

**Capital Projects Advisory Review Board
Industry-Wide Issues Subcommittee
“World Class” Conference Room, Kilroy Building, Sea Tac
January 5, 2007, 12:00 pm – 4:00 pm
Membership List/Sign In Sheet and Meeting Notes**

Initial if

Present	Name	Organization	Phone	e-mail
<i>Attendees</i>				
DJ	Dave Johnson	WA St Bldg & Construction Trades Council	360-357-6778	DJIW86@aol.com
DA	Dan Absher	Absher Construction	253-845-9544	dra@abshernw.com
	Butch Reifert	Design Industry	206-441-4151	breifert@mahlum.com
	Jerry Schlatter	WSU	509-335-5571	schlatt@wsu.edu
EK	Ed Kommers	Mechanical Contractors	206-612-7304	ekommers@comcast.net
JL	John Lynch	General Administration	360-902-7227	jlynch@ga.wa.gov
MI M	Miriam Israel Moses	REBOUND, A Building Trades Organization	206-441-0455	MIMoses@rebound.org
TP	Tom Peterson for Lyle Martin	Hoffman Construction	206-286-6697	Lyle-martin@Hoffmancorp.com
	Juan Huey-Ray	OMWBE (for Carolyn Crowson)	360-704-1188	JHuey-Ray@OMWBE.WA.GOV
	Olivia Yang	UW	206-221-4224	oyang@u.washington.edu
NH	Nora Huey	King County	206-684-2049	Nora.huey@metrokc.gov
	Julie Murray	WA Assoc of Counties	360-753-1886	jmurray@wacounties.org
	John Ahlers	Short Cressman Burgess	206-682-3333	jahlers@scblaw.com
RS	Rick Slunaker	Associated General Contractors	360-352-5000	rslnaker@agcwa.com
	Dan Vaught	School Districts Project Review Board	425-489-6447	dvaught@nsd.org
JZ	Janice Zahn	Port of Seattle	206-728-3798	Zahn.j@portseattle.org
<i>Other Attendees</i>				
ND	Nancy Deakins	General Administration	360-902-8161	deakink@dshs.wa.gov
	Ashley Probart	WA. Assoc. of Cities	360-753-4137, ext. 133	ashleyp@awcnet.org
	Dick Lutz	Centennial Cont.	360-867-9443	dicklutz@agcwa.com
GE	Ginger Eagle	WA Public Ports Association	360-943-0760	geagle@washingtonports.org
	Mac Nicholson	Senate Government Operations Lead Staff/Counsel	360-786-7410	Nicholson.mac@leg.wa.gov
	Marsha Reilly	House State Government Committee Research Analyst	360-786-7135	Reilly.marsha@leg.wa.gov
	Michael Transue	Associated General Contractors	253-223-2508	Cmjtransue@comcast.net

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	<i>Other Attendees (continued)</i>			
PB	Paul Berry	CM Consultant and Representative of CMAA (Construction Management Association of America)	206-772-1772	Pnberry1@earthlink.net
SB	Stan Bowman	AIA WA Council	360-943-6012	bowman@aiawa.org
	Thomas Kuffel	King County	206-296-9015	Thomas.kuffel@METROKC.GOV
MP	Mike Purdy	UW	206-221-4235	mpurdy@u.washington.edu
	Bob Abbott	Laborers Dist Council	425-741-3556	RAbbott@nwlaborers.org
	Brian Sweet	Port of Seattle	206-248-4846	Sweet.b@portseattle.org
	Dorcas Nepple	Port of Tacoma	253-383-9414	dnepple@portoftacoma.com
JL	John Littel	Northwest Carpenters	206-465-9730	jlittel@nwcarpenters.org
LS	Larry Stevens	MCA/NECA	253-212-1536	lwstevens@wwdb.org
CC	Carolyn Crowson	OMWBE	360-753-9679	carolync@OMWBE.WA.GOV

MEETING NOTES

Nora Huey chaired the meeting and called the meeting to order at 12:10 p.m.

