



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

TESTIMONY IN OPPOSITION TO HB 4119

HOUSE COMMITTEE ON BUSINESS AND LABOR - FEBRUARY 5, 2014

To Chair Doherty, Vice-Chairs Barton and Kennemer, and members of the House Committee on Business and Labor:

My name is Mike Bezner and I am speaking to you today in opposition to HB 4199 on my own behalf as Clackamas County's Transportation Engineering Manager, not on behalf of the Clackamas County Board of Commissioners. I have been an engineer for Clackamas County for over 15 years and have managed numerous simple and complex transportation projects.

As a local agency, we are responsible for spending the public's money wisely. We ensure that services are delivered at the local level in a responsive, efficient, and effective manner, and we do a good job of it. This bill would harm our ability to do our job. It restricts our local government authority by prescribing how we must procure consultant services regardless of the size of the contract. It requires a "one size fits all" approach which will take more time, cost more money, and add no value to the smaller and more straight-forward projects that we undertake.

QBS is a tool, and it is a powerful one. We use it for most of our consultant procurements. The law already requires it for contracts over \$100,000, and it makes sense when hiring an engineering firm to design a bridge or other complex or significant project. However, it is unnecessary to mandate it for small contracts under \$100,000. Many of these contracts are for simpler and more straight-forward engineering services. When selecting a consultant for these more mundane tasks, qualifications are still important but we also must consider price in order to spend the public's money wisely. QBS is not the right tool for all contracts. Therefore, it shouldn't be required 100% of the time.

2 years ago, HB 3316 modified procurement rules for local agencies. It is true that the law increased the threshold for direct appointments from \$50,000 up to \$100,000. However, this was not a net gain for local agencies. HB 3316 also eliminated the option for local agencies to ask for a level of effort in hours from consultants when no state

funds were involved with the project. We used this level of effort to judge whether the consultants truly understood the project scope and it was a good tool for comparing proposals from different consultants. Outlying levels of effort could be weeded out, whether they overestimated or underestimated what was required. Negotiations were easy and efficient after a consultant was selected since there was a mutual expectation of what the scope would be. Local agencies have already lost that tool- now this bill wants to limit us further by not allowing us to review a level of effort even on the smallest contracts.

This bill creates a time consuming process for projects that are simple and straight forward without providing any proven improved results or cost savings for the public. The current law still gives local agencies some flexibility to best serve their citizens- why take it away?

Please oppose this bill. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Bezner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Bezner, PE