

CAPITAL PROJECTS ADVISORY REVIEW BOARD

**John L. O'Brien Building
504 15th Avenue. Hearing Room A
Olympia, Washington
October 11, 2007
9:00 AM**

Final Minutes

**MEMBERS PRESENT
REPRESENTING**

REPRESENTING

MEMBERS ABSENT

Daniel Absher	General Contractor	Rep. Dan Kristiansen	House
Gerald "Butch" Reifert	Architects	Senator Phil Rockefeller	Senate (D)
Rocky Sharp	Specialty Contractors	Senator Dale Brandland	Senate (R)
Ed Kommers	Specialty Contractor	VACANT	General Contractors
David Johnson	Construction Trades Labor	VACANT	Engineers
Olivia Yang	Higher Education	VACANT	Construction Trades Labor
John Lynch (Chair)	General Administration	VACANT	OMWBE
Larry Byers	Insurance/Surety Industry	VACANT	Private Industry
Rodney Eng	Cities	VACANT	Private Industry
Nora Huey	Counties		
Robert Maruska	Ports		
Wendy Keller	Public Hospital Districts		
Dan Vaught	School Districts		
Rep. Kathy Haigh (Vice Chair)	House of Representatives (D)		

STAFF & GUESTS

Nancy Deakins, GA	Rick Slunaker, AGC
Searetha Kelly, GA	Ginger Eagle, WA Public Ports
Cheri Lindgren, Puget Sound Meeting Services	Larry Stevens, MCAWW/NECA
Miriam Israel Moses, Rebound	Pam Johnson, OST
Rodger Benson, MA Mortenson, PRC Chair	Stan Bowman, AIA WA Council
Dick Goldsmith, AWP/PHD	Dick Lutz, Centennial Construction
Sandi Triggs, OFM	Erik Smith, UW, PRC Vice Chair
Karen Barrett, JLARC	Ruta Fanning, JLARC
Gerald Schlatter, WSU (via conference call)	Mike Leonas, WSU (via conference call)
Robin Hofstad, GA	Roland Orr, GA
Penny Koal, GA	Larry Sheahan, AGO
Marsha Reilly	Karly Absher

Welcome & Introductions

Chair John Lynch called the Capital Projects Advisory Review Board (CPARB) meeting to order at 9:08 a.m. A meeting quorum was attained. Everyone present provided self-introductions.

Approval of Agenda

Olivia Yang moved, seconded by Daniel Absher, to accept the agenda as presented. Motion carried.

Representative Haigh arrived at 9:12 a.m.

Approval of September 13, 2007 Meeting Minutes

Ed Kommers moved, seconded by Dave Johnson, to approve the September 13, 2007 minutes as presented. Motion carried.

Public Comments

Chair Lynch read a letter from Michael Murphy, State Treasurer, stating some public owners are considering using 63-20 financing as a means to avoid the Alternative Public Works (APW) process. Mr. Murphy requests the CPARB recommend to the Legislature that project information is required on all capital projects requiring compensation at prevailing wages.

JLARC Sunset Review

Ruta Fanning, Legislative Auditor, Staff Director for the Joint Legislative Audit and Review Committee (JLARC), distributed copies of a PowerPoint presentation, and a *Legislative Auditor's Annual Update* report dated May 2007.

Ms. Fanning reported JLARC is a joint (bicameral), bipartisan committee of 16 legislators. She reviewed JLARC responsibilities. A list of current members was provided. JLARC receives assignments via committee-initiated studies, policy legislation, and provisos in budgets. The committee is required to follow government auditing standards. Ms. Fanning reviewed JLARC's study process. Study findings are confidential until staff presents a preliminary report to JLARC. Comments by committee members may only be added as a separate addendum to the audit report. The committee follows up on implementation of study recommendations by monitoring agency implementation of recommendations and assigning specific follow-up studies. The Office of Financial Management (OFM) requires reporting on implementation of JLARC recommendations as part of agency budget submissions. A list of major JLARC studies recently completed was presented.

