Talking Points on SB 55 – Piping Materials for Public Works Projects
As of 12.31.19

The exact same bill was introduced in 2019 (HB 1157, never heard) and in 2018 (HB 1271, never heard). A similar bill was introduced in 2017 (HB 1226, never heard) and in 2014 (SB 68, “died” for lack of support.) ACEC Indiana opposed them then and remains opposed to it today.

SB 55 mandates that Registered Professional Engineers licensed under IC 25-31-1 consider “acceptable piping materials” for all Public Works projects. In 2014, the original language of SB 68 was intended to require consideration of a specific type of piping, PVC, but was later amended to the same language contained in this legislation. Although this year’s version attempts to “not limit a public works project’s engineer” in their professional judgment, this bill is still unnecessary, redundant, and potentially conflicting to existing state law and state regulation for the following reasons:

1. PVC is allowed for both Sanitary Sewer and Water Main Construction under 327 IAC 3-6-8 and 327 IAC 8-3.2-8, respectively. Under the Administrative code, the applicable standards for construction are indicated. This allows all appropriate piping materials for water and sewer public works projects. As such, this legislation is entirely redundant. This bill ignores the private utilities, but Professional Engineers design both public and private-sector infrastructure, relying on the same regulations and standards that apply to all of it. Professional Engineers must “seal” their plans under IC 25-31-1-16, and attest that “the work meets standards of acceptable engineering practice.”

2. As currently written, the bill calls out certain specifications (AWWA and ASTM) that cover a multitude of piping materials, and other materials, for use in these types of infrastructure projects, both public and private. For Public Works, this effectively requires all pipe types be considered, even when the design professional based on their expertise and education, knows that certain pipe materials are not suitable for a particular project. It will increase design costs because specific performance requirements for each project would have to be created, which takes more time, without any additional value created in the end. Furthermore, the bill does not include other applicable standards, such as ANSI.

3. Professional Engineers, working with the owner/client, design infrastructure for the long term use, based on “Life Cycle” costs, which include operation and maintenance. This bill attempts to take the short term view, forcing the cheapest product to be considered in the “low bid” environment required in Public Works. So, if the owner does not select the cheapest product for its project, for reasons such as standardization on pipe types and continuity of the system design, this bill will cause difficulty to complete projects on time and on budget dues to protests in the bidding process. Long term “value” is developed in the design phase of a project, followed by competitive bidding, with the low bid winning. Let Professional Engineers, working with the infrastructure owner/client, achieve the best long term value.

4. Going without mention, use of multiple different materials requires different construction plans, not just for the materials itself, but on the whole project. For instance, plastic pipe or flexible material increases inspection costs due to testing requirements and the need to have more than periodic inspections done by inspectors, as well as requirements to include video of completed infrastructure which drives up costs even more. The standards referenced in the bill only address “attributes” of the piping material, but do not address their suitability for different types of construction, such as “trenchless” technology, industrial use, and more.

5. Indiana law already requires competitive bidding under IC 36-1-12-4 for projects costing more than certain amounts. Specifically, it states,“The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition.”

In summary, we urge you to oppose SB 55 in its entirety. Standards and procedures are already in place in Administrative Code. PVC underground pipes are in wide use in water/sewer applications in the state. Local government units will incur increased costs, project delays, bidding confusion, and loss of decision-making ability if SB 55 is enacted.

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