussed. Although the committee conducts business meetings that include reminders to members of the importance of strong panel chairs to control meetings and lead participants, it is often difficult as the panels include members who are peers who have opinions and different experiences. Membership in the PRC is a continuous learning process. Although there are written provisions in the RCW, there are also many unwritten applications that apply to projects.

Mr. Beaudine added that as a construction manager, he completes similar applications for clients. During a panel review, PRC members are able to evaluate the applications from a broader perspective. However, it can require numerous meetings to assess applications and provide accurate feedback to help inform both project applicants and other PRC members. It is important to achieve a cohesive team to help guide the project review process.

Following an extended discussion by the Board on the nomination process, Chair Zahn called for nominations for the three Construction Manager positions.

Lekha Fernandes nominated Gina Hortillosa and Jeff Jurgensen.

Mike Shinn nominated Jim Dugan.

Bruce Hayashi nominated David Beaudine.

Members were asked to select their top three candidates.

A roll call vote of each member's top three candidates resulted in the following:

Bill Dobyms: Jeff Jurgensen, David Beaudine, Jim Dugan

Corey Fedie: Abstained

Lekha Fernandes: Gina Hortillosa, Jeff Jurgensen, David Beaudine

Bobby Forch, Jr.: Jeff Jurgensen, David Beaudine, Jim Dugan

Bruce Hayashi: Jeff Jurgensen, David Beaudine, Jim Dugan

Janet Jansen : Gina Hortillosa, Jeff Jurgensen, Jim Dugan

Santosh Kuruvilla: Gina Hortillosa, Jeff Jurgensen, David Beaudine

Keith Michel: Recused from voting

Karen Mooseker: Jim Dugan, Gina Hortillosa, David Beaudine

Mark Nakagawara: Jim Dugan, Gina Hortillosa, David Beaudine

Irene Reyes: Jeff Jurgensen, David Beaudine, Gina Hortillosa

John Salinas II: Jeff Jurgensen, Jim Dugan, Gina Hortillosa

Mike Shinn: Jeff Jurgensen, Jim Dugan, Gina Hortillosa

Kara Skinner: Gina Hortillosa, Jeff Jurgensen, Jim Dugan

Robynne Thaxton: Gina Hortillosa, Jeff Jurgensen, Jim Dugan

Olivia Yang: Gina Hortillosa, Jim Dugan, David Beaudine

Josh Swanson: Did not vote

Janice Zahn: Jeff Jurgensen, David Beaudine, Gina Hortillosa

Chair Zahn acknowledged the close vote and thanked and acknowledged David Beaudine for his many years of service on the PRC.

Ms. Deakins affirmed the voting resulted in a majority vote of the Board for each position.

Janet Jensen moved, seconded by Irene Reyes to appoint Jeff Jurgensen, Gina Hortillosa, and Jim Dugan to the position of Construction Manager. A voice vote approved the motion unanimously.

Specialty Subcontractor (2 Positions)

Chair Zahn invited the four applicants to speak to their application.

Kurt Boyd said his passion is mentoring and advocating for the state's RCW 39.10 procurement process. He has learned from many long-term mentors. He believes that as the construction industry and project requirements become more challenging and somewhat stringent and complex, his experience would help maintain continuity within the committee. His experience spans over 40 years in the construction industry. He is actively involved in Design-Build, GC/CM, CM/GC, EC/CM, and design assist procurement. In his senior leadership role with Valley Electric, he leads the teams in Design-Build and GC/CM procurement. His contributions to PRC as an active member have recently included chairing the PRC Onboarding and Mentoring Development Committee responsible for the development of a process and procedures for the new Mentor/Mentee Program. He was a contributing member of the M/ECCM Review Committee for CPARB to develop best practice recommendations to improve RCW 39.10.385, he serves as a Practitioner Industry-Partner-Specialty with the Design-Build Institute of America (DBIA) and as a board member of the AGC Education Foundation Board of Trustees. Currently, he is a professor at the University of Washington for the Construction Management Graduate Program, CM 555 Construction Firm Management.

Mike Pellitteri said he currently serves on the PRC representing Specialty Subcontractors and is completing his first term. His interest was sparked after being asked to participate in CPARB's Reauthorization Committee in 2018. He found the process to be fascinating and met many thoughtful people interested in making public works contracting better. He served as President of the Washington Chapter of the National Utilities Contractors Association (NUCA) and is a member of the Associated General Contractors (AGC) Association. He is a veteran of the U.S. military and has worked in construction for 37 years with 26 years serving at his company, PELLCO. Mr. Pellitteri said he offers a unique perspective of a specialty contractor that is not performing EC/CM or MC/CM projects. He is passionate about improving public works contracting and is dedicated to the PRC position.

Lance Thomas reported he works for Delta Technology Corp and has been in the industry for over 30 years working on multiple public works projects. He is familiar with the GC/CM and MC/CM delivery methods. He believes he would contribute a unique perspective because for many years, the company was involved in the Design-Bid-Build delivery method. Many of his colleagues with other companies have been reluctant to switch from Design-Bid-Build to new delivery methods. The company has invested efforts in alternative delivery methods because they provide taxpayers a better and more inclusive process. Although it has been a good learning process to review the requirements of RCW 39.10, he also believes he has much to learn and looks forward to working with other PRC members. He believes he can represent smaller businesses and accomplish other DBI efforts as a contributing contractor in the GC/CM and Design-Build process.

