



# American **Concrete Pipe** Association

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## **FOR IMMEDIATE RELEASE**

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ACPA Engineer's Right to Choose Video: <https://www.youtube.com/watch?v=wY5Ji4pTIIM>

### **ACPA Responds to the Introduction of Legislation to Change the Role of Engineers in the Procurement of Construction Materials**

**Irving, Texas — Dec. 12, 2019** — Over the past five years, legislation calling for “open and fair” competition in the procurement of pipes for taxpayer-funded infrastructure projects has been repeatedly introduced in the House of Representatives and in more than a dozen state legislatures. Each and every attempt has failed for good reason.

If enacted, so-called “open competition” legislation would significantly alter the role of engineers in the procurement of construction materials for taxpayer-funded infrastructure projects. The bill would *undermine* the ability of engineers – as well as utilities, local governments, and other public works professionals – to design infrastructure projects in the manner that best serves the needs of their communities.

#### ***What is the Current Role of Engineers in Selecting Materials?***

Initially, the engineer designing the project will put together a list of the materials suitable for each component part of the project. For example, when an engineer is designing a storm water transmission system, the engineer might determine that pipes made from three materials (reinforced concrete, metal and plastic) are capable of performing the task of reliably carrying the water to an outfall.

The decision as to which materials are eligible for this list is based on local agency specifications and engineering designs that consider the unique characteristics of a geographic area, whether it be a high-water table, an earthquake fault line, a challenging type of soil, or a vulnerability to wildfires or hurricanes. *Each geographic area is slightly different, and technical specifications reflect those differences.*

It is important to remember that technical specifications are set by engineers, not politicians, and the purpose of a technical specification is to protect the safety and well-being of the public. Engineers develop these specifications by using their expertise and by conducting tests to determine exactly what product capabilities are needed to perform a particular task. *This is a scientific process, not a political process*

#### ***Is the Current Bidding Process Fair and Open?***

Once the list of eligible materials is established based on locally engineered specifications, the project sponsor puts the project out for bid. All producers of eligible

product materials are invited to submit bids. This process protects the taxpayers in two critically important ways. First, it ensures that taxpayer dollars are spent only on products that can perform as needed to protect the health and safety of the public. Second, it generates price competition among eligible products so that the taxpayers get a “good deal” for their investment.

The ACPA urges legislators to leave decision-making about products and supplies in the hands of the local engineers who are best suited to determine what’s needed for their projects. To learn more about the ACPA’s position on protecting the engineer’s right to choose and other legislative issues, contact Oliver Delery at [Oliver.Delery@forterrabp.com](mailto:Oliver.Delery@forterrabp.com)

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***About the American Concrete Pipe Association***

*The American Concrete Pipe Association (ACPA) is the spokesperson for the concrete pipe industry in all matters affecting the industry’s welfare. ACPA members contribute to the improvement of our environment by producing quality concrete pipe, engineered to provide a lasting and economical solution to drainage and pollution problems. For more information, visit [www.concretepipe.org](http://www.concretepipe.org).*