August 9, 2013

Secretary Anthony Foxx  
U.S. Department of Transportation  
1200 New Jersey Ave. SE  
Washington, D.C. 20590

Dear Secretary Foxx,

On behalf of the more than 35,000 members of the National Society of Professional Engineers (NSPE), I would like to congratulate you on your unanimous confirmation to serve as the U.S. Secretary of Transportation. As the leader of the nation’s top agency for transportation and infrastructure, you have an extraordinary opportunity to advance economic opportunity, increase productivity, and create a sustainable transportation infrastructure for current and future generations.

For the last 40 years, one innovative approach to procurement policy—the use of qualifications-based selection—has yielded the best results for transportation and infrastructure projects. Our future success will depend on the extent to which we use this approach as we move forward.

Formally codified in the 1972 Brooks Act, qualifications-based selection (QBS) provides for the selection of firms to perform architecture, engineering, and related services on the basis of the competence, qualification, background, and track record of competing firms, subject to the negotiation of a fee that is fair and reasonable to the government.

As a testament to the success of the QBS process, more than 45 state legislatures have enacted “mini-Brooks Acts” as state laws. Moreover, QBS is endorsed by the American Bar Association in its Model Procurement Code for State and Local Government.

Additionally, there is no evidence that selecting architects, engineers, and related professionals on the basis of qualifications results in higher costs. In fact, quality design pays off in the long run. Design-related services amount to less than one-tenth of 1% of the total life-cycle cost of a structure or facility but affect the operation and maintenance costs over the life of the facility.

Research shows that government agencies in the United States achieve lower construction costs, more efficient use of taxpayers’ money, and higher construction satisfaction when procuring design and engineering services based on qualifications rather than price. A study conducted by the University of Colorado and Georgia Institute of Technology, drew from a database of approximately 200 public and private construction projects in 23 states, and included transportation, water,
commercial, and industrial projects, ranging in size from relatively small projects to those costing hundreds of millions dollars. The authors compared various procurement methods, including QBS, best value, and low-bid, with such factors as total project cost, projected life-cycle cost, construction schedule, and project quality outcome. Results showed that using QBS to procure the design component of a construction project “consistently meant lower overall construction costs, reduced change orders, better project results, and more highly satisfied owners than in other procurement methods.”

By strongly supporting and encouraging the use of qualifications-based selection in the procurement of transportation projects, you can help ensure that the nation’s transportation system will be safe, sustainable, cost-effective, and an example to other countries for generations to come.

We appreciate the opportunity to provide this comment. Should you have any questions, comments, or concerns regarding this issue, please feel free to contact NSPE Manager of Government Relations Arielle Eiser at 703-684-2844 or aeiser@nspe.org.

Sincerely,

Robert A. Green, P.E., F.NSPE
President
National Society of Professional Engineers