

Location: City of Auburn

Meeting Notes

Participants:

Leslie Ernstrom	City of Vancouver
Bill Helbig	City of Auburn
Brenda Jallits	City of Seattle DOT (SDOT)
Gretchen Johnson (GJ)	KBA, Inc.
Rick Mizner	City of Tacoma, Water
Dave Mounts	WSDOT – H&LP
Tamara Nack	Gray & Osborne
Tina Nelson, Chair	Kitsap County

Attachments: None, just weblinks (see notes below)

A. Opening Business and Welcome

1. Tina welcomed the committee, and introductions were made around the table.
2. Tina gave a friendly reminder / plea that people please respond to emailed Meeting Announcements from her - let her know whether or not you are coming. We need this for space and doughnut planning, and also in case we need to postpone in case of weather, etc.
3. Meeting notes from May 10, 2007 are posted on Committee website.
4. Agenda for today was reviewed and approved

B. Report on Action Items and Progress since last meeting

1. **New APWA GSPs have been posted**, after review and approval by Committee (you can download them from http://www.wsdot.wa.gov/partners/apwa/Division_1_Page.htm) :
 - a. Introduction to the Special Provisions
 - b. 1-02.14, Disqualification of Bidders – in response to SHB 2010
 - c. 1-03.4(1), Retainage in Lieu of Contract Bond (for projects \$35,000 or less)
 - d. 1-08.1, Subcontracting - Responsible Subcontractor Requirements – in response to SHB 2010 – but later rescinded, when WSDOT decided to write an Amendment to cover this, after all (see below)
 - e. 1-08.5, Time for Completion - Options A and B – allowing different requirements for Contractor's start-work date. Approved to use on FHWA-funded projects if you limit your fill-in for start time to 30 days or less (Option B).
2. There is now a **new log showing APWA GSP additions and changes**, and a bit of the reason/history for each. See <http://www.wsdot.wa.gov/partners/apwa/LocalAgencyGSP-ChangeLog.doc>
3. The **running Action Items list** was reviewed and updated (see updated list at end of Meeting Notes).
4. Some answers/hilites not covered elsewhere in these notes:
 - a. Dave Mounts asked WSDOT if the APWA GSPs could be available thru WSDOT's **ftp site**, for easy multiple downloads – the answer is: No.
 - b. We have had no luck trying to get someone to resurrect the **Div. 5 Subcommittee**, and we're giving up (but of course, if anyone is interested in future, we'll be thrilled).
 - c. According to John Carpita, MRSC does have a subscription to Survey Monkey and would let APWA use it for a nominal fee. This service allows you to send out **on-line surveys to the APWA membership (or any mailing list)**, and get online, tabulated responses – consider as a resource, if we want to poll our members about the GSPs.

C. Report on & Review Actions by other organizations / committees

1. WSDOT Amendments/GSPs

- a. Reviewed August 7, 2007 issue – none that requires revisions to current APWA GSPs.
 - i. Synopsis of Amendments is at:
<http://www.wsdot.wa.gov/TA/Operations/LAG/2006SSRevAugust07.pdf>
 - ii. Synopsis of GSP changes is at:
<http://www.wsdot.wa.gov/TA/Operations/LAG/2006GSPLogRevAugust07.pdf> . Changes to Buy American provisions (required w/FHWA funding).
- b. New “emergency” **1-08.1, Subcontracting** amendment (dated 9/17/07) (see <http://www.wsdot.wa.gov/eesc/design/projectdev/gsp/gspspdf/08ap1.pdf>) – WSDOT changed their mind, and decided to add Amendment in response to new law (SHB 2010)

2. WSDOT/AGC Administration Team -- next meeting is September 21, 2007.

- a. Their meeting minutes always posted on:
<http://www.wsdot.wa.gov/biz/construction/IndTeams.cfm#AGCAdminTeam> (as of 10/29/07, the Sept. notes not yet posted)
- b. Craig McDaniel was supposed to try to get a H&LP person on the team – Tina to follow up.
- c. Dave Mounts mentioned that Jerry Bryant, Pierce County, has expressed an interest in being on the team and he Bill Ryan may replace Jerry Brais.