Trench Excavations Language, RCW 39.04.180 Discussion

- Goal is to not burden owners, contractors, and subcontractors, and eliminate the hassle of it being on the bid form.
- With regard to the draft reviewed by the subcommittee, subcommittee recommended the last two sentences be deleted. Mr. Kommers moved and Mr. Absher seconded. There was no further discussion.
- Motion passed.
- Mr. Slunaker will discuss this issue with utility contractors on Monday, January 8th

Additional Responsibility Criteria

- There were concerns regarding proliferation of different criteria.
- AGC expressed the following concerns:
 1. A public body may adopt additional criteria for determining whether a bidder is a responsible bidder and qualified to be awarded a public works contract Procurement documents need to clearly communicate how responsibility will be evaluated prior to acceptance of bids;
 2. The process for determining responsible bidder must provide opportunity to request reconsideration of criteria listed and the public body must make decision and respond before opening bids.
- Committee members expressed interest in a commitment to educate smaller agencies on how it can be done.

Responsible Bidder Criteria

Consensus 1

There was a motion to take out the Laundry List (A through H). Agencies develop project specific criteria. CPARB will develop guidelines for additional criteria.

- 8 agreed
- 2 opposed
- It passes

There was further discussion. There was concern about Special Purpose Districts not being represented at CPARB. It was suggested that the Special Purpose Districts be invited to participate in a subcommittee and also add them to the CPARB Stakeholders List.

Open Issue: Should the legislation limit when an Owner obtains the responsibility information. Mr. Berry indicated that some public owners like to get the information with the bid. Mr. Kommers indicated some concern with requiring all bidders to submit the information and wanted the information to only be submitted after bid opening from the low bidder (and maybe the second low bidder also).

Consensus 2

Concept of stating that bidders (contractors) should possess a current state Unified Business Identifier (UBI), industrial insurance coverage for the bidder's employees working in Washington, Employment Security Department (cannot get online) number, and a state excise tax registration number if required by state law. Ms. Crowson will locate the appropriate language for the revenue number. Motion was moved and seconded

- 10 voted yes (agreed)

Consensus 3

Concept that all public works construction contracts should require the contractor to verify that its subcontractors (and subcontractors verify second tier subs etc) should have current state Unified Business Identifier (UBI), possess the industrial insurance coverage for the bidder's employees working in Washington, Employment Security Department number, and a state excise tax registration number if required by state law. Moved by Mr. Berry and seconded by Ms. Zahn.

- 8 voted yes

Mr. Purdy said that contracts shall require certain language. Can add licenses and certifications to the list.

It was suggested the addition of subcontractors be required to have more compliance, concerns regarding breach of contract issues than determining responsibility.

Mr. Absher concerned at third tier level regarding compliance, consequences and penalties. The sub tier need a safe harbor such as if the general contractor does X, Y, Z due diligence.

Mr. Johnson is OK with a safe harbor. Issue right now is not penalties, rather getting compliance with law.

Open Issues

- Are licenses required, by whom and when.

Next Steps

Ms. Huey stated that we need to do another draft that specifies:

- Mr. Purdy will draft another provision and Ms. Huey will attach draft to meeting minutes.
- All of the concepts that came to consensus today (without wordsmithing) will be shared at the CPARB meeting next Thursday. We will let CPARB know where we are and what we are doing.
- It was suggested by Ms. Deakins that the subcommittee possibly meet around January 20th; it can be taken forward by Mr. Lynch to CPARB.
- It was also suggested that after it is shared with CPARB on January 11th that it come back to this subcommittee for final review and that it be prepared in bill form at that point.

Next Meeting

The next meeting was set for February 2nd, 12:00-2:00 p.m. Northwest Carpenters Building at 25120 Pacific Highway South, Kent, 98032. Heading Northbound, the exit is 272nd, just north of Federal Way. Heading Southbound the exit is Kent/DesMoines. Pacific Highway is just west of Interstate 5.

Meeting Adjournment

The meeting adjourned at 4:10 p.m.