

**MINUTES OF THE REGULAR MEETING OF THE  
CONSTRUCTION INDUSTRIES BOARD  
Conference Room  
2401 NW 23<sup>rd</sup> Street, Ste. 2F  
Oklahoma City, OK 73107**

**August 16<sup>th</sup>, 2023**

**CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT**

The regular meeting of the Construction Industries Board was called to order by Chair Scott Soder at approximately 1:30 p.m. on Wednesday, August 16<sup>th</sup>, 2023, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Todd Finley, Lupe Ibarra, Jamey Mullin & Scott Soder

CIB STAFF PRESENT: Janis Hubbard, Administrator; Stephanie Brown, Board Secretary/ Executive Assistant; Windy Nunnery, Office Manager; Debra Wojtek, Public Relations & Outreach Officer; Richard Hager, Plumbing & Roofing Supervisor, Ron Morris, Electrical Supervisor and Gary Kirk, Mechanical Supervisor

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; Melody Kellogg, OMES/ABS; Tim Yaciuk, IEC-OKC; Matt Wansley, MCA/SMACNA of OK; Jason Deal, SPO; James Clouse, Local 344; Clifford Stewart, ETA of Western OK; Mike Cooke, Wetherbee Electric

**STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT**

This regular meeting of the Construction Industries Board, scheduled to begin at 1:30 p.m. on this 16<sup>th</sup> day of August, 2023, has been convened in accordance with the Oklahoma Open Meeting Act, Oklahoma Statutes Title 25, §§ 301 through 314.

Further, this meeting was preceded by advance public notice filed electronically with the Secretary of State specifying the time and place of the meeting here convened. The Agenda was posted and displayed in public view on the office site of the Construction Industries Board and notice of this meeting was given at least twenty-four (24) hours prior hereto. Fifty people have filed a written request for notice of meetings of this public body to date.

Read aloud this 16<sup>th</sup> day of August, 2023.

**NEW BUSINESS**

There was no new business discussed.

**PUBLIC COMMENTS**

Tim Yaciuk, Executive Director of the Independent Electrical Contractors, stated that he wanted to thank Tony Boevers for his twelve years of service to the CIB Board and for the instrumental part he played representing the electrical industry and all the licensed trades.

**ADMINISTRATOR'S REPORT**

Ms. Hubbard reported that the 30-day period for Mr. Michael Goldston to file in District Court, an appeal of the Board's denial of his appeal of the proposed order upholding Citation No. 21060 has passed, so the matter should now be closed.

Ms. Hubbard reported that the agency continues to be extremely short-staffed in the office. She stated that applications have been received, evaluated and interviews have been scheduled for two positions tomorrow. She stated that the third position would be closing soon.

Ms. Hubbard reported that the agency has learned a lot about the office work distribution through this time and will talk about a possible solution during the Budget Request agenda item.

Ms. Hubbard reported that the Mechanical field staff position is closed and that interviews for that position would begin soon.

Ms. Hubbard reported that the 3 Electrical positions are being re-posted and the agency looks forward to receiving applications on those soon.

**FINANCIAL REPORT**

Written financial reports for the month ended July 31<sup>st</sup>, 2023, prepared by OMES/ABS were provided for review and discussion.

**PUBLIC RELATIONS REPORT**

Workforce Development

Ms. Wojtek reported that the application and projects have been posted to the website and she hopes to start receiving applications. She stated that as a reminder these applications will be brought back to the Board to review and approve before anything moves forward.

Ms. Wojtek reported that school is starting back across the state and staff is looking forward to participating in several career fairs and events to try and get information about the trades out there.

Communications & Outreach

Ms. Wojtek reported that she is continuing to provide CIB information when requested about the trades and the industry to various industry groups, legislators and the public.

Ms. Wojtek reported that hyperlinks have been added to the Committee pages on the website that lead to the statutory requirements.

Ms. Wojtek reported that as she stated at the last meeting, OMES has made the decision to discontinue support for the current website platform host as of June 1, 2024. She stated that after that date, Adobe Experience Manager, will be the only supported Content Management System. She stated that OMES has sent CIB an initial high-level cost estimate of between \$20,000-\$27,000 to migrate the website over. She stated that Windy inquired if there would be any ongoing costs associated with the new website to which OMES stated none at this time. She stated she would update the Board as she receives more information.

