



**CONSTRUCTION STANDARDS
DIV. 1 COMMITTEE**
Meeting Notes

Thursday, May 14, 2015 - 10:00 am – 12:30 pm
City Council Chambers, 25 West Main St., Auburn, WA

Attending: (P = via phone)

X	Pat Baughman	X	Bill Linton	X	Tina Nelson
X	Peter Dressel	X	Lori McFarland	X	Scott Sawyer
X	Ted Hill	X	Dave Mounts	X	Stephanie Seibel
X	Gretchen Johnson	X	Tamara Nack	X	Diane Sheesley
X	<i>Stacie Kelsey</i>	X	<i>Ty Bardwell</i>	X	<i>Aubrey Argeris</i>

A. Introductory Matters

1. Ty Bardwell/AECOM is visiting for the second time; we welcomed visitor Aubrey Argeris/City of Lacey, who is very interested in joining our committee; and Stacie Kelsey/WSDOT Local Programs Hdqtrs. was finally able to break free to come visit and see what we do. Welcome to all!
2. The March 2015 meeting notes are approved to finalize & post, with one typo that needs fixing.

B. Activities & Actions by other groups – for our information & action as appropriate

1. WSDOT LP – Dave reported they continue to work on DBE issues for Local Agencies.
2. WSDOT/AGC Administration Team (the Team) – Tina does still have the input we gave her on Force Account issues, and she said they will get to it. Right now they are working on several issues listed below. Further detail can be found in the Team’s March 2015 meeting notes, which Tina posted to our committee worksite, and will be formally posted on the Team’s site [here](#) in future. Be sure to give Tina input on any of these issues, if you have information or opinions.
 - a. Contractors are complaining that too many agencies are using our 1-04.6 GSPs, or similar, so this will be discussed at the Team’s next meeting – see the notes Tina filed on SharePoint under the 5/14/15 meeting folder. Our committee definitely wants to keep the ability to do this, although these GSPs cannot be used with FHWA funding because they have unlimited fill ins at this point. (**Tina** is assigned the task of gaining FHWA approval on these.)
 - b. Equipment standby definition updated, and Team is deciding where best to present the revised information.
 - c. Interpretation of SS 1-04.1 including sub-paragraphs – WSDOT noticed their spec is unique compared to other DOTs, etc. – and leads to bidders not telling them of missing pieces in the bid docs, as bidders want to wait and get a change order after winning – so they want to rewrite. Contractors said they like the current language. The Team will discuss further.
 - d. WSDOT drafted amendments to 1-01.3 and 1-04.3, defining “Reference Information”, including geotechnical reports & will test on 2 pilot projects this year. May include release forms for bidder/contractor to sign when receiving electronic files. Div. 1 committee discussed and it not sure how helpful this will be – but with or without this amendment, it is always important to specifically cite in the Special Provisions, any appendix info. that IS part of contract, and specifically incorporate it into the Contract.
3. WSDOT Amendments/GSPs updates – none to consider.

C. Action Item Updates –

1. Reports on related Spring Conference sessions: Bill gave a session on construction law/legal decisions updates, attended by several committee members. Diane led a successful session on TESC – FA or LS and/or Bid Items? As usual, attendees really liked having a panel discussion showing different points of view. One conclusion reached was that if an agency has TESC as a lump sum item, they had better provide detailed TESC plans for the contractor to follow. See further discussion on this issue below.
2. Venues to disseminate information – Stacie Kelsey reported that the Local Programs listserv has about 1500 people on it – and it’s the people doing the “actual work” – just the audience we like to reach. Once an announcement goes out to the listserv, that includes the regional Local Programs people, and then they forward it

to their own mailing lists, so reaches an even bigger audience. Our committee can give Stacie and Dave notices for them to send out to this listserv.

3. Tamara reported on her progress figuring out a way to educate Local Agencies/City/County Clerks/Purchasing Departments on allowing a 1-3 hour delay between bid submission and bid opening, to allow time for Contractors to submit DBE Confirmation letters on FHWA-funded projects, using APWA GSP 1-02.9 Option B. Contractors have reported/complained that they really need that extra time, but Dave reports that only about 30% of Local Agencies are using that option.
 - a. The King County Clerks meet every other month. Their next meetings are in June, August, Oct., and Dec. Tamara spoke with Jodi Warren, Snoqualmie City Clerk, she thought this would be a good place to begin with a presentation. The president of the Washington Municipal Clerks association is Debbie Burke, (Normandy Park City Clerk). There is a conference every Spring. Next conference is in 2016. Another training opportunity is the NW Clerks Institute (our committee felt this was not the best venue, rather the clerk associations were better).
 - b. **Ted** volunteered to take over the lead on this, and work with his city clerk over the summer on preparing a presentation. **Tamara** to send him contact information for the various groups and people.
4. SharePoint/document sharing site – the KBA-sponsored document sharing site will not be available in 2016. Tina is working with the APWA board on hosting their own SharePoint site, but no action yet. Lori looked at Novell's program "filer". However, the files would have to be on the Otak network, and cannot "edit in place", so we agreed this was not a viable option. Diane researched several possibilities, and settled on "One Drive" -- This is free as of now, with about 16 GB of storage; you can make folders and subfolders. Diane set up a site for our committee: go to <https://onedrive.live.com/about/en-us/> and click "Sign In". If you have forgotten the sign-in/ password, call or email Diane or GJ. **All on the committee** are asked to practice using this program over the summer, and report back at our September meeting.

