

## WSDOT/ACEC-WA Executive Liaison Committee Meeting

Thursday, May 11, 2023 – 8:00 to 10:00 am

Hybrid: WSP Federal Way Office, 33301 9<sup>th</sup> Ave S Suite 300, Federal Way, WA 98003  
Microsoft Teams [Link](#) or Call-In: 1-206-531-0324, Conference ID: 436 621 411#

### Meeting Minutes

Mark Gaines kicked off the meetings with an introduction of Kerri Woehler as the new M2D2 Deputy Director and the Executive Committee members all introduced themselves as well.

#### 1. Budget/Staffing Update/Legislative Update:

Van noted that the budget process was interesting with 2 different approaches between house and senate. Ultimately, the House prevailed. Van mentioned that there remain concerns with the Governor's office and WSDOT regarding sustainability. He guessed that legislators would address issues later. Van clarified that ACEC does not promote individual projects, but they do support at a program level. This program is robust. ACEC wants to partner with WSDOT to carry messages when we can. While this budget is not what was expected, it is a path forward.

Mike Gribner mentioned WSDOT does have concerns regarding this budget and system health. The age of the transportation system and amount of stress it bears will need continued dialog and emphasis. This budget pivoted away from what WSDOT expected it to look like. As a result, WSDOT is currently evaluating staffing and what delivery will look like. WSDOT will better understand impacts to their workforce and delivery in a few weeks. He expects there will be capacity in some regions and heavy workloads in other areas of the state. They will have to figure out how to adjust to that. He is concerned about the ongoing capacity within both WSDOT and industry to delivery work with the current robust budget. He noted that while it's a good problem to have, they need to talk about concerns: How much capacity can be created? How can WSDOT work to adjust the various workloads around the regions? Mike will bring back more information to ACEC at a future meeting and is looking forward to help from the ACEC community. Van noted that ACEC is looking forward to supplying information from the consulting community. Van and Mike agreed to get a smaller taskforce group to meet and discuss once WSDOT is ready.

#### 2. Brief Subcommittee Updates

SC Chairs

- Business Administration – Ron Paananen mentioned that he recently provided a short presentation at the ACEC Spring Conference.
  - a) While there is not a lot new to report, the one topic that does continue to come up is PPP loan forgiveness. Time has lapsed, some loans were forgiven, but then there was then an impact on overhead calculations. This

requires an accounting effort, and this has been painful for some of the smaller firms.

- b) The Sub-committee keeps track of Legislative outcomes and is also interested in Conflict of Interest and Fish Passage delivery.
  - c) He continues to hear comments/questions around Safe Harbor Overhead Rates. Are they being applied effectively? When firms are graduated from Safe Harbor, they need an audited overhead rate and it's pretty expensive for them to achieve.
- Design-Build – Art mentioned that the group is focused on the following:
    - a) Updating the D/B training modules such as Geotechnical, Roadway, and a few others.
    - b) Looking at whether there is a potential for fuel cost adjustment.
    - c) ITP document concerns regarding goals and points. Evaluation Points should align with what is required in the writing.
    - d) Conflict of interest training coming up on June 8<sup>th</sup>, 1:00 to 3:30. At end of the training, attendees should have a much better understanding of process. The training is open and WSDOT, ACEC, AGC, other interested parties like Local Agencies can attend. The invitation will be published on various websites, and Art forwarded the calendar invite to the team.
    - e) Art and Van mentioned that there is an AGC/ACEC fish passage subgroup being set up. Art is working with Jon Deffenbacher to identify members. They haven't met yet as the team is still forming. The intent of the sub-group is to look for best practices to share, or to identify what might need to be modified.
- Project Delivery – Kevin Miller mentioned they are focusing on:
    - a) Upcoming policy or project delivery memos. They now have the policy author join the sub-committee group to share upcoming policy discussions, improve understanding or it, and to gain feedback.
    - b) Participating in statewide review of the design manual.
    - c) WSF is developing multiple D/B projects for their unique type of needs. They are looking at sharing information for a broader viewpoint.
- Structures & Geotechnical – Evan and Joan provided the following:
    - a) Joan mentioned that they are keeping the group informed of upcoming changes in the BDM, Fish Passage, Standard Plans, Specifications, etc., to resolve inconsistencies and issues between designer, hydraulics, and geotechnical.
    - b) Evan noted that they recently brought in Julie Heilman to discuss hydraulic and scour requirement issues regarding fish passage projects. Their goal was to have a better understanding of both hydraulic and scour requirements. Evan gave Kudos to Julie as a leader in moving issues forward quickly and in working to help resolve conflicts.
    - c) Update on Consulting Preservation Design Work - Evan provided a short update regarding efforts to date to align consultant behavior with owner expectations to make effective and efficient design decisions regarding

preservation vs replacement work. Evan worked from the executive summary spreadsheet prepared by ACEC and received subcommittee comments from the structural designer perspective. He noted the following:

