



April 3, 2013

Honorable Lee Beyer, Chair
Senate Committee on Business and Transportation
900 Court St. NE
Salem, Oregon 97301

RE: SB 644 opposition

Dear Chair Beyer and Members of the Senate Committee on Business and Transportation:

The city of Beaverton strongly opposes SB 644. The current Qualification Based Selection (QBS) rules, which allow an exemption from the QBS process for services contracts less than \$100,000, are justified and reasonable. It is not in the best interest of the public to eliminate any consideration of price and require application of the QBS process to these service contracts.

The size and complexity of a project are the most important factors in determining if using the QBS process will provide the best overall value for the public. Large and complex projects commonly require consultant services contracts exceeding \$100,000. In these cases QBS, which focuses on selecting the best qualified candidate without **any** consideration of price **may** be justified and in the interest of the public from lower construction costs due to quality/accuracy of plans and specifications; and potentially lower life cycle costs. The design of a public safety facility that would have to withstand a cascadia subduction zone earthquake is a good example of this class of project.

However, Beaverton's extensive experience with administering professional services contracts has demonstrated that there is less potential value to the public by selecting **exclusively** based on the qualifications of a consultant for smaller and simpler projects. A significant portion of professional services contracts in the City are related to the replacement of old water, sanitary sewer, and storm drain lines, often in the exact same location as the original line. Since this type of design work does not require the same level of expertise as the previous example, there is a larger selection of design firms that can provide these services. In these cases, public agencies can better serve the public need by having the discretion to decide to what extent price will be considered in the consultant selection process, provided that a well-qualified consultant is ultimately selected.

The current \$100,000 exemption gives agencies the discretion to consider the cost of consultant services *without requiring them to do so*. In fact, Beaverton would like to see the legislature add a cost index to the \$100,000 limit so that the intent of the original legislation is preserved over time.

Thank you for the opportunity to comment and I encourage you to oppose SB 644.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Arellano".

Peter Arellano, PE
Public Works Director