

QBS Colorado

QUALIFICATIONS BASED SELECTION (QBS) WHAT IS IT?

The American Bar Association, the American Public Works Association, the American Institute of Architects, the National Society of Professional Engineers, the American Council of Engineering Companies and the Association of General Contractors endorse **Qualifications Based Selection (QBS)** as the **BEST** method for procuring professional services. It is required for Federal (Brooks Act) and State ("mini" Brooks Bill) projects and is also used by private sector clients. Local government agencies and school districts have found the QBS procedure to best serve their interest. Colorado has its own QBS committee with member(s) available for consultation and information is available on the web site, www.acec-co.org.

- In the **QBS** process, the owner/client issues a Request for Qualifications only and not a Request for Proposal from consultants. From this the best qualified firms, usually 3 to 5, are selected for an interview.

- The Request for Qualifications (**RFQ**) should state the following: A general description of the proposed project.

Consultants respond with the following items:
Firm description, experience of key personnel, management plan and roles, experience on similar projects, unique and/or relevant experience, capability to meet schedule, quality assurance program, familiarity with project location and climate, and location of firm's offices.

The client then evaluates the responses based on project team experience, management and organization, design abilities, experience on similar projects and unique qualifications. A short list of consultants is determined and those qualified having successful responses are invited to interview.

During the interview, the client learns first hand what special skills and unique approaches to the client's project each firm offers.

Interview criteria includes:

- General professional experience, relevant project experience, sub consultants experience, project approach, project manager's experience, staff, resources and workload and quality of presentation.

- The best qualified firm is then selected based on competency, design and technical abilities, experience and availability of staff to complete the project according to the client's schedule. Together, the client and selected consultant develop a scope of services and the consultant submits a fee proposal directly related to the agreed upon scope. Then the client and consultant negotiate a mutually acceptable agreement. If an agreement cannot be reached, the client terminates negotiations with the first firm and begins negotiations with the second most qualified firm.

Price is NOT, (and should not be), the determining factor in selecting qualified firms.

- Selecting a professional based on the lowest fee is no more appropriate than choosing the cheapest surgeon, lawyer, accountant, dentist or babysitter. Experience and trust are required in a business relationship that may last several years. Bidding and lowest fee hiring practices will inevitably result in poor service, inferior design, inadequate construction, unmet expectations, misunderstandings on scope and increased legal exposure for all parties.

- Services that are procured on a competitive basis, be it the 2 envelope system, 2 steps or just an outright request for proposal, are not following standard industry practice and are more concerned with price than quality. *"The bitterness of cheap quality remains long after the sweetness of low price is forgotten."*

- The goal is for the client to receive quality, affordable services culminating in a quality constructed project.

- The goal for the consultant is to receive a fair fee for delivering quality services and a quality project.

Qualifications Based Selection is a WIN-WIN situation.

ACEC & QUALIFICATIONS BASED SELECTION Issue

When procuring engineering and related services, government agencies should award contracts based on the qualifications of offerors. In addition to delivering quality projects, government agencies are responsible for safeguarding the public's health and well-being while being accountable to taxpayers. Selection of design professionals using qualifications as the main criteria accomplishes these goals. In 1972, Congress adopted this principle of qualifications-based selection (QBS), through passage of the Brooks Act. (P.L. 95-582), requiring federal agencies to select design professionals based on qualifications before entering into negotiations on price. QBS ensures that the public receives high quality services at a fair and reasonable price.

Though widely used in federal procurement, some agencies continue to seek ways to skirt QBS. ACEC urges Member of Congress to support legislation that would protect and promote QBS

ACEC Position

QBS is used by all federal agencies, 44 state governments, and many localities throughout the country. It works because:

- **QBS protects the taxpayer.** Most individuals would not

To Learn more about the QBS Process, please contact us.

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select medical or legal services based solely on cost – these highly skilled services are too important to leave to the lowest bid. Likewise, engineering is a highly skilled service that should not be selected on the lowest bid. Engineers design the highways and bridges we drive on, our water treatment systems, and all other infrastructure upon which we rely. The skill level of the engineer directly affects the health, safety and welfare of the public, i.e., the taxpayer who is paying for the engineer's services.

- **QBS also protects the taxpayer's pocketbook.** Over the life of a project, engineering services account for less than one-half of one percent of total project costs. Yet these services play a huge role in determining the overall project costs, as well as the quality of the completed project. QBS lowers the overall cost of projects through designs that reduce change orders during construction and minimize long-term maintenance and repair costs.
- **QBS benefits small firms.** QBS helps small firms compete by providing a forum to demonstrate their unique capabilities that often include a greater degree of niche market expertise, knowledge of local regulations and business practices, and greater involvement of senior level management in the execution of a project.
- **QBS promotes technical innovation.** Using QBS, owners have the opportunity to fully define the project scope during the selection process. This process fosters innovative, cost-saving and timesaving approaches to problems, ensuring that the final project meets or exceeds the goals set forth by the owner.

HAWAII IS 44th STATE TO ADOPT QBS

Governor Linda Lingle recently signed Hawaii's Omnibus Procurement Act, making Hawaii the 44th state to pass QBS legislation.

This legislation, long sought by ACEC of Hawaii, establishes a contracting process that is more open, transparent and accountable, and one that follows the federal Brooks Act.

ACEC Defends QBS at FEMA, Forest Service

The Federal Emergency Management Agency (FEMA) recently revoked its cost competition and chose to use QBS for its \$150 million National Map Modernization Program. FEMA's decision was due to ACEC's successful efforts to promote QBS to the agency.

ACEC also succeeded in persuading the U.S. Forest Service to recall a recent solicitation for price-based competition for geotechnical services. The RFP was reissued to comply with QBS

QBS Colorado – AIA/COLORADO DIRECTOR POSITION – VACANT

Are you an AIA member interested in Qualifications Based Selection? If yes, we need you. QBSColorado is an organization formed by AIA/CO, ACEC/CO and PEC to become an advocate for qualifications based selection of professional services. Each organization has three seats on the Board serving on a rotation of three years. AIA/CO has an opening for a 3-year position. The group meets monthly on the 2nd Thursday at 7:00 am in the ACEC/CO office. Members sometimes accept assignments to make contacts or follow up on requests for bids in an effort to educate clients and promote QBS. Please contact Sue Bertram at 303.722.4664 for more information.

"MODEL" ORDINANCE

Steve Bagley has prepared a model ordinance based on information gathered from a variety of other ordinances. It is available for viewing at the QBS website: www.acec-co.org/qbs/index.html.

"There is hardly anything in the world that some man cannot make a little worse and sell a little cheaper, and the people who consider price only are this man's lawful prey."

John Ruskin, 1819–1900

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