

(f) The engineer or land surveyor shall not participate in procurement practices (bid submittals) which do not first determine the qualifications of the engineer or land surveyor prior to entering into fee negotiations for services being sought. An engineer or land surveyor having submitted a statement of qualification and performance data, and having first been judged as the qualified individual or firm to provide the services required for the proposed project, may proceed to negotiate a contract with a client and establish compensation or fees for the required services.

Should the engineer or land surveyor be unable to negotiate a satisfactory contract with the client for any reason, the engineer or land surveyor shall withdraw from further consideration for the engineering or land surveying services. Another engineer or land surveyor may then be selected for negotiations of a contract for the services on the stated project.

### **330-X-14-.06 Ethics. (Canon V)**

The engineer or land surveyor shall contribute to the maintenance, integrity, independence and competency of the engineering or land surveying profession as follows:

The engineer or land surveyor shall not:

14. Participate in procurement procedures for engineering or land surveying services either by providing bids

or in requesting bids from other professional engineers or land surveyors where bidding is the primary consideration.

### **Frequently Asked Questions**

What do I do if a client asks me to submit a bid?

A. Refer them to the QBS information available on the Board's website.

If I have a history with the client and have been pre-qualified, do I still have to follow the QBS process?

A. Yes, but pre-qualification is the QBS process.

Can I give an estimate if I'm solicited by telephone for work?

A. It depends. An estimate is not generally considered the "fee" to perform the professional service, and may be similar to providing a fee schedule for services to be performed.

### **Contact us if you have questions**

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# QBS

## Qualification Based Selection

## It Works!



## Intent of QBS

The general intent of QBS is to select a highly-qualified individual or firm because that will produce highly successful results. An important distinction of this process is that price does not become a consideration until the qualifications have been reviewed and have been found highly-qualified or determined to be the most-qualified when several firms or individuals are considered.

**“Price is not considered”**

The cost of retaining that firm or individual is a factor only if the owner finds the cost unreasonable. Although the specifics of the QBS process may change from agency to agency or state to state, there are three common elements:

- Submittal of qualifications;
- Evaluation of submittals and selection of the most-qualified firm or individuals;
- Negotiation of price, with the possibility of rejection by the owner, who then negotiates with the next most-qualified firm or individual.

## Alabama Agency Process

The Alabama Competitive Bid Law (Code of Alabama 1975, section 41-16-21) governs the selection of engineers and surveyors for State government projects.

The Code of Alabama exempts engineering and surveying services from the State Bid Law and specifies a QBS type of selection process.

Section 3 (a) ...the competitive bidding requirements of this article shall not apply to: ...contracts for the securing of services of... engineers or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part;

Section 4 ... the procurement of professional services by any agency, department, board, bureau, commission, authority, public corporation, or instrumentality of the State of Alabama shall be conducted through the following selection process:

3) Professional services of architects, landscape architects, engineers, land surveyors, geoscience, and other similar professionals shall be procured in accordance with competitive, qualification-based selection policies and procedures. Selection shall be based on factors to be developed by the procuring state entity...

Notice of need for professional services shall be widely disseminated to the professional community in a full and open manner. Procuring state entities shall evaluate such professionals that respond to the notice of need based on such state entity's qualification-based selection process criteria. Any such procuring state entity shall then make a good faith effort to negotiate a contract for professional services from the selected professional after first discussing and refining the scope of services for the project with such professional.

## Board Requirements

The Board's Administrative Code includes several rules of professional conduct (Code of Ethics, Rule 330-X-14, last amended January 2011) that directly address QBS and bidding on work. One example follows:

**“QBS and the Bidding of Work”**

### **330-X-14-.05 Practice. (Canon IV)**

The engineer or land surveyor shall endeavor to build a practice and professional reputation on the merit of his or her services as follows: