



**CONSTRUCTION STANDARDS
DIV. 1 COMMITTEE
MEETING NOTES**

**Thursday, September 21, 2017 - 10:00 am – 12:30 pm
Tacoma – Center for Urban Waters**

Attending: (P = via phone)

x	Ty Bardwell	x	Ted Hill		Lori McFarland	x	Diane Sheesley
	Pat Baughman	x	John Ho	x	Tamara Nack	x	Karissa Witthuhn
x	Aubrey Collier		Tina Lakose		Tina Nelson	x	William Wonch
		x	Bill Linton	x	Scott Sawyer		

A. Introductory Matters

1. Committee members briefly introduced themselves; some gave highlights from recent projects.
2. Karissa was welcomed to the committee. She will carry out Perteet's contract to take meeting notes and develop GSPs.
3. Diane requested that the committee review the notes from May 18, 2017. The notes are available on OneDrive.
4. Diane asked the committee for suggestions for new members to take Peter Dressel's place. No names were offered, but committee members indicated that they would look out for potential new members to fill the position.

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

1. WSDOT LP – John Ho, William Wonch
 - a. DBE determinations in spec section 1-07.11
 - i. Three scenarios when specific dollar amounts of work are committed to DBEs, but the work does not materialize:
 - (a) Owner changes – ex: mitigation site was planned but not constructed
 - (b) Contractor changes – ex: 1-lane closure to full closure, so TC \$ amount changes
 - (c) Qty underrun – ex: 200 TN vs 4000 TN planned qty
 - ii. Solution: owner change or quantity underrun – simply document that the work went away; contractor-initiated – contractor must look for replacement work for the DBE (DBE must get termination notice and opportunity to respond); GFE doesn't have to be the same dollar amount.
 - iii. Note: when an underrun happens, try to get written statements from DBE subs that they completed all available work
 - iv. Resource: wsdot.wa.gov/EqualOpportunity/default.htm
 - b. Disparity study
 - i. There's a new one out; they are conducted every 3 years
 - ii. Non-minority women-owned businesses were not a disparity after the previous study, but now they are again
 - iii. WSDOT is waiting for USDOT to confirm before they will revise the specs to reflect the change – WSDOT is still using UDBE firms and specs – see waiver repeal request on WSDOT equal opportunity website and see also WSDOT disparity study presentation link
 - c. LAG manual will now be updated in February and then as-needed (instead of twice yearly)
2. WSDOT/AGC Administration Team – Tina
 - a. Diane and Scott met with AGC – contractors shared their concerns and so did APWA – current supreme court decisions left room for abuses but created new problems, discussed suggestions for finding common ground. AGC will go back to their group to discuss our suggestions, hopefully can find common ground before next session.
 - b. (Bill) – prejudice means if a contractor failed to give claim notice they gave themselves an advantage
 - c. OneDrive has a draft spec from the WSDOT-AGC group for dispute review board GSP (or amendment?) revisions (as a bid item). Group discussion ensued.
 - d. Review and comment on 1-09.11 to Tina Nelson by Oct 13th

3. WSDOT Amendments/GSPs updates
 - a. August 7, 2017 update package – had two revisions to Div 1
 - i. 1-06.6(1)A – does not apply to local agencies
 - ii. 1-07 – deletes repetitive language – Diane will check to see if a revision to the APWA GSP is needed
4. Claims Notice Provisions – Meeting w/AGC (8/4/17) – Tina/Scott
 - a. See item B.1

C. Action Item Updates

1. APWA conference sessions Spring 2018
 - a. Bill may do construction law update or claims notice update
 - b. Another option is an WSDOT – FHWA Panel

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

1. Approved by Local Programs – 1-02.1(1), 1-02.5, 1-02.9 (A, B, & C), 1-02.14 (A, B, & C)
 - a. 1-02.9 (A, B, & C) prevailing wage statement – the group had discussion about how they've incorporated the language about paying prevailing wage into their boiler plates. Mike Purdy vs. MSRC recommendations. The APWA GSP has it as a separate form and gives the option to turn it in with the proposal or within 24 hours. Discussion about whether to include it as a separate form versus incorporate into the proposal form. Local agencies can use the WSDOT GSP addresses this but also addresses other topics.
2. 1-02.14 – Delinquent Taxes
 - a. This item will be addressed through Tina's correspondence with CPARB
3. Traffic Control - Uniformed Police Officer
 - a. A draft spec is available on OneDrive for review and comment
4. 1-04.4 – Minor Changes – Unexpected Site Changes
 - a. Tamara led discussion about this GSP. Several committee members participated in the discussion. Tamara will make revisions to the draft GSP and post to OneDrive for review and comment. Although some Local Agencies have been told by Local Programs that Minor Changes may not be used John Ho stated that local agencies may use Minor Changes. The primary revision will be in the maximum amount allowable for each minor change.
5. 1-09.6 - Unanticipated Work –
 - a. It was decided at the meeting to delete the SP since John Ho stated Local Agencies may use 1-04.4.

E. New Business

1. New Senate Bills:
 - SB 5301 – addressed
 - SB 5734 - need to address – APWA GSP 1-03.4(1)
 - There was discussion about contractor retainage requirement changes for \$150,000 contracts – confusion about whether or not the agency has the option to refuse a reduction to the retainage percentage requested by the contractor.
 - Bill stated that he believes the intent of the law is allow rural agencies to self-fund contracts in geographic areas where are minimal contractors who can get bonded. Bill will review and follow up with the group.
 - Committee members discussed the risk of appearance of discrimination when exercising the option.
 - Karissa – draft revisions to 1-03.4(1) to match new RCW language
 - ESHB 1538 – address
2. CPARB – Bidder responsibility guidelines – red-line update
 - a. CPARB guidelines from 2012 w/redlines from their Sept 14th, 2017 meeting – we can use this to update our 1-02.9. Their revisions appear to be straightforward, just updating their reference to the new RCW.
 - b. Review and comment on OneDrive.
- c. Retainage Bond Forms - there was discussion on whether the Committee should provide a Retainage Bond form for Local Agencies to use. Tamara will work on this item. Group members will forward samples from their agencies.

F. Future meetings – *put on your calendars*

<u>Date</u>	<u>Time</u>	<u>Location</u>
October 4, 2017	TBD	Fall Conf - Kennewick
November 16, 2017	10 am	Tacoma
January 25, 2018	10 am	Tacoma
March 15, 2018	10 am	Tacoma