Ms. Wojtek reported an update on the agency's email subscribers stating that they are up to 11,631 and the Facebook followers are up to 1,163 since the last meeting.

Ms. Wojtek reported that she has continued researching and producing infographics, memes and artwork to assist in the agency's communications plan.

*\*Ms. Wojtek showed a few of the recent posts on the overhead screen.*

#### Legislative Update

Ms. Wojtek reported that House members completed their submission of interim study requests on June 30<sup>th</sup>. She stated that there were a total of 110 filed. She stated that House Speaker Charles McCall approved 66 of those and combined 16 into 6 individual studies. She stated that 4 others were approved to be conducted with the Senate.

Ms. Wojtek reported that the Senate Pro Tem approved 61 interim study requests and that they must be heard by November 3<sup>rd</sup>.

Ms. Wojtek reported that it will be up to the member who requested the study to work with the committee chair of the Committee it was assigned to, to determine if and when the study will be heard.

Ms. Wojtek reported that December 8<sup>th</sup> will be the deadline for requesting bills or joint resolutions and that January 18<sup>th</sup> will be the deadline for introducing language in those bills.

Ms. Wojtek reported that 2024 is an election year for all the House members and odd numbered Senate seats.

Ms. Wojtek reported that Senator Montgomery vacated his seat and that it would be filled before the end of the year since both parties have decided to run.

Mr. Mullins asked if any of the interim studies pertain to us (CIB).

Ms. Wojtek stated that there were a few but the language is so broad that it takes time as they move forward to see what they are actually talking about and how it would affect the agency or trades. She stated that she would report back as the studies get more specific and she has more information.

Mr. Buxton stated that he would like to go back to discuss the website migration. He stated that when talking about two different platforms, it is just two different ways to host the same website and is typically a similar language so a migration of \$27,000 seems to be a bit of an overreach. He asked if Ms. Wojtek has any insight as to why they are saying it would cost so much.

Ms. Hubbard stated that they did an initial review of the CIB's website and in their email it lists how many documents, forms, etc. have to be transferred over. She stated that we do not know the cost of each but that they said the agency needs to sign up for the statement of work and get into the system and then once that is done, they will provide a more accurate quote. She stated that she anticipates that as in the past the agency would get whatever information they can and present it to the Board before the agency proceeds. She stated that this would come out of the current budget year, and it was not budgeted in this year. She stated that she does not know how much choice the agency has with it, but that it would still be presented to the Board so that they could make a decision and that she would try to have someone from OMES come to present it to them so that they can ask questions.

Mr. Deaver asked if it was going to happen in this fiscal year.

Ms. Wojtek responded that it has to happen by June 1 of 2024 so it would have to be within this fiscal year.

Mr. Mullins asked if it had to be completed or started.

Ms. Wojtek stated that it has to be completed by then since that is when the other hosting will stop.

### **MECHANICAL DIVISION REPORT**

The Board was provided a written report on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the month of July. Mr. Kirk reported on activities of the Mechanical Division since the last Board meeting.

Mr. Mullins stated that he was concerned about the testing procedure and asked at what point they evaluate PSI, but that it was two years ago and if he remembers correctly, it is a two-year term so he asked if they are looking into that for testing moving forward.

Mr. Kirk stated that they review every year or two a certain test. He stated that maybe one year it is sheet metal and the next it is gas, etc. He stated that they go through the questions. He stated that sometimes PSI comes and meets here and the Mechanical Committee picks who they want to come in and sit to review the exam and then they make recommendations on questions.

Mr. Finley stated that this may be an opportunity to look at putting an agenda item on for the next meeting for what is available other than PSI for competitiveness.

Mr. Deaver asked when their contract ends.

Ms. Hubbard stated she believes it is in February, but she can double check. She stated that the agency did an RFP, and she believes what Mr. Mullin is remembering is when they did the evaluation for the RFP and at that time the contract is for one year with the option to renew for four or five years. She stated that she is hearing different things in his question. She stated that there is a contract with PSI but there is also exam evaluations.