A sunset review (Chapter 43.131 Revised Code of Washington [RCW]) determines the degree to which a body of law, program or agency is complying with legislative intent, attaining expected performance goals and targets, operating in an efficient and economical manner, and duplicating activities by another agency or the private sector. A sunset was triggered with 2SHB 1506 (changing APW provisions) adding sections to Chapter 43.131, the Washington Sunset Act. As part of the "pre-sunset" review, JLARC staff will work with agencies to develop performance measures and data collection plans. The CPARB appears to be the lead entity responsible to JLARC for this sunset review. Sunset review will include evaluation of CPARB and its procedures as required by law. 2SHB 1506 sets July 2013 as the termination date unless the Legislature acts to remove the termination and sunset. The sunset act requires JLARC to recommend one of the following for the program, agency, or body of law under review: retain as is; modify it; or allow it to terminate on the date specified in statute.

Ms. Fanning provided contact information for members.

Ms. Fanning said JLARC wants to start early to set up a data collection plan. JLARC will report to the CPARB in summer 2008.

Mr. Eng asked whether JLARC expects to have a final report available in 2012. Ms. Fanning affirmed that is the goal to enable the Legislature to review the report and take an action before 2013.

Mr. Eng asked what happens if the Legislature decides to remove the sunset. Ms. Fanning replied that JLARC would no longer be required to do a review.

Chair Lynch asked whether JLARC has the authority to require public agencies to provide information and, if so, has that been difficult. The CPARB will gather data on APW projects but not necessarily on other types of projects. Ms. Fanning replied in some cases it's difficult to obtain data. Legislative auditors have statutory authority to require and ask for information. The law extends subpoena power to the committee. Often, agencies don't understand the requirements.

Representative Haigh provided additional background information on JLARC's purpose and the sunset review process.

Mr. Kommers said one goal of the new statute is acknowledging items pointed out in an initial JLARC study. Karen Barrett, JLARC, responded that this process is different and that the committee is structured differently. Applicants are required to declare public benefits of using APW methods to the Project Review Committee (PRC). A question is whether JLARC has to look at outcomes of traditional projects and differences with alternative bidding processes. Chapter law focuses primarily on the bidding process. The review is broader as it concerns three alternative methods and not one.

Ms. Fanning added that robust versus routine and/or general answers about public benefits of using APW delivery methods will prove critical.

Mr. Johnson asked whether it's appropriate for the CPARB to collect data on 63-20 financed projects. Ms. Fanning indicated yes, and that CPARB has a responsibility to evaluate itself. Applicants are required to provide certain information. A collaborative effort between JLARC and the CPARB is necessary when considering evaluation and requirement criteria.

Ms. Barrett stated JLARC has not decided to what degree it will evaluate traditional projects.

Representative Haigh referred to Mr. Murphy's letter and said expanding the Board's charge will require a change in the statute.

Chair Lynch thanked Ms. Fanning and Ms. Barrett for their report. General Administration (GA) will work with JLARC on the data collection element.

Project Review Committee Report and Board's Review of Certification Appeal

(Gerald Schlatter and Mike Leonas with Washington State University [WSU] were present via conference call.)

Project Review Committee (PRC) Chair Rodger Benson briefed CPARB members on the committee's September meeting. A quorum was not attained until 10:45 a.m. PRC members considered public body certification for Design Build (DB) from WSU. Certification was approved with a 9-6 vote. An interested party filed an appeal of the committee's decision. PRC panels unanimously approved reapplications for two projects: Othello School District – Lutucaga Elementary / McFarland Middle School project application; and Klickitat County Public Hospital District No. 2 Skyline Hospital

Addition and Renovation project application. Mr. Benson noted in both cases, applicants made significant changes in staffing plans and project approach. PRC's next meeting is scheduled for October 25, 2007. Two certifications are scheduled for review: public body certification for DB and General Contractor/Construction Manager (GC/CM) by GA; and public body certification review for GC/CM by the Seattle School District.