3. H&LP updates, from Dave Mounts – trying for **changes to DBE goals and tracking system**

- a. They are dropping the database entry requirement – this change is in the 2008 Std. Specs.
- b. Some Contractors getting better at “good faith effort: documentation & have been released from meeting goals – they must turn in what % they will commit to, on the form with the Bid.
- c. Changes still being considered:
 - i. Trying to get FHWA approval to state goals in \$ amounts, not %. The problem: Contractor is held to % committed to on DBE Utilization form, & that’s what holds, no matter what subsequent reports show (e.g., if Contractor has higher % at first, their commitment not raised to that amount)
 - ii. NAICS codes used for DBEs, but don’t always match what a company actually does – so they are considering using job descriptions instead. (As of now, a contractor can’t always get the credit for DBEs, if the DBE firm did different work on the project, than described under the NAICS coded # they are listed under, on the WA DBE website. – this is not fair.)
- d. The WSDOT “FHWA Construction Documentation” course has been totally revamped. Now it’s a “**LAG Training Conference**” -- a series of 2-hour sessions over a 2-day period, that go in more depth on each topic (including DBE). You can sign up for 1 or more of the sessions at a time. See: <http://www.wsdot.wa.gov/TA/T2Center/Training/LAGBrochure.pdf>

D. Issues Discussions

1. SHB 2010 – new laws adding requirements and criteria for determining responsible bidders (and subcontractors). Two parts:
 - Bidder and subcontractor eligibility – lists of requirements they must meet (and see WSDOT amendment and APWA GSP to deal with these).
 - Allowing Agencies to add Bidder Supplemental Criteria, depending on the project. (Committee had general discussion on this topic.)
- a. CPARB (Capital Projects Advisory Review Board) was charged with developing guidelines to help Agencies with both. Tina distributed draft guidelines at this 9/13/07 meeting. **Update: the guidelines are now posted on the CPARB site, dated October 11, 2007, Suggested**

Guidelines for Bidder Responsibility:

<http://www.ga.wa.gov/CPARB/BidderResponsibilityGuidelines.doc>

- i. They include explanation of mandatory criteria, and a checklist to use (Appendix D)
 - ii. They have discussion and samples of supplemental criteria
 - iii. Reminder that if you list criteria, must also list in Bid Docs what the Protest procedure & deadlines is. Make sure you also say you reserve the right to require additional information to evaluate.
2. **Disputes Review Boards (DRBs)** – continuing discussion (see May 10, 2007 notes for more)
- a. Tina reviewed history of interest by contractors, but was not able to get enough support from them to present a session at APWA Fall Conference – so we will do it at Spring 2008 conference instead.
 - b. Dave Mounts and our Committee are pushing to keep specs on DRBs in the WSDOT GSPs – and not put in Std Specs, as some would like. Dave M. will work with Dave Meriman to label the DRBs better in the GSP index, so easier to find on the website.

Update – the GSPs are in the 2008 Std. Specs book after all – see **1-09.11 Disputes and Claims** – providing language you need should you desire to add a DRB after there is a serious dispute during the project.

3. **Local Agencies needs for APWA GSPs changes**
- a. per Dave Mounts, several local agencies asking for changes to our GSPs, thru H&LP. He will log requests onto a spreadsheet & send to Tina, or just forward the requests to her – so we can respond.
4. **Contract Closure challenges** – continuing discussion from last meeting
- a. per Dave Mounts, landscape can be broken out to a separate contract, or even bid separately. Time it so it starts as soon as rest of construction is over. You can even do it from your Small Works Roster as “Phase 2”.
5. **Request for Approval of Materials (RAM)**
- a.

E. Topics for Future Meetings

1. Ruth McIntyre of H&LP Headquarters has identified several potential APWA GSPs we could write to make things simpler for local Agencies, but still satisfy FHWA funding requirements. GJ to send info to Dave Mounts, who will talk with Ruth about these, and bring to next meeting if he thinks any worth pursuing.

