
From: Mark Leece <Mark.Leece@pbsusa.com>
Sent: Thursday, February 22, 2018 1:05 PM
To: SGGA Exhibits; Sen Riley
Subject: Another Engineer Opposed to HB 4127-A

Senator Riley:

Our firm has 220 employees and has been in business in Oregon since 1982.

HB 4127 is the poster child for what **not** to do in the short session.

POLICY: 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 and the American Bar Association. Both strongly support the current Qualifications- Based Selection (QBS) process. APWA and ABA know that highly competent design leads to quality construction and greatly reduces expensive change orders, lawsuits and reduces life-cycle costs for the 75 to 100 years of a project. HB 4127-A impacts all state and local agencies and all projects from \$1 to \$1 billion. This is a massive change that will negatively impact projects all across the state.

Procurement of engineering services often occurs very early in a project life cycle making absolute definition of scope and budget difficult. With the current QBS process engineers and agencies are allowed to negotiate fee following selection based on qualification and project approach which allows for a conversation and exchange of ideas regarding what is and what is not included in the negotiated fee resulting in a much more realistic outcome for owners and design engineers, a higher quality project leading to a more solid design deliverable for procurement of construction services.

PROCESS: I first heard rumors of a QBS bill following November 2017 legislative days. ACEC was only asked how to improve upon the bill after it was already back from Legislative Counsel.

ACEC met again on January 30, 2018, six days before the session began, in Hillsboro City Hall again with a group of lobbyists and Rep. McLain. We were shown a minor -1 amendment and nothing else. This lack of process seeking our input has been frustrating to say the least and not conducive developing meaningful and thoughtful legislation. As design professionals, we deserve an opportunity to be a part of the development of this legislation.

NEXT STEPS: We are open to an interim workgroup to discuss issues of concern and prepare for the 2019 session. ACEC Oregon hears the comments of our local government clients and we look forward to working closely with them to find solutions to issues of concern. We are convinced this issue is too complex to identify the solutions during the short and frenetic 2018 session.

Thank you,
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