Several committee vacancies have not been filled. Mr. Benson reported there was some controversy about Section 107 paragraph 2 (a) regarding applicable relevant project experience when the PRC considered WSU's public body certification for the DB request. A number of attorneys attending at the meeting offered unsolicited and different advice. PRC members discussed whether it was appropriate to consider intent of the statute when evaluating certification applications. Intent did play a role in the outcome.

Discussion ensued about the size of the Othello and Klickitat County project applications. Mr. Benson introduced Erik Smith, PRC Vice Chair. Mr. Smith reported the hospital project is approximately \$20 million and the school project is approximately \$12 million. Mr. Absher asked whether the projects were combined to equal \$10 million. Mr. Smith affirmed that they were. The school project includes two sites. The committee reviewed the application as a project. Othello initially submitted a project application for three schools. Mr. Benson said the two school sites are within close proximity to one another and can share staging areas and resources. He added the committee didn't anticipate owners bundling project applications. Mr. Benson said Othello indicated it would bundle the projects with a traditional bid environment.

Mr. Kommers said Othello's advertisement for GC/CM services lists the project at \$37 million.

Mr. Sheahan provided the Board with guidance about the appeal process as outlined in section 109. He said it's his interpretation that the CPARB has "de novo" review, that is, members have the ability to look at the entire record and application and place themselves in the position of the PRC and make a decision on whether WSU should be certified. Members can ask if the public owner has experience, and consider whether WSU meets all of the criteria outlined in statute.

Mr. Eng asked whether the Board has three options - affirm, reverse, and/or remand the issue back to the PRC. Mr. Sheahan replied the statute doesn't specifically speak to that; however, under rules of procedure, the CPARB has the ability to ask the PRC to take another look at the certification request.

Mr. Absher asked how an interested party is defined. Mr. Sheahan replied it's very broad. Any entity or public citizen can be an interested party. In this case, an interested party filed an appeal.

Chair Lynch said the law requires the CPARB to resolve appeals within 45 days of receipt of an appeal and send a written determination.

Mr. Schlatter said if the Board decides to take no action, the decision by the PRC would stand. Mr. Absher agreed. Discussion followed about whether remanding the request back to the PRC is considered a decision. Mr. Sheahan said if the CPARB does nothing, clearly the PRC's decision stands. If the Board remands the request back to the committee, PRC has the ability to review the request again. He suggested allowing the different parties to make their presentations.

Dick Goldsmith, Director of Legal Services and Public Policy for the Association of Washington Public Hospital Districts, reported public hospital districts are public agencies subject to RCW Chapter 39.10. He said he appealed PRC's decision based on statutory and moral reasons.

When reviewing individual projects, the PRC is looking at the ability of an agency to successfully carry out either a DB or GC/CM project. The PRC is also looking at whether a project meets statutory requirements for using those methodologies. Certification is different. PRC is certifying an agency for three years. Certification says an owner is experienced using DB or the GC/CM method, has experience, and has demonstrated it has successfully managed one project over the last five years. Mr. Goldsmith said if members look at WSU's application and listen to the tape of the hearing, there is nothing on the record that shows WSU has demonstrated success in managing one DB project within the previous five years. WSU's argument is that it should be certified for DB even though it hasn't completed a DB project because it has successfully completed a GC/CM project and is certified for GC/CM. He asked why there are two distinct designations for GC/CM and DB if there are no differences in project delivery and experience. WSU will say when looking at the statute that it states an owner must have success with one GC/CM *or* DB project within the last five years. It is clear that the intent of legislation is if an owner requests certification for DB, the agency has to have experience in that area.