- WSDOT would need to educate consultants about WSDOT's risk concerns.
  - WSDOT needs to bring the right specialist to the table to better understand internal policy or how they determine the right work effort.
  - The subcommittee felt there might be an opportunity for lesson's learned and peer exchanges. Perhaps a team effort with Oregon DOT.
  - WSDOT also needs to consider and limit the type of risk you are shifting to consultants.
  - WSDOT typically builds up internal risk discussions based on research and may need to bring more consultants into our research work.
  - Design Criteria should be included with the design so there is a better basis to work from when the structure needs rehab.
  - WSDOT typically defines the work effort expected, then hands the resulting effort over to the consultant. To be more efficient & effective, WSDOT would bring the consultant in early to discuss the damage and expertise needed. If consultants were engaged in this type of discussion, we could build better consultant expertise.
  - Mark brought up the RFI process as a potential opportunity to bring some of these issues forward.
- Local Programs Update: Kyle McKeon attended for Jay Drye and spoke about the current status of program selection and prioritization:
    - a) There was a \$10M call for rail crossing work. Unfortunately, the Class 1 railroads and criteria did not align, and a legal challenge is underway. Local programs then focused this call on railroad short lines and got great projects.
    - b) Call for Off system bridges was \$100M. 87 submittals are being evaluated.
    - c) Kyle mentioned that Michelle Briton is the new Asst State Local Program Engineer, and she will participate on the Business Sub-committee.
    - d) In their review of the budget, they are seeing cost increases in agreement amounts.
    - e) Kyle noted that they need ACEC's help in backing up consultant agreements by a month or so. If we let the agreement get close to the expiration date, the owners don't have time to get extensions approved through their boards and councils and the agreements are expiring.
3. Drone inspection of bridges: Evan Grimm summarized a presentation provided to the Senate Transportation Committee (STC) in March. The STC requested a live drone feed of the inspection of the SR 520 floating bridge. Mike Smith provided a live presentation for the Committee. Mike is a member of the bridge inspection dive team and leads in technology improvements such as drones and ROV's. WSDOT has an

“uncrewed” aerial policy to support ethical and legal use of drones. FHWA encourages the use of drones for structures inspection when it’s feasible and used as supplemental effort. As artificial intelligence improves, the tools will get better. The Bridge and Structures office does use the ROV for cable inspection and drones where practical. The presentation was performed live, and legislators got to see both underwater inspection of an anchor cable and UAV drone inspection. Mark Gaines also noted that drones could be a great tool for disaster work. There are many drones being used statewide, i.e., Olympic Region maintenance has 5 drones that they use.

Break (10 minutes)

4. WSDOT Updates: Marshall noted that WSDOT is waiting to see what the Governor does on the budget. Will some of it be vetoed? Legislators provided a huge capital program, but WSDOT is a proponent of funding more preservation & maintenance. The Complete Streets legislation still needs work as well. He questioned if the added Legislative session to review drug laws, will open the door to additional budget discussions? Marshall also mentioned that the Governor cancelled the Order tied to covid vaccinations for State workers. The Covid requirements for consultants and construction will also likely be rescinded.
5. Small Business/Safe Harbor Rates Update:
  - a) Mark Gaines provided a brief overview of how the Safe Harbor Rate is applied to small businesses and noted that he is hearing there may be concerns with the process and rate.
  - b) Linea Laird confirmed that she had spoken to several small business owners and there are concerns with the rate as most small business can earn more money outside the safe harbor rate. Working for WSDOT or on federally funded projects is a business decision because a small firm may have the ability to work more hours under WSDOT projects. There is time, cost, and additional expense when working under this program. First, you need to have appropriate bookkeeping in place to even apply and get approved for a Safe Harbor Rate. Second, you need to then pay a professional to help you achieve an audited rate and that takes several years and additional dollars to graduate from the program. Third, expertise and support are needed to work with small business to help them work through the process and needs.
  - c) Linea got feedback that many small business firms are not comfortable discussing issues with WSDOT as they are the hand that feeds them. They would be OK providing feedback to ACEC via an anonymous survey.
  - d) Linea and Van agreed to put together some questions and then get back to WSDOT, (Mark Gaines, Audit Office, etc.) so that their input is considered before this survey is sent out. ACEC will ultimately need the names of small businesses

that currently enrolled in the Safe Harbor Program, and then those that have graduated as well.

6. Annual Meeting Planning:

- a) Confirmed: June 29<sup>th</sup> at the Hotel Murano in Tacoma.
- b) Mark noted the agenda is complete except for identifying who will be providing the Legislative presentation. Van is working with their lobbyist to try and confirm Jake Fey for this event. He is hoping to have it confirmed in the next day or two. The agenda can go out with TBD if needed.
- c) Send out announcement/registration in May - Van stated that Claire will be sending out announcement/registration in the very near future. Leann asked that Claire provide her the website and registration information as soon as possible so that she can forward it to WSDOT attendees.
- d) Next steps: Confirm legislator, send out registration information.

7. Upcoming Meetings and Action Items:

- a) Mark, Linea, and Van agreed on the following Upcoming Scheduled ELC Meetings:
  - Friday, Oct. 6 – 8-10 am
  - Friday, Dec. 8 – 8-10 am
- b) ELC Action Items:
  - Art McCluskey – Share invite/link to Conflict-of-Interest training, scheduled for June 8<sup>th</sup>.
  - Kevin Miller – Work on ways to expand sharing the Design Policy updates.
  - Evan Grimm – Provide a follow-up report regarding using consultants for preservation design work.
  - Linea and Van – Create questions for survey questions for Safe Harbor and Small Business and send to Mark.
  - Mark – Set up internal meeting with Chris C., OECR, and internal audit for an internal meeting to review the questions and add input.
  - Van – share Annual Meeting registration link to Leann.

8. The Meeting was adjourned at 10:00 am.