PUBLIC WORKS STANDARDS, INC. – GREENBOOK COMMITTEE

MEETING MINUTES

May 18, 2017

Presiding: Erik Updyke, APWA Co-Chair

1. Called to Order: 9:35 a.m.

2. Self-Introduction of those present (from the sign-in sheet):
   Ansorge, Jess            Student
   Diaz, David*             Griffith Co./AGCC
   Fahey, Keegen            LA County
   Macfarlane, Randy*       City of LA, BOCA
   Mergen, Kate             AGCC
   Ramirez, Onofre*         City of Long Beach
   Sternhahl, Chip          AGCC
   Tatalovich, Mike*        LACSD
   Taylor, Carl             Huitt-Zollars
   Thomann, Blaine          OCPW
   Updyke, Erik*            LA County
   Vivant, Don**            Sully-Miller/AGCC

   Via Webconference / Teleconference:
   Carter, Kevin            Huitt-Zollars
   Gilley, Curt*            Terrain Eng./AGCC
   Kim, Jeewoong*           Ventura County PWA
   Massabki, Raffi*         City of LA, BOE
   Mitchell, David*         Member-at-Large
   Mohieze, Omar*           City of Burbank
   Nelson, Joshua           City of Industry
   Ofanesyan, Sarkis*       City of Glendale
   Peterson, Dan*           DJP Co./AGCC
   Woolsey, Rory            BNI

   (* denotes voting member; ** denotes voting member with proxy)

3. Establish a Quorum:
   Self-introductions were made and a quorum was established with 14 voting members present, including 1 utility member and 1 contractor.
4. **Approval of Minutes from Last Meeting:**
The minutes of the March 16, 2017 meeting were unanimously approved; motion to approve by Omar Mohieze; seconded by Dan Peterson.

The minutes of the April 20, 2017 meeting were unanimously approved; motion to approve by Onofre Ramirez; seconded by Dan Peterson.

5. **Correspondence:**
   - Proxy Don Vivant for Jim St. Martin.
   - Proxy Don Vivant for Dan Peterson.
   - Email from Erik Updyke to Kevin Thompson (Laguna County Sanitation District) in which errors to PVC pipe bedding/backfill specifications, Section 217-2, were identified. The appropriate corrections will be made in Change 283U.

6. **Old Business:**
   a. **Supplement Changes:** Action was taken as described below.
      - **Change No. 267S** – Section 203-3 Emulsified Asphalt & 302-4 Slurry Seal Surfacing: Motion to approve by Don Vivant; seconded by Onofre Ramirez; unanimously approved.
      - **Change No. 279S** – Sections 203-4 and 302-3 Microsurfacing: Motion to approve by Don Vivant; seconded by David Diaz; unanimously approved.
      - **Change No. 281E** – Part 4 Existing Improvements, Protection and Restoration: was returned to Editorial Standards Subcommittee for renumbering and correction of errors.
   b. **Other Old Business:** None

7. **New Business:**
   a. **Co-Chairman’s Report:**
      Erik Updyke reported:
      1) The May 5, 2017 ASCE San Diego Greenbook seminar put on by Erik Updyke, Dave Badgley, and Nathan Forrest was well attended with approximately 60 attendees.
      2) Erik reminded members of the need to provide a proxy when they cannot attend the General Meetings, and requested a direct link to the proxy form be provided in the meeting notice. Mike Tatalovich agreed to update the meeting notice this month.
      3) Following the meeting, Erik provided two documents that describe the origins of the Greenbook, which have been attached to these minutes.

   b. **Secretary’s Report:**
      Mike Tatalovich reported:
      1) Alex Salazar, a member of the Committee, has moved from the City of Fountain Valley to City of Irvine Public Works.

   c. **Communication Report:** No report.
d. Surface Materials and Methods Subcommittee (SC) Report:
   Keegen Fahey reported:
   1) Change 282S, Section 403 Cold Milling & Sec 404 Micro Milling, was
      approved and is moving to Editorial.
   2) Concrete Ad Hoc did not meet in May. Changes 246S (Alkaline Sulfur
      Reaction) and 272S (Stone for RipRap) are still with Concrete Ad Hoc.

e. Underground Materials and Methods Subcommittee (SC) Report:
   Curtiss Gilley reported:
   1) Meeting focused on four Changes, as follows:
      a. 275U (cast-in-place RCB) – Voted and sent to Editorial. This
         change will add a new section to the Greenbook;
      b. 283U (Section 217 Bedding and Backfill) – Voted and sent to
         Editorial.
      c. 284U (Part 5) – Needs one more meeting before holding a vote.
         The change focuses on restructuring and editing of Part 5, any
         technical corrections will be performed later.
      d. 290U (Jacking and Tunneling) – Voted and sent to Editorial. This
         change revises the existing section.
   2) No new business was discussed. Next meeting is scheduled for June 13.


g. General Provisions Subcommittee (SC) Report:
   Dan Phelps reported:
   1) Dan’s audio was difficult to hear, so Erik Updyke continued the report.
   2) David and Dan attended the last meeting, where Change 277S, Part 1
      update, was discussed/commented.


i. Editorial Standards Subcommittee Report:
   Erik Updyke reported:
   1) Change 277S, which is focused on restructuring to get content in line
      with Caltrans and AASHTO should be done next month.
   2) Several changes will be in review by Editorial next month, including
      Changes 283U, 275U, 290U, 280S, 282S, and 286S.

j. Other New Business:
   1) Mark Ups
      Kate Mergen and Chip Sterndahl with AGC requested assistance from
      the Greenbook Committee to resolve issues with mark ups. The issue
      is that the Greenbook does not specify mark ups, and without guidance
      by a standard specification, like the Greenbook, AGC feels that the
      various agencies specifications provide inadequate or unfair direction
      on how to handle mark ups. Current practices by agencies include:
i. Referencing the GB for mark ups, which states to use reasonable mark ups, and reasonable is a subjective term; or
ii. Specifying low rates for mark ups; or
iii. Specifying low rates for mark ups with time related overhead, which does not adequately address subcontractor mark ups.

2) In response, Erik stated:
   i. AGC has broached this issue with Greenbook Committee on several occasions.
   ii. The Committee’s response is steadfast that under the current ruling by the State of California that it cannot have specific requirements for mark ups.
   iii. The Committee believes this is a legal issue and due to past action and legal ruling by the State of California, if the Greenbook became involved in this issue it could result in severe penalty or harm to the Committee.
   iv. It was recommended that AGC work with Mr. Kamine and Dan Phelps to determine the best course of action to resolve the issue.

3) AGC responded:
   i. Caltrans has specific criteria in their specifications for mark ups, so why can’t the Greenbook?
   ii. AGC believes the original legal ruling by the State of California confused the issues and that specific criteria placed within the Greenbook does not constitute price fixing because mark ups may or may not arise during a project, and mark ups are handles outside of the bid items.

4) Erik responded that to the best of his understanding, Caltrans’ specifications are for only one agency, whereas the Greenbook is used by many agencies. This difference allows the argument for price fixing to be applied to the Greenbook and not to Caltrans.

5) David Diaz suggested that AGC propose language for the Greenbook that would guide agencies to specify fair mark up language in their bid documents.

8. General Discussion: None

9. Date of Next Meeting: June 15, 2017

10. Adjourn: 10:20 a.m.

Submitted by: Michael E. Tatalovich, Secretary
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### 2017 Meeting Dates

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