Committee Members: *(14 members, 8 = Quorum)*

X	Dave Johnson *Co-Chair,* General Contractors	E	Art McCluskey, Owner General Public
X	Jeff Gonzalez, *Co-Chair*, Owners State	X	Karen Mooseker, School Districts
X	Kurt Boyd, Specialty Subcontractors	X	Mike Pellitteri, Specialty Subcontractors
	Marvin Doster, General Contractors	X	Irene Reyes, Private Industry
X	Lekha Fernandes, OMWBE		Linneth Riley Hall, General Owner
	Bobby Forch, Jr., Disadvantaged Businesses		Robynne Thaxton, Private Industry
X	Thomas Golden, Design Industry-Architects	X	Olivia Yang, Higher Ed

 Guests:
 Talia Baker, DES Staff
 Colleen Newell, MFA

Co-Chair Jeff Gonzalez called the meeting to order at 11:17 a.m. A quorum was established.

1) **Review and approve agenda -** *Action*
   Co-Chair Gonzalez reviewed the agenda and asked the group for any edits before proceeding.
   Irene Reyes moved, seconded by Dave Johnson, to approve the agenda. The motion was approved by a voice vote.

2) **Approve minutes from 9/21/2023** – *Action*
   Co-Chair Gonzalez asked the group for any edits to the meeting minutes from September 21, 2023.
   Jeff Gonzalez moved, seconded by Kurt Boyd, to approve the meeting minutes. The motion was approved by a voice vote.

3) **Revisit preventative measures from 9/21/2023** – *Discussion\Action*
   a) The purpose of the first part of the meeting was to revisit the preventative measures that were discussed during the previous meeting, identify any implementation steps, and consider if any issues were missed.
   b) The preventative measures that were discussed included coordinating with the Education Connections Committee to ensure that owners were well educated and prepared. Another component was updating the PRC questionnaire and application so that the questions were more detailed and would better assess whether an owner was well-prepared and understood the statute. Lastly, there was a consideration to compile examples of good projects and best practices and make those available to owners.
   c) Having a questionnaire and training for owners was identified as being a beneficial option for the preventative measures. Co-Chair Gonzalez noted that when he started on the PRC there was a series of documents that each member needed to be familiar with. While there was no follow up to confirm that he had read the content, he felt an obligation to read them. This could be similarly implemented for owners – compiling a list of documents and making those available for owners to read and become familiar with.
   d) The BE/DBI Committee currently has a best practices and lessons learned document, which could be a guide to help develop a similar document for preventative measures. This document identifies best practices, the results that follow, and what steps were taken to get to those results. There are also several case studies that demonstrate best practices as well as lessons learned. It was also noted that a GC/CM subcommittee is developing a best practices document as well, with the intent being to have a best practices document that demonstrates good examples.
   e) Another idea is to have a pre-bid pre-application meeting for new owners. This would ensure new owners have the necessary information they need before coming to the PRC, and to understand what does and does not make a project successful.

f)   Another option to ensure that there is an understanding of good and bad examples of projects or applications is to gather feedback, lessons learned, and case studies from PRC members. In order to understand what has gone well and not well, the committee Co-Chairs can collect a variety of examples and case studies. Committee members were asked to send Co-Chair Gonzalez and Co-Chair Dave Johnson good and bad examples, which they will compile for the next meeting. This dips into the second objective, which addresses how this information is collected and what to do with it. Collecting this information will help the committee better understand the issues at hand and how to address them.

g)   It is important to ensure that the examples collected reflect a variety of project types and sizes and represents a wide range of owners. If owners will use this compiled list as a tool or resource to expand their learning, it would be beneficial to have examples that similarly reflects the type and structure of their own project.

h)   The consideration of who will collect the complaints, lessons learned, and best practices still needs to be determined. This delves into the second part of what the committee will discuss, which asks what the process is and determines what is done with the information. It may be important that DES collects all of the records, however it would require more work for DES staff to compile. One recommendation is to link a best practices document in the training so that there is only one written form included in the application.

i)   DES has a generic informational sheet that is downloadable for certifications and projects, which is a living document, and it gives applicants an idea of what to expect. There may be an opportunity to provide examples of best practices and a checklist of what an ideal application would entail, and what to avoid. There are a variety of old applications for both certifications and projects that could be used as examples, which would require asking permission from the applicant.

j)   The topics this committee will consider for the next meeting include discussing a high-level introduction for the application, indicating what sector of work it falls within, what was asked, and how to implement case studies.

k)   The Co-Chairs will collect examples of projects and certifications and sort them by owner preparedness issues and post-incident issues. The focus will first be on the owner-preparedness. In addition to collecting examples of both good and bad, this committee can begin thinking about questions that could be included on the PRC application to ensure owners are prepared.

l)   It is also important to distinguish between what gets posted to the public versus what actually gets executed and whether there are differences between the two. There are some owners that have taken a GC/CM project's bid number and not shared with the group who the successful bidder would be. Instead, they have taken the low bids, gone back, and then included the scores and got back to owners regarding who the low bidder is. There are feelings of non-transparency.

m)   Working for agencies that are certified Design-Build or GC/CM, there are often challenges to getting paid in a timely manner because they cannot get a payment application. There are some instances where the payment is delayed by several months as a result of this. When inquiring about it, it often comes out that the owners' process to review and process payment takes a long time. If a business is certified, there should be an established process in place. This may be a good opportunity to point people to the GC/CM document, which is very robust.