Mr. Goldsmith referring to the moral grounds perspective and said over 18 months, the CPARB, public owners, and industry and labor representatives negotiated in good faith to ensure GC/CM and DB would continue beyond June 30, 2007. Everyone worked to reach compromises so public owners would have an opportunity to use APW methods for another six years. Mr. Schlatter's comments at the meeting were rather informative in asserting that the PRC process is not necessary, the process is of no benefit to the university, there is no gain to the university to deal with the PRC on a project-by-project basis, WSU is being drugged along in a situation that doesn't really apply to eastern Washington, and WSU is a victim of circumstance and caught up in a political process that he doesn't agree with. Additionally, he indicated that if you take the position that WSU's process is not DB, then he's free to use it by going around the whole system and calling it something else. In response to Mr. Smith's remark that WSU's process was similar to GC/CM, Mr. Schlatter replied that with regards to the projects that WSU talked about using DB for, "we'll call it GC/CM and do it my way."

Mr. Goldsmith said if this is the position that WSU is taking, perhaps the PRC should consider revoking WSU's certification to use the GC/CM process if the owner plans to abuse the committee's process. Letting the decision stand is a slap in the face to everyone, particularly higher education, who was involved in the legislation process. Arguments offered by Mr. Schlatter undermine the credibility for WSU representatives wishing to pursue certification or project approval. Mr. Goldsmith thanked Mr. Benson and Mr. Smith for opposing WSU's DB certification request. If the Board affirms the committee's decision, it is undercutting the entire process. It places continuation of GC/CM and DB beyond 2013 in jeopardy.

Mr. Schlatter said he won't address any of the out of context comments. WSU was approved initially to use GC/CM and DB delivery methods. WSU assumed it would be grandfathered in when the new law became effective, but that wasn't the case. WSU was approved for GC/CM and it has demonstrated its ability to manage public works contracts on time and on budget. Audits confirm WSU has completed successful projects, which meets the criteria. WSU supplemented its original application for DB on September 18, 2007 to include documentation that it has completed DB projects under the Energy Service Performance Program (ESPP). It's in the record that WSU has done projects under similar circumstances through that program. Apparently there was a debate among the review

panel on how WSU came forward with the application as it did. WSU did receive a 60% majority of the PRC. It was not just two individuals that voted against the application. There were several individuals that voted in favor of the certification application.

Mr. Leonas said he didn't intend to create controversy about the word "or" in the law. WSU did not want to debate the matter or be granted permission for certification based solely on that issue. WSU did supplement its application to demonstrate \$5 million worth of successful DB projects within the five-year window. WSU wanted an evaluation in accordance with its qualifications. There was some debate about whether ESPP contracts qualified as DB projects. WSU's contention is the ESPP projects are DB because both design and construction elements were performed for a single entity and projects were managed accordingly. There may have been issues about whether WSU's concept of DB was GC/CM or not. He referred to documentation from the American Institute of Architects (AIA) manual that describes WSU's process in its entirety, which describes a DB approach. WSU did not go before the PRC to request certification based on the word "or" in the law. Mr. Goldsmith's letter is focused on the "or" in the legislation. It is unfortunate that the comment was elevated to that level. Mr. Goldsmith also indicated that WSU did not provide DB experience. WSU's position is it did demonstrate DB experience in accordance with application requirements.

Ms. Keller said individual ESPP projects totaling \$5 million do not meet the current threshold of \$10 million for DB. She asked whether the ESPP projects were advertised as DB. Mr. Leonas answered yes.

Mr. Kommers asked whether DB projects subsequent to the ESPP projects were procured under 39.10 and the statute WSU was entitled to use before. Mr. Schlatter answered no.

Mr. Kommers asked if the projects WSU listed were completed under the energy services contract. Mr. Leonas replied that's correct.

Chair Lynch asked whether WSU performed energy performance contracts separate from GA contracts, or whether WSU has performed both on its own and in conjunction with GA. Mr. Schlatter said WSU followed the same process and program from the beginning. Mr. Lynch stated GA has pre-selected energy performance contractors as a convenience contact for state agencies to use. He asked if WSU used the GA list or conducted a separate process to select the energy performance contractor. Mr. Schlatter replied WSU used a separate selection process that GA participated in.

