

March 17, 2015

Representative Shemia Fagan
Chair, House Consumer Protection & Government Effectiveness Committee
Oregon State Capitol
900 Court Street, NE
Salem, OR 97301

Chair Fagan and Members of the Committee:

The Special Districts Association has approximately 950 single service local government district members that provide a variety of services including municipal drinking water, sewer and storm water treatment, fire, libraries, irrigation, parks and recreation to name a few. Our members strive to deliver critical services in the most efficient and cost effective manner possible. We are concerned with HB 2617 for a couple of reasons.

First, we believe that the measure, if enacted, will create a new avenue to delay critical public improvement projects. As we understand the measure the bill would require a prime contractor to determine the responsibility of all sub-contractors. We believe that those sub-contractors not chosen by the prime contractor either for not being determined responsible or simply based on the price could file bid protests that could result in project delays.

Furthermore, it would appear as though the measure places a public body squarely between the prime contractors and sub-contractors. Public contracting is complex enough as it is. Forcing small public entities between contractors detracts from our employees' ability to meet the service demands of our citizens.

Presently, the prime contractor is presently responsible to the public owner for the performance of their subcontractors. We don't see how this measure provides any benefit to the public or public contracting agencies. We are also concerned about the implementation of this measure if it were to become law. It appears that the measure and its requirements become effective 91 days after enactment. We are concerned that some public contracting agencies who are in the midst or planning on issuing requests for proposals (RFPs) may unwittingly fail to comply with these new requirements.

Because this measure could result in delays, confusion, and additional work for our employees with little benefit we urge you to oppose the measure.

Thank you for your consideration.

Sincerely,



Mark Landauer
Government Affairs
Special Districts Association of Oregon