

Maximizing Private Sector Innovation

Delivering For Massachusetts: *The critical role the engineering industry plays in addressing state and municipal infrastructure needs*

Oppose: HB 3127, SB 2087 An Act to promote safety, efficiency and accountability in transportation projects through public inspections, House Sponsor: Rep. Daniel Donahue, D-Worcester & co-sponsors, Senate Sponsor: Senator Michael O. Moore D-Millbury & co-sponsors (currently in Senate Ways & Means)

Oppose: SB 2097 An Act relative to protecting the taxpayers of the Commonwealth, Sponsor: Senator Marc Pacheco (currently in Senate Ways & Means)

ISSUE

The engineering industry has an essential role in helping state agencies and municipalities deliver services to taxpayers. From designing solutions to address congestion on roadways, ensuring continued access to safe drinking water, to putting green technologies to work to make industry and government more sustainable, engineering firms in Massachusetts are working to solve public policy challenges and improve the quality of life for residents.

We support enabling state and municipal agencies to take advantage of the value and technical innovation that the private sector engineering and land surveying community in Massachusetts offers. Delivery of critical infrastructure improvements requires a close partnership between public agencies and private resources. The public sector has a key role to play in this process: providing the overall management and oversight of public projects. The private sector brings the innovation, expertise, on-time delivery and long-term cost savings to ensure that taxpayer dollars are well invested. State and municipal agencies need the flexibility to determine how they will get this work done.

KEY POINTS

- **State and municipal agencies need the unique expertise, technical innovation, and on-time performance that engineering firms provide in delivering projects to the public.** Many of the best engineers in the world live and work in Massachusetts, giving public agencies -- and the taxpayers they serve -- access to the most highly qualified engineering services.
- **Using engineering firms in Massachusetts provides value to the taxpayer.** Staffing public agencies to handle peak workloads requires paying employees even during slow times. The private sector is only paid for the time they are actually needed. This cost-effective process allows the state to experience an overall lower life cycle cost for delivering engineering services to the public.
- **When procuring design services, government agencies should award contracts based Qualifications Based Selection (QBS).** This is the law for vertical projects in Massachusetts and for horizontal projects designed by MassDOT agencies. Selection of design professionals using qualifications enables government agencies to deliver quality projects, safeguard the public and be accountable to taxpayers. Over the life of a project, engineering services account for less than one-half of 1% of total project costs. Yet these services play a huge role in determining the overall project costs, as well as the quality of the completed project. QBS lowers the overall cost of projects through designs that reduce change orders during construction and minimize long-term maintenance and repair costs.
- **Private engineering firms are highly accountable to their clients and to taxpayers.** State project managers oversee all contracts and work, approving all billings, time charged to the project, and work product. Contracts are open for inspection and subject to frequent audits and are highly regulated.
- **Eliminating the private sector design engineer from the construction process will increase the overall construction cost of projects.** The design engineer is intimately familiar with the design and is the best person equipped to deal with unforeseen site conditions, design modifications, and construction change orders.

ACTION REQUESTED

The House and Senate should oppose any bills or amendments that would prevent state agencies and municipalities from contracting out for professional engineering or land surveying services, related design services, construction phase engineering or testing services. Public agencies need the flexibility to determine how they will get this work done.