

## CAPITAL PROJECTS ADVISORY REVIEW BOARD

May 12, 2011

9:00 AM

DRAFT Minutes

<b>Members Present</b>	<b>Representing</b>	<b>Members Absent</b>	<b>Representing</b>
Daniel Absher	General Contractor	Dave Johnson	Construction Trades/Labor
Vince Campanella	General Contractors	Larry Byers	Insurance/Surety Industry
Damon Smith	Engineers	Norman Strong	Engineers
Christine McCorkle	Specialty Contractors	Rep. Bruce Dammeier	House (R)
Ed Kommers (vice chair)	Specialty Contractors	Senator Rodney Tom	Senate (D)
Mike Riker	Construction Trades Labor	Vacant	Senate (R)
Cathy Canorro	OWMBE		
John Ahlers	Private Industry		
Christopher Hirst	Private Industry		
Olivia Yang	Higher Education		
John Lynch	GA		
Helaine Honig	Cities		
Gary Rowe	Counties		
Robert Maruska (chair)	Ports		
Chuck Davis	Public Hospitals		
Steven Crawford	School Districts		

**STAFF & GUESTS are listed on the last page**

### **Welcome & Introductions**

Chair Robert Maruska called the Capital Projects Advisory Review Board (CPARB) meeting to order at 9:04 a.m. Members present provided self-introductions. Helaine Honig, representing Cities, gave a brief self-introduction and was welcomed to the Board. A meeting quorum was attained.

### **Approve Agenda**

Agenda reviewed. JOC report added. **Ed Kommers moved to approve, Bob Maruska seconded. Motion carried.**

*Representative Haigh arrived at 9:13*

### **Approve February 10, 2011 Minutes**

Mark Riker requested a change on the attendance list to show he did attend. **Chuck Davis moved to approve the minutes with correction noted, seconded by Ed Kommers. Motion carried.**

### **Project Review Committee (PRC) Review of the March 24<sup>th</sup> PRC meeting:**

PRC Vice Chair, Tom Peterson, reviewed results from the March 24, 2011 meeting. The PRC considered five project applications and approved the following to use the General Contractor/Construction Manager procedure:

1. Kennewick School District's Elementary School Modernization
2. Eastern Washington University's Patterson Hall Phase II
3. Lake Washington School District's New Building for Alexander Graham Bell Elementary
4. Lake Washington School District's New Building for Benjamin Rush Elementary

5. Pierce County Public Works & Utilities' Chambers Creek Regional Wastewater Treatment Plant

The PRC considered a project application and approved the following to use the Design Build procedure:

1. Washington State University's Waller Hall Student Housing

**PRC Membership**

Open positions were discussed and the vote was postponed until after the break to accommodate visitors and those attending via conference call for the Appeal.

**PRC Appeal for Kennewick School District Project**

*(Terry Miller, attorney for JN Jacobsen & Sons, was present via conference call)*

Bob Maruska requested Terry Miller to summarize his appeal. He stated the basis of the appeal is a failure to publish notice and have a meaningful public comment on the process. Mr. Miller says the appeal stands as written in the letter.

Greg Guedel, Attorney for Kennewick School District, stated that most of the substance in the appeal is in his response. They request that the PRC's decision be confirmed by CPARB and the project be allowed to go forward as it is ongoing at this point.

Mr. Maruska requested PRC Chair Mr. Peterson's response to the appeal. Mr. Peterson stated that he was the chair for the Kennewick application panel and it was a unanimous decision to approve the project. I don't see anything that would be any different than the PRC would require for any other applicant.

The Board asked many questions for possible reasons to reject the PRC's approval of the project. Both sides responded to these questions. (All are available on the audio version.)

Closing comments:

- Mr. Miller: no further comment.
- Mr. Guedel: only that the DJC is a legal paper that circulates in relevant area and is in fact the paper of choice for the construction industry for receiving public notices as the PRC notice. The fact that when you look at exhibit #4 you'll see its statewide for public notice this is the paper that people look for when looking for public notices and that the requirements were fully met.
- Tom Peterson: PRC was unanimous and stands by its decision.

Dan Absher, Vince Campanella, Damon Smith recused themselves from the vote as they are participating in the project.

**Ed Kommers motioned** to reject the appeal, finding no substantial evidence to indicate the PRC erred in its decision. John Ahlers requested that the motion include that the advertisement was

appropriate in the DJC. If we don't give that direction there is uncertainty as to the appropriate notice and there was no evidence that convinced the board otherwise.