John Salinas said he has known Mr. Pellitteri for over decade. He believes Mr. Pellitteri is a good subcontractor who was willing to step into the industry from an association and legislative position and advocate for subcontractors. As a resident of Snohomish County, he understands and ensures many issues pertaining to King County are represented. He supports Mr. Pellitteri's nomination and is hopeful he can continue serving on the PRC.

Chair Zahn invited nominations for the positions.

John Salinas nominated Mike Pellitteri for the position of Specialty Subcontractor on the PRC.

Lekha Fernandes nominated Lance Thomas for the position of Specialty Subcontractor on the PRC.

Robynne Thaxton nominated Kurt Boyd for the position of Specialty Subcontractor on the PRC.

Olivia Yang nominated Chris Thomas for the position of Specialty Subcontractor on the PRC.

Members were asked to vote on the nomination of two candidates.

A roll call vote of each member's votes resulted in the following:

Bill Dobyms: Kurt Boyd, Lance Thomas

Corey Fedie: Abstained

Lekha Fernandes: Lance Thomas, Mike Pellitteri

Bobby Forch, Jr.: Lance Thomas, Mike Pellitteri

Bruce Hayashi: Kurt Boyd, Mike Pellitteri

Janet Jansen: Lance Thomas, Mike Pellitteri

Santosh Kuruvilla: Mike Pellitteri, Lance Thomas

Keith Michel: Lance Thomas, Mike Pellitteri

Karen Mooseker: Lance Thomas, Mike Pellitteri

Mark Nakagawara: Kurt Boyd, Lance Thomas

Irene Reyes: Chris Thomas, Lance Thomas

John Salinas II: Mike Pellitteri, Kurt Boyd

Mike Shinn: Kurt Boyd, Mike Pellitteri

Kara Skinner: Lance Thomas, Mike Pellitteri

Robynne Thaxton: Kurt Boyd, Lance Thomas

Olivia Yang: Chris Thomas, Lance Thomas

Josh Swanson: Kurt Boyd, Lance Thomas

Janice Zahn: Kurt Boyd, Lance Thomas

Chair Zahn advised that since Lance Thomas received a majority vote, a motion to appoint would be appropriate.

Olivia Yang moved, seconded by Bruce Hayashi, to appoint Lance Thomas to the position of Specialty Subcontractor on the PRC. A voice vote approved the motion unanimously.

A roll call vote of each member's second nomination resulted in the following:

Bill Dobyms: Kurt Boyd

Corey Fedie: Abstained

Lekha Fernandes: Mike Pellitteri

Bobby Forch, Jr.: Mike Pellitteri

Bruce Hayashi: Mike Pellitteri

Janet Jansen: Mike Pellitteri

Santosh Kuruvilla: Mike Pellitteri

Keith Michel: Mike Pellitteri

Karen Mooseker: Mike Pellitteri

Mark Nakagawara: Kurt Boyd

Irene Reyes: Mike Pellitteri

John Salinas II: Mike Pellitteri

Mike Shinn: Kurt Boyd

Kara Skinner: Mike Pellitteri

Josh Swanson: Kurt Boyd

Robynne Thaxton: Kurt Boyd

Olivia Yang: Mike Pellitteri

Janice Zahn: Kurt Boyd

Chair Zahn advised that since Mike Pellitteri received a majority vote, a motion to appoint would be appropriate.

Keith Michel moved, seconded by Kara Skinner, to appoint Mike Pellitteri to the position of Specialty Subcontractor on the PRC. A voice vote approved the motion unanimously.

Design Industry – Engineer (2 Positions)

Chair Zahn invited the two applicants to speak to their application.

Karl Kolb reported he has been a practicing consultant engineer for approximately 31 years. He is completing his first term on the PRC. Membership afforded a great learning process because there is a learning curve to understand the nuances and the essence of RCW 39.10 and its application in the best interest of taxpayers. He would like to be a continuing member for another term and appreciates the Board's consideration.

Ron Paananen said he is with HDR and has 32 years of public experience with 28 years working for the Washington State Department of Transportation (WSDOT) and four years with King County. He has worked as a consultant during the last 12 years and worked on Design-Build, several GC/CM projects, as well as Progressive Design-Build projects. The choices owners make are important in terms of how they deliver a project. He is excited to be considered for the position and believes he could learn much. He acknowledged the learning curve for serving on the committee and is ready and able to commit the time to serve.

Mr. Kuruvilla said Mr. Paananen is strong candidate who is knowledgeable of RCW 39.10 as well as WSDOT statute 47.20. He has significant experience with the state. The Board is fortunate to receive applications from two strong candidates.

Santosh Kuruvilla moved, seconded by Lekha Fernandes, to appoint Karl Kolb and Ron Paananen to the two vacant positions of Design Industry-Engineer on the PRC. A voice vote approved the motion unanimously.

Owner – State (1 Position)

Chair Zahn invited the applicant to speak to his application.

Jeff Gonzalez said he is currently serving his third year of his first term on the PRC. He has represented owners for the last 17 years and has been with the Department of Enterprise Services (DES) for eight years. As a PRC member and a DES Project Manager, he understands the RCWs and applies the statutes in a practical manner during the management of projects. He works on both sides of the state with most of his work within Eastern Washington.

Lekha Fernandes moved, seconded by Irene Reyes, to appoint Jeff Gonzalez to the position of Owner-State on the PRC. A voice vote approved the motion unanimously.

Women/Minority Business Enterprises – (2 Positions)

Chair Zahn invited the three applicants to speak to their application.

