

Qualifications-Based Selection

Talking Points

- Design professional services should be procured on the basis of qualifications.
- NSPE opposes proposals that weaken the federal Brooks A/E Act.
- NSPE also opposes proposals to weaken "mini-Brooks" laws at the state and local levels.

Justifications for the use of QBS in the procurement of A/E services include:

- QBS ensures that projects are designed in a manner that is safe, innovative, environmentally sound, and cost-effective over the project's life cycle;
- QBS allows life-cycle costs such as construction, operations, and maintenance to be factored into project design;
- The procuring agency is more likely to obtain a qualified service provider through QBS than through competitive bidding because the QBS procedure requires respondents to submit information that outlines the applicability of their qualifications to the particular project at hand;
- It allows small firms to compete for contracts based on quality of services provided on equal footing with larger firms. Larger firms would have a distinct advantage if competitive bidding were based solely on price.

NSPE Position

NSPE believes qualified engineers, on the basis of design ability, experience, and integrity should perform all engineering services. NSPE supports the procurement of design professional services on the basis of qualifications and strongly supports PL 92-582 (the Brooks A/E Act of 1972), which requires federal agencies to use qualifications-based selection procedures when obtaining design professional services. NSPE also supports the adoption of "mini-Brooks" laws at the state and local level. NSPE coordinates its activities in support of qualifications-based selection with the Council on Federal Procurement of Architectural and Engineering Services, a coalition of five professional organizations.

Background

Qualifications-based selection is a procedure whereby service providers are retained on the basis of qualifications, rather than price factors. Under the QBS method, the procuring agency reviews the qualifications submitted by interested individuals and firms, ranks respondents, and then negotiates with the most qualified respondent for a mutually agreeable contract.

The federal Brooks Architect/Engineer (A/E) Act (PL 92-582), enacted in 1972, requires federal agencies to use QBS procedures when procuring design services.

Forty-seven states have implemented some sort of QBS laws and numerous localities have also adopted laws modeled after the federal statute (known as "mini-Brooks" acts). They require states and localities to use QBS procedures when procuring design services. Other states and localities have adopted regulations or executive orders that accomplish the same objectives as the statutes.

NSPE Reference