Mr. Eng asked what GC/CM activities WSU has conducted that provides experience and value towards its ability to manage a DB project. Mr. Schlatter said the selection process is parallel in terms of qualifications. PRC members expressed concerns about WSU's approach. WSU follows the AIA process to hire its own architect programming team with early owner input and review to complete a schematic that is used as a tool to determine how DB proposals match the original criteria advertised. There are concerns about how to get owner input and satisfy the client under a DB process. AIA and the federal government have a similar process in administrative manuals, and are able to avoid conflicts that occur by direct one-on-one contact between the architect and DB firm. WSU believes its process is DB and the appropriate way to proceed.

Mr. Eng said it seems WSU is describing the process of selection of a design builder versus whether a project is appropriate for the DB delivery method. Mr. Schlatter stated DB will enable WSU to expediently complete a project at less cost. The university has a couple of projects on the horizon that are appropriate for DB.

Mr. Benson commented WSU is downplaying the “or” issue, which was pivotal in how some committee members voted. The committee’s decision revolved around whether or not WSU had appropriate successful DB experience in the last five years. There was no discussion about WSU’s capability to administer the process. PRC is requesting guidance about its latitude to determine intent of the law versus how the law reads.

Ms. Keller said that the intent is that an owner must demonstrate it has successfully completed a DB project to obtain DB certification.

Related to the “or” statement in the statute, Mr. Sheahan explained when looking at section 2 (b) as a whole, the PRC or CPARB has the ability to look at an entity’s GC/CM and DB experience to determine whether an owner has sufficient project delivery knowledge and experience, or personnel with the appropriate construction experience apart from the “or” issue. Even if an entity has completed DB and GC/CM in the last five years, the PRC and CPARB could still say an owner doesn’t have the appropriate experience. A decision doesn’t depend on a specific interpretation of that section. Having said that, the first thing to consider when interpreting a statute is the plain meaning of the language. It reads in part, “... demonstrated success in managing at least one GC/CM or DB project within the previous 5 years.” If the intent was to say an owner applying for DB would have completed DB in the last five years, the statute could have been drafted that way. However, it wasn’t. It says “or.” Plain meaning of the statute is an owner with experience in either DB or GC/CM within the last five years meets the criteria of subsection 5. He reminded members that there are other provisions in the section that CPARB and PRC can refer to. Another group’s intent is different from legislative intent and the CPARB is not allowed to rule against the plain meaning of the statute. The real issue is whether CPARB believes WSU possesses the experience and knowledge to move forward with DB. The Board has the ability to make that decision regardless of how it might feel about subsection 5.

Mr. Eng said language in section 2 (b) states in part, “including but not limited to.” If an owner doesn’t have either a GC/CM or DB project, is it true the entity does not qualify under b and cannot be certified? Mr. Sheahan agreed. An owner must meet all of the criteria outlined in subsection 5. Mr. Eng said if subsection 5 stated, “... demonstrated success in managing at least one GC/CM *and* DB project” an owner must have both. Mr. Sheahan replied that’s right. Mr. Eng said he’s not sure that the word “or” means either one is good. He referred to the ambiguity and asked whether the CPARB has the ability to express its intent. Mr. Sheahan answered no. Ambiguity provides the Board an opportunity to look at legislative intent, but not CPARB’s intent.

Ms. Keller said a possible resolution is to ask legal counsel to refine instruction language contained on the application to ensure that CPARB’s intent is properly expressed.

Mr. Absher agreed the word “or” makes the language ambiguous; however, it makes no sense to have an application for DB or GC/CM, or both, if the “or” didn’t mean that DB has to be for DB and GC/CM for GC/CM.

Discussion ensued about how the PRC evaluated WSU’s experience and qualifications to determine whether DB is the appropriate delivery model for a project.