Ato Apiafi reported he is the managing principal of Apiafi Architects. Mr. Apiafi cited three reasons for retaining his membership on the PRC. The first are efforts to promote women- and minority-owned businesses (WMBE) to secure public project contracts. As a member of the WMBE community and as an owner of an architectural firm, most of his colleagues and peers can speak to his commitment to WMBE. Secondly, he has promoted WMBE, especially to large agencies when presenting proposals to the PRC. Lastly, he has assisted project proponents who present to the PRC by providing guidance on promoting diversity, inclusion, and equity. He has served many years on PRC and his knowledge and continuity he brings to the committee should be considered by the Board.

Catina Patton said she is the owner of a general contracting/consulting company. She is currently working on the 509/SR 167 Expressway project with Atkinson as its administrator for its Disadvantaged Business Enterprise (DBE) Inclusion Plan, as well as with Northshore School District on its DBE Inclusion Plan. Her focus is working with WMBE businesses as well as DBE businesses to help them be successful in taking advantage of opportunities for public works and federal government contracting. She has experience in the construction industry and has tapered efforts on construction to focus on the consulting aspect of the business.

Tony Udeagbala previously spoke to his application for the position during consideration of candidates for the Design Industry-Architect position.

Chair Zahn invited nominations for the positions.

Lekha Fernandes nominated Tony Udeagbala for the position of Women/Minority Business Enterprises.

Mr. Kuruvilla commented that the three applicants are strong candidates; however, he urged consideration of new candidates to provide fresh perspectives.

Santosh Kuruvilla nominated Tony Udeagbala and Catina Patton for the two vacant positions of Women/Minority Business Enterprise.

Ms. Agoes asked Ms. Patton to expand on her background, understanding, and knowledge of the different alternative delivery methods. Ms. Patton explained that her first experience on a Design-Build project was on the Central Terminal for the Light Rail Link in Tukwila. She understands Design-Build projects include owners, contractors, and subcontractors working together to construct a successful project within the project budget. She also has experience working on the 509/SR 167 Expressway project and recently began working with a contractor to review previous projects to compile and include within new bidding proposals. Although her experience in Design-Build is not extensive, serving on the PRC would enable her to gain knowledge in Design-Build, as well as serve as a learning opportunity to help her assist other firms through the bidding process. Most of her career includes many different types of construction projects ranging from cable TV alignment, concrete, and final clean projects for public works projects.

Robynne Thaxton nominated Ato Apiafi for the position of Women/Minority Business Enterprise.

Ms. Thaxton spoke to Mr. Apiafi's experience on the PRC and his knowledge and dedication to ensure project applicants abide by the RCWs with respect to diversity, inclusion, and equity.

Ms. Reyes emphasized that the position does not require the same level of experience in alternative delivery methods as other PRC positions. The position requires candidates with knowledge, who are engaging, and who serve as a member of various associations focused on women and minority businesses.

Josh Swanson said Ms. Patton represents a union company, which is important. She understands the interplay with respect to minority companies and their ability to perform on projects. He supports Ms. Patton's nomination as he appreciates her background and understanding as to how unions and minority businesses co-function within the industry.

Bobby Forch supported the nomination of Mr. Apiafi. Mr. Apiafi is very engaged and serves as a strong voice for the minority and women-owned business community. He attends local association meetings and has a strong voice and is fearless in voicing both his ideas and concerns.

Mr. Shinn noted that project applicants appearing before the PRC have determined the type of project delivery. The lack of experience with Design-Build is not necessary as members need practical experience in terms of the how the process works based on the requirements of the statutes. PRC is not responsible for directing owners as to the type of project delivery they should pursue for any particular project.

Chair Zahn added that the Board Development Committee published minimum expectations/requirements for PRC members because of the difference between knowledge and experience.

Ms. Reyes agreed there is fine line between experience and knowledge. The Board should consider whether the candidates are engaged.

Mr. Michel said he is appreciative of Ms. Patton's background in construction. He asked her to forecast the next five years her vision of the dominant focus of her business. Ms. Patton said she is focused on the consulting business as she enjoys working with DBEs and WMBE businesses. She is a member of the National Association of Minority Contractors (NAMC) and recently completed a procurement technical course to help other small businesses learn how to bid and estimate on public works contracts.

Ms. Reyes asked Mr. Apiafi and Mr. Udeagbala to share information on their participation or membership in different minority organizations.

Mr. Udeagbala replied that he serves as Treasurer of the Washington Chapter of NAMC and is a member of the Association of Women and Minority Business (AWMB).

Mr. Apiafi said he is a member of all WMBE associations except for AWMB. He serves as a member of Tabor 100 and served seven years as Vice President of NAMC.

Chair Zahn asked members to vote on the nomination of two candidates.

A roll call vote of each member's votes resulted in the following:

Olivia Yang: Tony Udeagbala, Catina Patton
Robynne Thaxton: Ato Apiafi, Catina Patton
Josh Swanson: Catina Patton, Ato Apiafi
Kara Skinner: Tony Udeagbala, Catina Patton
John Salinas II: Ato Apiafi, Catina Patton
Irene Reyes: Tony Udeagbala, Catina Patton
Mark Nakagawara: Tony Udeagbala, Catina Patton
Karen Mooseker: Tony Udeagbala, Catina Patton
Keith Michel: Tony Udeagbala, Ato Apiafi
Santosh Kuruvilla: Catina Patton, Tony Udeagbala
Janet Jensen: Catina Patton, Tony Udeagbala
Bruce Hayashi: Catina Patton, Tony Udeagbala
Bobby Forch Jr.: Ato Apiafi, Tony Udeagbala
Lekha Fernandes: Catina Patton, Tony Udeagbala
Corey Fedie: Did not vote
Bill Dobyns: Catina Patton, Tony Udeagbala
Janice Zahn: Catina Patton, Tony Udeagbala

Chair Zahn thanked and acknowledged Mr. Apiafi for his many years of service on the PRC. She encouraged him to stay engaged and participate on CPARB committees.

