

CPARB DECISION ISSUES
for
January 25, 2007

1. Data Collection Report
2. Draft language revisions to RCW 39.10, including:
 - a. Project Review Committee
 - 1.) Public body certification requirement for “demonstrated success in managing at least one general contractor/construction manager or design-build project within the previous five years.” Sec. 107 (2) (b) (v)
 - 2.) Appeals (Sec. 109) – CPARB approved resolution of appeals within 30 days, however, the drafting subcommittee is proposing to change it to 45 days to not force a special meeting by the board. The board shall resolve an appeal within ~~thirty~~ forty-five days of receipt of the appeal
 - 3.) Address carry over projects – projects advertised for selection of GC/CM or DB teams do not have to go to Project Review Committee?

Motion carried for 1) - 3). None opposed.

Dan’s motion b-f

Allow parking garages DB < \$10M

Reject all proposals reasons in writing from owners for DB only, from GC/CM to subs.

MACC at 90% without early agreement clause

\$10M threshold for DB but not GC/CM

DB O&M as written in f.

Motion carried 8 to 2.

- b. Allow parking garages for design build (Sec. 201) – Insert (2) Subject to the process in Section 107 or 108, public bodies may use the design build procedure for parking garages regardless of cost.; and renumber (2) and(3).
- c. Reject all proposals, and provide reasons for rejection in writing to all proposers. Was this really intended for GC/CM selection, too?

Sec 303 (4)? (It was initially discussed for design-build in Sec. 204 (2)) Notes from Dec 2006 CPARB meeting indicated approved for both sections, however, Code Review Subcommittee did not recall that it was discussed for both sections. [Previously noted as approved, but did not receive majority of 6 votes in Dec. 2006, only 5 to 2.]

- d. MACC set at 90% “unless parties agree to set it at a different time.” (Sec. 304 (1)) Public body may not consider the contractor’s willingness to agree to set the MACC earlier than 90% at all in the selection process.

[Previously noted as approved, but did not receive majority of 6 votes in Dec. 2006, only 4 to 3.] January – also discuss Jan. 4th AGC letter.

- e. DB threshold.

Dec 2006: Motion: Eliminate \$10 million threshold.

Tied at 4 to 4. Not carried.

Amendment? let the project review committee determine the appropriate amount/threshold.

Jan. 4th AGC letter re: eliminating \$10 million for GC/CM, too.

- f. DB – Except utility projects, not for O&M > 3 years. Sec. 200 Except for utility projects, the public body shall not use this process for projects involving Operations and Maintenance services for longer than three years.

[Did not receive majority of 6 votes in Dec. 2006. only 5 to 3, previously noted as approved]

- g. JOC – Need to correct Sec. 404 (1) max work order \$300k, except that 2 work orders \$350k each are allowed in a 12-month contract period. & delete (2) as inconsistent with intent in (1).

Motion carried unanimously.

3. Dave Johnson’s Jan 8th memo, issues:

“...inclusion of the following clarifying language should be incorporated into proposed legislation in order for the Washington State Building and Construction Trades Council, AFL-CIO to support an agreed to CPARB proposal.

Section 303, subsection (3) deals with evaluation factors for the selection of the GC/CM. The following language should be added:

No public body may disqualify or rate a proposal for general contractor/construction manager services on the basis of terms of a collective bargaining agreement to which the proposing entity is bound.

Section 305 deals with subcontracting. The following language should be added to Section 305, subsection (1):

In preparing subcontract bid packages, the general contractor/construction manager shall not be required to violate or waive terms of a collective bargaining agreement to which it is bound.

The Washington State Building and Construction Trades Council will not be able to support legislation that does not incorporate this language.”

4. The Mechanical Contractors Association (1/23/07 e-mail):
 - a. Section 305: Add some “due process” for a bidder to protest.
 - b. Section 307: Add some “due process” for a firm seeking eligibility to protest
 - c. Section 308: Add “claims” to section 5. A sub would only have to waive bond, retainage and claims to the extent paid.
 - d. Section 403: Allow a “mechanical JOC” and require that it only sub 70% of the job.
5. Draft language revision to RCW 39.04.180 – Trench Excavation
6. Responsible Bidder language draft

Section 2, paragraph (3). Substitute the word "execute" for "award" in the last sentence. Nora’s notes reflect that a contract could not be executed for two business days after the Owner has made a final decision. This language is also consistent with RCW 39.04.105.

7. Items missed in the reviews:
 - a. From 39.10.061 (5) last sent. Do we need to add this back in to New Section 304 as (6)?

If MACC varies > 15% from bid est. MACC due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

- b. RCW 39.10.100, Public Inspection of certain records – protection of trade secrets (Effective until July 1, 2007.) Need to delete the reference to July 1, 2007.**

8. Other suggestions approved by the Chair