ALLOW TECHNOLOGY AND COMPETITION TO SOLVE AMERICA’S INFRASTRUCTURE PROBLEMS

As prospects fade for bipartisan national infrastructure legislation, it now falls to state and local leaders to make the best possible use of the resources at their disposal in confronting the myriad challenges facing our nation’s roads, bridges, tunnels, electricity grid, and water systems.

Of those challenges, none is more pressing than ensuring that our drinking water is both safe and affordable. Water systems are primarily the responsibility of local officials. We are the ones who have to get it right lest, through our negligence, we saddle the communities we serve with the kind of water-contamination crisis that, in 2015, struck the residents of Flint, Mich.

In addition to providing sufficient funding for water utilities, we must ensure that system operators and engineers have unimpeded access to the technologies and materials that are essential to maintaining public health and safety. This is particularly critical in addressing the pervasive problem of leaking, corroding underground iron water pipes.

A report issued earlier this year by Utah State University’s acclaimed Buried Structures Laboratory concluded that local governments must replace rapidly deteriorating underground water pipes, or face dire consequences. “Maintaining an obsolete system can cause severe financial hardships for cities as well as increase public health risks,” the report pointed out.

Removing barriers to competition

This is why we should welcome initiatives to remove barriers to competitive bidding on vital water infrastructure projects. In Congress, no fewer than five bills have been introduced this year promoting open competition among suppliers of pipe materials and technologies in federally-funded projects. For example, the “Water Infrastructure Transparency Act,” sponsored by Sen. Rand Paul (R-Ky.), would require maximum open and free competition in procurement of projects receiving financial assistance under federal laws covering water infrastructure.

Another measure, the “Municipal Infrastructure Savings and Transparency Act,” introduced by Rep. Brian Babin (R-Texas), would allow state and local agencies receiving federal funding to have maximum flexibility to select appropriate construction materials that meet the performance requirements of the contract while allowing open and free competition among suppliers of construction materials.

These bills and similar legislation pending on Capitol Hill and in state legislatures are a reflection of growing concern over the state of our water infrastructure and the urgency of doing something about it. Thus, it was puzzling to read Tony Hyde’s recent article op-ed in The Hill, which, I believe, mischaracterized efforts to bring about procurement reform for water infrastructure projects. Mr. Hyde cites a recently passed resolution by the National Association of Counties (NACo) saying it “supports local control of water infrastructure decisions” and “opposes federal legislation that sets mandatory state requirements.”

I know of no such federal legislation, certainly not the five bills currently before Congress. Likewise, there is no legislation pending in state legislatures that would mandate piping materials or remove decision-making authority on such matters from local officials and on-site engineers. The issue is not local control; no one is advocating for government at any level to mandate a particular technology or material. This is about saving money, and potentially saving lives, by allowing project engineers to select from the best products our nation’s most creative companies have to offer.

County Officials Joined by State Legislators

In fact, many of my fellow NACo members support open pipe selection as a means to reduce infrastructure costs and improve water system performance through innovative and more resilient materials that are available when free-market policies are permitted.

Joining us in the call for open competition are state legislators affiliated with the American Legislative Exchange Council (ALEC). ALEC has recently adopted two resolutions, one urging open and fair competition for materials used in wastewater projects. The other calls for fair and competitive bidding in the selection of pipe materials in infrastructure projects involving state grants. Such steps are crucial because, as noted in an ALEC White Paper released earlier this year, underground piping “represents 60% of total spending for water and wastewater infrastructure, according to the EPA.”

County officials and state legislators are acutely aware of their responsibility to provide the people they serve with safe drinking water. Instead of being advocates for certain technologies or materials, we should let water infrastructure decisions be settled in a competitive bidding process that is devoid of barriers that limit the options of local decision makers.

Libby Szabo is a member of the Jefferson County, Colorado Board of Commissioners, the National Association of County Officials, and a former member of the Colorado House of Representatives.

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