D. APWA GSP Updates & Review - status, discussion, decisions –

1. 1-07.18 - GJ reported that the insurance task force met April 7, and developed a good draft update of 1-07.18; Peter D. and Terri Franklin then rewrote Builder's Risk section, and we are near to being ready to submit to the committee for approval, just need to clean up the last questions. Will need to wait until GJ returns from vacation. Tina asked **GJ** to update the original memo on "where 1-07.18 edits/GSP came from" to match this update, or write a new memo for this new update.
2. 1-05.17, Oral Agreements – we had a request from a Local Agency to 'beef up' this GSP, but when we all took a closer look, we decided to delete this GSP altogether – it's already covered in SS 1-05; and that it's more to the contractor's advantage than the agency's – there has been some trouble with contractors claiming they can ignore the verbal direction of the Engineer, based on this GSP. **GJ** to ask Dave to have it removed and post updated Changes Log with reasoning.
3. There was further discussion on the new Constr. Stormwater General Permit GSPs for transferring the Construction Stormwater General permit – after some discussion, we voted to suggest to the AGC/WSDOT Admin committee leaving these as GSPs, instead of incorporating them into the Standard Specifications, as is apparently the plan. Regardless of which action taken, as of now we are not going to write new APWA GSPs to allow agencies to retain the permit – WA Dept. of Ecology really wants the permits transferred, and they are the permitting agency. It would also be a difficult series of GSPs to write, based on how many GSPs it takes to transfer the permit.

E. New Business

1. We agreed we are not sponsoring a session at the Fall APWA conference.
2. 1-01.3 APWA GSP includes a paragraph saying the venue for lawsuits shall be in the county in which the works was performed. This was to correct the Standard Spec wording that says venue for all actions must be Thurston County Superior Court. However, Pat noticed a new law was just passed, adding to RCW 36.01.050, drilling home the effect of the pre-existing State law, which says when a public works contract is with a County, an action does not have to be commenced in the superior court of the county in which the problem occurs, but rather either party can ask to have the venue changed to an adjoining county. So, GJ posted the current GSP on the SharePoint site, with a proposed edit to cover this, as agreed to with the committee today – but **Bill** is to review and "think on this", and either bless this edit or suggest alternate language.

F. Future meetings – put on your calendars

<u>Date</u>	<u>Time</u>	<u>Location</u>
Sept. 24, 2015	10 am	Auburn City Hall, downstairs
Nov. 12, 2015	10 am	Auburn City Hall, downstairs

Action Items

Who	Sec. #	Issue	Due
ALL		try the OneDrive document sharing site & add comments	9/1/16
Bill	1-01.3	Review our edits in light of revised State RCW and approve or change	ASAP
Tamara	1-02.9	send Ted contact info on the clerks organizations, etc. you contacted	ASAP
Ted	1-02.9	develop presentation to educate local agency city clerks on Option B, with 1-3 hour delay in bid opening, to allow time to get DBE confirmations (see 5/15/14 & 2/12/15 mtg notes). Coordinate w/pertinent organizations to get the word out.	ASAP
Tina	1-04.6	both options – needs work related to the change order language (besides trying to get FHWA approval)	summer '15
Tina	1-05.4	Finish <u>Agency-provided Survey</u> spec and to committee to final proof.	summer '15
Tina		Obtain approval to use posted GSPs on FHWA-funded projects, not currently approved – revise GSPs as needed -- 1-02.1(1); 1-03.4(1); 1-04.6; 1-04.6, Options A & B – or get a definitive “never” after trying.	in progress
GJ	forms	Revised P&P bond forms – work w/Stacie & Dave to be made into fillable forms, and post in the Local Agency bid package, and publicize thru the LP ListServ.	June 2015
GJ	1-07.18	Insurance GSP update with task force & write memo on what/why changes.	July 2015
GJ	1-05.17	Delete GSP, with explanation in Change Log	ASAP
GJ	1-02.10	finalize per notes in document, and to Tina/Dave for posting.	ASAP
GJ	1-07.2	Revise GSP based on latest WSDOT SS edits, and notes. Request CASC to sponsor another tax workshop – see 2/12/15 meeting notes	ASAP
GJ	1-08.4	revise per 5/15/14 meeting notes and markups on SharePoint	
GJ	1-05.4	Proof Tina's rewrite of Contractor-provided Survey & prepare to post; divide current APWA GSP into 2 separate GSPs	by Aug 2015
On-going Tasks			
Scott		Coordinate with MRSC to post sample contract/bidding documents.	
Tina		Work with Board & John Carpita/MRSC on ways to impart information or ask for input from local agency specs-writing/compiling and construction contract admin. people. Targeted mailing list, webinars, etc. Also about shared workspace hosting (KBA SharePoint replacement)	
Tina		Work w/WSDOT and APWA Board on memorializing cooperation agreement, deciding parameters of the cooperation, etc.	
Tina		Discuss w/Board our committee relationship to Strategic Plan	
Ted		Work w/CASC co-chairs & CSI, other Local Agencies, on how we can support non-WSDOT based General Requirements needs of Local Agencies, and how to combine WSDOT/CSI based Special Provisions in one project	
Lori		Lead coordinator for Conference sessions – applications, follow-through.	
Dave	--	Send to Gretchen the type of changes agencies ask for to Div. 1, so we can gather info on trends, see what we might help with.	
Dave	forms	send bad examples of Agreement Forms for construction contracts to GJ. Then GJ write sample short Agreement Form to post and publicize as a Best Practice, train LAs in not repeating topics already covered in Bid Documents or SS. see 5/30/13 meeting notes	
Diane	---	Help users who have problems with our APWA GSP format – usually when using the PSE Word program.	