

February 22, 2018

Senate Committee on General Government & Accountability
Oregon State Legislature
900 Court Street NE
Salem, OR 97301

RE: Opposition to HB 4127

I am writing to you today as a constituent, business owner and employer in Oregon. I am one of three owners of a small majority women-owned business. We employ over 30 architectural professionals who are committed to the design of public learning environments throughout Oregon and the Pacific Northwest. Since, we at BRIC Architecture, Inc. specialize in the design of public schools, we are very familiar with the rules of Qualifications Based Selection (QBS) for architectural and engineering services. Since I began working in architecture here in Oregon, I have seen the benefits to local public-school districts as a result of this process. Further, as a member of the American Institute of Architects (AIA), I have seen the quality of the selection process improve under the rules of ORS 279. QBS has provided a successful model at the federal level and has been adopted by 44 states and hundreds of localities, including here in Oregon.

The core of the QBS process is its reliance on qualifications for selection that do not include price quotations as part of the first phase of the selection process. While I feel strongly that price needs to be a consideration in the process to ensure the best use of tax-payer dollars, I also feel strongly that cheap design can often result in more expensive mistakes that cost those same tax payers additional cost and schedule delays. Under the current QBS procurement procedures, school districts and other public agencies publicly solicit services through a Request for Proposal (RFP) process that includes evaluations based on criteria determined by the selection committee of that agency. Once those evaluations have been completed, a short-list of respondents is developed for interviews. Through the RFP response and interview process, the selection committee determines which firm is best qualified to meet their needs as compared against published criteria. The selection committee ranks the most qualified firms and provides public notice of the intent to enter into scope and price negotiations with the top ranked firm. It is only then that the cost of the work is negotiated between project owners and the professional firms, because to truly understand the value for the work, they must work collaboratively to develop an appropriate scope and commensurate compensation. This is critical because there is typically no clearly specified project scope available at the time of RFP. The alternative route envisioned by the proponents of HB 4127 would create a preferred path for those interested in getting the cheapest price without regard to the qualifications of the proposed firm. This is not in the best interest of Oregonians.

There may need to be modifications made to the current procurement process, but I strongly encourage you to pass on this current revision before you and work with the AIA and other organizations involved and impacted by this work to develop alternatives that are truly an improvement to the current rules. As stewards of the public's dollars, it is imperative that you have a thorough review of the benefits and shortcomings of this bill and there has not been adequate time and opportunity for the needs of

impacted architectural and engineering business owners to be represented. In light of the conversations happening around school safety around Oregon and the rest of the nation in the past week, I am reminded that this issue is also one of safety. We must have the most qualified firms designing our public buildings and I worry that the proposed changes to the QBS process encompassed in HB 4127 would not provide that as a result. Accordingly, I urge you and your colleagues to not move this bill forward and to require additional work on proposed language in the 2019 session.

Thank you for your time and attention to this matter and I look forward to the opportunity to work collaboratively with local governments and proponents of this bill to develop language in the next session.

Sincerely,
BRIC ARCHITECTURE, INC.

B. Karina Ruiz, AIA | LEED BD+C
Principal