



**National Society of
Professional Engineers®**

February 11, 2016

Dear Kansas State Legislators,

I am writing to you as the President of the National Society of Professional Engineers (NSPE) on behalf of NSPE's more than 31,000 members.

NSPE has learned that a recent report performed by an outside auditing firm indicated that the Kansas Department of Transportation could save money by eliminating qualifications-based selection in the department's procurement of architectural and engineering services. The firm's report also indicates that Iowa, Nevada, New Mexico, Kentucky and Texas as states that do not use QBS for state funded projects. NSPE believes the information contained in the auditor's report is incorrect.

Please be advised that a 2009 study conducted jointly by the University of Colorado and Georgia Institute of Technology found that QBS does in fact save Government agencies money. QBS also consistently results in lower overall construction costs, reduced change orders, better project results and more highly satisfied owners. The university researchers drew from a database of approximately 200 public and private construction projects in 23 states. The sample included transportation, water, commercial, and industrial projects, ranging in size from relatively small projects to those costing hundreds of millions dollars. The study compared various procurement methods including: Qualifications-Based Selection (QBS); Best Value, Low- Bid, and Sole Source procurement.

NSPE believes QBS is the best method for procuring architectural and engineering services for the following reasons:

QBS protects the public welfare. Most individuals would not 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 basis of the firm offering the cheapest price. Engineers design the highways and bridges we drive on, our water treatment systems, and all other infrastructure and systems upon which we rely. The design services provided by engineering firms directly affect the health, safety and welfare of the public, and it is important that only the most qualified and experienced firms be tasked with this critical function.

QBS protects the taxpayer. 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 profound role in determining overall project costs. A well designed project by highly qualified firm will stay on time and on budget, solve construction and operational challenges, experience fewer change orders during construction, enhance performance of the completed project, and lower 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 functional and performance goals set by the owner.

NSPE believes qualified professional engineers, on the basis of design ability, experience, and integrity should perform all engineering services. NSPE has long supported the procurement of design professional services on the basis of qualifications and was instrumental in the enactment of the federal Brooks Architect-Engineer (A/E) Act (PL 92-582), which requires federal agencies to use qualifications-based selection procedures when obtaining design professional services. (The federal Brooks Architect-Engineers (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 law, and numerous localities have also adopted laws modeled after the federal statute (known as "mini-Brooks" acts). These laws require states and localities to use QBS procedures when procuring design services. Other states and localities have adopted regulations, executive orders, policies and practices that accomplish the same objectives as the statutes. Contrary to the above-referenced report recently provided to the state of Kansas by the outside auditing firm, these states include Iowa, Nevada, New Mexico, Kentucky and Texas.

NSPE strongly supports the continued use of qualifications-based selection for architectural and engineering services by the Kansas Department of Transportation and elsewhere in the state of Kansas and ask that QBS in Kansas be preserved and strengthened.

Thank you for the opportunity to address this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Austin". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Timothy R. Austin, P.E., F.NSPE
NSPE President

TRA:AES/mac

cc: NSPE Board of Directors