



DATE: February 9, 2018

TO: The Honorable Chair Paul Holvey and Oregon House Business and Labor Committee Members

FROM: Brian Burby, Vice President, Otak, Portland, Oregon

A handwritten signature in blue ink, appearing to read "B. Burby", is written over the printed name.

I am writing to urge your opposition to HB 4127.

My firm - Otak, Inc. - has 365 employees and was founded in Portland in 1981. We strongly oppose price bidding of engineering services and urge you to oppose HB 4127.

Our reasons for opposing the bill include:

- HB 4127 allows bidding of design services. This goes against the long standing and successful Qualification Based Selection (QBS) procurement methodology. QBS is supported by the American Public Works Association, the American Bar Association, and other organizations key to successful infrastructure design and construction.
- HB 4127 threatens efficient delivery of the 2017 transportation package.
- HB 4127 allows both QBS and bidding, but we anticipate the result will be to select overwhelmingly the bidding option. As a result, this will cause QBS to little used by public agencies with negative implications to the greater public good.
- HB 4127 allows up to five firms to prepare project scope and appropriate fees to design the project. We believe getting five bids will be inefficient, will increase the potential for delay, and will add confusion and extra costs for all involved. And, by allowing two different procurement options, we believe the majority of projects will be bid and possibly low bid with negative impacts.

As a member of the American Council of Engineering Companies (ACEC), Oregon Chapter, we are committed to working with our local government clients and their advocates prior to the 2019 legislative session to thoroughly evaluate the current QBS process. At that time, we'll discuss real projects and how the QBS process helped or hurt the design, construction and project life-cycle. The short 2018 legislative season does not allow enough time to fairly investigate something of this importance and magnitude.

ACEC Oregon asks the House Business Committee and the legislative leadership to appoint a task force on the issue. That will allow all sides to discuss it in a setting that will lead to a much better understanding of the current law and then determine potential solutions to be considered in the 2019 legislative session.

Thank you for your consideration of this important matter to the citizens of Oregon.