January 18, 2017

Regina A. Dinger
Executive Director
Alabama Board of Licensure for Professional Engineers and Land Surveyors
P.O. BOX 304451
Montgomery, AL 36130

RE: **330-X-14-.05, Practice**

Dear Ms. Dinger,

On behalf of the more than 31,000 members of the National Society of Professional Engineers (NSPE) and the approximately 300 members of the Alabama Society of Professional Engineers (ASPE), we urge the Alabama Board of Licensure for Professional Engineers and Land Surveyors to keep its current requirements for qualifications-based selection (QBS).

The two administrative regulations initially proposed for repeal are important components of QBS. 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 and ASPE have reviewed the proposed replacement language. Unfortunately, the recommended amendment is inconsistent with QBS and creates a procurement system in which price alone is given priority over the competence and qualifications of the provider in making procurement commitments.

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 the 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.
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> **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 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 levels the playing field for 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 and ASPE believe that professional engineers, on the basis of design ability, experience, and integrity, should perform all engineering services. NSPE and ASPE have long supported the procurement of design professional services on the basis of qualifications, and NSPE 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. We sincerely hope that the Alabama Board of Licensure for Professional Engineers and Land Surveyors will reconsider its position and retain the current requirements for QBS.

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

Paul McCain

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