Mr. Mullin stated that he is not asking if they are fulfilling their contract according to how they bid it. He stated that if he remembers correctly there was no time to get a bid other than theirs and follow rules and procedures, so he wants to make sure there is ample time for that. He asked what is being done to test their performance since the questions asked of them had nothing to do with their overall performance but more contractual things.

*\*As amended to add attached document entitled "Report to Board – September 27, 2023, 2021 REQUEST FOR PROPOSAL (RFP) for TESTING SERVICES" added to these minutes by vote at the September 27, 2023, regular Board meeting to reflect accurate RFP timeline.*

Ms. Hubbard stated that regarding the contractual part, it was limited to the RFP and the responses that were filed. She stated that she does not remember their being a timeframe issue but does believe they were the only ones that did respond.

Mr. Mullins stated that the time frame was getting bids out there. He stated that he guesses the agency has to put it out for bids and cannot solicit so there has to be assurance that there is enough time provided to get enough bids. He stated that there is a whole set of questions so there may need to be an agenda item in the future.

Mr. Finley stated that he thinks it needs to be an agenda item at the next meeting so that they have plenty of time to review that.

Ms. Hubbard asked if this is specifically about the RFP.

Mr. Finley stated the RFP and the other testing that is available so they can get a comparison.

Ms. Hubbard stated that as a caveat she wants to let them know that she will have to check to make sure that they can discuss going other places while the agency is currently under contract since there are laws about competitive bidding that the agency has to follow but she will check on it.

Mr. Boevers asked what year of the contract the agency is on.

Ms. Hubbard stated that she believes the first year was February of 2021.

Mr. Boevers stated that they have received competitive bids in the past and asked when the last time was.

Ms. Hubbard stated it would have been 4-5 years before two years ago.

Mr. Boevers stated that he remembers they received at least two companies that presented then and PSI was the only one that was set up and could do it statewide. He stated that the other company would have to set it up and would be starting from scratch. He stated that staying with PSI made the most sense at that time. He stated that when the last RFP was put out they just did not get responses from others.

Ms. Hubbard stated that something else to be aware of is that there is a provision in the competitive bidding laws that does not allow you to split bids. She stated that whoever the company is, they have to be able to administer all 26 exams.

Mr. Deaver asked if there is a required amount of time to post the RFP between the time posted and the due date.

Ms. Hubbard stated that all of that is handled by Central Purchasing at OMES and that she is not sure how much control the agency has over any of that.

Mr. Deaver asked if she knows what that time frame is.

Ms. Hubbard stated that she does not.

Mr. Deaver stated that if someone would get that information for him and get back to him that would be nice.

### **ELECTRICAL DIVISION REPORT**

The Board was provided a written report on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the month of July. Mr. Morris reported on activities of the Electrical Division since the last Board meeting.

Mr. Morris stated that to answer Mr. Mullins previous question during the Mechanical report, the Electrical Committee has appointed a taskforce for exam review for the Electrical examinations. He stated that it is about a five-day process, and since they are short staffed right now, they do not have enough people who can sit and review them. He stated that since the taskforce is already in place they will begin review as soon as they get people into positions.

Mr. Mullins asked if it is unheard of to request one of the committee members or a member of the staff to take the exam instead of just sampling the questions.

Mr. Morris stated that someone else might be better to answer that question because he does not know for sure. He stated that in the past when they have reviewed the tests with PSI, over the 4-5 day process, generally what they are looking at are the questions where everybody is getting it right or everybody is getting it wrong or a high percentage one way or the other, they review those to make sure there is no word play that might be throwing people off inadvertently. He stated that they work through the questions to make sure the correct answer is available.

Mr. Mullins stated that some feedback that he gets from contractors is that they show in a certain category they missed 4 questions from being able to pass in that certain area, then they study that area and the next time they miss 6. He stated that he understands that there is an algorithm of some sort that may make it harder in one area than the other. He stated that he might have it all wrong, but unless they are checking that it may consistently get harder or easier and he does not understand that but would feel more comfortable if someone could report to him what that process is and how it is best serving those that are taking the test.

