



**Written Testimony in Opposition to Alvarez & Marsal
Transportation Recommendation #1**

To: Senate Transportation Committee

From: Cathy Bennett, Vice President of Public Policy, Greater Kansas City Chamber of Commerce

Date: Tuesday, March 15, 2016

Chairman Petersen and Members of the Committee:

I am writing on behalf of the Greater Kansas City Chamber of Commerce and our more than 2,100 members to express our opposition to the Alvarez and Marsal (A&M) Kansas Efficiency Study Recommendation #1 which calls for KDOT to change the method of selecting engineering and architecture firms from Quality Based Selection (QBS) to a low cost bid process.

The KC Chamber believes the A&M recommendation, projected to achieve an estimated savings of about \$5 million per year, will put public health and safety at risk, stifle innovation, and could actually reduce a project's cost-effectiveness over a project's life cycle.

A 1972 federal law known as the Brooks Act requires the federal government to select engineering and architecture firms based upon their competency, qualifications and experience, instead of selection based solely by price, in order to get the best comprehensive outcome for a project. All projects on the National Highway System, regardless of funding source, must follow QBS. Kansas statutes currently mandate that KDOT also follow QBS for all projects. It is important to note the majority of highway projects receive some amount of federal funding and if federal funds are involved, then QBS, through the Federal Brooks Act, applies.

There are a number of reasons why the KC Chamber opposes repealing the requirement KDOT follow QBS on all projects.

1. Transportation projects are complex and a comprehensive evaluation process is critical to the success and safety of the project. Competency, qualification, and experience matter to outcomes of public safety, fiscal responsibility, and commerce. QBS provides the necessary process to identify and employ competent and experienced contractors.
2. QBS allows life-cycle costs such as operations and maintenance to be factored into project design and total project costs, likely saving tax-payer dollars over the project life span.
3. If the state removed the QBS requirement from statute, Kansas would now be operating on two separate and very different highway procurement processes. This duplicative operation would be burdensome and costly to administer.
4. Finally, public health and safety should be the state's utmost concern with public sector infrastructure projects. Kansas taxpayers rely on their state government to obtain the best and safest project design possible. QBS creates a record of accountability, provides for high quality infrastructure, and safeguards against abuses that can occur in a low-bid selection process.

The KC Chamber urges the legislature to reject this recommendation in light of the necessity of public safety and the concerns over the uncertain costs of abandoning QBS.

Cathy Bennett, bennett@kcchamber.com