



Rockwood Water
People's Utility District

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February 10, 2020

Representative Ken Helm
House Committee On Water
Oregon State Legislature
900 Court St. NE, H-490
Salem, OR 97301

Dear Representative Helm,

RE: Opposition to HB 4043

The Rockwood Water People's Utility District provides water to 66,000 residents in East Multnomah County. Rockwood Water PUD is opposed to the legislation contained in House Bill 4043 that would preempt local governments 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 or wastewater project.

Local governments through their duly elected officials adhere to State procurement law related to the materials utilized in their distinct water utility. The processes to evaluate and make those decisions are clearly codified under State law to guide the procurement process. Elected officials in their capacity as the Contract Review Board for their utility make those decision after very careful deliberation on what's best for their community and utility. Given that these decisions drive budgets, operation, personnel training and procurement, local governments know what is best and should have uninhibited control over the materials used in the water supply and sewer collection systems that serve their communities.

The legislation contained in House Bill 4043 inhibits the ability to control our water and wastewater system. It would likely result in higher costs, more administrative burden when selecting the most appropriate pipe for our specific water and wastewater systems, and potentially create less safe systems that would not last as long as they are needed.

While we recognize that every kind of pipe has appropriate applications, not all kinds of pipe are equally appropriate for all applications. We believe it is critical that utilities and their design engineers be able to specify the kind of pipe they consider most appropriate for each particular project in their community.

Keeping the selection of materials in the hands of design engineers and local utilities is necessary if we are to have water and wastewater pipes that reliably do the job they are intended to do for the length of time planned by the design professionals.

We oppose House Bill 4043 for numerous reasons, which include:

- The selection of materials must be the responsibility of local utilities and design professionals who understand the unique characteristics of the project, the community, and the function of the infrastructure in question.
- The bill implies that all water pipe materials are equal as long as they meet the minimum AWWA and/or ASTM standards, but pipe materials have significantly different characteristics and are not equally appropriate for all applications. It should be up to each individual utility to determine which is best for their system.
- The selection of materials appropriate for a utility drives budget, material handling, procurement, inventory, and crew training. Utilities being forced, either by legislation or through low bid comparisons, are not the most efficient and cost effective manner to operate a public utility.
- The legislation will likely lead to a significant increase in bid protests and litigation over pipe selection on public projects, thereby delaying projects and wasting limited public resources.

The assertion by the proponents of this bill that they have found the holy grail of materials to be considered by local utilities ignores the countless years of experience, hours of deliberation, continuous review of utility operations and management being conducted daily by hard working elected officials. If the material proposed had merit for a utility, the material would have already been evaluated and placed into practice in areas deemed appropriate by the local contract review board. The merit of the material proposed will be reached through local evaluation, not legislated fiat.

Sincerely,



Brian R. Stahl, General Manager
Rockwood Water People's Utility District
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Cc: Rockwood Water PUD Board of Directors