

WSDOT/ACEC-WA Executive Liaison Committee Meeting

Wednesday, March 1, 2023 – 9:00 to 11:00 am

Meeting Minutes

- 1) **WSDOT Hiring** – Jeff Pelton provided a presentation on workforce and hiring challenges. Some challenges are the result of Baby Boomer retirements with not enough Millennial or Gen Xers available to replace the departures. WSDOT's retirements and resignations were significantly higher in 2022 than what is expected for 2023.
 - WSDOT has been working hard to bring in new Local 17 workforce. They have brought in 80 new hires in the E1 to E3 level, have hired 80 interns, and hired an additional 20 staff from career outreach events. There are still 100 open engineering positions to be filled. The majority of new hires (54%) were reached as a result of King/King media outreach / advertisement efforts. The level of workforce is higher than the 2019 numbers, but the experience level of WSDOT's workforce is below where it typically is. WSDOT's recruitment efforts have been successful due to their hiring approaches. Key to this success has been a "candidate first" mindset, as well frequent high touch points with new hires to help them learn the WSDOT culture and improve retention.
 - Linea Laird, Jilma Jiminez, and Van Collins acknowledged that hiring is a key focus of most consultant firms as well. A lot of effort is expended to bring in new talent, both local and nationally. One tool that has been successful is early recruitment of interns. AGC is also using early hiring of engineering students, where a firm commitment is made while they are still Juniors. There is an opportunity to be more aggressive in recruiting and hiring new engineering students.
 - Jilma Jiminez mentioned that it may be worthwhile for WSDOT to consider international /over-seas consultant resources to help support WSDOT's program needs. Due to robust design and construction programs across Washington and the United States, domestic engineering talent is limited. International employees are an available resource and WSDOT is already getting the benefit of overseas expertise in the D/B projects. This is an opportunity to be looked at.
- 2) **WSDOT COVID Update & Outlook** – Marshall Elizer and Mike Gribner mentioned that WSDOT is no longer restricted to employing/hiring only COVID vaccinated persons and that hiring decisions are being made on a case-by-case basis. An un-vaccinated employee may be hired if it makes sense for the type of work or crew conditions. WSDOT is hiring back some employees that were let go due to Covid Vaccination status. Whether an

employee is hired back depends on the need, the employee, and how they left the agency. In return hires to date, the employee seniority is generally returned, although most employees will have to serve a one year probation. Consultant employees that work on WSDOT projects may be allowed non-vaccinated status as well if it conforms with the consultant firms' requirements and meets the needs of the specific position and job duties.

3) The following Budget and Legislative Updates were discussed:

- Van Collins mentioned that some Eastern Washington senators are not happy with budget impacts on projects, but cost escalation is a reality. There are real and significant impacts to budgets and funding. ACEC is paying attention to some of the introduced bills, e.g. SB 5303. This Bill provides a benefit to local programs as it provides similar protections to Public Works Accounts like the gas tax.
- Marshall Elizer and Mike Gribner mentioned that WSDOT is paying attention to all new legislation but that they are still weeks out from knowing specific impacts. They assume there will be projects that are pushed out due to funding constraints. In the meantime, WSDOT is staying committed to current law budgets but knows that some projects will have future budget impacts. They do not have a clear picture yet of outcomes.
- Mike Gribner also mentioned that last year's Complete Streets legislation (include in projects over \$500,000) is having some fairly significant scope and financial impacts to some projects. Almost every WSDOT project is impacted by this legislation. They've asked for further policy intent due to the impacts.
- Van Collins questioned whether the HEAL Act (Healthy Environment for All) Legislation would result in similar impacts to projects. Kevin Miller noted that the HEAL Act applies to projects over \$15M and is to be implemented starting July 1, 2023. WSDOT has identified 30 projects so far where the HEAL Act would apply. The HEAL Act requires meaningful engagement be performed and requires that the feedback from this engagement be included in the program's Environmental Justice Assessments during the NEPA Process. Impacts as a result of the HEAL Act are not yet known.

4) The following Subcommittee Updates were provided:

- **Business Administration** – Ron Paananen mentioned that their first meeting of the year was held in January. The group discussed similar topics as was discussed this morning and included:
 - Direct Labor and salary escalation challenges,
 - Local Program Updates
 - Legislative session
 - Program Challenges – Safe Harbor Rates are out of date and have not kept up with escalation.

- **Design-Build** – Art McCluskey mentioned that they also held their first meeting of the year in January. Their focus is on review and updating D/B training and Template language. Topics discussed included:
 - Basic Configuration Guidance and when to implement final cost adjustments.
 - Industry input regarding ITP. WSDOT writes goals and evaluation of goals that don't always match the submittal requirements and the evaluation points.
 - Preliminary version of the D/B performance report. WSDOT WAC changes re D/B Performance Reports to be used.
 - D/B subgroup- will be looking at lessons learned re Fish Passage and Progressive D/B.

- **Project Delivery** – Kevin Miller discussed the following focus areas from a mid-December meeting:
 - Project Delivery Memo's. WSDOT will be more proactive and share the upcoming PD memos at 90% draft for input and comments. The group reviewed several upcoming PD Memos.
 - Standard Plan Updates. As they are updating the Standard plans, they need to assign a SME and licensed PE stamp to each page. In addition, this was the last manual that was hard copied. It is now being moved to a Microsoft platform for efficiency.
 - Reviewing \$500,000+ change orders for re-occurring themes and lessons learned.
 - Leadership discussion of HEAL Act.
 - HQ Design Group overseeing Design Manual Parameters and will beta test changes with the Regions for broader input, e.g. Summary of Quantity Changes, Project Delivery Memo's.

