

# Center for Job Order Contracting Excellence

## Meeting Minutes July 15 and 16, 2002

Meeting Location: University Club - Arizona State University - Tempe, Arizona

Attendance List: Rich Barrick - Allied Surety  
Ken Jayne - Applied Innovative Management  
Gary Aller - Arizona State University  
Dean Kashiwagi - Arizona State University (Monday)  
John Savicky - Arizona State University (Monday)  
Janell Weihs - CEFPI  
Bill Sweetser - Centennial Contractors Enterprises, Inc  
Ed Baldwin - Centennial Contractors Enterprises, Inc  
Mark Fleming - Corbins Electric  
Marty Lennick - IDC (Tuesday)  
David R. Pinkerd - Jamail Construction  
Tom Peeler - Mohave Educational Services Cooperative  
Clint Owings - The Gordian Group  
Ron Crawford - 3D International

### Monday - July 15, 2002

1. Meeting called to order by Industry Chair Rich Barrick at 1:05 PM.
2. Attendees introduced themselves and their affiliation.
3. Minutes from March 7-8, 2002 meeting - as amended - were read. Motion to approve by Bill Sweetser, seconded by Ken Jayne and unanimously approved.
4. Financial report was presented by Gary Aller. Motion to approve by Ken Jayne, seconded by Bill Sweetser and unanimously approved.
5. ACE / CJE relationship was discussed with further action/discussion tabled to next meeting.
6. Discussed creating a JOC document for consideration by AIA as an official AIA Document. Gary Aller indicates that Charles Stolt (AIA Document Counsel) has agreed to introduce and sponsor a JOC document to the proper AIA committees and convention. The proposed JOC document will need to be carefully coordinated with applicable AIA documents with terms and conditions considered as CJE would prefer. Gary Aller anticipates providing the rough-draft agreement within two weeks. Rich Benton (Centennial) will assist Aller in drafting.

AIA Board will meet review the JOC document at their October meeting in Washington, DC. The National meeting will be early in 2003 when the JOC document would be reviewed for final approval.

7. Discussed the issue of determining which state(s) currently have legislation allowing JOC as an operating mechanism. In the alternative, which state(s) prohibit JOC, or simply do not have any statute regarding JOC. Group agreed not to seek a response from any state attorney general since the easy answer might be negative. Try to determine, on a case-by-case basis, an entity or department that is willing to utilize JOC under some form of operation. The theory argued is that if JOC is successfully and properly employed, it might become the contracting vehicle of choice with subsequent legislation more easily obtained.

Gary Aller is considering a law firm in St. Louis to investigate various states and any existing, or pending, legislation regarding JOC. Texas, Arizona, New Mexico, Virginia, Florida and parts of California are thought to have existing statutes allowing JOC.

Consider pro-active efforts in states that have denied JOC in an attempt to reverse the legislation. Members generally felt that negative legislative action may be the result of poor or insufficient information on JOC being delivered to legislators.

8. A Steering Committee of Ed Baldwin, Clint Owings and Ken Jayne was established to investigate and exploit potential states for pro-JOC legislation.
8. Attendees were asked to send Gary Aller names of entities currently using, or thought to be using JOC, for review and posting on the CJE website.
9. Copies were distributed of the Model Procurement Code Revision Project (adopted by the American Bar Association on July 11, 2000). The 85-page document will be reviewed by attendees for further comment at the next meeting, or via email to Gary Aller prior to the meeting.
10. Tom Peeler and Gary Aller will meet with Maggie McConnell (Procurement Manager for Maricopa County) and Wayne Casper ( ? Construction Arm of the ABA in Tucson, Arizona) to discuss the Model Procurement Code, JOC, and how they are received by the two entities. A report will be provided at the next meeting.
11. Membership was discussed at great length. "Who to target" and "What to offer" are two big issues. To survive and be a viable agency, CJE needs a larger membership with greater participation. The membership should consist of quality contractors, a broad base of owners (clients), and industry agents aligned or involved with JOC work. CJE needs to define the benefits and offerings available to members. Good value to members is crucial for recruiting and retention. CJE needs to promote JOC to the industry in an attempt to broaden the market and expand work potential for JOC and CJE members. Small, medium and large JOC contractors are desirable

members to service potential JOC work locally, regionally and nationally. In order for JOC to be a commonly used method of contracting, effort must be made by members and JOC contractors to deliver quality results with owner satisfaction levels that entice future JOC awards.

Membership discussion also included:

- a. Information in the tri-fold brochure
  - b. Seminars intended to educate, promote and inform
  - c. Need to develop a critical mass of members
  - d. Create reasons/benefits/attributes of membership
  - e. Possible tiers of membership based upon a logical foundation
  - f. Need to develop goals and missions
12. Establishment of local CJE chapters was discussed. Motion by Bill Sweetser, seconded by Rich Barrick and unanimously approved to initiate a pilot program for Houston, Texas. A committee of Ken Jayne, Dave Pinkerd and Rich Barrick was appointed to initiate the pilot program. A report will be made at the next meeting. Gary Aller has a recommended chapter format available for consideration.
12. Discussed development of a CJE “Certification” process to document and validate performance standards of member companies and employees.
13. Election of Officers. Tom Peeler was nominated by Gary Aller, seconded by Ken Jayne and unanimously approved as the 2003 CJE Chairman.

