



Project Pivot, LLC | ProjectPivot.net
3645 SE Glenwood Street
Portland, OR 97202
T: 503.519.3513

7 February 2024

To: Senate Committee on Judiciary
From: Erin Lauer, AIA, LEED AP BD+C, Fitwel Ambassador,
Owner and Sustainability Consultant at Project Pivot
RE: Regarding Support for Senate Bill 1575

My name is Erin Lauer, a woman and a small business owner in Portland, Oregon. I am writing today to strongly support Senate Bill 1575.

Oregon's engineers, architects and land surveyors care deeply about our communities, which is why we invest in our local economies, creating jobs and housing for Oregonians. Right now, we are being forced into unfair contracting practices called "duty to defend" clauses, which require us to pay the legal expenses for those involved in construction projects even before fault is determined. This is detrimental to all design firms but especially woman and minority owned firms and emerging small businesses. Because engineers, architects and land surveyors are being forced to shoulder legal liability and legal expense far beyond what is insurable, fewer projects are being designed and built in our communities. This includes low-income public housing to help address Oregon's homelessness crisis.

Local architecture firms have seen increased occurrences of duty to defend clauses in their contract requirements, particularly for public and institutional projects. When this occurs, they face the reality of not being able to pursue these projects which impacts their ability to do business. Further, these firms regularly work to include woman and minority owned firms and emerging small businesses, like our women-owned Project Pivot, on their teams, and these clauses can prohibit their involvement due to the risk involved.

We respectfully ask this committee to support SB 848. Passing this bill would eliminate misaligned contract practices. This is not about shirking responsibility – it's about ensuring that everyone involved in a project pays their fair share of legal expenses and can be adequately protected by their insurance. Thank you for your public service and we are happy to be a resource if you have additional questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Elauer", written in a cursive style.

Erin Lauer, AIA, LEED AP BD+C, Fitwel Ambassador