Mr. Morris stated that PSI works off of certain psychometrics where they look at those questions and grade them based off the particular information that they get but I do not have the information to answer specifically what you have asked.

Mr. Buxton stated that he has asked this question in the past and his understanding is that the test is randomly pulling questions from a bank of over 10,000 questions that are available so it is not just this is our test and we are going to rearrange the questions. He stated that they pull from a bank to make sure that for anyone who is taking the exam there is no way to come in and cheat with the test answers because that does happen and this prevents that from being able to take place.

Mr. Morris stated that is correct. He stated that he is just throwing numbers out but for example if there were 10 questions on grounding and bonding, the 10 questions that you would get the second time you took the test may not even be the same questions you had before but you may potentially get a couple that are the same. He stated that it is random and he does not know the algorithm that they go by.

Mr. Mullin stated that he would think that Mr. Morris should know that.

Mr. Finley stated that is not fair, and that he does not think he should know that since that is up to PSI.

Mr. Soder stated that he believes there is probably some connection with what the pass/fail rate is and if it is staying consistent over a period of time and that those numbers staying consistent would show that the test is fair.

Mr. Boevers stated that the whole idea with PSI is that they are not giving the same test over and over again like back in the Health Department days when everybody got the same set of questions. He stated that now it is a random sampling of approved questions taken from different areas of the code so that somebody cannot sneak a test out or sneak the answers out violating the proctoring. He stated that there is no way that you are going to get this many questions this way, so if somebody takes the test 10 times they are probably going to be taking 10 different tests and I think that is by design.

Mr. Mullin stated that the other question he has is on the apprentice numbers. He stated that apprentices are at 7444 with 6066 journeymen and asked if Larry could shed some light on that.

Mr. Buxton stated that if you look at that number of journeymen versus apprentices based on the ratio today we could have 18,000 apprentices out in the field working on a 3 to 1 ratio so what this tells him is they have quite a few apprentices and they are working closer to 1 to 1 which is a labor issue and it is a global labor shortage issue. He stated that the contractors he knows are finding creative ways to reach students and be more effective in communicating the trades better and integrating technology to make it appealing. He stated this is all part of workforce development to fill the skills gap.

Mr. Soder stated that there is also the reflection of the contractors that are operating as journeyman so this number of journeyman to apprentices is not necessarily the true, total number.

Mr. Morris stated that one thing to keep in mind as well is when you see journeyman numbers there, you may not have all of them currently in the state working. They may be out of state working and are just keeping their license current, so there is no way to know if they are actually operating here.

### **PLUMBING DIVISION REPORT**

The Board was provided a written report on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the month of July. Mr. Hager reported on activities of the Plumbing Division since the last Board meeting.

### **ROOFING & OTHER DIVISION STATISTICAL REPORTS**

The Board was provided a written report on roofing written warnings, citations, complaints, renewals, and applications received and new registrations and endorsements processed during the month of July along with Home Inspector and Building Inspector numbers. Mr. Hager reported on the activities of the Roofing Division since the last Board meeting.

**CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARING WAIVED --  
REVIEW AND POSSIBLE VOTE TO APPROVE ALL FINES, PENALTIES AND FEES  
ASSESSED AND COLLECTED ON UNCONTESTED MATTERS WHERE ADMINISTRATIVE  
HEARING WAS WAIVED AND FINES HAVE ALREADY BEEN PAID, AS REFLECTED ON  
THE MANAGEMENT STATEMENT OF ACTIVITIES BY TRADE REVOLVING FUND**

Mr. Dutton stated that this consent agenda item is related to individuals who paid their fine and waived their right to a hearing.

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEAVER TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

Due to action taken on this item, Agenda Items 7(I) and 7(J) were not needed.

**DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF  
THE CONSTRUCTION INDUSTRIES BOARD HELD JULY 26, 2023**

The Board was provided a draft of the Minutes of the Regular Meeting of the CIB held in July.

Mr. Mullin stated that he would like to commend Ms. Brown because it looked like she did her best to get the discussion word for word and he was impressed.

Mr. Dutton stated that the state does not require it to be a transcript, like a deposition, it is just a summarization and he wanted to clarify that.

