Recent Public Works Legislation
CPARB Update

John Lynch & Nancy Deakins
Engineering & Architectural Services
Recent Public Works Legislation

- RCW 39.10
- Responsibility Criteria
- The 2008 Bill
RCW 39.10

- **Project Review Committee**
  - Opens APW to all public agencies
  - Certifies public bodies
  - Provides specific project approval

- **GC/CM Changes**
  - Setting the MACC
  - Timing of bid packs
  - $10 million threshold removed
RCW 39.10 (cont.)

- **Design-Build Changes**
  - Streamlined selection
  - $10 million threshold remains

- **Job Order Contract Changes**
  - Increased work order limits
  - Increased annual $ limit
  - GA authorized for 4 contracts
Responsibility Criteria

- RCW 39.04.010, 39.04.155, 39.04.350, 39.06.020

- Guidelines are available
  - Mandatory Criteria
  - Supplemental Criteria
  - Subcontractors are included
The 2008 Bill

- HB 2780 - Intended to make adjustments and improvements
  - Design-Build demonstration projects
  - Two Design-Build-Operate-Maintain demonstration projects
  - Clarify procedures for certifying public bodies

- The bill did not survive the session.
CPARB Overview

- New Members
- New Chair
- Strategic Planning
- Project Review Committee
- Data Collection
## CPARB Members

<table>
<thead>
<tr>
<th>Member</th>
<th>Representing</th>
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<th>Representing</th>
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<tr>
<td>Daniel Absher</td>
<td>General Contractors</td>
<td>John Lynch</td>
<td>General Administration</td>
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<td>Vince Campanella</td>
<td>General Contractors</td>
<td>Larry Byers</td>
<td>Insurance/Surety</td>
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<td>Industry</td>
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<td>Gerald “Butch” Reifert</td>
<td>Architects</td>
<td>Rodney Eng</td>
<td>Cities</td>
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<td>Vacant</td>
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<td>Counties</td>
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<td>Rocky Sharp</td>
<td>Specialty Contractors</td>
<td>Robert Maruska (Chair)</td>
<td>Ports</td>
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<td>Ed Kommers</td>
<td>Specialty Contractors</td>
<td>Richard Goldsmith</td>
<td>Public Hospital Districts</td>
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<td>David D. Johnson</td>
<td>Construction Trades Labor</td>
<td>Dan Vaught</td>
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<td>Pete Crowe</td>
<td>Construction Trades Labor</td>
<td>Rep. Kathy Haigh (Vice Chair)</td>
<td>House of Representatives (D)</td>
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<td>Cynthia Cooper</td>
<td>OMWBE</td>
<td>Rep. Dan Kristiansen</td>
<td>House of Representatives (R)</td>
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<td>John Ahlers</td>
<td>Private Industry</td>
<td>Sen. Rodney Tom</td>
<td>Senate (D)</td>
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<td>Christopher Hirst</td>
<td>Private Industry</td>
<td>Sen. Dale Brandland</td>
<td>Senate (R)</td>
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<td>Olivia Yang</td>
<td>Higher Education</td>
<td>TOTAL = 23 Members, 19 Voting, 10 Quorum</td>
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The CPARB Plan

- **July 10**
  - Owner Issues
  - Subcontractor Issues

- **August 14**
  - Contractor Issues
  - Labor Issues
  - Clean Up Legislation

- **Other Issues**
Subcontractor Issues

Discussed July 10

1. Prevailing Wage on Public/Private Partnerships

2. Include Housing Authorities in Alternative Public Works

3. Modify definition of “modular” in design build
Owner Issues

Discussed July 10

1. Negotiate with Low Bidder on lump sum bids 39.04.015
2. Increase Small Works Roster Limits
3. Best Value Contracting/Competitive Negotiation
4. Increase Bid Limits/Day Labor (public body self-performed work)
Contractor Issues

Discuss August 14

1. Refine notice provisions (MMJ)
2. Pay undisputed claims promptly
3. GC/CM sub-bid packages / collective bargaining
4. Revise lien statute re: Trust and Benefit Payments
Labor Issues

Discuss August 14

1. Fair Competition for Washington Contractors
2. Expand Subcontractor Bid Listing
3. Apprentice Utilization
Legislation Clean Up Issues

Discuss August 14

1. HB 2780

2. RCW 39.10.420 Job order procedure: Renovation vs. New Construction

3. RCW 39.10.360 Requiring Public Bid Openings for GC/CM

4. Out-of-date Retainage & Prompt Pay Statutes (RCW 39.76 and 60.28)
Other Issues

Not prioritized or scheduled

1. Job Order Contracting
2. Revise design build procurement process
3. Clarify bid listing requirements $1M threshold and 2\textsuperscript{nd} tier
4. Revise definition of total contract cost to include “pre-con services”
5. Trench excavation on bid form
Project Review Committee

- Public Body Certifications (3 years)
  - UW and WSU – GC/CM only
  - GA and City of Seattle – GC/CM and DB

- Project Applications
  - 3 DB projects approved
  - 11 GC/CM projects approved
  - 4 GC/CM projects disapproved (3 of which revised, reapplied & were approved)
Data Collection

- Web-based system hosted by GA
- GC/CM and DB Projects
  - Approved by Project Review Committee
  - Done by Certified Public Bodies
- All GC/CM, DB, and Design Bid Build projects completed since June 2006
- Public Bodies w/ Job Order Contracts
Questions?

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