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**From:** John Bosket <jab@dksassociates.com>  
**Sent:** Thursday, February 22, 2018 12:11 PM  
**To:** SGGA Exhibits  
**Subject:** Another engineer opposed to HB 4127-A

As an Oregon engineer for over 20 years that has worked in both the public and private sectors, I strongly urge you to vote NO on HB 4127-A. This is a clear case of bad policy and bad process.

HB 4127-A changes Oregon procurement law to allow price bidding of engineering, architecture, and other design services. This is a major change and runs counter to the longtime policies of the American Public Works Association (APWA) and the American Bar Association (ABA). Both strongly support the current Qualifications-Based Selection (QBS) process and know that highly competent design leads to quality construction and greatly reduces expense change orders, lawsuits and reduces life-cycle costs of public projects.

Oregon's procurement law for engineering, architecture, and other design services works very well for all parties. Firms are selected based on qualifications, but must still negotiate the price of the contract with the agency. The agency is NOT required to contract with that firm if agreement on cost can not be reached, but can terminate negotiations and begin negotiations with the next most qualified firm. This rarely occurs because both parties are generally able to reach agreement on reasonable fees. Under this system, Oregon agencies get access to the best and most innovative firms available. This leads to high-quality products and innovative solutions that save millions of public dollars.

If HB 4127-A passes and these services are procured through a low-cost bidding process, two outcomes are certain. 1) Oregon agencies will have less access to the best and most innovative firms because they will not be interested in competing with lesser qualified firms that will low-bid to win. 2) Low-bid contracts from less qualified firms will likely include corner cutting, change orders, and inefficient designs that will cost the agency many times more than they "saved" using a cost-based selection.

I don't believe the proponents on this bill understand the QBS process and how to use it correctly. There is simply no reason to replace a system that works with one that is horribly flawed. The rapid pace of this process is also suspicious and ill-advised. If you believe the current system needs to be improved, A BETTER WAY FORWARD would be to convene an interim workgroup to discuss issues of concern and prepare for the 2019 session. The American Council of Engineering Companies (ACEC) of Oregon is committed to being an active leader in such a workgroup.

Thank you for your service and commitment to a better Oregon through quality projects that get the most value out of our taxes. A NO vote on HB 4127-A will help ensure this is the outcome.

John Bosket, PE  
Portland Office Manager, Senior Project Manager

Ph: [503.243.3500](tel:503.243.3500) | Direct: [503.972.1211](tel:503.972.1211) | Mobile: [971.235.9166](tel:971.235.9166) | Email: [jab@dksassociates.com](mailto:jab@dksassociates.com)



720 SW Washington St, Suite 500  
Portland, Oregon 97205  
[www.dksassociates.com](http://www.dksassociates.com)



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