

From: [Chas Jones](#)
To: [Exhibits HWTR](#)
Subject: In opposition to HB 4043
Date: Monday, February 10, 2020 6:34:57 PM

Dear House Water Committee,

HB 4043 would preempt local governments, including cities, from adopting any ordinance, resolution, rule or other law to prohibit, restrict or limit an evaluation, comparison or use of pipe or piping materials for a water project. The language of the bill applies to projects receiving direct or indirect state funds. While there are some provisions in HB 4034 that allow a local government to have a professional engineer provide project-specific (case-by-case) specifications, I am strongly opposed to the legislation as it would prohibit upfront specifications at the project design level and would result in additional costs, administrative burden and would ultimately make it more difficult for a local government to select the most appropriate pipe for their specific water or wastewater system. In addition, if a local government were to fail to get a project engineer to implement specifications for each component of a water project, they would be required to accept bids for all types of pipes that meet certain standards. Under this scenario, if an invitation to bid is extended due to a lack of specifications, the local government would be subject to public contracting laws that require awarding a contract to the lowest responsible bidder.

The ability to select the most appropriate pipe should supersede requirements to purchase lowest-cost materials that may not meet the unique needs of the water system. The process should allow local governments to consider life-cycle costs, soil conditions, past performance of certain pipe materials, seismic and wildfire resilience, water conservation and water/wastewater system continuity.

Thank you,

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