March 17, 2021

Oregon State Legislature
900 Court Street NE
Salem, Oregon 97301

Subject: Oregon State Legislature Senate Bill 213

**Testimony to the Senate Committee on Judiciary & Ballot Measure 110
Implementation in Support of SB 213**

Dear Chair Prozanski:

Good morning Chair Prozanski, Vice Chair Thatcher and members of the Senate Committee on Judiciary and
Ballot Measure 110 Implementation. For the record, my name is Scott Bevan representing PAE Consulting
Engineers, a privately held Oregon corporation of over 350 employees, delivering innovative engineering
solutions since 1967, with a mission to help solve the world's energy & water challenges. I am writing today
to strongly support the -2 amendment to Senate Bill 213.

Senate Bill 213 will bring fairness to professional services contracts by ending the inclusion of duty to defend
clauses in public and private agreements. This duty to defend clause is onerous as it requires the design
professional be responsible to defend an owner or other party against claims asserted by a third-party even if
the design professional is not negligent. This duty to defend clause is not fair, equitable or inclusive.

This requirement in professional services contracts is not fair to design firms of any size, but it is especially
damaging to emerging and small businesses that typically don't have the ability to advocate against these
contract requirements. We find these duty to defend clauses to be a major deterrent to compete for certain
projects, many of which are with governmental agencies.

We respectfully ask this committee to support the -2 amendment to SB 213 and send this bill to the Senate
floor. This is good business policy that will assist firms across the state in being able to engage in construction
projects, including many government-funded projects, by removing this onerous duty to defend clause.

Thank you for your service and we are happy to be a resource if you have additional questions.

Sincerely,

Scott Bevan, PE
Principal
PAE Consulting Engineers