
PROFESSIONAL LAND SURVEYORS OF OREGON TESTIMONY IN OPPOSITION TO HB4127-A



Before the Senate General Government & Accountability Committee / February 22, 2018
By: Darrell W. Fuller / 971-388-1786 / fuller_darrell@yahoo.com

Sen. Riley and Members of the Committee:

The Professional Land Surveyors of Oregon (PLSO) represents Oregon's registered, practicing Professional Land Surveyors. Our association is affiliated with the National Society of Professional Surveyors (NSPS), and has nearly 600 members.

Qualifications Based Selection (QBS) is a well-researched and highly effective standard to ensure public bodies procure professional services from highly qualified professionals, rather than selecting important services based solely on price. While we understand the importance of government bodies being sensitive to price when purchasing products and services, the purchase of certain professional services should be based on a different set of criteria – one based on the qualifications, experience and capabilities of the professionals. Designing bridges, buildings and other large public infrastructure projects should not be “on the cheap”. Nor should the equally important work of defining the land and legal boundaries between entities. Taxpayers deserve better when investing their hard-earned money.

It's a well-worn cliché, but if you need a heart transplant, you don't necessarily want to hire the cheapest heart surgeon available. *PLSO opposes House Bill 4127-A.*

House Bill 4127-A creates a diversion from the current statutory requirement to use QBS when contracting with certain design professionals.

PLSO does not believe this experiment -- which is *not* the product of a consensus-building work group process -- should be rushed through the short Legislative Session with truncated public hearings in both chambers, and no time for the kind of careful deliberations and negotiations a policy change of this magnitude deserves.

PLSO is committed to working with all stakeholders in the interim with the goal of searching for possible policy changes which will address the concerns of local governments without gutting the essential value of a qualifications-based selection process.

*Professional Land Surveyors of Oregon asks that no action be taken on HB4127-A this session.
I am happy to answer any questions you have on the bill. Thank you.*

Professional Land Surveyors of Oregon
P.O. Box 230548 / Tigard, OR 97281 • Phone: 503-303-1472
office@plso.org • www.plso.org

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There has been questions raised in public about the participation of design professionals in the process of developing legislation to modify the current QBS law in Oregon. I keep meticulous calendars and save every business-related email -- It's really more of a CDO problem than anything else (CDO is OCD -- Obsessive-Compulsive Disorder -- but with the letters in their correct alphabetical order).

During the 2017 Regular Session, Senate Bill 382 was introduced to move the threshold for QBS from \$100,000 to \$500,000. A Public Hearing was held in Senate Business on Wednesday, March 1.

That same week, stakeholders met at the Local Government Center on Friday, March 3.

No consensus was reached during that meeting. I attended the meeting with a PLSO member, and we indicated a continued willingness to meet on this issue.

Senate Bill 382 died in the Business Committee upon adjournment.

I received no emails, information or invitations to a meeting for the rest of March 2017;
I received no emails, information or invitations to a meeting in April 2017;
I received no emails, information or invitations to a meeting in May 2017;
I received no emails, information or invitations to a meeting in June 2017
I received no emails, information or invitations to a meeting in July 2017
I received no emails, information or invitations to a meeting in August 2017
I received no emails, information or invitations to a meeting in September 2017
I received no emails, information or invitations to a meeting in October 2017
I received no emails, information or invitations to a meeting in November 2017

I was invited to attend a meeting on Tuesday, December 19, the week before Christmas. My college-aged children were already on Christmas break and I take vacation time to be with them when they are on break and did not attend.

On January 19, 2018 I received an email from Rep. Susan McLain's office with a copy of the bill they were introducing. This was the first time I had seen language for what is now HB4127.

I was invited to attend a meeting in Hillsboro on January 30, 2018 and I attended. This was one week before the start of session. At the meeting we were told there would be a small change to the draft, but no other changes would be made.

At no time between March 3, 2017 and December 19, 2017 did I receive an email asking for input on their contemplated draft, or any information on what they were considering.

If the Senate defers action to a legitimate interim work group, PLSO makes the following commitment:

(1) We will not wait for local governments to schedule meetings or build consensus. We will schedule meetings and ensure all stakeholders have the opportunity to participate. I plan to schedule meetings in:

March,
April,
May (during Leg Days),
September (during Leg Days),
October,
November and
December (during Leg Days).

(2) I will solicit active participation by a group of legislators with QBS experience. This group will include (but is not limited to):

Rep. Susan McLain (D), sponsor;

Rep. Paul Evans (D), supported HB4127-A on the House floor; former Mayor;

Rep. Lynn Findley (R), opposed HB4127-A on the House floor; retired city manager who USED QBS and understands it well;

Rep. Bill Kennemer (R), supported HB4127-A on the House floor; former County Commissioner;

Rep. Caddy McKeown (D), supported HB4127-A on the House floor; former Port Commissioner;

Sen. Bill Hansell (R), sponsor; former County Commissioner;

And any other Legislator interested in finding a solution to this problem.

(3) If the Senate moves forward, HB4127-A will become law Jan. 1, 2019. However, if the bill is deferred to a work group, PLSO will support an Emergency Clause on any 2019 consensus legislation so that local governments will only lose one or two quarters of time. Thank you.