Mr. Johnson suggested a possible solution is for WSU to request to use DB for a specific project and, once completed, the university could come back to the PRC and request certification for DB. During the interim, legal counsel could work out details about the CPARB’s intent and the statute.

Mr. Benson said some PRC members made that suggestion.

Mr. Absher said the question for him is whether the ESPP contracts are DB. Mr. Benson responded it was not apparent whether committee members clearly understand ESPP contracts. Some members relied on the word "or" and that WSU has significant GC/CM experience.

Ms. Keller said the ESPP contracts are not relevant because they didn't meet the \$10 million threshold.

Mr. Schlatter said WSU demonstrated it has four on staff with direct DB hands-on experience. CPARB is not dealing with a group of people that has not demonstrated successful construction management including DB. WSU's team is experienced and there was no doubt on the part of the PRC that WSU is not able to manage the project. The university has a successful program for GC/CM and Design Bid Build (DBB), and it wants to move on to the next level.

Mr. Johnson said he wants to clarify that it appears no one is questioning whether WSU possesses construction management experience. He asked WSU's thoughts about asking to use DB for a specific project and, once completed, coming back to the PRC and requesting DB certification. Mr. Schlatter explained WSU made a conscience decision to proceed with DB certification. The time it takes to travel to Kent is a factor. It was more efficient to apply for certification.

Ed Kommers moved, seconded by Wendy Keller, for members vote to either affirm or reverse the decision of the PRC.

Ms. Keller indicated that it's important that the process is applied equally to all owners.

Mr. Byers expressed concerns about the concept of demonstrating success. WSU's response to a question about success refers to an exhibit, which is a list of GC/CM projects. Based on project costs, he's not convinced WSU has demonstrated success.

Discussion followed about Mr. Sheahan's interpretation of the statute.

Mr. Eng said WSU doesn't meet jurisdictional requirements to qualify for DB certification.

Ms. Yang said she agrees with concerns articulated by Mr. Eng. She said she understands compelling arguments offered by CPARB members and that she is troubled and not sure what to do as a higher education representative.

Chair Lynch asked members to vote by a show of hands to affirm or reverse PRC's decision: one hand was raised to affirm PRC's decision; 11 hands were raised to reverse PRC's decision. Ms. Yang abstained. CPARB voted to reverse PRC's decision.

Ms. Keller suggested scheduling a discussion on how to clean up the language.

Chair Lynch recessed the meeting from 10:50 a.m. to 11:07 a.m.

Project Review Committee Report and Board's Review of Certification Appeal, Continued

Chair Lynch reported the Board's discussion on the PRC and WSU application does provide guidance to the committee. He suggested that Mr. Benson and Mr. Smith report back to the PRC.

Discussion ensued about the Board appointing a task force to work on refining statute language, add changing statute language to the Strategic Plan, and informing applicants they need to demonstrate specific DB experience for the DB delivery method and GC/CM experience for GC/CM procurement.

Mr. Byers reported he meant to vote to reverse PRC's decision.

Brief Reports from Subcommittees

Expansion – Olivia Yang

Ms. Yang reported the Expansion Subcommittee did not meet.

Industry-Wide Issues – Nora Huey

Subcommittee members met on October 5, 2007 and reviewed Responsibility Guidelines and solicited public input. She reviewed comments offered by Mr. Byers, the Utility Contractors Association of Washington (UCA), and The Evergreen State College (TESC). Subcommittee members indicated that the supplemental guidelines are guidelines, and establishing supplemental responsibility criteria is not required or mandatory. A majority of the subcommittee approved moving the guidelines forward to the CPARB for review and approval.

Concerns about *Summons and Complaints Reported by Labor and Industries* (L&I) were discussed. With a few revisions, the subcommittee voted to move Appendix A forward to the CPARB.

Chair Lynch reported the subcommittee is ready to post a recommended document now, but there are sections remaining that require additional work. Once those sections have been revised, that will go into an amendment. What's been posted will be updated. The subcommittee recommends the CPARB approve Responsibility Guidelines and Appendix A, and post the documents on the website.

