

February 28, 2017

Chairman J.R. Claeys
House Transportation and Public Safety Budget Committee

Vice-Chairman Michael Houser
House Transportation and Public Safety Budget Committee

Dear Chairman Claeys and Vice-Chairman Houser,

I am writing to you today on behalf of the National Society of Professional Engineers and our more than 31,000 members. NSPE understands that a report by an auditing firm concluded that the Kansas Department of Transportation could save money by eliminating qualifications-based selection in the department's procurement of architectural and engineering services. NSPE strongly believes the information contained in the auditor's report is incorrect.

In 2009, the University of Colorado and the Georgia Institute of Technology conducted a study regarding procurement of engineering services and found that QBS does save government agencies money. QBS consistently reduces overall construction costs, produces better project results, and creates highly satisfied owners. The study compared various procurement methods including QBS, best value, low-bid, and sole source procurement.

QBS is a procedure whereby service providers are retained on the basis of qualifications, rather than price factors. Under the QBS method, the procuring agency reviews the qualifications submitted by interested individuals and firms, ranks respondents, and then negotiates with the most qualified respondent for a mutually agreeable contract.

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 carry out this critical function.

QBS protects the taxpayer. Over the life of a project, engineering services account for only a small percentage of total project costs. Yet these services play a profound role in determining overall project costs. A well-designed project by a 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 in collaboration with design professionals who have submitted into the project during the selection process. The selection process allows design professionals to identify opportunities to incorporate technical innovation in a project for owners to evaluate instead of responding only to a fully set and defined scope of work at the outset. This process fosters innovative, cost-saving, and time-saving approaches to problems that ensure a final project meets or exceeds the owner's functional and performance goals.

NSPE believes 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) (the "Brooks Act"). The federal Brooks Act, enacted in 1972, requires federal agencies to use QBS procedures when procuring design services.

NSPE strongly supports the continued use of qualifications-based selection for architectural and engineering services in the state of Kansas and asks that QBS in Kansas be preserved and strengthened. Thank you for the opportunity to address this important issue. Please contact Arielle Eiser, NSPE Senior Manager of Government Relations, at aeiser@nspe.org with any comments or questions.

Sincerely,



Kodi Jean Verhalen, P.E., Esq., F.NSPE
President, 2016–17
National Society of Professional Engineers