Mr. Mullin stated that he understands that but is just recognizing that she did a good job.

Mr. Dutton stated that he understands that but just wanted to make sure that the standard was understood.

MOTION BY JAMEY MULLIN WITH SECOND BY LUPE IBARRA TO APPROVE THE JULY 26, 2023, MEETING MINUTES AS PRESENTED

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder



**DISCUSSION WITH POSSIBLE VOTE ON AMENDMENTS TO THE CIB EMPLOYEE HANDBOOK, ORIGINALLY ADOPTED AUGUST 23, 2017 WITH AMENDMENTS THROUGH JANUARY 26, 2022, INCLUDING ALLOWING STAFF TO ADJUST FORMATTING**

Ms. Hubbard stated that as reported at the last meeting written procedures for writing citations have been drafted and a thorough review of the current employee handbook was completed, especially in light of recent legislative and OMES rule changes. She stated that the proposed amendments have been approved by the agency's legal advisor and that there would need to be a vote for each section plus a vote to allow staff to make formatting changes if necessary.

Mr. Dutton stated that the formatting aspect would allow staff to adjust formatting for all sections. He stated that it would not change the content, but just allow for grammatical and formatting clean up.

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEAVER TO ALLOW STAFF TO ADJUST FORMATTING AS NECESSARY THROUGHOUT THE CIB EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- i. **Section 2**
  - 2-4
  - 2-8-3

Ms. Hubbard went over the proposed changes to Section 2 of the CIB Employee Handbook.

Mr. Finley stated that he had previously asked Ms. Hubbard to send him the proposed changes to the CIB Employee Handbook and that he reviewed the changes using his background and experience in HR and that everything seemed to be in order.

MOTION BY KEITH DEAVER WITH SECOND BY LARRY BUXTON TO APPROVE THE PROPOSED CHANGES TO SECTION 2 OF THE CIB EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- ii. **Section 3**

- 3-1
- 3-2-1
- 3-2-3
- 3-2-5 (new)
- Appendix C (new)
- 3-6

Ms. Hubbard went over the proposed changes to Section 3 of the CIB Employee Handbook.

MOTION BY TODD FINLEY WITH SECOND BY TONY BOEVERS TO APPROVE THE PROPOSED CHANGES TO SECTION 3 OF THE CIB EMPLOYEE HANDBOOK TO INCLUDE THE NEW APPENDIX C

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- iii. **Section 4**
- 4-1
  - 4-4a (new)

Ms. Hubbard went over the proposed changes to Section 4 of the CIB Employee Handbook.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO APPROVE THE PROPOSED CHANGES TO SECTION 4 OF THE CIB EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- iv. **Section 5**
- 5-4
  - 5-6

Ms. Hubbard went over the proposed changes to Section 5 of the CIB Employee Handbook.

MOTION BY LARRY BUXTON WITH SECOND BY KEITH DEEVER TO APPROVE THE PROPOSED CHANGES TO SECTION 5 OF THE CIB EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- v. **Section 6**
- 6-2-2
  - 6-2-15 (new)
  - 6-9
  - 6-9-1a (new)
  - 6-9-4 (new)

Ms. Hubbard went over the proposed changes to Section 6 of the CIB Employee Handbook.

MOTION BY LARRY BUXTON WITH SECOND BY TONY BOEVERS TO  
APPROVE THE PROPOSED CHANGES TO SECTION 6 OF THE CIB  
EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- vi. **Section 7**
- 7-6-2

Ms. Hubbard went over the proposed changes to Section 7 of the CIB Employee Handbook.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO  
APPROVE THE PROPOSED CHANGES TO SECTION 7 OF THE CIB  
EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- vii. **Section 8**

- 8-1
- 8-2

Ms. Hubbard went over the proposed changes to Section 8 of the CIB Employee Handbook.

