

February 5, 2018

The Honorable Chair Paul Holvey and Members of the House Business & Labor Committee,

As CEO of Kittelson & Associates, Inc., a headquartered and home-grown Oregon business, I am writing to express my strong opposition to HB 4127, which will decimate Oregon's Qualifications-Based Selection (QBS) process. QBS has proven to be an effective procurement methodology that ensures the best use of Oregon's limited public works funds. With the new transportation funding package, effective delivery of those projects is extremely important. QBS is the right way to procure professional design firms.

**KEY POINTS:**

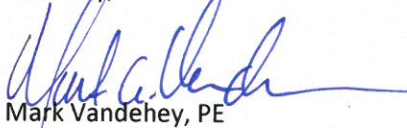
- **Price Based Selection** – HB 4127 is a drastic change to Oregon's current procurement methodology. This goes against the policy of the American Public Works Association, the largest and most recognized association of public works professionals in America, and the intent of the Brooks Act passed in 1972.
- **Bad for Small Business** – Price bidding for design services is a barrier to small, emerging and minority owned professional services businesses getting a fair opportunity in the marketplace. It fundamentally changes the way small firms work with public agencies.
- **Bad for Taxpayers** – Bidding design services has proven to be problematic on public works projects, which have life-cycles upwards of 50-100 years. Lowest price design limits opportunities to find cost-savings through innovation and new ideas. Poor or incomplete design leads to unintended conflicts during construction and costly long-term maintenance and operations.
- **Agency / Design Firm Partnership** – QBS, not bidding for design services, creates a positive partnership between the owner and the designer. This allows for the best project outcomes for Oregon taxpayers.
- **Education is the Key** – We endorse an ongoing educational effort with state and local governments and pledge to work with proponents of HB 4127 to find solutions to their concerns prior to the 2019 session.

While procurement of design professionals by state and local agencies is not well known or understood except by the procurement professionals and businesses who strive to do public works projects in the industry, HB 4127 is a solution in search of a problem. This poorly conceived procurement methodology will create many unintended consequences and cost taxpayers in expensive change orders and litigation.

This issue is too complicated for the short timeframes of the February 2018 session. The American Council of Engineering Companies (ACEC) Oregon, our industry group offers our expertise to craft solutions for the 2019 session that work for Oregon's taxpayers, Oregon's public work projects and for the many ACEC professionals who are committed to quality projects that are on time and on budget.

I offer my assistance to better help you understand the importance of this issue. Please contact me at your convenience at 503-228-5230 or [mvandehey@kittelson.com](mailto:mvandehey@kittelson.com) to discuss this further.

Sincerely,



Mark Vandehey, PE  
Chief Executive Officer