



ANDERSON ENGINEERING AND SURVEYING, INC.

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

March 22, 2021

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 Darryl Anderson, owner of Anderson Engineering and Surveying Inc., in Lakeview Oregon. We are a full-service Engineering and surveying firm employing 7 employees. Our firm has been in business since 1983 and does business in the eastern Oregon area. Our firm strongly supports 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 requirement makes it difficult for small firms, as it requires us to be responsible to defend an owner or other party against any claim asserted by a third-party even if the design professional is not negligent. This duty to defend clause is not fair, equitable or inclusive. It leaves us as a small firm, with limited market, to accept jobs that have this risk.

This requirement in professional services contracts is not fair to design firms of any size, but it is especially damaging to small firms, like ours, that typically don't have the ability to advocate against these contract requirements. This makes it very difficult to compete for certain projects, many of which are with governmental agencies, that could be done with a small local firm.

Please support the -2 amendment to SB 213 and send this bill to the Senate floor. Right now, firms like ours, must just go with the risk to have work for our staff, or reject the project, a tough choice when you are in Eastern Oregon.

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

Thank you.

Sincerely,


Darryl Anderson PE, PLS