2003 Officers:

Tom Peeler - Industry Chair  
Rich Barrick - Immediate Past Industry Chair  
Bill Sweetser - Ex Officio Member  
Dean Kashiwagi - Academic Chair  
Gary Aller - ACE Director

#### 14. 2003 Committee Assignments

Membership: Tom Peeler (Chair), Gary Aller, Bill Sweetser, and Greg Smith  
Legislative: Ed Baldwin (Chair), Clint Owings, and Rich Benton  
AIA/JOC: Gary Aller (Chair) and Rich Benton  
Education: Ken Jayne (Chair), Dave Pinkerd, Ron Crawford, Gary Aller,  
Tom Kube (or a CEFPI representative)  
Practice and Selection: Gary Aller (Chair), Ken Jayne and Rich Benton  
Performance Based: Dean Kashiwagi (Chair) and Bill Sweetser  
Steering: Rich Barrick, Dean Kashiwagi, Dave Pinkerd, Tom Peeler, Gary Aller and  
Bill Sweetser

15. Steering Committee will connect on a conference call each non-meeting month. The date will be the third Monday of each month at 11:00 AM Arizona time. Gary Aller will coordinate and initiate the call. Gary should notify by email all participants in advance of the call.
16. The next CJE meeting will be October 24, 2002. Gary Aller will coordinate and inform members of details.
17. Seminars were discussed and the subject was assigned to the Education Committee with a report due at the next meeting. Seminar subjects and content will need to be carefully considered so that CJE membership will benefit from the sessions.
18. Gary Aller asked for comments from attendees related to “weaknesses” or “areas for improvement” for CJE. Responses included:
  - Benefits of membership not defined
  - Brochure might need up-dating and revision
  - Website needs up-dating and revision
  - Need more broad-based membership to include contractors, clients and agents
  - Need larger membership -- critical mass
  - Need more (competent, qualified) contractors involved with JOC
  - Stop potential failures of JOC
  - CJE knows where it wants to be...but not how to get there

Meeting was adjourned at 4:55 PM until Tuesday morning. Dinner was scheduled at the Salt Cellar.

Tuesday - July 16, 2002

Continental breakfast was available at 7:00 AM

Meeting called to order by Chair Rich Barrick at 7:25 AM

1. 1. Open discussion of CJE’s Mission Statement. Following several rounds of comments, the following items were noted as needing to be incorporated into Mission Statement:
  - Promote successful use of Job Order Contracting
  - Create Performance and Quality based selections of contractors
  - Educate members and industry about proper JOC contracting
  - Develop higher skill and delivery levels
  - Create effective and efficient project delivery
2. Key Results Areas discussed and to be incorporated by Gary Aller into subsequent notes to membership. Discussed tracking dollars spent annually by

various owners on JOC work; number of owners utilizing JOC; number of contractors actively engaged in JOC work; owner satisfaction studies and surveys are necessary; education of owners, potential clients and contractors to insure proper understanding of JOC work; and determining favorable working environments (legislative) for promoting JOC.

3. As an Action Item, various areas of interest were listed and tentative assignments to the target areas were made. Gary Aller will also subsequently produce the Action items.
  - Tracking and performance issues Dean Kashiwagi
  - Membership Tom Peeler
  - AIA Contract Gary Aller
  - Target Market Tom Peeler
  - Seminars and Training Ken Jayne
  - Certification Process Gary Aller
  - Website Tom Peeler/Gary Aller
4. The group identified a need of linking to other related industry associations. Each member was asked to notify Gary Aller of any links or memberships that might possibly be of interest to/with CJE, such as AIA, ASBO, APPA, CEFPI, ISM, and so forth.
5. Gary Aller intends setting a JOC program for San Diego with a focus on private work.
6. CJE will finish work on a proposed AIA document, which Gary Aller will review with Charles Stulb, counsel to AIA Documents Committee. Rich Benton and Gary Aller will review the model contract format. Any member who wishes to review a copy should contact Gary Aller. The proposed document will be reviewed in October by the AIA Documents Committee and possibly forwarded to the national convention in March 2003.
7. Seminars and training continue to be areas of interest to the membership. Committee members are encouraged to participate in developing a meaningful list of topics. The Gordian Group has several presentations that might be available as proponents of JOC. Trade show booths are also valuable instructional vehicles to bring the JOC message to potential clients. Members should identify potential seminars, workshops, or gatherings where the JOC message could be delivered. When CJE presents a JOC program, it must be positive, follow CJE rules, offer neutral presentations and ask for resource help if needed.
8. Membership was again discussed today. Tom Peeler will head a committee to present a mid-year (October 24, 2002) developmental plan for increasing membership. Each CJE member is challenged with bringing ONE NEW member into the ranks by October. In order to assist Tom Peeler and his committee, CJE

members are asked to send Tom ideas on: benefits; access to work; chapters; brochures; or any other ideas on how to stimulate new membership. Note was made that CJE needs a blend of owners (public and private), contractors (of any dollar volume or geographic region), suppliers, subcontractors, and other affiliates to produce a CJE membership that reflects the many facets of the industry.

9. A Steering Committee was appointed to serve until the next Annual Meeting. Members are:

- Past Industry Chair      Dave Pinkerd
- Present Chair             Rich Barrick
- Chair Elect                Tom Peeler
- Academic Chair          Dean Kashiwagi
- ACE Advisor              Gary Aller
- Ex-Officio Member      Bill Sweetser

10. A monthly phone call will be initiated by Gary Aller to the Steering Committee, commencing August 19<sup>th</sup> at 11 AM Arizona time and continue each third Monday thereafter.

The meeting was closed at 10:30 AM and informal discussion followed. Gary Aller will provide a written review of today's meeting activities via the notes and flip charts taken during the day.

Submitted by Ed Baldwin