MOTION BY TONY BOEVERS WITH SECOND BY TODD FINLEY TO APPROVE THE PROPOSED CHANGES TO SECTION 8 OF THE CIB EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

- viii. **Section 10**
- 10-1

Ms. Hubbard went over the proposed changes to Section 10 of the CIB Employee Handbook.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO APPROVE THE PROPOSED CHANGES TO SECTION 10 OF THE CIB EMPLOYEE HANDBOOK

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

**DISCUSSION WITH POSSIBLE VOTE ON THE FY 2025 CIB BUDGET REQUEST**

Ms. Hubbard explained that the Board looks at the budget twice a year. She stated that what is being considered today is the FY 2025 Budget Request which includes the CIB's anticipated needs for the next fiscal year that begins next year on July 1, 2024. She stated that this is a proposed budget that will be reviewed again by the Board next April or May for the FY 2025 Budget Work Program, when the agency has a better idea of current and projected revenue and expenditures. She stated that what they have been provided shows the proposed changes compared to the current year BWP. She stated that in summary this proposed Budget Request for the next fiscal year is .78% less than CIB's current budget, mainly due to one-time expenditures budgeted in the current year. She stated that this proposal includes a floater position that would function at the same salary as the reception or non-committee liaisons and would replace one of the temporary GALT positions currently being used. She explained the differences in temporary staff and full-time staff and the role they can play in the agency, as well as the need for this new floater position. She stated that approval of the Budget Request is not a blanket approval of all expenditures and does not mean that the Board is approving any

particular contract as contracts will still be brought to the Board for approval as in the past. She stated that it is not a statement of the amount CIB will spend but it is a projection of what CIB will need to encumber to be able to spend for anticipated costs in the next fiscal year. She stated that the budget simply reserves the funds so that the Board would have funds available to pay contracts and expenses as they have been doing.

Mr. Deaver asked if the \$27,000 that Ms. Wojtek discussed earlier was in this budget request.

Ms. Hubbard stated that it was not because those funds would have to come out of the current fiscal year.

MOTION BY TODD FINLEY WITH SECOND BY TONY BOEVERS TO  
APPROVE THE FY 2025 CIB BUDGET REQUEST AS PRESENTED

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

**DISCUSSION AND POSSIBLE VOTE FOR CHAIR AND VICE CHAIR BEGINNING  
SEPTEMBER 1, 2023, PURSUANT TO 59 O.S. § 1000.3(A)(1)**

Ms. Hubbard stated that statute requires an election for Chair and Vice Chair every year by September 1. She stated that it does not require that there be a change in who is Chair or Vice Chair, just that there is an election. She stated that since Tony Boevers would be transitioning off the Board it would best not to nominate him.

Mr. Boevers made a motion to nominate Mr. Soder to be Chair again and stated his reasoning.

Mr. Finley agreed.

Mr. Mullin nominated Mr. Buxton to be chair.

Mr. Ibarra seconded Mr. Mullin's nomination.

Mr. Dutton clarified whether Mr. Finley was just agreeing or seconding Mr. Boevers motion.

Mr. Finley stated it was a second.

There was discussion about the order the nominations and votes would be taken in and how nominations are done for fairness and in compliance with the Open Meetings Act to make sure that the motion and vote is clear for the public to understand what the vote is. Mr. Dutton clarified that if you do not agree with the nomination that is being voted on first, you do not have to vote yes, then the next nomination would be voted on and the one after that until a vote passed.

MOTION BY TONY BOEVERS WITH SECOND BY TODD FINLEY TO APPOINT SCOTT SODER AS CHAIR OF THE BOARD BEGINNING SEPTEMBER 1, 2023.

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Todd Finley  
Scott Soder

Voting Nay: Keith Deaver  
Lupe Ibarra  
Jamey Mullin

There was discussion about the position of Vice Chair. Mr. Deaver stated that Mr. Buxton has done a great job as Vice Chair and he is good with him staying in that position.

Chairman Soder clarified that it was not a motion so there could still be discussion.

Mr. Mullin stated that there needs to be a defined process because it was whoever speaks first.

Mr. Dutton stated that a motion is a defined process, and that when someone makes a motion and a second it has to be voted on because that is what the Open Meetings process requires.

MOTION BY KEITH DEEVER WITH SECOND BY TODD FINLEY TO APPOINT LARRY BUXTON AS VICE CHAIR OF THE BOARD BEGINNING SEPTEMBER 1, 2023.