Wendy Keller moved, seconded by Bob Maruska, to approve the documents for posting on the website.

Mr. Absher asked if the intent of the motion is not to include sections still under discussion. Ms. Keller indicated yes.

Mr. Johnson stated items #3 and #9 that are not part of the posting are critical issues for labor and other subcommittee members. The final product will include language to address those two issues.

Motion carried unanimously.

Mr. Slunaker reported Associated General Contractors (AGC) continues to have concerns about public owners using responsibility criteria inappropriately. He asked the CPARB to consider drafting a press release discussing why the criteria are important, what owners are allowed to do, and that it is an important issue.

Ms. Huey reported the subcommittee expressed interest in serving as a clearinghouse for problems with the guidelines and law. If there are ongoing problems, the committee and CPARB might choose to revise the guidelines and/or suggest changes to the law.

Membership of Board and PRC

Ms. Deakins provided members with an update on CPARB and PRC vacancies. CPARB applications were due by the end of September. She conveyed she has not yet received a response from the Governor's Office concerning potential candidates. Members were asked to continue to actively recruit candidates for both the CPARB and the PRC. Those wishing to apply to serve on PRC are asked to submit a letter of interest and a resume. There is an official CPARB application form that is submitted directly to the Governor's office.

Strategic Plan

Chair Lynch reviewed background information concerning strategic planning issues. The intent is to ask members to identify their top two or three issues the CPARB should address. Those issues will be added to the list. Staff will send a revised list to members for discussion and sequencing for the November meeting. He suggested developing three tiers of issues: tier 1 would be addressed between now and the 2008 legislative session; tier 2 considered with the 2009 session; and tier 3 to be addressed beyond the 2009 session.

Ms. Deakins reviewed clean up and other issues listed on a strategic planning document with a target date, "2008 Session." Members identified issues to add under "other" as follows:

- Clean up existing statute language
- Trench excavation safety (bundle with other legislation)
- Job Order Contracting (JOC), renovations only
- Small works roster limits
- Prevailing wages - joint private/public ventures

Boardmembers shared specific issues that are of interest that include best value, changing back to 80% subcontracted (JOC), unsupported claims, and the Mike M. Johnson matter to name a few.

Discussion ensued on 63-20 financing and whether it's appropriate for the CPARB to address the finance method. Representative Haigh said it would be helpful to understand 63-20 financing.

Mr. Johnson said Mr. Murphy's letter is timely. There is a notion that 63-20 is exempt from public works contracting and therefore exempt from prevailing wage provisions.

Training Update

Mr. Kommers reported the AGC Education Foundation is continuing to produce training sessions. Another two-day GC/CM training conference is planned for January 31 and February 1, 2008. He said he will work with the foundation on identifying and filling training gaps. A question is whether to pursue training for DBB and JOC. More information should be available next month.

Operating Procedures

Ms. Deakins explained the operating procedures agenda item was carried over from last month.

Representative Haigh asked whether members who are not able to attend a meeting could do so and vote via a conference call.

Discussion ensued about members appointing a designee to attend a meeting who can vote if the designee is up-to-date on CPARB issues and approved by the representative agency.

Mr. Sheahan indicated he will need to research the matter, but is skeptical about proxy voting. If the Board has trouble establishing a quorum it could adjust the agenda to consider action items requiring a vote when a quorum is present. The Board could then discuss other issues if it loses a quorum. It's important to have a quorum to take action. Members connected by telephone are able to vote.

Set Next Meeting Agenda

CPARB's next meeting is scheduled for 9:00 a.m. on November 8, 2007 at the Legislative Building in the Columbia Room. Agenda items include brief reports from subcommittees, 63-20 financing report, PRC report, and sequencing strategic planning issues.

Adjournment

With no further business, Chair Lynch adjourned the meeting at 11:53 a.m.

John Lynch, CPARB Chair

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services