

Hello Committee on General Government and Accountability Members,

As an engineer, I strongly encourage you to **VOTE NO** on HB 4127.

Do you understand what QBS is? If no or you are not sure, please watch this video → <http://www.qbs-mi.org/>

The current Quality Based Selection (QBS) law has been successfully working by awarding work to the most qualified engineering companies rather than relying on cost as the most influential selection criteria!

While you decide your position on this bill, please keep in mind that in the construction bidding environment, contractors are given detailed plan sets (drawings) and contract specification documents that very clearly layout the project they are bidding on. As engineers, we are usually hired to solve problems and design solutions for agencies because they are not equipped to do so, or they do not have the technical expertise in-house.

You will hear the argument from local agencies that QBS costs them extra money, but if you get the full story, you will find out that the additional cost is often caused by poor planning. No engineering design project will be cost effective without proper planning before requests for qualifications go out the door.

You may also hear that the changes are not to create a low bid environment, but asking for billing rates and estimated number of hours to complete the job is essentially the same as asking for a formal bid! Providing cost information should be left to tangible goods and services such as construction or equipment purchases, not engineering design!

If you vote yes, I guarantee in a short amount of time no agency will choose to use QBS. I repeat, NO agency will choose to use QBS. Cities and Counties all have very tight budgets, so if they can pinch a few pennies they will! This is a situation of pay me now, or pay me much more later. We need to reject this bill so the highest quality engineers are doing the work.

The people involved in developing this bill claim that they have been working on the modifications for over a year, but they surreptitiously brought their proposal to the public's attention only weeks before the current session in order to prevent input from the opposing side. We just want more time to find a middle ground.

The Engineers in your community and the Oregon section of ACEC support a collaborative workgroup to identify problems and solutions with the current law. We want to help make this bill work for everyone, but that will not happen if you accept it in its current format.

By hastily accepting the proposed revisions to the current law, this one-sided solution will create more problems than it will solve.

Please, I urge you to **VOTE NO** on HB 4127!

Thank you,

Lindsi

Professional Engineer and Resident of Gladstone

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VOTE NO on HB 4127-A

Low bid = Low quality Projects

February 26, 2018

Dear Committee on General Government and Accountability Members:

ACEC Oregon urges your NO vote on HB 4127-A. This bill is the poster child for what not to do in the short session. Two main issues: Bad policy and bad process.

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.

PROCESS: We heard rumors of a QBS bill during November 2017 legislative days. We saw it for the first time on December 14, 2017 at Hillsboro City Hall in a room full of lobbyists, Hillsboro staff and Rep. Susan McLain. We were asked how to improve upon the bill after it was already back from Legislative Counsel. We 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 exasperating. To say we are perplexed and dumbfounded is an understatement.

PUBLIC HEARING: The short session leads to short hearings. Three engineers who had been hired by QBS processes testified for three minutes each. One showcased an award winning design on a water treatment plant that saved the city of Prineville \$54 million on an expected \$62 million project. The City spent \$8 million instead of \$62 million because of hiring a qualified engineer. Another engineer spoke about how HB 4127 will negatively impact her small business.

SOLUTION: An interim workgroup to discuss issues of concern and prepare for the 2019 session. ACEC commits to be an active leader in the workgroup.

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.

We invite you to watch this short video to get an appreciation for the QBS process: <http://www.qbs-mi.org/>.

Thank you for your service and commitment to a better Oregon through quality projects using the citizen's valuable taxes as judiciously as possible. A NO vote on HB 4127-A will help ensure this is the outcome.

A final thought from an experienced public works professional, **“There is nothing as expensive as cheap design.”**