Lekha Fernandes moved, seconded by Mike Shinn, to appoint Tony Udeagbala and Catina Patton to the positions of Women/Minority Business Enterprises on the PRC. A voice vote approved the motion unanimously.

Chair Zahn recessed the meeting at 12:11 p.m. for lunch.

Chair Zahn reconvened the meeting at 12:37 p.m. A meeting quorum was confirmed.

COMMITTEE & WORKGROUP REPORTS

Board Development Committee – Information & Action

Chair Zahn reported the committee plans to review the nomination and appointment process for PRC positions to establish a cohesive and streamlined format for future appointments.

Committee Co-Chair Thaxton reported the committee finalized the Board's position requirements and expectations. The information provides potential candidates with information on the role, responsibilities, and the time commitment for positions on the Board. The committee finalized information on the mentor program to begin preparation for appointments of new members to the Board. Members are encouraged to volunteer as mentors. An expectation for membership is participation on Board committees or serving as a mentor. New members will be assigned a mentor. The committee is also exploring a process to avoid the turnover of multiple positions representing the same industry sector, as well as exploring PRC membership because currently, two-thirds of PRC members are private industry representatives and one-third represent public industry. The goal is to balance the membership between private and public sectors to more closely align with the membership of the Board. The committee is exploring training opportunities for conflict of interest.

Committee Co-Chair Fernandes added that the committee plans to draft some rules and procedures for PRC appointments. She encouraged members to consider joining a committee or serving as a mentor.

Co-Chair Thaxton noted that although her term on the Board is ending, she plans to continue serving on the committee.

Ms. Reyes asked whether new members would be assigned automatically to a committee. She suggested new members joining committees should be acclimated quickly and that the Board Development Committee should consider sponsoring an orientation committee or include an orientation process within the committee's structure. Co-Chair Thaxton said the committee previously discussed options but as the draft was finalized the intent was to avoid overwhelming new members with too much information. Members agreed to provide an informal orientation as opposed to a requirement. The mentor process should be implemented first. Job descriptions for mentors and mentees have been drafted, as well as position descriptions for CPARB members to include time commitments required for the positions.

Ms. Baker added that the information is scheduled to be posted. She suggested posting the information on the Board's background and reference page. The Board supported the recommendation.

Chair Zahn thanked Ms. Thaxton for her service on the Board.

Ms. Thaxton disconnected from the meeting.

Education Connections Committee – Information

Janet Jansen reported Curt Gimmestad and Linneth Riley Hall volunteered to serve as Co-Chairs of the committee. The committee's initial discussions focused on ways to post notices on available training, information to post on the website, and ways to distribute information.

Ms. Yang said the initial formation of the committee included a smaller group of Curt Gimmestad, Linneth Riley Hall, and Brian Aske. The intent was to develop a mission statement and establish committee leadership. Since Mr. Gimmestad's accident, the group has not moved forward with the work.

GC/CM Committee – Information

Committee Chair Nick Datz reported the committee's last meeting was in March. Members reviewed the last two draft chapters of the GC/CM Best Practices Guidelines. Members reviewed total contract costs with comments from members currently under review. Based on those comments, the chapter will be finalized. The last chapter is the procurement chapter. More time is required for the review because of the size of the chapter. The committee is scheduled to meet later in the month to review the chapter. Following receipt of comments from members, the committee anticipates editing the final document for publication.

Chair Zahn spoke to the issue of formatting the publication and the need for a discussion to ensure the document is in a format conducive for updating.

Ms. Baker said the Design-Build Best Practices Guidelines and the BE/DBI Report were developed using Adobe's InDesign software program, which is not a program DES utilizes. To update those documents, it might require re-creation of the document in another format or purchasing Adobe InDesign software to update the documents. A discussion by the Board is warranted to ensure documents created by Board committees are in formats conducive to editing.

Chair Datz said he intended to meet with staff to discuss the format because he does not have access to InDesign.

Mr. Kuruvilla recommended all documents should be in a PDF format. He suggested converting all InDesign materials to the PDF format.

Ms. Fernandes added that all documents produced by the Board should be in format that is accessible to those with visual impairments or other accessibility needs.

Chair Zahn suggested taking advantage of the GC/CM document to serve as a test case for ensuring the format is inclusive and accessible to the extent possible. She asked for volunteers to work with staff. Mr. Kuruvilla offered to work with staff to convert existing documents.

Discussion ensued on the different nuances between GC/CM and Design-Build and how the guidelines and training should align to reflect those differences.

Chair Datz inquired as to whether DES has guidelines on accessibility requirements for documents or published manuals. Ms. Baker confirmed the Department has document guidelines. Chair Datz recommended staff and Mr. Kuruvilla should review DES guidelines as part of their review process.

