



**OREGON WATER UTILITY COUNCIL**  
Pacific Northwest Section, American Water Works Association

February 22, 2019

The Honorable Representative Barker  
Chair, House Committee on Business and Labor  
900 Court St. NE, H-480  
Salem, OR 97301

RE: House Bill 2769

Dear Chair Barker and Members of the Committee:

The Oregon Water Utilities Council (OWUC) is a committee of the Pacific Northwest Section of the American Water Works Association and is made up of cities, special districts, public utility districts and private companies. While municipal water use represents approximately 6% of the total water use statewide, OWUC members collectively supply domestic water to more than 75% of the population of Oregon. Our mission is to promote and monitor legislation, public policies, and regulations that will ensure our communities are provided with drinking water of the highest quality and sufficient quantities at a reasonable cost. ***In keeping with our mission, we write in support of HB 2769, which would update and improve procurement law in Oregon.***

Under current law, local contracting agencies are precluded from considering pricing information when contracting for engineering, architecture, transportation planning, photogrammetric mapping and land surveying services. Instead, our members must select the most qualified respondent to an RFQ and enter negotiations and only after that are they permitted to request pricing information like rates, hours, and level of service.

This has prevented our members, who regularly procure these services, from understanding a key element in an overall decision about which consultant to select for these important services: how much they might charge. By no means should pricing information be the driving force in a decision on construction design services, but it certainly should be included with other important information to enable our members to make the best decision on a contract in the public interest.

HB 2769 provides a balanced approach that allows our members the option to use an updated process for procuring these services that leads with qualifications but allows access to pricing information at the right time to help inform a final selection of a construction design professional. We appreciate the strong partnership between the consultant community and local governments that produced this compromise approach and the commitment to continue to work together to ensure appropriate implementation and best contracting practices going forward.

We urge you to pass the bill.

Sincerely,

Karen Kelley, OWUC Chair