

# Public Works Projects

**HB 823** by Representative Ron Lollar  
House State Government Subcommittee

**SB 978** by Senator Mark Norris  
Senate State & Local Government Committee

## THE ISSUE

ACEC of TN and TSPE are **opposed to increasing the threshold for public works projects** from \$25,000 to \$100,000, which determines whether an engineer or architect is required for design.

Engineers are licensed to protect the public health, safety and welfare. Whether a public project is large or small or costs more or less than a specific dollar amount is not the issue - **protection of the public is our primary concern**. Building codes, accessibility, environmental requirements, and protection of the taxpayer investment in public projects are also factors for consideration.

Engineers have been educated and trained to evaluate the varying site conditions, geologic constraints, codes and other variables that affect public works projects. Projects which involve public occupancy, public transit (vehicular or pedestrian), or public natural resources should be evaluated for conformance to life safety codes. Failure to do so can result in damage and harm to the public.

There are many issues related to systems engineering (mechanical, electrical, plumbing, etc.) with an estimated cost between a threshold of \$25,000 and \$100,000 which would have a direct impact on public health, safety and welfare. Improper designs can result in loss of life, property or adequate safety.

The engineer also brings code compliance and life safety to the project with the obligation to report any deficiencies that may arise. Even a municipal project performing a simple 'swap-out' of HVAC systems may result in the realization of life safety items that must be addressed to protect the occupants of the building.

Other negative consequences of increasing the cost threshold for requiring engineering services are the environmental impact and potential for fines associated with violations of environmental regulations. If facilities are built without proper input from professionals and streams are relocated, wetlands filled or endangered species impacted by public projects, then the project could become mired in delays, legal battles, fines, and restoration. The additional value that a professional provides can far exceed the nominal cost to provide the initial design and administration services.

For these reasons, ACEC of TN and TSPE are opposed to increasing the threshold for public works projects from \$25,000 to \$100,000. Short term savings can lead to negative long-term consequences.

## KEY POINTS

- Who will be making design and life safety code decisions if no design professional is involved in project development?
- Will those decision makers accept the liability for problems that may result from the project?

## ACTION REQUESTED

- **oppose HB 823/SB 978 to increase the threshold for public works projects**

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