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Todd Finley  
Lupe Ibarra  
Jamey Mullin  
Scott Soder

**RECOGNITION OF SERVICE AS BOARD MEMBER AND FORMER CHAIRMAN AND PRESENTATION OF CERTIFICATE OF APPRECIATION TO CONSTRUCTION INDUSTRIES BOARD MEMBER ANTHONY BOEVERS**

Chairman Soder honored the dedication of Mr. Boevers throughout his years of service to the Construction Industries Board and all the trades. He thanked Mr. Boevers on behalf of himself, current and former Board members, and CIB staff for all his knowledge, integrity, ethics, and commitment as both a Board member and a former Chairman throughout the 12 years he served. He then presented Mr. Boevers with a plaque.

Mr. Boevers stated that since he has been on the Board it has been eye opening and is important work. He stated that he has always tried to carry everything he has done for the industries and has never taken a personal approach on anything. He discussed the dedication

of the agency's inspectors and how vital their role is and staff and expressed his gratitude for other Board members and what they contribute.

Chairman Soder noted that there would be a reception for Mr. Boevers following the meeting with refreshments provided by staff and not with any CIB funds.

**BREAK**

At approximately 2:56 pm the meeting was recessed for a short break.

**RECORDING OF MEMBERS PRESENT AFTER SCHEDULED BREAK**

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Todd Finley, Lupe Ibarra, Jamey Mullin and Scott Soder

**Roofing Hearing Board:**

Possible vote to approve or deny and remand the Proposed Orders recommended by the Administrative Law Judge in the following matters for which no timely appeal was filed:

Mr. Dutton noted that Larry Buxton served as Chair of the Roofing Hearing Board when Docket No. CIB-22-R-003 was heard.

Matters heard by the Roofing Hearing Board on Docket No. CIB-22-R-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 20511	Brandon Riles Jr.	Contracting without registration
Citation No. 20598	Brandon Riles Jr.	Contracting without registration and commercial endorsement
Citation No. 21219	April De La Rosa	Contracting without registration and commercial endorsement

MOTION BY TODD FINLEY WITH SECOND BY LUPE IBARA TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ROOFING HEARING BOARD DOCKET CIB-22-R-003.

MOTION PASSED

Voting Aye: Tony Boevers  
Keith Deaver  
Todd Finley  
Lupe Ibarra  
Jamey Mullin  
Scott Soder

Recused: Larry Buxton

**Roofing Hearing Board:**

Possible vote to approve or deny and remand the Proposed Orders recommended by the Administrative Law Judge in the following matters for which no timely appeal was filed:

Mr. Dutton noted that Tony Boevers served as Chair of the Roofing Hearing Board when Docket No. CIB-23-R-001 was heard.

Matters heard by the Roofing Hearing Board on Docket No. CIB-23-R-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 22189	Daniel Kennedy	Contracting without commercial endorsement

MOTION BY KEITH DEAVER WITH SECOND BY TODD FINLEY TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ROOFING HEARING BOARD DOCKET CIB-23-R-001.

MOTION PASSED

Voting Aye: Larry Buxton  
Keith Deaver  
Todd Finley  
Lupe Ibarra  
Jamey Mullin  
Scott Soder

Recused: Tony Boevers

### ADJOURNMENT

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Lupe Ibarra  
Todd Finley  
Jamey Mullin  
Scott Soder

The meeting was adjourned at approximately 2:59 p.m.

Minutes approved in Regular Session on the 27<sup>th</sup> day of September, 2023.

/s/ Larry Buxton  
Larry Buxton, Vice Chair

/s/ Stephanie Brown  
Stephanie Brown, Board Secretary



*\*This document was added to the August 16th, 2023, regular Board meeting minutes by vote at the September 27th, 2023, regular Board meeting.*

**REPORT TO BOARD – September 27, 2023**

**2021 REQUEST FOR PROPOSAL (RFP) for TESTING SERVICES**

*Testing services requested beginning February 16, 2022, for qualified firms with expertise in exam development, management, and administration of license examination programs for about 25 exams in multiple trades.*

Pursuant to statutory requirements, the exam must be sufficiently strict to test the qualification and fitness of the applicant. (59 O.S. §§1005, 1151.25, 1684, 1850.6.)