**SUGGESTED CHANGE BY Ed Kommers:**

**Ed Kommers moved** to reject the appeal, finding no substantial evidence to indicate the PRC erred in its decision and that the advertisement was appropriate in the DJC.

**Bob Maruska seconded. Motion approved unanimously with three abstentions.**

Break at 10:21

Reconvened at 10:44

**PRC Membership**

**Gary Rowe moved** to reduce the representation by counties to one. **John Lynch seconded. Motion Approved.**

**Ed Kommers moved** to amend the motion that the representation of counties be reduced from two to one seat and the eliminated county seat be reallocated to a general public owner and advertise for position. **Olivia Yang seconded. Motion Approved.**

**Ed Kommers moved** to appoint Linneth Riley-Hall to the current General Owners position and have her previous position of Cities be opened for recruitment. **Chuck Davis seconded. Motion Approved.**

**Ed Kommers moved** to appoint Bill Yarwood to the current Higher Education position. **Dan Asher Seconded. Motion Approved.**

**Ed Kommers moved** to reappoint Darron Pease and appoint Kevin Sutherland to the current Specialty/Subcontractor positions. **Vince Campanella seconded. Motion Approved.**

**Ed Kommers moved** to appointed Shasta McKinley to the current Engineers position. **Damon Smith seconded. Motioned Approved.**

**Ed Kommers moved** to reappoint Dan Chandler to the current Construction Manager position. **John Ahlers seconded. Motion Approved.**

**Ed Kommers moved** to reappoint Penny Koal to the current General Administration position. **John Lynch seconded. Motion Approved.**

**Cathy Canorro moved** to appoint Kristen Bell to a current MWBE position. **John Ahlers seconded. Motion Approved.**

**Gary Rowe moved** to appoint Dan Seydel to a current MWBE position. **John Lynch seconded. Motion Approved.**

The following positions were not filled and will be posted in the DJC and on the website:

- General Public Owner

- Owner – Cities
- Owner – Counties

### **Small Business Task Force Update**

Daniel Seydel updated on the spring meetings. The focus for 2011 is to draft a companion bill to HB1070, and also draft recommendations for CPARB. Develop a central application that small firms will be able to register with that creates one data base that can be used by various agencies. Third, look into identifying small business as criteria in evaluating contracts with two specific GCCM and DB methodologies.

### **Responsibility Task Force**

A seminar was put on by task force. Dan Absher, Mike Purdy, Nora Huey, Paul Szumlanski were speakers at the seminar and it was well received. They are putting together another seminar next year. The group is also working on guidelines and plans to have that complete this summer.

### **Legislative Update**

Representative Haigh spoke on the session and where they are. Two big issues this year are worker's comp bill and debt limit. CPARB interests Bill Status is posted on website. Our House Bill 1970 is on agenda for next session and is a carry over. (Sub)

[Senate Bill 5662](#), establishing preference for in-state or resident contractors on public works, is being signed by the governor on May 12.

### **Data Analysis**

Darlene Septelka provided a results summary of the data collection she was able to do before the budget was eliminated. There will not be a written report but a PowerPoint presentation was shared today. After the Board reviews, it will be available on CPARB's website.

### **JOC Summary**

Nancy Deakins did a quick preliminary summary of the JOC data collection. We were not able to gather a task force due to budget cuts so the data is raw data that is first being presented today. There was some misunderstanding on what data was being collected and so the decision was made to just take the data submitted and report on it. City of Seattle stated that the wrong information was reported and they will be resubmitting their information.

### **September CPARB Agenda items:**

- PRC Report & Membership
- Reauthorization Subcommittee
- Responsibility Task Force – updated draft of guidelines
- Small Business Task Force

**Motion to end meeting made at 12:17 p.m. by Dan Absher. Seconded by Vince Campanella. Motion carried.**

<b>Staff &amp; Guests</b>		
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*CPARB DRAFT MINTUES*

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Nancy Deakins, GA	Danelle Bessett, GA	Nancy Locke, Seattle
Mike Purdy, MEP Associates	Earl Smith, WAFCF	Dan Seydel, Platinum
Tom Peterson, PRC	Shasta McKinley	Eric Smith, UW
Dick Lutz, Centennial	Ginger Eagle, WPPA	Aleanna Kondelis, Seattle
Jeanne Rynne, OFM	Rory Woolsey, Gordian	Aran Buchan, ABC
Joshua Clarke, City of Tacoma	Ross Good, Elcon	Karen Primeau, Platinum
Greg Guedel, Foster Pepper	Larry Stevens, MCAA/NECA	Robert Payne, KCDA
Van Collins, AGC	Lisa Taylor, King County Wastewater	