



**National Society of  
Professional Engineers®**

August 9, 2013

The Honorable Sam Graves  
Chairman  
House Small Business Committee  
Washington, DC 20515

Dear Chairman Graves,

The National Society of Professional Engineers wishes to express its support for H.R. 2750, the Design-Build Efficiency and Jobs Act of 2013, which would protect the integrity of the federal procurement process and enable small and large businesses alike to compete for federal construction contracts.

NSPE is the national society of licensed professional engineers from all disciplines that promotes the ethical and competent practice of engineering, advocates licensure, and enhances the image and well-being of its members. NSPE serves more than 35,000 members and the public through 53 state and territorial societies and over 400 chapters.

As you are aware, under federal law, the two design-build selection procedures are the two-step/two-phase process, which is preferred, and the single-step or “turn-key selection” process.

The two-step/two-phase selection process, identified at 41 U.S.C. §3309, requires that the design team’s qualifications be part of the evaluation process. This two-step process, which follows the guidance laid out in the Federal Acquisition Reform Act of 1996 (FARA) and the Brooks Architect-Engineers Act of 1972, is preferred by the U.S. Army Corps of Engineers and is NSPE’s recommended method for design-build procurement. NSPE believes the two-step/two-phase selection process ensures that competent and qualified design professionals are initially involved in the procurement process so that quality-based design considerations are incorporated into the drawings, plans, and specifications, consistent with the interests of the public health and safety.

The other process, “turn-key selection,” is neither preferred nor does it provide the same quality considerations or efficiencies of the two-step process. Moreover, due to the substantial up-front costs, which can often exceed hundreds of thousands of dollars, many engineering firms and companies are deterred from submitting proposals because of the very small likelihood of being selected. Small businesses in particular cannot spend their limited resources to compete for a project when their chances of being chosen may be significantly less than 10%.



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The Design-Build Efficiency and Jobs Act of 2013 addresses these issues by restricting the use of single-step design-build to federal projects that are less than \$750,000 and by requiring federal agencies to better justify why they short-list more than five finalists in the two-step design-build process.

Thank you for your leadership and commitment to the two-step design-build project delivery method. NSPE stands ready to assist as this bill proceeds through the legislative process. Should you have any questions, please feel free to contact NSPE Manager of Government Relations Arielle Eiser at 703-684-2844 or [aeiser@nspe.org](mailto:aeiser@nspe.org).

Sincerely,

Robert A. Green, P.E., F.NSPE  
President