JOC Evaluation Committee – Information

Committee Chair Linda Shilley updated members on the status of committee activities. The Board adopted and published the JOC Best Practice Guidelines in late 2021. Since then, the committee has hosted four workshops. The guidelines were developed using a PowerPoint format because the intent was to use the document as a training tool. Since the last meeting, Chair Shilley and Committee Co-Chair Dolan hosted a workshop for Pierce Transit staff and others experiencing challenges with JOC. The training was well received with approximately 25 individuals in attendance representing a cross section of personnel from the maintenance division, project management, and engineering. On April 27, 2023, three committee members visited the AGC Education Foundation office and provided a workshop. The workshop was not well attended as anticipated but sparked much interest. The AGC Education Foundation anticipates the next workshop will generate more interest.

Subcontractor Bid Listing Policy Evaluation Committee – Information

Committee Chair Dobyns said the last meeting scheduled earlier in the month did not achieve a quorum. The meeting will be rescheduled in the next 30 days.

Chair Zahn suggested pursuing a conversation on the size of the committee, which may be contributing to problems with attaining a quorum. She offered to withdraw as the representative for Ports.

Ms. Baker noted a contributing issue is the number of vacant positions as meeting quorums are based on the total number of voting positions.

Chair Dobyns recommended eliminating one of the General Contractor positions.

Mr. Kuruvilla recommended eliminating the WSDOT position.

Chair Dobyns responded to questions about the purpose of the committee. The committee had scheduled three meetings. During the first two meetings, no representatives from the design community or the minority community attended to share concerns. The last meeting included representatives from those constituencies; however, no meeting quorum was attained. The committee's task is to discuss the concerns of the two constituencies and determine whether to modify its recommendation. The Legislature adopted the bill but included a follow-up report/recommendation by the Board within one year.

Mr. Michel said stepping up the level of listing of subcontractors regardless of the procurement process was expanded by the Legislature to include several more specialty trades, which adds complexity and a certain amount of process to the procurement method. The change has been successful. However, he does not believe there would be any value in continuing to expand the list. Of the interested parties that want to weigh in on the conversation, it does not appear to relate to the role of those constituencies.

Chair Zahn said issue is that the conversation has not occurred because of the committee's failure to attain a quorum. It speaks to the genesis of the issue, as it should not be presumed that the Board fully understands the issue without receiving input from those constituencies.

Ms. Yang remarked that the committee was created to address the number of subcontractors that should be listed. The root cause of the remedy was because of allegations of bid shopping. Bid shopping is a more fundamental issue than bid listing because it happens frequently and may or may not be addressed by bid listing on a hard bid project. It continues to be a problem for many firms that feel they have been abused. Separating bid listing in the hard bid form is one issue but it does not address the many instances where exploitation of firms continues to occur. Bid shopping occurs. It is an issue that some people want to address. Bid listing does not resolve that particular problem.

Chair Zahn agreed that these comments shared speak to the genesis of why the committee has not been terminated.

Mr. Kuruvilla added that he was one of the voices who objected. He contacted Mr. Dobyns and Ms. Yang and communicated the position of design professionals. The root of the issue is design professionals believe they have been commoditized and that bid listing issues enable that kind of behavior.

Ms. Fernandes reported she nominated Sharon Harvey, OMWBE Director of Policy, to serve on the committee. Ms. Harvey attended the last meeting. Chair Dobyns acknowledged Ms. Harvey was counted as a member at the last meeting.

Mr. Swanson agreed the issue is bid shopping versus bid listing. The reason that the ironworkers trade representatives pursued the bill three years ago was because the ironworkers' trade is typically on the front-end of a project. Bid shopping has occurred to many iron-workers companies. A query was made to the Department of Commerce on the number of bid shopping violations that have been cited. The Department reported no occurrences because once a company complains, the company would likely not succeed in securing a contract for future projects. That is the issue because it affects all trades/crafts and is likely why Mark Riker is a member of the committee because he is also aware of this issue occurring in the mechanical trade. However, other crafts do not have the same opportunity to be included in the requirement for bid listing, which is problematic. There is much focus on the issue to the extent that additional crafts may be requested for inclusion because the problem is real.

Chair Zahn said it appears the issue is significant and warrants discussions as voiced by several members. She suggested focusing the discussion on establishing a meeting time agreeable to the majority of committee members and ascertaining the appropriate membership structure for the committee to ensure impacted constituencies are represented.

Ms. Yang offered that the name of the committee appears to reflect that the Board has agreed on the solution to bid list all trades. She suggested renaming the committee as bid shopping and changing the focus as it speaks more to the problem that might result in different solutions.

Mr. Nakagawara offered that the committee includes representation by two members from the City of Seattle, which might be unnecessary.

Ms. Reyes said the committee's name of bid listing adds to the confusion as to the purpose of the committee. The name might not serve to entice participation by the Board.

Mr. Swanson offered to participate as a member of the committee as he was involved in the bill that added rebar and ironworker trades to bid listing. Part of the initial proposal was to grant anonymity to anybody filing a complaint, which is the larger issue of bid shopping rather than bid listing.

Chair Dobyns shared that the committee was formed at the request of the Legislature to review the bid listing statute. The outcome of some initial meetings included a study of the history of why the statute was created, which was to reduce bid shopping. Resolving bid shopping was not the original request because the request was to review existing law to determine if laws were adequate or needed to be modified. That was the task assigned to the committee.

Chair Zahn said it appears to be two interrelated but separate issues. Because several members have addressed concerns about bid shopping and commoditizing, it might be possible to retool the committee and refocus its task. Secondly, it is important for the Board to consider whether the committee's initial recommendation of not expanding bid listing is sufficient.

