

**Capital Projects Advisory Review Board  
Industry-Wide Issues Subcommittee  
Pritchard Building Cafeteria and O'Brien Building Hearing Room E  
February 2, 2007, 9:30 a.m. – 11:05 a.m.  
Membership List/Sign In Sheet**

**Initial if**

| <b>Present</b>                | <b>Name</b> | <b>Organization</b>           | <b>Phone</b>                                    | <b>e-mail</b>  |
|-------------------------------|-------------|-------------------------------|---|--|
| <b><i>Attendees</i></b>       |             |                               |   |  |
|                               | DJ          | Dave Johnson                  | WA St Bldg & Construction Trades Council        | 360-357-6778<br><a href="mailto:DJIW86@aol.com">DJIW86@aol.com</a>                           |
|                               | DA          | Dan Absher                    | Absher Construction                             | 253-845-9544<br><a href="mailto:dra@abshernw.com">dra@abshernw.com</a>                       |
| Absent                        |             | Butch Reifert                 | Design Industry                                 | 206-441-4151<br><a href="mailto:breifert@mahlum.com">breifert@mahlum.com</a>                 |
| Absent                        |             | Jerry Schlatter               | WSU   | 509-335-5571<br><a href="mailto:schlatt@wsu.edu">schlatt@wsu.edu</a>                         |
|                               | EK          | Ed Kommers                    | Mechanical Contractors                          | 206-612-7304<br><a href="mailto:ekommers@comcast.net">ekommers@comcast.net</a>               |
|                               | JL          | John Lynch                    | General Administration                          | 360-902-7227<br><a href="mailto:jlynch@ga.wa.gov">jlynch@ga.wa.gov</a>                       |
|                               | MIM         | Miriam Israel Moses           | REBOUND, A Building Trades Organization         | 206-441-0455<br><a href="mailto:MIMoses@rebound.org">MIMoses@rebound.org</a>                 |
| Absent                        |             | Tom Peterson for Lyle Martin  | Hoffman Construction                            | 206-286-6697<br><a href="mailto:Lyle-martin@Hoffmancorp.com">Lyle-martin@Hoffmancorp.com</a> |
| Absent                        |             | Juan Huey-Ray                 | OMWBE (for Carolyn Crowson)                     | 360-704-1188<br><a href="mailto:JHuey-Ray@OMWBE.WA.GOV">JHuey-Ray@OMWBE.WA.GOV</a>           |
|                               | MP          | Mike Purdy                    | UW  | 206-221-4235<br><a href="mailto:mpurdy@u.washington.edu">mpurdy@u.washington.edu</a>         |
|                               | NH          | Nora Huey                     | King County                                     | 206-684-2049<br><a href="mailto:Nora.huey@metrokc.gov">Nora.huey@metrokc.gov</a>             |
| Absent                        |             | Julie Murray                  | WA Assoc of Counties                            | 360-753-1886<br><a href="mailto:jmurray@wacounties.org">jmurray@wacounties.org</a>           |
| Absent                        |             | John Ahlers                   | Short Cressman Burgess                          | 206-682-3333<br><a href="mailto:jahlers@scblaw.com">jahlers@scblaw.com</a>                   |
|                               | DS          | Duke Schaub for Rick Slunaker | Associated General Contractors                  | 360-352-5000<br><a href="mailto:rslnaker@agcwa.com">rslnaker@agcwa.com</a>                   |
| Absent                        |             | Dan Vaught                    | School Districts Project Review Board           | 425-489-6447<br><a href="mailto:dvaught@nsd.org">dvaught@nsd.org</a>                         |
|                               | JZ          | Janice Zahn                   | Port of Seattle                                 | 206-728-3798<br><a href="mailto:Zahn.j@portseattle.org">Zahn.j@portseattle.org</a>           |
|                               | MM          | Michael Mequet                | Port of Seattle                                 | 206-835-7637<br><a href="mailto:Mequet.m@portseattle.org">Mequet.m@portseattle.org</a>       |
| <b><i>Other Attendees</i></b> |             |                               |   |  |
|                               | ND          | Nancy Deakins                 | General Administration                          | 360-902-8161<br><a href="mailto:deakink@dshs.wa.gov">deakink@dshs.wa.gov</a>                 |
| Absent                        |             | Ashley Probart                | WA. Assoc. of Cities                            | 360-753-4137, ext. 133<br><a href="mailto:ashleyp@awcnet.org">ashleyp@awcnet.org</a>         |
|                               | DL          | Dick Lutz                     | Centennial Cont.                                | 360-867-9443<br><a href="mailto:dicklutz@agcwa.com">dicklutz@agcwa.com</a>                   |
| Absent                        |             | Ginger Eagle                  | WA Public Ports Association                     | 360-943-0760<br><a href="mailto:geagle@washingtonports.org">geagle@washingtonports.org</a>   |
| Absent                        |             | Mac Nicholson                 | Senate Government Operations Lead Staff/Counsel | 360-786-7410<br><a href="mailto:Nicholson.mac@leg.wa.gov">Nicholson.mac@leg.wa.gov</a>       |

