

KEM

K.E. McCartney & Associates, Inc.

Engineers • Planners • Surveyors

May 7, 2018

Representative Jim Butler
Chair of the Ohio House Civil Justice Committee
77 S. High Street, 13th Fl.
Columbus, OH 43215

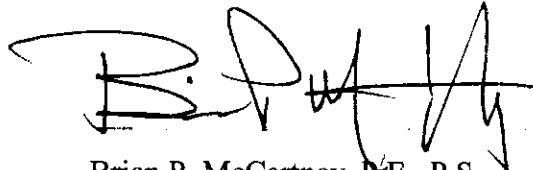
Dear Representative Butler:

Please accept this letter in support of House Bill 554 "Fairness in Public Contracts". For the engineering industry, this Bill represents fairness. Currently, design professionals are asked to defend public entities against third party claims BEFORE there is a determination that the design professional has done anything wrong. The defense cost against such a claim can be extremely expensive and is not covered by professional liability insurance, with the result being an out of pocket expense for the designer. For small firms under 50 employees this type of financial impact could potentially threaten their ability to stay in business. I don't think it is anybody's intent to drive small firms out of Ohio, we therefore need to narrow the obligation a design professional must shoulder to indemnify a public entity. House Bill 554 will do just that by holding firms liable when they have been found to have committed an error, again as a matter of fairness.

KEM is an Ohio born firm, founded 40 years ago this year. We bleed scarlet and gray and have always taken responsibility for our work. I am simply asking that we not be asked to defend and indemnify another party for losses that we did not cause, for which we cannot insure, and were caused by factors beyond our control. Again, not to beat the proverbial dead horse, but it is truly a matter of fairness.

For these reasons, we ask that you help with the passage of House Bill 554.

Sincerely,
K.E. McCARTNEY & ASSOCIATES, INC.



Brian P. McCartney, P.E., P.S.
President

Cc: ACEC Ohio
Representative Romanchuck

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