



February 23, 2019

**Clackamas County Board of Commissioners**  
**Policy Position**  
**HB 2769: Consultation Selection Process for a Public Contract**

**Clackamas County supports HB 2769:** The Board of County Commissioners supports HB 2769, which gives public agencies the option to consider pricing policies, proposals, and other pricing information as part of the screening and selection of consultants for specified procurement contracts.

HB 2769 is limited to procurements for architecture, engineering, photogrammetric mapping, transportation planning and land surveying services. Presently, public agencies are only able to consider procurements of these services on a qualitative basis. While the existing principles of qualitative based procurements ensure the public agencies avoid defaulting to the lowest proposer, it also has several faults, namely:

- By not having pricing in advance of the final selection, the negotiation process is often protracted by two to six weeks.
- Vendors know that the protracted negotiations disadvantage public agencies and the result is that public agencies are likely to agree to higher rates rather than start the process over.
- The current process is an inherent barrier for minority, women, and emerging small businesses to compete against the large design firms.
- Market forces are removed from the competitive process which allow firms to demand ever increasing fees that may exceed other markets (e.g. Washington State).

Clackamas County has a goal to contract with firms that provide the best value to its citizens. HB 2769 furthers that goal by establishing a process to determine the most qualified firms for a project, then working to ensure that fees are competitive amongst those most qualified firms.

Clackamas County conducts between 12-15 procurements each year for the design of large capital projects and HB 2769 will help streamline the already lengthy process. Not only would Clackamas County benefit as an agency to see these improvements in public contracting, the residents of Clackamas County also would see a better return on their investments.

**We urge a “YES” vote for HB 2769.**

Please contact Chris Lyons at [clyons@clackamas.us](mailto:clyons@clackamas.us) for more information.