

## CAPITAL PROJECTS ADVISORY REVIEW BOARD

### Minutes

September 8, 2011

DRAFT

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

**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 9:06 a.m. Members present provided self-introductions. Walter Schacht, was introduced to Board as the newly appointed representative of Architects. Dave Myers was introduced as a possible candidate to represent the Construction Trades Labor seat left vacant by Dave Johnson. We are awaiting appointment from the Governor's office.

### **Approve Agenda**

Agenda reviewed. House Bill (HB) 1497 CPARB Duties for K-12 contracts, Job Order Contracting (JOC) Technical Changes, and HB1559 Indemnity Clause for Architects were added to the agenda after the break.

**Gary Rowe moved to approve, Dan Absher seconded. Motion carried.**

### **Approve May 12, 2011 Minutes**

Ed Kommers requested the May Minutes reflecting the motion for the PRC Appeal be re-written to reflect this statement: '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.'

**John Lynch moved to approve the minutes with correction noted, seconded by Vince Campanella. Motion carried.**

### **Project Review Committee (PRC)**

*Review of the July 28<sup>th</sup> PRC meeting:* Rick Benner, Vice-Chair, on Tom Peterson's behalf, reviewed the July meeting. There were no project requests for July. Stating the entire meeting

was a training session and doing an orientation for new members and as a refresher for long-time members.

### PRC Membership

Candidates for PRC Membership were reviewed. Several spoke to the board representing themselves and others spoke on behalf of candidates.

**Gary Rowe moved to appoint Jim Burt [of King County] to the Counties representative. Ed Kommers seconded. Motion carried unanimously.**

**Vince Campanella moved to appoint Keith Bloom [with WSU] to the General Public Owner seat. Olivia Yang seconded. Motion carried unanimously.**

**Helaine Honig moved to appoint Aleanna Kondelis [with city of Seattle] to the Owners-Cities representative. Cathy Canorro seconded. Motion failed. Vote 6 yeah, 8 nay.**

**Rep. Bruce Dammeier moved to appoint Ravyn Whitewolf [with the city of Bellingham] to the Owner-Cities representative. John Lynch seconded. Motion carried unanimously.**

### JLARC Sunset RCW – Sunset Review

Mark Fleming introduced Keenan Konopaski, Legislative Auditor, and spoke of the needs required of CPARB for the completion of JLARC's audit. Keenan spoke of his duties in a non-partisan capacity. In his Power Point presentation to the Board, he reviewed the process that CPARB will go through over the next year during the sunset review as 2013 is the current termination date for RCW 39.10, alternative public works procedures and CPARB. JLARC's duties are to make a recommendation to modify, keep or disband the Board. He formally requested all our data collection and to use the data for the review. He will need this information in the spring of 2012. This project field work needs to be wrapped up for preliminary review by June 2012. They will present their preliminary report to JLARC in September 2012.

Representative Haigh made clear to JLARC representatives that all funding for our data collection had been removed and this highly inhibits our ability to collect further data. It was suggested CPARB request that the Sunset Review Clause be removed. Representative Haigh and Representative Dammeier said there would be more risk in losing CPARB by trying to remove the sunset clause than going through the audit.

*Break 10:01*

*Restart 10:14*

### HB 1497 CPARB Duties for K-12 Contracts

John Lynch reviewed the pre-read document showing [HB 1497](#), Section 7010, and CPARB's required responsibilities to develop with General Administration and in consultation with the Office of the Superintendent of Public Instruction, a performance base school construction pilot program. He requests a subcommittee to fulfill these requirements. He will set two meetings before the November CPARB meeting and report. Information will be available on the website. Rep Dammeier spoke on behalf of the bill and requests we create the subcommittee.

**John Lynch moved to create a CPARB/K-12 Performance-Based Construction Contracts Subcommittee. Mark Riker seconded. Motion passed.**

Volunteers were requested. John Lynch volunteered to chair and 14 other people volunteered, include 12 CPARB members noted as (C). Since the number of CPARB members on the subcommittee could make a quorum, these meetings require public notice.

- |                          |                                   |
|--------------------------|-----------------------------------|
| 1. John Lynch, Chair (C) | 9. Mark Riker (C)                 |
| 2. Walter Schaacht (C)   | 10. Darlene Septelka              |
| 3. Chuck Davis (C)       | 11. Stan Bowman                   |
| 4. Chris Hirst (C)       | 12. OSPI - to be identified later |
| 5. Helaine Honig (C)     | 13. Dan Absher (C)                |
| 6. Vince Campanella (C)  | 14. Cathy Canorro (C)             |
| 7. Damon Smith (C)       | 15. Ed Kommers (C)                |
| 8. Olivia Yang (C)       |                                   |

Rep. Dunshee expressed interest in attending the subcommittee meetings. The roster will be available on the [website](#).

