

Montana's 59th Legislative Session

Senate Local Government committee Hearing

Senate Bill 237

February 17, 2005

Mr. Chairman and members of the Committee, my name is Julie Shewman and I am the Secretary/Treasurer of the Western Branch of the Montana Section of the American Society of Civil Engineers, or ASCE. I come before you today representing the Montana Section of ASCE voicing opposition to Senate Bill 237.

This Act would allow fees to be used as a factor in selecting architectural, engineering, and surveying services. In the past, ASCE, both on a national level and here in Montana, has opposed this procedure whereby fees are used in the selection process for these services. Various factors come into play in our opposition to this bill, many of which are voiced today, however, the two factors we present today are safety and quality of the designed project.

As civil engineers, we are held to certain high standards to protect the public's health and safety. This translates to the design of roads, bridges, pipelines, water treatment plants, wastewater treatment plants, buildings, and other facilities which comprise the infrastructure of Montana and the entire country. With price being an initial factor in the selection of an engineer, it is inevitable that the design of these structures and facilities will be compromised to the extent that the public's health and safety could be put in jeopardy.

The same can be said for the quality of the designed project. With price as an initial selection factor, the quality of the design can be weakened to the extent that the finished project will cost MORE in terms of operation, maintenance, and replacement over the life cycle of the project. A proper design takes into account these factors which lead to the most cost effective project over its service life.

It must be remembered that cost for engineering services does come into play, once the engineer has been selected for the project, selected through Quality Based Selection procurement rules now in place for public facilities. Once the engineer has been selected, the project owner negotiates an engineering fee based on the scope of the project and fair market value. It must be noted that the scope of the project is many times not detailed or finalized at the time of engineer selection, rather, the final scope is discussed and arrived at in the course of fee negotiations. In the course of fee negotiations, if an agreement cannot be made between the owner and the engineer, the owner then has the option of moving on to the second most highly qualified engineer to negotiate a fee.

Therefore, on behalf of the Montana Section of ASCE, I urge the committee to vote against recommendation of Senate Bill 237.

Thank you.