Mr. Kuruvilla offered that the task directed by the Legislature has been completed with the recommendation offered by the committee. He recommended terminating the committee because the task was completed and establish a new committee to address other concerns.

Chair Zahn agreed and recommended moving to sunset the committee and defer discussions on bid shopping and commoditizing under New Business.

Lekha Fernandes moved, seconded by Irene Reyes, to sunset the Subcontractor Bid Listing Policy Evaluation Committee effective immediately.

Josh Swanson offered a friendly amendment to add that the Board would establish a new committee focusing on bid shopping.

The makers of the motion accepted the friendly amendment.

A voice vote approved the amended motion unanimously.

Ms. Yang mentioned that in some respects, the new committee and the existing Project Feedback Process Workgroup would be focusing on complaints with overlapping issues related to service improvements.

Ms. Reyes suggested naming the new committee the Bid Procurement and Policy Improvement Committee.

Chair Zahn recommended the committee should meet and recommend a committee name.

BE/DBI Committee - Information

Committee Co-Chair Yang referred to a prior agreement to transition the Legislative Writing/Drafting Committee to the BE/DBI Committee.

Ms. Baker explained that the Legislative Writing/Drafting Committee was placed on hiatus and the BE/DBI Committee was reconstituted. The committee has not had an opportunity to meet at this time. Co-Chair Yang suggested notifying members of the Legislative Writing/Drafting Committee and the BE/DBI Committee to schedule a meeting to establish new leadership and reconstitute the committee.

Senate House Bill 1621 Review Committee - Information

Ms. Baker reported the committee has met once with no actions on electing leadership. Members plan to contact stakeholder groups to ensure appropriate representation on the committee.

Chair Zahn reminded the Board of the fixed timeline for completion of the review and any recommendations by December 31, 2023.

Ms. Yang pointed out that the bill focuses on specific owners. She volunteered to serve on the committee; however, she is unsure whether the composition of the committee should be focused only on those owners specified in the legislation.

Chair Zahn said that although the legislation was focused, there is always the possibility of legislation expanding and affecting other entities. The Legislature, as part of an amendment, added a CPARB review. It is important to consider the list of committee members and ensure appropriate representation to enable the committee to move forward to identify leadership and create a timeline to meet the requirement to provide a recommendation supported by the Board by the end of the year. She encouraged members to solicit representatives from special districts and other owner entities to ensure they have a voice on the committee and can assist in developing a recommendation.

Mr. Swanson offered to serve on the committee. Mr. Riker is working on the bill as well and is tracking the bill closely as it does expand in-house work.

Mr. Michel said he serves on the committee and has recruited support from his organization. Specialty subcontractors should be represented on the committee.

Ms. Deakins noted that other entities that should be involved include public utility districts, fire districts, water/sewer districts, as well as other entities specifically named in the bill.

Chair Zahn affirmed that the Board would receive a follow-up report at the next meeting with an expectation that the committee will proceed with its work.

Small Works Committee & Senate Bill 5268 Implementation Plan/Status/Road Show – *Information*

Committee Co-Chair Bill Frare reported the purpose of the Small Works Committee was to prepare language for legislation to update RCW 39.04.155. The legislation was updated; however ongoing work is pending. He thanked the Board, Co-Chair Reyes, and committee members for the success in passing small works legislation incorporating language from the Business Equity/Diverse Business Inclusion Committee. The bill garnered support from both the House and Senate. The Governor signed the bill on Tuesday, May 9, 2023.

A substantial amount of work is necessary to implement the new structures required in the legislation. Co-Chair Frare recommended continuing the committee's work through implementation to ensure one comprehensive body monitoring the work completed by different agencies and to ensure a single point of collaboration.

One of the first actions is creation of a statewide roster. MRSC is working on the process but requires some direction by the Board on policy directions. The effort includes establishing a roster advisory team representative of users of the roster. The team will provide direction to MRSC and develop criteria by mid-September to enable the team to begin development of the new program for implementation by July 1, 2024.

Rulemaking is the next step. The Department of Labor and Industries (L&I) requires modified rules and DES requires development of some rules. Those processes are lengthy public processes. Because of the interaction between the agencies with respect to the bill, some coordination between the two agencies will be necessary.

Co-Chair Frare reported he met with members of AWMB to receive feedback and solicit participation. DES is responsible for developing contract templates for posting on the website. He does not envision that work to begin until the end of rulemaking to receive public feedback prior to drafting contract language. The final step is developing some best practices for public agencies when implementing the new changes.

Committee Co-Chair Reyes recommended modifying the committee's mission from "write legislative language" to "implement the new small works legislation." The committee anticipates remaining active over the next 14 months as actions are implemented.

Committee Co-Chair Reyes added that Co-Chair Frare is serving as the spokesperson as a DES representative to contact associations and the small business community to explain the new legislation and receive feedback from those constituencies.

Chair Zahn acknowledged the efforts of many members and the hours of efforts during the summer to conclude with a unanimous bill of support. She noted that implementation efforts also include the road show that likely will involve all members sharing information about the ongoing work. She recommended the committee provide some presentation materials each member could utilize when briefing their respective contingencies. Co-Chair Frare advised that he worked with DES communications staff to develop presentation materials, which can be shared with the Board following some additional modifications to the materials based on feedback received to date.

Ms. Yang commented on the importance of considering the other components of the bill specific to the state certification for small business and what it entails, as well as the provision added to the intent in terms of access to capital and access

to training in addition to access to opportunities. The University has included those provisions as a question in Request for Proposals (RFP) and Request for Qualifications (RFQ) for Design-Build projects. She urged consideration of promoting those elements of the legislation within the presentations.