4) **Start Brainstorming Objective #2 – Post Incident** – *Discussion*
    a)   This committee now must think about the second objective, which considers how information is collected as well as the process of reporting and recording complaints. One thing to consider is whether there are various stages in the process and if there is an escalation stage. Is there a point in which something needs to be discussed with the PRC and then reported to CPARB? This committee must discuss what this process looks like.

b) There needs to be a process to ensure that issues relating to late payments do not continue to happen. This committee also needs to consider whether they should be addressing problems that are specific to a project or rather address the entire process. It's important to ensure clarity in the process when issues arise and when the aggrieved party is unable to come to a solution through direct contact. The next step may be escalating it to outside intervention to resolve the issue.

c) When an agency comes up for recertification, it is important to look at their history, see if there were any issues, and determine if and how those were resolved. Because agencies cycle through the PRC and do not return on a regular basis, it's important to determine whether there was an opportunity to look at issues that came up and how they are addressed.

d) If there was an incident in which an agency went through an escalated level of intervention, it is important to determine a way to track those incidents and have them on file. There are times in which agencies are ignorant of the issue and have no knowledge of how to address it. Perhaps there's a way to classify that an agency has these issues so that they are not a preferred contractor. It was suggested to elevate these issues to the PRC, but, if possible, it should first be more of an informal conversation prior to elevating it.

e) When the owners and representatives are developing RFPs, they need to see it through the lens of those who will submit the project. The purpose of having a compilation of lessons learned or case studies is to better understand the entire problem and how to address both objectives. Once those issues are collected and gathered, the process can begin for making suggestions that can be brought back to CPARB.

f) Another issue is to consider what changes can be made to the PRC application regarding objective and subjective scoring. The subjective scoring of the financial aspects cannot be changed. However, it is not the job of this committee to solve the problems related the application, but rather identify issues, how they might be solved, and then make suggestions for how the issues can be addressed.

g) It was asked whether this issue is across the board and an interpretation of the statute, or whether there was a hole in the statute itself. There may be a need for more clarity so that the problems do not continue to happen. The intent of the RCW 39.10 is to bring the most qualified applicant to the table. How someone conducts themselves in the first phase of the technical and how that progresses into the next phases is important to consider, as well as keep in mind who might be evaluating it and how they may be swayed. This is an example of a potential issue that may need to be looked at.

h) Regarding the process, when someone gets a complaint or a concern, there needs to be a form or way to capture the issue and establish a few questions to capture that information. There also needs to be consideration about when the issue needs to be elevated, as well as a process to ensure that each complaint that is made receives a fair process. One question to consider is when CPARB should get involved in helping to address or resolve issues. Setting up a questionnaire will help to determine if it is a technical issue or whether it needs to be escalated to a different committee.

i) It is important to have a place to collect and store this information. This committee is not set up to be long term, and so creating an established system will be an important outcome from this committee.

j) There needs to be a balance with having structure as well as ensuring that the structure does not get in the way of resolving the issue. There may be an opportunity to do both. If this issue is resolved with direct conversation, then no outside intervention is needed within the parties. However, even though it is a minor technical concern there may still be a need to document it. Creating a template would ensure the process is fair and equitable.

k) If there are repeat offenders for smaller issues that are resolved without escalation, it would be important for that to be known and documented. Again, it was brought up for a need to understand how those questions will be asked, and a template or guideline would be a good way to do this. One option is to have a form that has guidelines and protocols. There could also be a form for owners to fill out as their response to the complaint.

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5) **Next Meeting Agenda –** *Discussion*
   During the next meeting, the committee will review the examples that were collected by the committee Co-Chairs and discuss approaches for how to address these issues.
   - Thursday, November 26, 11:00am – 12:30pm
   - Approve Agenda
   - Post-Incident Approach
   - Next Meeting Agenda
   - Adjournment

6) **Action items**
   a) All members to think about and send Co-Chair Jeff Gonzalez and Co-Chair Johnson examples of issues related to projects and certifications.
   b) The committee Co-Chairs will sort them by owner preparedness issues and post-incident issues.

7) **Meeting Adjourned at 12:03 p.m.**