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February 4, 2008

Mr. Andy Baumert
Iowa Board of Regents
11260 Aurora Avenue
Urbandale, IA 50322

RE: Design-Build Proposal

Dear Mr. Baumert:

Our firm represents the Iowa Competitive Bidding Alliance. The Iowa Competitive Bidding Alliance (ICBA) is an association of general contractors in the state of Iowa, which was formed in 2002 to ensure that the public and taxpayers remain protected by the competitive bid law. We are dedicated to maintaining the time-honored and code-governed system which requires that public building projects be bid on and the construction contracts be awarded to the lowest responsible bidder. Iowa's competitive bid law has served the taxpayers well. It has, at the same time, insured that public projects are built by competent contractors.

We are now seeing an effort to erode that system by allowing an alternative delivery system, so-called "design-build", in which the owner could bypass the bidding process in favor of selecting a contractor with whom the owner wants to work. Design-build is a system perhaps useful in the private sector, but decidedly inappropriate when public funds are involved.

We understand the Board of Regents is being asked to support legislation which would allow design-build for public buildings. We strongly urge the Board to refrain from supporting such legislation.

The traditional triad system for bidding for public projects, involving the owner (state or local government or state agency) and the general contractor and the architect, has proven over many decades to be economical, fair, transparent, above-board, and to produce high-quality projects in a timely and a fiscally responsible manner.

There is no valid reason to compromise the triad system. The competitive bid law provides protections to the taxpayers and, at the same time, insures a fair bidding process for contractors who bid on such projects. It is flexible enough to respond to short-

term needs of specialized construction, while maintaining all the safeguards of fairness and fiscal integrity.

Please ensure that the Board is fully apprised that the proposal for a design-build system would not be progressive, but rather would endanger a successful system now in place. We urge the Board to not proceed with a design-build proposal. We thank you for the opportunity of input and welcome further dialog on this issue.

Sincerely yours,

CARNEY & APPLEBY, P.L.C.

James W. Carney

George W. Appleby

JWC:dt

cc: ICBA Board Members