Chair Zahn recommended working with PRC to update project applications to remind owners about the new provisions and request information as to how they are incorporating those new provisions within RFPs and RFQs.

Ms. Fernandes invited everyone to attend OMWBE's implementation presentation at the Small Works Committee meeting on Friday, May 12, 2023. The presentation will include information on the implementation of the small business certification program and system integration between MRSC and OMWBE. She offered to provide resources to the committee when presenting information to industry groups.

Discussion ensued on the importance of the presentation content during the road shows to include information on all elements of the legislation. Ms. Yang suggested connecting with the AGC Education Foundation as the audience is expansive, as well as attending PRC and presenting the provisions attributed to access to training and capital opportunities to ensure PRC members are versed on the legislation and can ask project applicants the appropriate questions.

Ms. Baker advised that the PRC's June meeting could accommodate a presentation.

Ms. Jansen spoke to the expense associated with training and presentations and recommended recording a presentation and sharing the recording and consider a venue for asking questions.

Chair Zahn recessed the meeting at 2:07 p.m. for a break.

Chair Zahn reconvened the meeting at 2:16 p.m. A meeting quorum was confirmed.

Project Feedback Process Workgroup – Information

Ms. Fernandes provided the update. Members discussed the scope of work and whether it is the purview of the Board or PRC to hold the industry accountable for following RCWs. Members discussed appropriate accountability and potential applications. For example, if the process included a clearinghouse of information on projects and if the projects aligned or did not align with the RCWs, the issue is how the information would be utilized. Many opinions conveyed the importance of ensuring that if projects are not in alignment, the Board and PRC are in the position of educating and informing as opposed to punishing or creating more barriers. The workgroup's tasks may morph into exploring areas that are experiencing problems and issues and identifying ways for the Board to establish a good education and information system to ensure agencies that may be struggling with the requirements of the RCWs are aware of the issues and can receive guidance on the correct way to proceed.

Ms. Yang added that it may entail two parts with the first being proactive as an owner and secondly, if something goes astray it may be possible to offer an informal process for accountability. For example, project application questions could include leading questions as to how the owner is completing certain tasks within the project scope and/or questions on previous PRC presentations and the result of those projects. If a subcontractor or contractor believes they have been wronged, they would likely approach the owner and perhaps not receive satisfaction from the owner. Another option could entail contacting the PRC member representing that group of owners to assist in resolving the issue. If that avenue fails, the issue is whether the Board is interested in inviting a discussion by the aggrieved party and owner through a dispute resolution process. Options are available that do not reflect an enforcement aspect as the Board likely would not want to be the enforcer nor has the responsibility to serve as the enforcer.

Mr. Shinn cited numerous instances where subcontractors bid projects, sign contracts, and submit forms for prevailing wage, L&I, and other requirements and continue to encounter problems with liens and bonds whereby the contractor withholds payment. Many contractors are withholding payments up to a month and no entity in the industry is addressing the issue.

Chair Zahn replied that the Board agrees that there should be **accountability for** problematic owners or contractors. The issue is the role of the workgroup and the Board. She acknowledged **that while the industry has** issues, such as bid shopping, **the question remains about what role is within** the Board **scope of work** in terms of addressing those issues.

Mr. Kuruvilla commented that over the years, the Board has released several sets of best practices guidelines. He asked whether the workgroup is the appropriate entity to receive the information and implement some of the best practices recommendations.

Chair Zahn agreed that over the years the Board has established committees to develop best practices. The Education Connections Committee **was convened** to create a repository of resources and information as a resource to help ensure the industry understands what the community of best practices entails. The workgroup was established with acknowledgement that the feedback loop is not as effective as desired. The issue is defining the mission of the workgroup and determining the level of accountability and scope of responsibility by the Board. The issues shared by several members should be part of the workgroup's conversations.

Mr. Kuruvilla said his question is whether the effort is another place for ongoing discussions yet again and questioned the point where the Board pursues action or identifies some next steps.

Chair Zahn said she is hopeful the workgroup focuses on the deliverables **along with** the mission and presents proposals to the Board on areas that need some attention and **recommended** role of the Board and the PRC.

Mr. Kuruvilla responded that typically when the Board forms a committee, the Board establishes a purpose and mission with goals identified to accomplish. With respect to the workgroup, the Board formed the workgroup with members, assigned a name, but did not establish a mission. Chair Zahn responded that the intent of the workgroup is to meet and discuss the problems that should be resolved which speaks to the first step of the workgroup.

Ms. Reyes noted that RCW 39.10 includes some provisions that are required. Some of the language in the RCW requires some answers. There are currently no resources to help clarify the intent. She suggested seeking an opinion from either DES or the Attorney's General (AG) Office on provisions prescribed and not prescribed as a starting point for the workgroup.

Chair Zahn responded that the workgroup was established to begin the process of framing the issues and identifying possible resolutions, some of which may include seeking advice from the AG's Office. PRC has discussed some of the same issues which speak to why the workgroup is a joint effort between the Board and the PRC.

Ms. Fernandes said the purpose of the committee has not been defined as members continue to receive feedback on different problems. The question is identifying resolutions. If the Board continually receives feedback about issues associated with projects approved by the PRC and the Board or PRC pursues no action, it speaks to the possible irrelevance of both bodies. Not pursuing possible resolution is worrisome as it leads to questioning the relevance of PRC approving project plans if feedback reveals that many entities are not following the requirements. She believes some resolution is required from the process although she is unsure as to the format.

