March 30, 2011

State of WA
Projects Review Committee
c/o Bob Dickson
Deputy Assistant Engineering & Architectural Services
Department of General Administration

Re: NOTICE OF APPEAL
Project Review Committee's March 24, 2011 Approval
Kennewick School District - Elementary Modernization Project

Dear Sir or Madam:

This office represents JN Jacobsen & Son, Inc. ("Jacobsen") a registered contractor and interested party in the above referenced project. Jacobsen hereby appeals the PRC's approval of the referenced project pursuant to RCW 39.10.290.

BACKGROUND

The Kennewick School District ("KSD") submitted an Application dated February 24, 2011 for approval to use a General Contractor/Construction Manager on the Project. By KSD's account as recited in its Request for Proposal, the Project Review Committee ("PRC") approved the KSD application on March 24, 2011. The PRC website as of today has no apparent status of the KSD application.

GROUNDS FOR APPEAL

Jacobsen's first basis for appeal is failure to give the required notice and to hold a public hearing. RCW 39.10.260 and the PRC By-laws require public notice of the Committee's public meeting at least 20 days before the meeting in a legal newspaper circulated in the area where the proposed projects under consideration will be constructed. By referencing to the PRC's website at www.ga.wa.gov/CPARB/PRC I contacted Robyn Hofstad regarding publication of the notice of the meeting. Ms. Hofstad informed me that the only notice published to her knowledge was that published in the DJC presumed to be the Daily Journal of Commerce circulated in and about Seattle.

Notice and public comment are integral parts of the approval process and their absence alone should be sufficient grounds for restarting the process.

Without notice and access to the Committee's actual determination and action, Jacobsen is forced to rely upon the requirements for approval as set forth in RCW 39.10.280.

A determination that alternative contracting procedures will either provide a substantial fiscal benefit or that traditional contracting is not practical would be in error. These projects are typical modernization addition projects nearly identical to projects underway or completed under the traditional method. The GC/CM procedure will only add cost, complexity and time to the projects.

The proposed project does not meet the requirements in RCW 39.10.340, to wit:

1. The project does not involve complex scheduling, phasing or coordination. The buildings will be empty. The scheduling for the most part is unrestrained by any outside activities and no phasing is required.

2. The projects are not occupied.

3. The design stage for the buildings is substantially complete.

4. The project do not encompass a complex or technical work environment.

5. By the KSD's own admission no project buildings have historic significance.

The KSD does not have the experience or qualifications necessary to carry out the project. The KSD has apparently retained or seeks to retain outside professionals, mostly from Seattle, to manage a critically tight schedule in Kennewick. Only one KSD employee is identified as part of the team. The details of that employee's experience are not provided.

While it is unclear whether the KSD's Request for Proposal was part of its application package, the RFP does not meet statutory requirements and indicates either lack of attention to the process or a failure to follow the procedures.

Please advise of the next step in the appeal process.

Very truly yours,

Terry E. Miller
Attorney at Law

TEM/kh

cc JN Jacobson, Inc.
Kennewick School District