

WSDOT/ACEC-WA Executive Liaison Committee
Tuesday, May 21, 2024 – 8:00 to 10:00 am
Meeting Minutes

Introductions/review of agenda

Mark Gaines convened the meeting at 8 a. m. The meeting attendees introduced themselves per Mark's request. After the introductions it was noted that ACEC member attendance was low. This is something Van Collins will be looking into.

Leann George reviewed the agenda and opened the floor for any additions or comments. There were no suggestions or comments.

Update on Design-Build Fish Passage Task Force

Chuck Meade, Assistant State Construction Engineer

Background/Overview:

- The Design Build Fish Passage Task Force was created in the fall of 2023 by Jon Deffenbacher in HQ Construction. The members for the task force were hand selected; the group was kept small so decisions can be made quickly, and conversations are kept on point. Subject matter experts are invited as needed and members seek feedback and information from their coworkers when necessary. The core group is nimble because too many participants could impede the progress of the team.
- The original charter was used to create the guiding vision which facilitates collaboration between WSDOT and industry to improve fish passage design-build contracts in alignment with the following principles:
 - Balanced Risk approach that addresses the needs of WSDOT, Designers, and Builders
 - Expediting fish passage to streamline delivery.
 - Cost-effective, constructible fish passage projects that meet the Injunction.
 - And promote broad interest and participation in fish passage design-build to provide a level playing field for industry participants.
- The team meets monthly for three hours in person, and all actively participate in the recommendations and decision-making. They started by discussing the pain points for different groups involved in the industry and where improvement is necessary.
- The task force works off the list to make recommendations to the Fish Passage Strategy team by explaining the problem and its consequences and then recommending a solution to mitigate the problem. They generate ideas and suggestions, present them, and let the Fish Passage Strategy team decide on implementation.
- To date, the task force has made four recommendations to the Fish Passage strategy team that include:

- A recommendation concerned with organizational conflicts of interest policy. The team recommended that PHD authors be allowed to preemptively participate on Design/Build teams pursuing projects associated with the PHD site. Implementing this suggestion would effectively make all the information available without unfairly advancing the author of the PHD.
 - Other recommendations were to increase stipends for the different pursuits of folks involved in the shortlist and advocate for using 4-sided buried structures instead of the favored 3-sided structures. 4-sided structures are faster to build and, when within the engineering parameters, are a better choice.
 - Another recommendation by the team was to relax stream design engineer minimum requirements to help open capacity in the industry and to allow more competition and participation in design/build teams.
- The team is close to recommending a modification of peer review requirements to help increase capacity from the engineering industry to allow people closer to the design, or even on the design-build team, to peer review the engineering products being delivered from the hydraulics or stream engineer standpoint.
 - Additional recommendations under consideration are warranty deletion with broader roadway closure allowances, looking at PHD authoring differently, changing the permit acquisition process, and risk profiles for the different sites. How these changes will affect other projects is considered before making recommendations. Ultimately, the Fish Passage Strategy team must determine the benefit/cost of implementing these recommendations.
 - Regarding the warranty, the task force feels that for the industry at large, it is best to delete or remove the Fish Passage warranty from the Design/Build contracts and rely on only a one-year warranty rather than a five-year warranty.
 - There is no specific timeline for when the Fish Passage Strategy Team must implement these recommendations. However, after giving their recommendations, they request that the Fish Passage Strategy group to respond within a certain amount of time. Two of the task force's four recommendations were implemented, while the others are still under consideration.

Mark thanked Chuck for the presentation and commented that he appreciates the practical approach that the task force is taking and that the ideas are challenging and push back on current practices.

Budget/Staffing and Legislative Updates

Kerri Woehler

- Kerri stated that the official number of fatalities in 2023 was 810, the highest in 30 years, and that policy work needs to be done at the State and Federal levels to bring that number down. Two measures being introduced are Work Zone Speed Cameras and a proviso on wrong-way driving. There are dozens of provisos under consideration: one is at the Snake River dam, asking what the impacts would be if the dams were removed. Several measures planned are in active transportation grant programs, one on equity

related to community engagement strategies, performance-based project evaluation proviso work, and several more.

- The agency continues to emphasize the same messages that we have been sharing for some time. Our budget needs are focused on operations, maintenance, safety, preservation, fish, and ferries. Our Highway System Plan, which will be out this summer, will also emphasize these things.
- More changes happening in the front office, Megan Cotton transferred to the Governor's office as Senior Transportation Policy Advisor, Steve Breaux continues to act as Senior Director of External Relations, and Lorraine Basch is in an acting capacity as the Tribal and Federal Relations Director.

