



Oregon Association of Minority Entrepreneurs

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Testimony to the
Senate Committee on Judiciary & Ballot Measure 110 Implementation
In Support of SB 213
March 22, 2021

Chair Prozanski, Vice Chair Thatcher and members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation. For the record, my name is Samuel Brooks, Chairman and Founder of The Oregon Association of Minority Entrepreneurs, an Oregon based non-profit formed in 1987 with the mission to promote and develop entrepreneurship and economic development for ethnic minorities in Oregon and S.W. Washington, and thereby reduce racism and discrimination. Our philosophy is "Everybody's In, Nobody's Out". I am writing today to strongly support the 2 amendments to Senate Bill 213 prohibiting the Duty to Defend clause in contracting.

Senate Bill 213 will bring fairness to professional services contracts by ending the inclusion of duty to defend clauses in public and private agreements. This duty to defend clause is onerous as it requires the design professional be responsible to defend an owner or other party against claims asserted by a third-party even if the design professional is not negligent. This duty to defend clause can cause many small and larger design firms to shy away from even bidding on a job and is neither equitable nor inclusive. This can and is a major deterrent to compete for certain projects, many of which are with governmental agencies.

We respectfully ask this committee to support the 2 amendments to SB 213. This is good business policy that will assist firms across the state in being able to engage in construction projects, including many government funded projects.

Thank you for your time today,

Sincerely,

Samuel Brooks
Chairman and Founder
Oregon Association of Minority Entrepreneurs