- **Structures & Geotechnical** – Evan Grimm and Joan Zhong – Brisbois noted that they introduced all the new staff changes occurring within the Structures and Geotechnical group including the addition of Amy Leland as the new State Bridge Design Engineer. Additional topics included:
 - Roman Peralta discussed the National Bridge inspection updates.
 - Mike Rosa discussed new bridge design changes in BDM and Standard Plans related to fish passages including enhanced efficiency in buried structures.
 - WSDOT Strategic Plan and goals as it relates to seismic resiliency and seismic lifelines.
 - Technical Lesson's learned and best practices for project delivery.
 - Ultra-High Strength Performance Concrete and other AASHTO updates.

5) **OCOI Manual Update** - Art McCluskey noted the good collaboration between WSDOT, AGC, and ACEC on the manual updates. The OCOI manual was updated in January 2023. The group that worked on the updates had committed to a more comprehensive roll out of the manual that provides background and training. The target timeframe for this training is now late April or May. It will be a 90-minute training session for AGC, ACEC, and WSDOT employees. Mark also noted that he has discussed with Kerry Pihlstrom (Sound Transit),

the approach of engaging with AGC, ACEC, and non-ACEC members in the development of the new OCOI manual. Hopefully this will set the stage for Sound Transit and ACEC to successfully address OCOI on their projects.

- 6) **Project Liability Insurance and wrap-up policies** - Art McCluskey provided background on new amendment language to D/B contracts that disallow wrap-up policies. There was a recent contract awarded to a contractor that provided a wrap-up policy that limited WSDOT's state liability. A costly change order was required to address this impact. The new amendment language prohibiting wrap-up policies only addressed policies that attempt to cover all project work, including both design and construction liability. This language does not prohibit a wrap-up policy that covers professional liability related to design efforts. The definition of a wrap up policy is not well defined or understood by non-insurance professionals, so it was brought up as a concern by ACEC. A wrap up policy definition is needed to provide clarity and eliminate future questions.
- 7) **Local Programs Update** - Kyle McKeon provided the following update on calls for projects:
- Safety call for projects (\$30 M) is currently open.
 - Bridge call for projects (\$150M) is currently open. With the request for projects, the WSDOT local programs office also published a list of off system bridges in poor condition to see if they could generate interest to invest in these structures.
 - NHPP call for paving projects will be coming out in the spring.
- Kyle noted that Local programs has received requests for cost increases due to escalating prices. Unfortunately, depending on the type of program, they cannot always honor the requests. As an example, Active Transportation Lists of projects have no flexibility to address increased costs.
 - Local agencies have adopted the AASHTO Guidelines for Complete Streets Standards.
 - There are many more direct receipt projects with FHWA oversight because of IIAJ awards. The locals may need consultant help to administer these projects.
 - Kyle needs clarity on what constitutes a service on a D/B project. He will discuss with D/B admin team.
 - Kyle noted that Local Programs generally apply the WSDOT OCOI policy to their projects. The new OCOI policy and manual has been received fairly well from the locals and the changes are easy to translate to the local work.
 - Kyle appreciates being invited into other admin work going on with the various committees, so he has a better understanding of policy implementation etc.
- 8) **Engineering Risk on Consultant Designed Projects** - Mark Gaines noted WSDOT will be procuring a significant amount of consultant work for the preservation program. A concern of WSDOT is whether consultants can make efficient risk decisions when designing this type of work. Design of preservation and repair work is most cost-effective when the

designer is comfortable taking calculated risks that maximize use of existing materials. Examples include repairing damaged steel beams rather than replacing them and limiting the extent of concrete removal on bridge deck rehabilitation projects.

- Linea shared the spreadsheet she had prepared based on feedback from ACEC committee member firm feedback. Repair vs. replacement is viable under the right circumstances. Key to preservation work performed by consultants is 1) clear understanding of expectations from owner, 2) knowledge of budget constraints and life cycle cost, 3) strong partnership with the owner (may include liability language), 4) Knowledge of site conditions and constraints that drive outcomes, 5) Analysis requirements.
- Mark requested that Evan and Joan review the spreadsheet with their Structures and Geotechnical sub-committee and provide feedback to spreadsheet or process.
- Linea will forward the spreadsheet to all ACEC /WSDOT meeting attendees.

9) **Annual Meeting Planning** - Mark Gaines noted the following:

- ACEC Confirmed: Meeting date of June 29th at the Hotel Murano in Tacoma.
- Next steps – March 14th small group meeting to firm up Agenda topics.

10) **Upcoming Meetings and Action Items** – Mark Gaines reminded the group:

- Upcoming Scheduled ELC Meetings:
 - Thursday, May 11, 2023, from 8-10 am (MS Teams)
- Action Items:
 - Look for opportunities to get ACEC feedback on Project Delivery Memos before they are published – Kevin Miller
 - OCOI Training – Art / Van
 - Wrap Up Liability Insurance definitions - Art
 - March 14th Agenda Planning – Mark Gaines, Mike Fleming, Claire Inslee, Van Collins, Linea Laird, Leann George
 - Engineering Risk on Consultant Designed Projects – Evan Grimm, Joan Zhong-Brisbois Structures and Geotech Sub-committee review of spreadsheet and feedback.
 - Provide more information on engineering risk scope to Evan and Joan – Mark and Linea.

11) The meeting was adjourned at 11:00 am