

ACEC Oregon

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON

“The Engineers”

February 9, 2018

Members of the Oregon House of Representatives and interested parties:

The American Council of Engineering Companies is strongly opposed to HB 4127 which will allow price-based bidding of engineering, architectural and other professional services. This is a major policy change to the current law with little to no input from key players in the design and construction industry.

HB 4127 allows all government entities in the state to use either the traditional Qualifications-Based Selection (QBS) or a price-based bidding process that pits up to five firms against each other to guess at the project scope and appropriate fees to design the project. Obtaining five bids is a major waste of time, money, and has the potential for delay, confusion and extra costs for all involved. **And, by allowing two different procurement options, it is fair to assume that the vast majority of projects will be bid and possibly low bid.**

Bidding of engineering services on public projects threatens to add costs, reduce innovation, and goes against the policy of the American Public Works Association and the American Bar Association who are strongly in support of the current QBS process.

- QBS creates a positive partnership between the owner and the designer. This is best for Oregon taxpayers. QBS is proven, not a new untried procurement process. HB 4127 decimates a proven best practice for procuring design professionals by allowing a bidding option.
- Price bidding the design portion of projects is problematic since the scope of work to complete the design is typically not well defined at the proposal stage.
- HB 4127 allows requesting up to five firms to bid the design work to be awarded the project. This often leads to low quality design documents, which potentially result in expensive change orders during construction and litigation following project completion.
- HB 4127 impacts all state and local agency projects without any concern for cost or scope.
- ACEC Oregon endorses an interim task force including all interested parties to look at problems with QBS and develop solutions.

The American Council of Engineering Companies is committed to working with our local government clients and their advocates during the interim prior to the 2019 legislative session to do a deep dive on the QBS process. We could discuss real projects and how the QBS process helped or potentially hurt the design, construction and life-cycle costs of the project. We believe the issue is too complex to find a common resolution during the short and frenetic 2018 session.

ACEC Oregon asks the House Business and Labor Committee and legislative leadership to appoint a task force on the issue where all sides can discuss the issue in a setting that will lead to a much better understanding of what the current law allows and/or possible legislation for the 2019 legislative session.

Please contact ACEC Oregon’s lobbyist Marshall Coba at (503) 580-1668 if you have any questions.

Sincerely,



Alison Davis, Executive Director
adavis@acecOregon.org

5319 SW Westgate Drive, Suite 224, Portland, Oregon 97221
phone (503) 292-2348 ♦ fax (503) 292-2410
www.acecOregon.org

Member of the American Council of Engineering Companies, Washington, D.C.