

## WSBA CONSTRUCTION LAW SECTION COUNCIL MEETING

**December 14, 2016 @ Noon**

### SEPTEMBER MEETING

Short Cressman  
999 Third Avenue, Suite 3000

### CALL IN INFORMATION

Dial In # is: 1-866-577-9294

Participant Code: 501655

Moderator Code: 5016559

### AGENDA

1. Approval of November minutes
2. Financial –J. Beyerlein
3. Scholarship update – T. Wolfendale
  - Updates regarding student pizza events
4. Newsletter updates – A. Tramountanas
5. Winter Forum – B. Olson
6. Mid-Year CLE – Ron English and Jason Piskel
7. Spring CLE?
7. Deskbook – R. English

Here's our latest suggestions for the seminar in June.

Case Law update (60)

Legislative update (15)

Ethics (60)

Judicial Panel (Judge Andrus and others) (60)

Main Focus: Washington Statutory Requirements affecting Construction

Public Contracting Delivery Methods (Jim Nagle?) (30)

Statutes of limitation/Repose (Jennifer) (20)

Liens and Retainage (Karl Oles) (60)

Chapter 39.04 Requirements for Public Contracts (Ron) (30)

Payment Issues (Bob Olson?) (45)

Condo Issues (Steve Jager?) (20)

Bonds (20)

This total 7 full hours, perhaps too much. I would like your reactions, and ask that this be forwarded to the Council for discussion next Wednesday.

List of the statutes for reference:

Procurement\*

- General Provisions (39.04)
- Particular agency construction statutes (various)
- Competitive Bidding (39.04, 39.30)
- Bidder Responsibility (39.04, 39.26) \*
- Alternative public works (39.10, 39.34, 43.52) \*
- Small Works (39.04)
- Emergency (39.04)
- Sole Source (39.04)
- Bid Protests (39.04)
- Architects and Engineers (39.80)

Contract Issues

- Prevailing Wage (39.12) \*
- Public Records (42.56, 39.26)
- Worker Safety (WAC 296-155) \*
- Apprenticeship (39.04)
- MWBE (39.19)
- Suspension and Debarment (39.26)
- Prompt Payment and Withholding (39.76)

Disputes and Claims

- Contractor Registration (18.27)
- Condo issues (incl. 64.50.55)
- Venue (4.92)
- Attorneys Fees (39.04)
- Performance and Payment Bonds (39.08) \*
- Retainage and Lien Claims (60.28) \*
- Statute of Repose
- Anti-indemnity
- Statute of Limitation

We have about 3.25 hours to fill( 6. 5 hours, less case law and legislative updates, ethics and judges). Here are some suggestions:

- Jennifer on Statutes of Lim/Repose (20 min)
- Public contracting and delivery methods (Janelle Brennan?) (30 min?)
- Liens and retain age (Karl Oles) (although everyone seems to be doing this one). (40-60 min?)
- Payment (Bob Olson did the desk book chapter) (40 min?)
- Chapter 39.04 issues (30-40 min) (I can do this, or we can get someone else)
- Condo issues (20 min?)

That's 3-3.3 hours.

Any concerns with my contacting Judge Andrus about participating in June?

8. WSBA – November CLE fee issue
9. New business