F. Future 2007-2008 Meetings

<u>Date</u>	<u>Location</u>
October 10	Fall Conference, Spokane
November 8, 10 am	City of Auburn, 25 W. Main St., 2nd floor, Room 3
January 10, 2008, 10 am	TBD

Action Items -- except GSPs in progress listed on attached GSP list (if a prior item is removed from this list, it is complete)			
Who	Start	What	Status
Tina	9/13/07	ck on adding H&LP person to WSDOT/AGC Admin. committee	
Tina	2007	check w/Steve Boesel –what is he saying about APWA GSPs in his Specification writing classes?	
GJ	9/13/07	Add link to the FHWA documentation training (LTAP website), to our Div. 1 committee website	
all APWA	9/13/07	Give Tina input on your Agency’s use of Dispute Review Boards and/or contacts interested in exploring (see 9/13/07 Meeting Notes for background)	
Tina	10/10/07	Develop APWA Spring 2008 conference session on DRBs for local agencies.	
Dave M	9/13/07	Check w/Ruth McIntyre on possible APWA GSPs on HMA and RAM (see emails)	
Dave M	2/1/07	Ask AG’s office how to make interim milestone liquidated damages work.	
Tina	5/10/07	Follow through w/WSDOT/AGC Admin Team at their 9/21/07 meeting -- on electronic drawings to bidders issue – form Task Force with CAD people/designers on it; make GSP rather than Std. Specs?; submit our edit to draft 1-02.4(3) spec	
GJ	3/8/07	Call John Carpita & suggest CASC workshop on bidding strategies to accommodate different sales tax setups – someone from DOR, someone who does it the WSODT way (groups), someone who separates out bid schedules, a contractor who’s built both ways.	
GJ	3/8/07	talk with John Carpita of MRSC about where to post sample specs from agencies –on their website? – they have other sample specs (mostly bid forms, etc.). Or, should they go on our committee webpage? Regardless, say: “May not be up to date” and “Use at your own Risk”.	
Dave M	early 2008	Report on result of 5 pilot projects tying final documentation to contractor's payment (not just retainage).	

GSPs Being Written and/or Reviewed

N = new GSP
 R = rev. to existing GSP
 C = correction
 R = in research
 D = being drafted
 P = committee approval pending
 W = submitted to WSDOT
 GSP/noF = posted, trying for FHWA approval

Sec. #	Name	Type	Status	Current "Owner"	Issue/Synopsis [& whose idea it was originally, if known], Status
1-01.3	Definitions	R	R	GJ	work on how Standard Plans & Details are called out – WSDOT Std. Plans, the agency's std details, other franchise utilities, etc. And, differentiate whether bound in the bid documents, or just referenced? (see pink postits at top of GJ's binder.) [Lori M] Also add where WSDOT uses "Voucher" for payment, means . . .
1-03.4(1)	Retainage in Lieu of Bond	N	GSP/noF	n/a	not approved for FHWA funded projects, but can only use on projects < \$35,000, so n/a
1-04.2	Coordination of Contract Documents . .	R	R	GJ	work on how Standard Plans & Details are called out – see notes for 1-01.3 [Lori M]
1-04.6	Variation in Estimated Quantities	R	GSP/noF	TN	trying to get approved for FHWA funded projects, by limiting fill-in amts.
1-04.6	Variation in Est. Quantities-Option A	R	GSP/noF	TN	trying to get approved for FHWA funded projects, by limiting fill-in amts.
1-04.6	Variation in Est. Quantities-Option B	R	GSP/noF	TN	trying to get approved for FHWA funded projects, by limiting fill-in amts.
1-04.12	Record Drawings	N	D	GJ	2 options: A-contract do RDs themselves; B-Contractor do red-line markup for Designer to draft. [??] Gray & Osborn PLS rewrote to mesh w/current WSDOT Std Specs & WSDOT GSP (did incorp 12/4/06 WSDOT GSP rev.).
1-05.4	Conf. w/& Deviation from Plans & Stakes	R	D	GJ	GJ reviewing.