Todd Trepanier

- Todd Trepanier shared how, as an agency, it is difficult to predict where we will be months from now. WSDOT has a high percentage of new employees throughout the agency. This brings a lot of talent, but without the history and experience of a more senior workforce.
- Todd stressed that we need to concentrate on the issue of estimating projects correctly, and we need to look at what can be done to make estimates more accurate.
- We listened to contractors' concerns about the number of WSDOT employees who are teleworking and not on-site. Todd expressed concern about what would happen if WSDOT changed its position on encouraging telework and whether discouraging remote work would adversely affect our staffing and ability to hire.
 - ❖ Jeff Carpenter acknowledged there are challenges on both sides, but if people are in the office, there is more communication and there is cross-support available. With teleworking, continuity is gone, and the ancillary knowledge between cubicles is missing. This can stall projects and contractors and consultants start to feel that they are the only people working on the project that day, which can be negative and frustrating.
 - ❖ Art McCluskey pointed out that in the survey results taken last fall, the WSDOT remote work policy was one factor that made contractors reluctant to submit bids on projects. He explained why WSDOT has the policy. Still, he admitted that the Design/Build community is concerned about this policy and has suggested that a balance between in-person and telework needs to be implemented so that there are times when you know everyone will be on a project.
 - ❖ Joan Zhong-Brisbois stated that teleworking should depend on the people, culture, and type of work done. She defended teleworking as more productive in many cases. Still, she admitted that some team members need more face-to-face interaction and supervision, with team management stressing accountability and being supportive. She agreed that certain types of work will need in-person meetings, while teleworking can be more effective with other types of work. Both arguments have pros and cons since commuting can waste a lot of time and resources, and we don't need to be in person all the time. When working with young or new team members, face-to-face time might be

necessary. She reminded everyone that the infrastructure has changed. In the past, everyone had their own cubicle or office. Now, most offices have "drop-in" areas set up for people to come into the office. These areas are not always quiet, and it can be difficult to hold meetings in the office over Teams.

- Todd commented on the maintenance/preservation issues at WSDOT. We are trying to be intentional when we talk about maintenance. With the limited funding provided by the Legislature, these issues are only going to get worse in the future.
- Todd spoke of the Yessler Project coming in at \$60-70 million dollars over the estimated cost. Going forward with this project could jeopardize other projects in the preservation program.
- We have a large volume of work but are unsure where our money will be spent. Regions are employing new staff, and having a new Governor this fall will also affect decisions going forward.

Van Collins

- Van Collins reported on Legislative Budget Provisos, stating that one of his recent conversations with staff at the Joint Transportation Committee was about evaluating the various procurement methods.
- He recently met with Washington State congressmen and women in DC and talked about issues in the industry.
- Workforce was discussed, and Van stated that we need more engineers and are 80,000 short for Federal programs. He said that 60% of postgraduate engineers are foreign, and it would benefit us for them to be retained in the country for work purposes, which makes this an immigration issue.

Subcommittee Updates

Business Administration - Erik Jonson

- Erik reported that the Business Administration subcommittee met early last week and discussed operations related to contracts and rate negotiations. They shared ideas and exchanged information. The bulk of the meeting was used to discuss what they will be doing for the next calendar year in preparation for their subcommittee report at the Annual meeting. They have identified 17 areas of interest and will focus on five of these areas.

Design-Build - Art McClusky

- Art reported that the Design/Build subcommittee discussed the survey that went out last fall. One item of interest was the stipend amount, so a separate survey was distributed to address only that issue. They sent a construction bulletin to increase the stipend amounts for Fish Barrier and other projects based on their size and contract value.
- Art mentioned other items from the fall 2023 survey, such as the effort required to submit Statements of Qualification(SOQs) and proposals. At tomorrow's subcommittee meeting, they will discuss large project sizes and fixed price lists for multiple-year

projects, which are two issues mentioned in the survey that prevent project submissions.

- Art has been attending CPARB meetings regarding the WSDOT's delivery method. Two deadlines have been set: July 1, 2024 to provide recommendations for the SR 18 project and December 1, 2024 to provide recommendations for two other projects. Currently no other projects have been looked out as the focus has been the July 1, 2024 deadline. We are not sure what is going to happen after July 1st.
- This week, they will develop a draft recommendation on the SR 18 project and engage with CPARB members in June so the recommendations will be ready by July 1. Other project recommendations are on hold until the July 1 deadline is met. They need help with what is being asked of them regarding recommendations. For the SR 18 project, they will work on recommendations, project delivery selection, and the restrictions if prices come in 5% or \$10,000,000 over the engineer's estimate. The recommendations will include the delivery and selection method used, and they will recommend that the project be done as initially designed. WSDOT has designated all projects except SR 18 as being design-bid-build. Once the recommendations are received, discussions will be held between the various groups to determine how to move forward.