Chair Zahn said the discussion reflects a revalidation of the importance of the workgroup and that efforts are in progress to identify next steps.

Mr. Shinn noted that the problems reside with general contractor rather than with the owner as general contractors withhold payments from subcontractors.

Chair Zahn referred to the earlier discussion to terminate the Subcontractor Bid Listing Policy Evaluation Committee and establish a bid shopping committee. The discussion inferred that it may roll into the Project Feedback Workgroup. The issues may be interrelated and bid shopping is one aspect of the project feedback process. With respect to the time remaining, it appears the Board agrees the workgroup is important. The workgroup has assigned members and the intent is to meet throughout the summer to identify leadership, mission, and draft a problem statement.

NEW BUSINESS

Community Representative Share Successes and Challenge

Chair Zahn reported the topic has been included on the agenda for the last several meetings; however, at this point, she believes it is not possible for the Board to assume new business until all committees and workgroups are able to work through their respective processes. She suggested **moving to the next topic and** a discussion on Senate Bill 5088.

Ms. Deakins advised that Senate Bill 5088 passed correcting the cross references to the newer licensing statutes for plumbers, electrical, and elevator contractors. The issue is updating the responsibility criteria statute affecting all public owners and contractors, as they need to verify licenses are in place at the time of bid. The Board needs to update the guidelines for responsibility criteria. SB 5088 is effective July 23, 2023, and the Board's next meeting is in September. She asked about the possibility of the Board delegating the responsibility for updating the responsibility criteria or directing staff to publish a draft of the responsibility criteria for approval by the Board in September.

Chair Zahn recommended directing staff to prepare a draft for consideration by the Board in September. She asked whether any members are willing to work with staff to review the draft to enable the Board to approve the language in September retroactively.

Mr. Nakagawara and Mr. Kuruvilla volunteered to work with staff on draft language.

Ms. Deakins responded to a question about streamlining the process and offered an alternative of forwarding a draft to members for comments and delegating the approval of the draft to Ms. Jensen effective July 23, 2023.

Chair Zahn recommended two members of the Board **volunteer to review the Bidder Responsibility Guidelines and provide a draft update to be** considered by the Board at the September meeting.

Mr. Hayashi, **Mr. Nakagawara and Mr. Kuruvilla** volunteered to participate as well.

Ms. Deakins added that she plans to review the legislation to ensure there were no other updates of other existing provisions.

ADMINISTRATIVE

Budget Report – Information

Chair Zahn referred members to the Budget Report posted on the website for information about the budget.

September 14, 2023 Draft Agenda – Information & Action

Vice Chair Dobyns reviewed the proposed September agenda:

- Minutes of May 11, 2023
- PRC Appointments – Owner- Higher Education
- Draft of the Guidelines for Bidder Responsibility Criteria (SB 5088)
- Committee/Workgroup Reports
 - Project Feedback Process Workgroup to include addressing Bid Shopping issues
 - Board Development
 - Education Connections
 - GC/CM Best Practices
 - SHB 1621 Review Committee
 - Small Works Committee & SB 5268 Implementation Plan/Status/Road Show
 - BE/DBI
 - PRC
- New Business
- Budget Report
- Meeting Dates for 2024
- October 12, 2023 Meeting Agenda

Mr. Kuruvilla recommended including some time on the agenda to receive a project update from an owner to ensure the Board remains in touch with the industry. Chair Zahn **agreed to add** project highlights in the parking lot for an agency project report.

CLOSING THOUGHTS - Information

Chair Zahn invited members to share closing thoughts. Closing thoughts centered on appreciation for the first in-person/hybrid meeting since the pandemic, acknowledgements to members leaving the Board for their service, and optimism and appreciation for the efficient work by the Board.

ADJOURNMENT

With there being no further business, Chair Zahn adjourned the meeting at 3:00 p.m.

Staff & Guests

Ato Apiafi, Ato Apiafi Architects
Talia Baker, Department of Enterprise Services
Becky Barnhart, Integrus Architecture
David Beaudine, CPRE|Heery
Kurt Boyd, Valley Electric
Danielle Creech, GC/CM Committee
Nick Datz, Pierce Transit
Nancy Deakins, Department of Enterprise Services
Jim Dugan, Parametrix
Bill Frare, Department of Enterprise Services
Theresa Gonzalez, MRSC
Jeff Gonzalez, Department of Enterprise Services
Valerie Gow, Puget Sound Meeting Services
Sam Heron, Overcast Innovations
Gina Hortillosa, KBA, Inc.
Jeff Jurgensen, OAC Services
Karl Kolb, Coffman Engineers
Don Laford, Skillings
Brynn Linville, MRSC

Monique Martinez, Department of Enterprise Services
Art McCluskey, WSDOT
Claire Moerder, Maul Foster Alongi
Colleen Newell, Maul Foster Alongi
Sam Obunike, O'Bunco Engineering
Ron Paananen, HDR Engineering, Inc.
Catina Patton, PNW Diverse Solutions
Brenda Pellitteri
Mike Pellitteri, Pellco Construction
Angela Peterson, Port of Seattle
Brenda Portaro, OMWBE
Cathy Robinson, University of Washington
Linda Shilley, Pierce Transit
Young-Sang Song, Song Consulting
Lance Thomas, Delta Technology
Michael Thomas
Tony Udeagbala, O'Bunco Engineering
Michele Willims
Charles Wilson, Department of Enterprise Services