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|        | <i>Other Attendees<br/>(continued)</i> |   |              |  |
|--------|--|---|--------------|--|
| Absent | Marsha Reilly                          | House State<br>Government Committee<br>Research Analyst   | 360-786-7135 | <a href="mailto:Reilly.marsha@leg.wa.gov">Reilly.marsha@leg.wa.gov</a>   |
| Absent | Michael Transue                        | Associated General<br>Contractors   | 253-223-2508 | <a href="mailto:Cmjtransue@comcast.net">Cmjtransue@comcast.net</a>       |
| Absent | Paul Berry                             | CM Consultant and<br>Representative of<br>CMAA (Construction<br>Management<br>Association of America) | 206-772-1772 | <a href="mailto:Pnberry1@earthlink.net">Pnberry1@earthlink.net</a>       |
| Absent | Stan Bowman                            | AIA WA Council  | 360-943-6012 | <a href="mailto:bowman@aiawa.org">bowman@aiawa.org</a>                   |
| Absent | Thomas Kuffel                          | King County   | 206-296-9015 | <a href="mailto:Thomas.kuffel@METROKC.GOV">Thomas.kuffel@METROKC.GOV</a> |
| BA     | Bob Abbott                             | Laborers Dist Council   | 425-741-3556 | <a href="mailto:RAbbott@nwlaborers.org">RAbbott@nwlaborers.org</a>       |
| Absent | Brian Sweet                            | Port of Seattle   | 206-248-4846 | <a href="mailto:Sweet.b@portseattle.org">Sweet.b@portseattle.org</a>     |
| Absent | Dorcas Nepple                          | Port of Tacoma  | 253-383-9414 | <a href="mailto:dnepple@portoftacoma.com">dnepple@portoftacoma.com</a>   |
| Absent | John Littell                           | Northwest Carpenters  | 206-465-9730 | <a href="mailto:jlittell@nwcarpenters.org">jlittell@nwcarpenters.org</a> |
| LS     | Larry Stevens                          | MCA/NECA  | 253-212-1536 | <a href="mailto:lwstevens@wwdb.org">lwstevens@wwdb.org</a>               |
| CC     | Carolyn<br>Crowson                     | OMWBE   | 360-753-9679 | <a href="mailto:carolync@OMWBE.WA.GOV">carolync@OMWBE.WA.GOV</a>         |

## Meeting Notes

Meeting was called to order. Main agenda items are dealing with licensing of electrical and elevator contractors and dealing with some changes that were made to our earlier draft in the legislative process.

### Changes in Bill

#### Section 3

Mr. Purdy proposed draft legislation to include the requirement that a contractor verify that its subcontractors have the applicable electrical and elevator license and that each subcontractor at any tier also check the licensing of its electrical and elevator subcontractors. Mr. Purdy explained that the prior draft has been changed by legislative staff, in part, because legislation should not identify specific contract terms. After much discussion, the subcommittee is in agreement with the concept that contractors and subcontractors verify licensing requirements related to electrical and elevator work. Subcommittee voted to include the following text:

A public works contractor must verify that each first tier subcontractor meets the responsibility criteria listed in Section 2 (1) of this act, and that each subcontractor possesses an electrical contractor license if required by Chapter 19.28 RCW, or an elevator contractor license if required by Chapter 70.87 RCW, at the time of subcontract execution. Any subcontractor that hires other subcontractors must verify that each subcontractor meets the responsibility criteria listed in Section 2 (1) of this act, and that each subcontractor possesses an electrical contractor license if required by Chapter 19.28 RCW, or an elevator contractor license if required by Chapter 70.87 RCW, at the time of subcontract execution

## Section 1

The subcommittee discussed the definition of contract. Concern was expressed that the current definition may cause some ambiguity over whether small works roster procurements must be advertised with competitive bidding. To ensure clarity of the definition the subcommittee voted to revise the definition as follows:

“Contract” means a contract in writing for the execution of public work for fixed or determinable amount duly awarded after advertisement and competitive bid or a contract awarded under the small works roster process in RCW 39.04.155.

## Section 2

The subcommittee discussed whether a clause requiring the bidder to meet the responsibility criteria should be included in the legislation. The subcommittee voted to add the clause “which the bidder must meet” to the end of the sentence in Section 2, paragraph 2.

(2) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt supplemental criteria for determining bidder responsibility applicable to a particular project, which the bidder must meet.

Subcommittee members expressed concern that the clause “If a bidder is determined to be not responsible” should be clarified that it is the state or municipality that makes the determination. Subcommittee voted to revise paragraph d as follows:

If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination.

## House Bill 2009 - Trench Excavation

Mr. Johnson stated that Marsha Reilly was concerned that we not get a hearing spot. Ms. Deakins stated that Marsha said you cannot put a change to safety law into the responsible bidder. We have a better chance if we keep them separate.

In the previous meeting, Rick Slunaker said that he would check with the utility contractors regarding the Trench Excavation bill. Rick was not available for this meeting, but Bob Abbott said that he will check on it.

Mr. Johnson stated that the two bills (Responsibility & Trench Excavation) have gone to the house but not the senate yet. We will have numbers for both bills on Monday, February 5<sup>th</sup>. We may want to make it clear that the bills are related to each other.

Mr. Lynch said that we need to talk about how we will handle the hearings for Trench Excavation and Responsible Bidder at CPARB.

## Next Meeting – March 2, 2007, Noon – 2 p.m.

- Figure out where we are going for Legislative Session 2008.

### Meeting Adjournment

The meeting was adjourned at 11:05 a.m.

### Following Subcommittee Meeting

Ms. Deakins, Mr. Purdy & Ms. Huey met with Marsha Reilly to go over the changes. All changes were made; however, Ms. Reilly proposed concise language to deal with the subcontractor licensing issue. Ms. Deakins, Mr. Purdy & Ms. Huey believe the language is consistent with the subcommittee's intent and recommend the change. Proposed revised language:

A public works contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification shall include that each subcontractor at the time of subcontract execution meets the responsibility criteria listed in Section 2(1) of this act and possesses an electrical contractor license, if required by Chapter 19.28 RCW, or an elevator contractor license, if required by Chapter 70.87 RCW. This verification requirement, as well as the responsibility criteria, must be included in every public works contract and subcontract of every tier.