QUALIFICATIONS BASED SELECTION (QBS)

...AND WHAT ACEC CALIFORNIA IS DOING TO BROADEN AWARENESS AND PROMOTE COMPLIANCE
Who we are…

American Council of Engineering Companies – California

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PART 1 – QBS LAW AND BACKGROUND
What is QBS?

A competitive procurement process in which design professionals –

1. submit qualifications to the procuring agency (the owner);
2. the owner assesses each of the competing firms and ranks them according to their qualifications;
3. and the most qualified firm is selected to negotiate the project scope and associated fee.
Why Use QBS?

• Promotes Technological Innovation
• Provides Life-Cycle Savings
• Safeguards Public Interest
• Encourages Competition Based on Merit
• Promotes Communication
• Reduces risk of construction claims
• Reduces infrastructure maintenance costs
• Best bang for the buck
Who Uses QBS?

• Local, state and federal governmental agencies that procure A/E services.
• Private Industry
• Other public and private institutions
• Design professionals when hiring other design professionals
The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required at a fair and reasonable price.
There are seven basic steps to the federal process –

1. Public solicitation for required professional services;
2. Submission of an annual statement of qualifications and supplemental statements of ability to design specific projects for which public announcements were made;
3. Provisions for firms to submit annual qualification statements covering their capabilities;
4. Evaluation of firms based on both annual and work-specific needs;
5. Interviews based on short lists of at least three submitting firms;
6. Ranking of not less than three top qualified firms; and
7. Negotiation of a service contract with the top ranked firm.
Selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.
Procurements by California state agencies are specific:

• **Public announcement/solicitation of services required**

• **Evaluate** statements of qualifications and performance data on file and submitted

• Short list no less than **3 firms** to discuss project with/interview

• Evaluate the firms and **rank them based on qualifications**

• **Negotiate a contract** with the best qualified at compensations deemed to be fair and reasonable. If unable, proceed on to the second most qualified
Local agencies in California develop their own procurement procedures to comply with the law.

This is ambiguous and confusing. And leads to…
WARNING
MASS CONFUSION AHEAD
I'm putting you in charge of building our new technology lab.

Pick the contractor with the lowest bid. I don't foresee any problems with that strategy.

So, your bid says you'll do the job for "...a chance to gnaw on wood."

too high?
1. ACEC supports QBS and existing and proposed legislation supporting QBS

2. 2-envelope system is OK if you do not open until after #1 is selected

3. Professional ethics include a responsibility not to respond to non-QBS procurements by public agencies.

4. Alternative delivery projects should comply with QBS to select/shortlist the teams that will bid a project.

5. Local agency procurement policies need to be cleaned up.

6. Oppose qualifications based bidding

7. QBS applies to subcontractors at any level

8. QBS includes all disciplines of ACEC member firms and any “certified” or “registered” professional
PART 3 – WHAT WE DO
Current Objectives and Goals

• **Educate ACEC California members** on state and federal laws

• **Develop good policies** regarding QBS

• **Educate local agencies** on the benefits of QBS and how to properly implement QBS in procurement policies

• **Work with local chapters** to host QBS summits and panel discussions involving public and private sectors

• **Provide educational materials** and resources to local agencies faltering on QBS procurements

• **Identify and acknowledge agencies** that implement and support QBS

• **Continue to take action** against procurements for professional services that violate QBS
ACEC California – Our QBS letter writing process

- Short term goal = modify specific RFP
- Long term goal = educate the local agency for future RFPs
Our Process...

1. Member submits RFP/letter request form to ACEC California
2. RFP is forwarded to key ACEC members for approval
3. QBS letter is drafted and sent to public agency, local and state elected officials
The Great State Of California

California is divided into 58 counties. There are 478 cities and over 3,000 special districts and many more state agencies.
QBS in 2014

- AC Transit
- Alameda County Water District
- Bakersfield, City of
- Davis, City of
- Fontana, City of
- Golden Empire Transit District
- Kern High School District, Business Services
- Kern, County of
- Kings County Department of Public Works
- Lancaster, City of
- Lindsay Unified School District
- Madera County
- McFarland, City of
- Menifee, City of
- Moreno Valley, City of
- Orange County Sanitation District
- Padre Dam Municipal Water District
- Palo Alto, City of

- Placer County Procurement
- Rancho Simi Rec & Park District
- Ridgecrest, City of
- Riverbank Unified School District
- Riverside Community College District
- Sacramento Regional County Sanitation District
- Sacramento, City of
- San Joaquin County Housing Auth.
- San Jose, City of
- Santa Clarita, City of
- Santa Monica, City of
- Scotts Valley, City of
- Sierra Sands Unified School District
- Tehachapi, City of
- Tracy, City of
- Tulare Unified School District
TEAMWORK
means never having to
take all the blame yourself
An Educational Campaign

ACEC Chapter Level

• Host a summit
• Put together a panel
• Visit with local agencies
• Congratulate good agencies
• Educate chapter membership
• Do not respond with cost
• Follow up with offending agencies

ACEC State Level

• Write letters/engage with agencies
• Educate legislators
• California QBS Coalition
• Moderate panels
• Present at conferences
• Help local chapter efforts
A California QBS Coalition

- American Council of Engineering Companies CA (ACEC)
- American Institute of Architects CA (AIA)
- American Public Works Association (APWA)
- American Society of Landscape Architects CA (ASLA)
- Structural Engineers Association of California (SEAOC)
- American Society of Civil Engineers (ASCE)
- California Land Surveying Association (CLSA)
- Board of Professional Engineers Land Surveyors & Geologists (BPELSG)
ANY QUESTIONS?