To fulfill these statutory requirements, the CIB since becoming its own agency has required the use of test development professionals and specialists, including psychometricians, experienced in construction licensure exams to develop exams; proven protocols that protects the integrity of the exam in administration of exams; and, management of exams by regularly evaluating and updating test content with item review features, quality assurance tools, and cumulative statistics and evaluations to ensure computer based tests remain valid, with oversight provided by the trade committees. A duty of the trade committees is to assist and advise the Board on the examination of applicants for licenses. (59 O.S. §§1004, 1151.27, 1683, 1850.4.)

**Contract date:** one year beginning February 16, 2022, with 4 renewals, if exercised then ending in February 2027.

There is no statute or rule requiring a minimum or maximum time an RFP is open. However, it is advised by OMES Central Purchasing that it should be open several weeks for a potential vendor to prepare a good response.

**RFP issue date:** 11-22-2021.

**Request for administrative review due:** 3:00 p.m. on 11-29-2021.

**Last day to submit questions:** 3:00 p.m. on 12-06-2021.

**Bid response due:** 3:00 p.m. on 12-20-2021.

**Time between issuance and response due date:** 28 days/4 weeks.

**The number of days the RFP was open:** 28 days.

**Number of potential bidders and people signed up to receive notice of bids in this RFP category number:** approximately 401, which does not include the number of additional people who would have viewed the state website online posting of this RFP.

**Number of qualified responses scored for services beginning in 2022:** 1.

**Number of qualified responses scored for previous RFP services beginning in 2017:** 2.

**Number of qualified responses scored for previous RFP services beginning in 2012:** 1.

### **More detailed timeline:**

**July 2021** – Staff began initial drafting of necessary documentation.

**September 9, 2021** – After initial process coordination with ABS, agency continued working on documents for proposal approval by ABS & Central Purchasing (CP).

**October 19, 2021** – CP sent a proposed timeline to ABS who then sent it to the agency.

**October 20, 2021** – Board approved the issuance of an RFP for testing services and approved 3 Board members, Keith Deaver, Lupe Ibarra & Jamey Mullin, to assist in evaluating responses.

**October 27, 2021** – CP sent over the initial set of RFP documents for review and approval based on what the agency had sent ABS stating, once approved, they planned it to be posted for approximately 30 days.

**November 8, 2021** – CP said they will check responses as received and get additional documents if needed; once non-disclosure forms received, bids would be sent for the evaluation team.

**November 15, 2021** – ABS asked agency to do final review of documents before issuing RFP.

**November 16, 2021** – CP stated that they were trying to get it out as soon as possible but couldn't give us specific dates for getting it out but that they were working diligently.

**November 19, 2021** – ABS sent all the final RFP documents to Agency and CP for review. Agency found requested changes that were never made and asked ABS to make those changes.

**November 22, 2021** – Received email from CP stating that they were posting the RFP today.

**November 22, 2021** – CP said she emails potential bidders and that it is based off category codes. (\*NOTE - RFP's are also posted and can be searched for on the state's website).

**December 6, 2021** – CP sent ABS a list of questions from potential bidders who sent that list to the agency on December 7, 2021. The agency responded to the questions on December 9, 2021.

**December 20, 2021** – RFP closed

**December 21, 2021** – The agency received “Reviewer Role”, “Non-Disclosure” and “Agency Bid Evaluation Notice/Instruction” documents from ABS to be signed and returned to CP.

**December 22, 2021** – Agency also asked if the scoring process still needed to be completed despite only receiving one response.

**December 22, 2021** – CP responded that the evaluation/scoring would still have to be done to ensure the vendor is deemed responsive.

**January 10, 2022** – Agency received the bid evaluation notice and evaluation packet.

**January 11, 2022** – Agency received email from Keith Deaver stating he would not be available for the evaluation meeting that day due to illness. Agency evaluation team met, scored bid.

**January 26, 2022** – Board approved recommendation of the RFP evaluation subcommittee for the award of the RFP for testing services.