FACTS: Water Infrastructure and Open Competition

H.B. 4043 would ensure that state funded infrastructure projects require open, competitive bidding procedures for all materials. 'Open Competition' is a common sense policy that will allow local officials to consider multiple technologies for water infrastructure projects and make the best decision for their community based on performance and cost effectiveness, and to enhance the service life, sustainability and resiliency of the project.

Some have been making misinformed claims about Open Competition.

Here are the facts:

CLAIM: H.B. 4043 is an attempt to put policies in place that will favor plastic pipes over other piping materials for water infrastructure projects.

FACT: The bill is simple in what it does — it allows project engineers to consider all materials and select the best option based on merit that works for their project. The legislation is not material-specific and gives no preferential treatment to any single pipe material. The bill makes clear that the final decision on material selection rests with the local project engineers.

CLAIM: This legislation fails to recognize there are key differences between pipe materials.

FACT: This legislation does not imply that all materials are equal. The legislation recognizes that each project is different and various materials will be suitable for various projects. Furthermore, the legislation reaffirms that final material selection decisions are ultimately up to the project engineer(s). There is continuing innovation in the pipe market and without open competition, Oregon citizens will not be able to benefit from these new advanced materials.

CLAIM: Open competition has not been successfully implemented anywhere and will likely cause confusion if it is implemented.

FACT: Many localities large and small have opened up the bidding process for infrastructure projects. In Oregon, the U.S. Department of Agriculture, through their Rural Development Water & Environment Programs, gave grants and loans to the state in excess of $51 million in just 2015 and 2016 alone. This grant program requires open competition and has been operating with this requirement for years with no issues.

CLAIM: Plastic pipes easily break in extreme weather and do not last as long as other piping materials.

FACT: Plastic pipes have a comparable life expectancy to other piping materials, including ductile iron. Studies by Utah State University's Buried Structure Laboratory and Jana Laboratories showed that plastic pipes have a service life that should exceed 100 years. The Utah study found plastic pipes to have an extremely low water main break-rate and pipes installed 50 years ago still meet all applicable standards.

CLAIM: There is no federal government oversight on the certification of standards for plastic piping, so plastic pipes are not being tested for safety by the government.

FACT: As directed by the U.S. Environmental Protection Agency, all piping materials, including plastic piping, must meet the rigorous standards set by National Sanitation Foundation (NSF) to be considered for use in drinking water. All plastic pipes must be certified that they meet the safety standard NSF/American National Standards Institute (ANSI) Standard 61.

CLAIM: H.B. 4043 disregards the expertise and knowledge of utilities and design professionals.

FACT: The final decision should and will remain in local control. The legislation introduced does not give preferential treatment to any single material and makes clear that the final decision on material selection rests with the local project engineers.

CLAIM: Changing the existing procedures will make the process more costly.

FACT: The cost to replace Oregon's aging infrastructure is daunting. The League of Oregon Cities' 2016 Infrastructure Survey (Water) Report stated that $7.6 billion is required for several critical drinking water projects in Oregon and the American Society of Civil Engineers (ASCE) 2017 Report Card for Oregon catalogs a backlog of $5 billion in wastewater infrastructure needs of the next 20 years. Any initial investment to update procurement policies will be small relative to the $3 billion in estimated long-term savings.

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H.B. 4043 will give communities more options and make it easier for project managers to select the best materials when it comes to fixing their water systems.