

Qualifications Based Selection: A History Lesson

Prior to 1939, government employees typically performed architecture and engineering (A/E) work on federal projects. However, a 1939 statute (Public Law No. 76-43) directed federal agencies to contract with private firms. In doing so, government managers recognized that the expertise and innovations brought by the private sector improved the aesthetic, functional and safety characteristics of structures while minimizing life cycle, operation and maintenance costs. While quality and on-time delivery quickly became trademarks of the private sector in serving government clients, the role that cost should play in the procurement of these services remained an open question.

The Brooks Act codified into federal law the selection process known as Qualifications Based Selection (QBS), in which contracts for design services are negotiated on the basis of demonstrated competence and qualification for the type of professional services required at a fair and reasonable price.

Unlike solicitations based solely on price, agencies using QBS to publicly solicit A/E services, create a short list from qualified candidates, rank them and begin negotiations with the top-ranked firm to determine the scope of the project before price is ever discussed, if the parties are unable to agree on the terms of a contract, the agency is free to begin negotiations with the next ranked firm. QBS does not negate price as an eventual factor for contract negotiations with the design professional. Instead, price becomes a factor after the most qualified professional firm has been identified and the scope of work has been agreed to.

To read the Brooks Act please visit our website: www.acec-co.org/qbs/resources/TheBrooksActFederal.pdf

Did you know that Colorado has a mini Brooks Bill? It can be viewed at: www.acec-co.org/qbs/resources/CO%20mini-Brooks%20Bill.pdf.

Fort Collins Utility Department Receives State Award

Congratulations to the Fort Collins Utilities Department, winner of the 2008 QBS Colorado Award for Professional Procurement Practices. This awards program recognizes public and private entities that make exemplary use of the QBS selection process at the state and local levels. At the September 2008 North Chapter meeting of ACEC, Tracy Lyman, PE made the presentation to James M. Rose, Utilities Project Manager for the City of Fort Collins. Mr. Rose tells us "our philosophy has been that no public funds are better spent than through obtaining quality design drawings and contract specifications up front before the construction starts. Our QBS process encourages teamwork, mutual respect, accountability and trust between engineers and owners."



Jay Rose (left) of Fort Collins Utilities is presented the QBS Colorado Award by Board Member, Tracy Lyman, PE (right)

Non-QBS Compliance

Please forward any copies of RFPs that are violating Colorado's Mini Brooks Law and RFP's seeking professional design services based on price competition.

Forward a copy to Sue Bertram at sue@bertramlaw.net and our board members will contact and work with the agencies to explain the benefits of QBS and detail how the system works.

Why Use QBS?

► **Promotes Technological Innovation:** While a low bid system of procurement will produce the least expensive services that meet minimum standards, QBS helps clients receive the highest level of professional services based upon demonstrated technical expertise and innovation.

► **Provides Life-Cycle Savings:** Procurement through QBS promotes life-cycle savings through designs that minimize long-term maintenance costs.

► **Public Interest:** QBS allows owners to protect the public's health and safety by focusing on qualifications to achieve the owners' requirements rather than lowest cost.

► **Promotes Communications:** Using QBS, the owner has the opportunity to fully define the project scope throughout the selection process.

QBS Colorado Presentations

Presentations on the value of following QBS guidelines were made to several Senior Engineering Design classes during 2008. In the spring, board member Dave Hughes, PE showed our PowerPoint followed by a question and answer session to students at UC Denver. QBS supporter Rich Tocher, PE made a similar presentation to University of Colorado students at UC Boulder.

In October, board members Scott Beck, PE and Paul Bakken, PE met with the UC Denver civil engineering class. Our PowerPoint presentation was shown followed by a lively discussion.

In June, board member Carolyn Hunter, AIA of Durango showed our PowerPoint at the Western Slope AIA LEED meeting.

RFP Responses

When price-based Request for Proposals are brought to the attention of the QBS Colorado Board, we make immediate contact with the agency. A letter explaining the benefits of QBS procedures and one of our brochures is mailed; with a follow-up phone call from a board member.

This year we have responded to RFP's issued from the following agencies:

- Adams 12 Five Star Schools
- Pueblo County PWD

- Clear Creek County
- Town of Elizabeth
- Larimer County
- Town of Dumont
- Department of Natural Resources
- Eco Trails-Eagle County
- Town of Carbondale
- City of Durango
- La Plata County
- State of Colorado-School Assessment
- City of Brighton

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For more information on QBS, visit:
www.acec-co.org/qbs