

Submitter: Maggie Thornton  
On Behalf Of:  
Committee: Senate Committee On Judiciary  
Measure: SB1575

I am writing today to respectfully urge you to support the -1 Amendment to SB-1575 which restricts "Duty to Defend" provisions in public contracts.

"Duty to defend" should be limited to those professional services performed by a consultant or firm, and not exceed the proportionate fault of the consultant or firm. Currently, firms must participate in unfair contracting practices which require us to pay the legal expenses for those involved in construction projects before fault is determined. This is especially hard on smaller firms, including woman and minority-owned firms, and emerging small businesses. The firm I work for, Westlake Consultants, Inc. is a woman-founded firm of 50. We've been providing surveying and engineering services for over 40 years and are now asked to take on legal liability and expense. Many smaller firms (WBE, MBE, ESB) are choosing to not pursue public agency projects because of this. At a time when Oregon desperately needs affordable housing and infrastructure improvements, qualified professional services firms are being restricted from participating in the marketplace due to the current onerous clause in SB-1575. I'm sure this was not the intention, and I trust members of the Senate Judiciary Committee to do the right thing and support -1 Amendment to SB-1575. Thank you, Maggie Thornton (Associate Principal, Westlake Consultants, Inc. and Professional Land Surveyors of Oregon member)