**John Lynch moved to appoint the 15 volunteers to the subcommittee. Bob Maruska seconded. Motion carried.**

### **JOC Technical Changes**

John Lynch reviewed some issues of how Job Order Contracts (JOC) is handled. These issues are problematic and he would like to put together a JOC Subcommittee to change the technical errors and in the future discuss how to expand the JOC process. Bob Maruska suggests we include data collection in the discussion.

**John Lynch moved to create a JOC Subcommittee. Chuck Davis seconded. Motion Passed.**

Volunteers were requested. John Lynch volunteered to chair and 11 other people volunteered. The roster will be posted on the [website](#).

**John Lynch moved to appoint the 12 volunteers to the subcommittee. Bob Maruska seconded. Motion carried.**

### **HB 1559 Indemnity Clause – Architects**

Chris Hirst requested that people volunteer to discuss [HB 1559](#) as it pertains to architects as was requested by Senator Kline. He is willing to lead a group in discussion and if you have questions or would like to volunteer, please contact him via email at [christopher.hirst@klgates.com](mailto:christopher.hirst@klgates.com).

### **Reauthorization Subcommittee**

Ed Kommers spoke on the February 2011 proposed motion to create a reauthorization Subcommittee. This was tabled in February. Now, he is requesting that the Board create a

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subcommittee to develop a plan of action for the Sunset Review and for the success to reauthorize CPARB. This would enable the Board to add changes and assist in the reauthorization of RCW 39.10. Ed Kommers said he believes the subcommittee needs to form immediately and needs to focus on goals set in the February brief that is posted online. Bob requested notes reflect the February documents be reviewed by all subcommittee members.

**Ed Kommers moved to create the Reauthorization Subcommittee. Dan Absher seconded. Motion carried.**

Volunteers were requested. Ed Kommers volunteered to chair and 19 other people volunteered, including 9 CPARB members noted as (C):

- |                                |                          |
|--------------------------------|--------------------------|
| 1. Ed Kommers, Chair (C)       | 11. Darlene Septelka     |
| 2. Gary Rowe (C)               | 12. Stan Bowman          |
| 3. Chuck Davis (C)             | 13. Mike Purdy           |
| 4. Chris McCorkle (C)          | 14. Linneth Riley-Hall   |
| 5. Dan Absher (C)              | 15. Larry Stevens        |
| 6. Bob Maruska (C)             | 16. Ginger Eagle         |
| 7. Olivia Yang (C)             | 17. Ashley Probart       |
| 8. Chris Hirsch (C)            | 18. Van Collins          |
| 9. GA - to be identified later | 19. Vince Campanella (C) |
| 10. Dick Lutz                  | 20. Nancy Locke          |

The roster will be posted on the [Task Force/Subcommittee page](#).

**Dan Absher moved to approve the 20 members. Bob Maruska seconded. Motion carried.**

*Representatives Haigh & Dammeier left at 10:55.*

**Data Analysis**

Nancy Deakins stated that the Board needs to approve the data analysis as presented in May with updates completed in August. All Board members were emailed access to the revision in August. No additional comments were submitted in the final distribution. It was asked if CPARB is meeting JLARC needs for the audit. John Lynch has met with JLARC and they are pleased with the information they have received but request to have any additional data by spring of 2012. John Lynch and other members of the Board responded that the budget will preclude CPARB from doing any in-depth analysis. Mark Fleming, JLARC, said he will need as much information as possible by April, he also recognized our time and budget constraints.

**Gary Rowe motioned to accept the Project Data Analysis Report provided and to allow CPARB support staff to work with JLARC to provide any additional information they need as staff determine appropriate. Dan Absher seconded. Motion carried.**

Nancy Deakins reminded the Board that in 2010, the Board requested to put a JOC/Data Collection survey online to complete. A cost was received and time is available for DES Information Services staff to develop it. The Board agreed there is no budget or resources for completion of a new online survey. Also, for any public entities that believe the information

collected on the current JOC report is incorrect, it is the public entities responsibility to contact Nancy or Danelle Bessett to provide corrected data.

**Small Business Task Force (SBTF) Update**

Dan Seydel gave a report on the past six SBTF meetings. He also reviewed the recommendations supported by the task force. Please see [Small Business Task Force Report](#) for details. Dan requested that the Board approve these recommendations. The Board agreed to review the issues before November’s meeting and discuss these recommendations at that meeting. Bob Maruska confirmed that HB 1970 will go forward in legislation approval in the 2012 Session.

**Legislative Update**

Nancy Deakins referred everyone to the last [Final Report 2011](#) and stated we do have two bills going forward in the 2012 session, [HB1970](#) and [HB1071](#).

**September CPARB Agenda items:**

- PRC Report & Membership
- SBTF/CPARB Sponsorship of Bills
- New Subcommittee Reports
- Reauthorization – Sunset Review
- Budget Status

**General Administration Changes Name**

As of October 1<sup>st</sup> General Administration’s name will be officially changed to Department of Enterprise Services.

**Motion to end meeting made at 12:12 p.m. by Bob Maruska Seconded by Chuck Davis Motion carried.**

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