

**Reauthorization Subcommittee Meeting
Draft Meeting Minutes
World Class Conference Room, Kilroy Building, Sea Tac
October 5, 2006, 1:00 – 3:00 p.m.**

Initial if

Present	Name	Organization	Phone	e-mail
<i>Subcommittee Members</i>				
RE	Rodney Eng (Lead)	City of Seattle	206-684-8241	rodney.eng.@seattle.gov
DA	Dan Absher	Absher Construction	253-845-9544	dra@abshernw.com
Absent	Butch Reifert	Design Industry	206-441-4151	breifert@mahlum.com
Absent	Rocky Sharp	Electrical Contractor	253-383-4546	rsharp@madsenelectric.com
EK	Ed Kommers	Mechanical Contractors	206-612-7304	ekommers@comcast.net
Absent	Dave Johnson	WA State Bldg. & Construction Trades Council	360-357-6778	DJIW86@aol.com
JP	John Palewicz	UW	206-221-4223	palewicz@u.washington.edu
JL	John Lynch	General Administration	360-902-7227	jlynch@ga.wa.gov
Absent	Wendy Keller	Public Hospital Project Review Board	206-684-1912	Wendy.Keller@metrokc.gov
Absent	Tom Peterson	Hoffman Construction	206-286-8697	tom-peterson@hoffmancorp.com
Absent	Ashley Probart	Assoc of WA Cities	360-753-4137	ashleyp@awcnet.org
RL	Dick Lutz	Centennial Contractors	360-867-9443	dicklutz@comcast.net
LS	Larry Stevens	NECA/MCA	253-212-1536	lwstevens@wwbd.org
Absent	Paul Berry	CM Consultant & Rep. of CMAA (Construction Management Association of America)	206-772-1772	pnberry1@earthlink.net
Absent	Steve Goldblatt	University of Washington	206-685-1676	bconbear@u.washington.edu
SB	Stan Bowman	AIA WA Council	360-943-6012	bowman@aiawa.org
DS	G.S. "Duke" Schaub	Associated General Contractors	360-352-5000	dschaub@agcwa.gov
<i>Other Attendees</i>				
MM	Michael Mequet	Port of Seattle	(206) 835-7632	Mequet.m@portseattle.org
ND	Nancy Deakins	General Administration	360-902-8161	deakink@dshs.wa.gov
Absent	Lyle Martin	Hoffman Construction	206-286-6697	Lyle-martin@hoffmancorp.com
DG	Dick Goldsmith	AWPHD	206-216-2528	richardg@awphd.org
MT	Michael Transue	AGC	253-223-2508	Cmjtransue@comcast.net
Absent	Dan Vaught	School District Project Review Board	425-489-6447	dvaught@nsd.org
GE	Ginger Eagle	WA Public Ports Assoc.	360-943-0760	geagle@washingtonports.org
Absent	Marsha Reilly	House of Reps	360-786-7135	Reilly.marsha@leg.wa.gov
Absent	Kathryn Leathers	House of Reps	360-786-7114	Leathers.kathryn@leg.wa.gov
DS	Diane Smith	Senate Gov Ops	360-786-7410	Smith.diane@leg.wa.gov
NH	Nora Huey	King County	206-684-2049	Nora.huey@metrokc.gov
Absent	Mike Grace	Groff Murphy	206-628-4500	mgrace@groffmurphy.com
SL	Syd Locke	GA	360-902-7941	kellysj@dshs.wa.gov

Absent	Chris Hirst	Preston Gates	206-370-8336	Christ@prestongates.com
OY	Olivia Yang	UW	206-221-4224	oyang@u.washington.edu

Meeting Notes:

The meeting was called to order at 1:05 pm. The first item of discussion was the memo from Dan Absher to the Reauthorization subcommittee regarding MCA’s proposed language changes to the attached Section 8 of the draft legislation addressing subcontract provisions. These changes are potential compromises that might be acceptable to both general contractors and subcontractors.

John Lynch asked for the reason behind the term “trade conflict” in memo item 2 (8a) of the memo. Dan Absher said the term might be less ambiguous than “subcontract conflicts”.

Ed Kommers agreed with Mr. Absher’s language regarding “no damage delay” in memo item 3 (8b).

Mr. Absher said that in memo item 4 (8c), every item can’t be listed but “reasonable” steps must be taken.

The word “properly” was taken out so the language in memo item 4 will read:

(8c) require the subcontractor to bear the cost of trade damage repair except to the extent the subcontractor is responsible for the damage; provided, however, that the subcontractor must ~~properly~~ (take reasonable steps to) protect its work from trade damage.

A motion was made by Mr. Lynch and seconded that the memo’s language in general principle be accepted “subject to word-smithing”. The motion passed unanimously.

In Section 306 (2), lines 5 and 6 of the draft bill, the words “the bid documents” were substituted for “RCW 43.19.1911” changing the sentence to read: Responsibility shall be determined in accordance with criteria listed in the bid documents.

Mr. Kommers suggested that post-bid responsibility language needs to be added to Section 306.

Mr. Eng moved that Section 306 be adopted as amended by the subcommittee. The motion was seconded and it passed unanimously.

Pre-bid determination of subcontractor eligibility, Section 307:

Michael Transue suggested that in Section 307 (1), line 20 that “legal newspaper of general circulation” wasn’t sufficient. Perhaps language that included the Project Review Committee’s website would be better.

Mr. Eng suggested keeping the legal minimum notice language unchanged. People have the option of using more notice; it doesn’t have to be spelled out in the bill. Changing the newspaper language would be a red flag to the newspaper industry.

Mr. Absher suggested that the responsibility and (pre-qualification) eligibility requirement criteria should be defined differently. Unions and subcontractors might have objections.

Ms. Huey pointed out that there are too many specifics to be spelled out and completely covered in the bill.

In Section 307 (1), line 22, there was agreement regarding publishing a notice of intent to evaluate and determine bidder eligibility...at least **14** days notice before conducting a public hearing.

In Section 307 (2) change language “for performing eligibility review prior to bid opening...” to “...for performing eligibility analysis prior to bid opening...”

The subcommittee recommends that in Section 307 (5) that all challenges must be filed **within 7 days** of the final determination and Diane Smith would work on the language.

Mr. Eng moved that Section 307 be adopted as amended by the subcommittee. The motion was seconded and it passed unanimously.

The subcommittee suggested minor changes to Section 302 (1) (b) be changed to: Confirmation that a constructability analysis has been performed prior to solicitation of a subcontract bid package. There was discussion about the definition of “constructability” and whether it included coordination, too.

Project Review Committee Duties: In Section 106 there was concern that the bill doesn’t state specific criteria for owners and projects.

Project Criteria for GC/CM: Regarding Section 301, Stan Bowman said that he needed to check with his leadership to see if items 1-5 (lines 1-14 on page 28 of the 9/18/06 bill draft) are sufficient.

A motion was made and seconded to adopt the previously amended language to Section 304, regarding the maximum allowable construction cost. The motion passed unanimously.

*A motion was made and seconded to adopt Section 302 (e) “as is”, regarding a public body’s employment of staff or consultants with expertise...
The motion passed unanimously.*

The meeting adjourned at 3:28 pm.