Project Delivery - Rafael Reyes

- Project Delivery is working on a Plan for Approval to address concerns over the difference in the process across the regions. ACEC would like to see a more consistency throughout the State, and WSDOT agrees.
- It was discovered that initially, HQ Development Division used to provide examples of Plans for Approval and a checklist of what should be provided. However, the regions felt that this was not meeting the unique needs of their regions.
- HQ still provides a checklist of basic and fundamental items to include for Plans for Approval but doesn't state what is mandatory other than the fact that Plans for Approval are required. This is causing confusion and slows down the process, which needs to be addressed for a smooth and consistent process that meets everyone's needs.
- Rafael is creating a small work group with representation from each region and Local Programs. The goal is to develop consistent guidance and policy. They hope to have the guidance and policies reviewed before the next Design Manual update in spring of 2025.
 - ❖ Jay Drye shared that a statewide survey of agents and consultants showed that the number one obstacle to delivering WSDOT projects was the Plan for Approval issue.

Structures & Geotechnical - Evan Grimm and Joan Zhong-Brisbois

- They maintain a technical focus in their subcommittee, including the consultants and the WSDOT Designers, while looking for improvement opportunities. The subcommittee is mainly focused on production, whether improving design or construction practices.
- Information sharing and presentations, such as the 520 programs and some of the specific construction lessons learned on that design-build have helped glean information and learn from each other. HQ Geotechnical/Testing discussed the new seismic requirements for drilling and testing. They shared challenges with scheduling so that

there is a better understanding among the people involved with production. There was a recent presentation on progressive design/build from someone who had worked nationwide on major bridge projects. Hearing the pros and cons of different delivery methods was very informative.

- On the collaboration side, discussions were held on how to train their people to get up to speed quickly and utilizing virtual workspace more effectively.
- Joan reported that we should continue discussing lessons learned. We learned that construction costs increase when Geotech disciplines are not involved early enough in the Fish Passage projects. We would rather look ahead to what is possible than discuss the past.

Local Programs Update - Jay Drye

- Jay stated that Fish Passage programs have funding available for the local side, with 12 projects costing \$47,000,000. The last round of congressional spending was on 47 projects for \$57,000,000.
- The Railroad Safety program, Section 130, has many challenges due to litigation issues with class 1 Railroad.
- Our program has grown fourfold in the last three years, including funding growth from both the state and federal sides. Resources are spread thin. We are doing okay, but many of the agencies we work with, and their contractors lack experience.
- There are concerns about people changing the scope of a project without realizing that the scope of the project is tied to specific funding and can't be easily changed. When local projects are looking at scope changes, consultants need to ask about the feasibility before making any changes.
- Jay shared that while their program has grown in the last four years, safety programs have not, with only 3% of a program dedicated to safety.

2024 WSDOT/ACEC Annual Meeting

Van Collins and Claire Inslee shared some of the topics regarding the June 2024 WSDOT/ACEC Annual Meeting.

- The Annual Meeting will be on June 11 at the Hotel Murano in Tacoma.
- Claire shared that this year's presentations will include topics such as AI and how it is being implemented in ACEC, Tackling the Workforce Shortage, Fish Passage Program Update.

ACEC Small Business Survey

Van Collins reported that there is nothing to share at this time. He hopes to have an update at the next meeting.

OCOI

Art McClusky provided an update regarding OCOI.

- OCOI is holding an internal meeting to discuss the Fish Barrier Task Force recommendations before meeting with industry to reach a consensus on what WSDOT wants to recommend.
- Mark Gaines commented we want to be cautious about the changes to allowing designers to work on both sides of design/build projects to make sure we are doing something that we would be okay with later.

Pier Protection Presentation of Existing Bridges

Due to the meeting running behind, Evan Grimm agreed to share his presentation to the attendees.

- Senator Lias asked WSDOT to investigate the pier protection of existing bridges, particularly the 100-year-old Lewis/Clark bridge over the Columbia River.

Upcoming Meetings

Mark mentioned that in the future, these meeting will be virtual. It seems we don't get the level of engagement with the hybrid meetings. The plan will be to have the first meeting following summer break in-person and all other meeting will be held virtually.

The September meeting will be held in-person only. Please follow up with Leann George if you have conflicts with the dates for September and November below.

- September 9th 1-3 pm or September 12th 2-4 pm
- November 14th 2-4 pm or November 26th 1-3 pm
- Discuss in-person vs. virtual

Action Items

- ✓ All – Let Leann George know if you have conflicts with the suggested dates below.
- ✓ Evan Grimm – Evan will send his presentation on Pier Protection of Existing Bridges with the meeting participants.
- ✓ Mark Gaines – Mark will send the charts he shared that reflect the difference between the estimated costs and actual costs of projects. 2017 – present most of the year's things have gone pretty well. For 2023 and 2024, on average we have been over 48% & 43% respectively. The increases in cost overestimates are why we are having conversations on how to be more accurate.

Adjourn: The meeting adjourned at 10:00 am.