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Qualifications-Based Selection (QBS)

Promoting the Value of Quality First



ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES

California

Objectives



Provide an overview of
Qualifications-Based
Selection.



Understand the QBS
process & how to
administer the steps.



Recognize the value &
benefits QBS provides
to agencies, design
professionals & the
public.

QBS

Competitive Procurement Process used to hire Design Professional Services based on Qualifications.

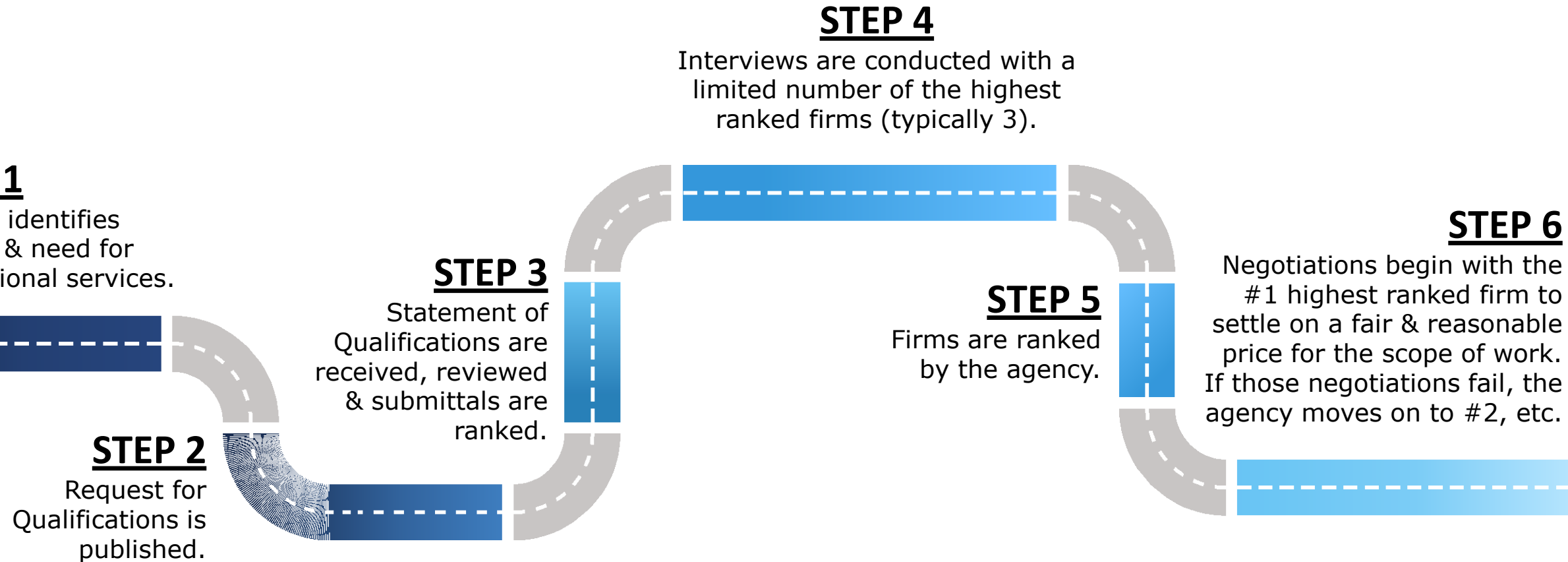
*"Notwithstanding any other provision of law, selection by a state or local agency head for professional services...**shall** be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required."*

Engineering, Land Surveying, Architectural, Construction Project Management & Environmental

First evaluated on qualifications, experience & competence

No consideration for comparing cost of service between submittals

Typical Steps of QBS Process



QBS | Different than Hiring Contractors



Contractors

- Compete for a specified product.
- Innovation rewarded when means & methods result in lower cost.



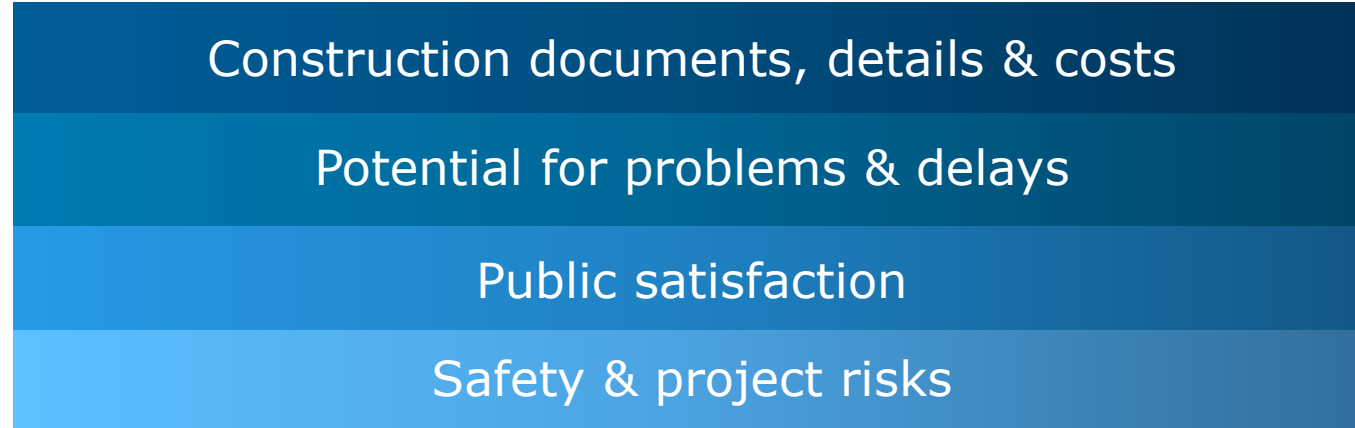
Professional Services

- Procuring professional services is unique, not a commodity.
- Factors like experience, innovation & qualifications are key elements that are likely to reduce claims and life-cycle costs.

Professional Services

Cost of professional services relates to ***time spent working on the project.***

The quality of professional service impacts:



Value is based on the demonstrated competence, experience, background and reputation of the professional(s) who will be doing the work.

Benefits of QBS



Addresses Community
Priorities



Cost-Effective



Client Satisfaction
& Trust

Addresses Community Priorities

Public Safety

Safeguards Public Interest

Fewer construction delays

Design for Long-Term Value

Promotes Technological Innovation

Reduces infrastructure maintenance costs

Clients collaborate with professionals

Cost-Effective

Need to consider all project related costs

1. Construction, maintenance, operation, sustainability
2. Construction claims or delays
3. Design services are key to controlling construction & life-cycle costs
4. Biggest potential for savings/benefits is at the earliest phases of a project (before the project is on a fixed path)

Construction Cost Increases*

- Industry Average 10%
- QBS projects 3%

**Source: An Analysis of Issues Pertaining to Qualifications-Based Selection, 2009*

Client Satisfaction & Trust

2009 Study showed 93% of owners surveyed rated the success of final projects as high or very high.

Trust Variable appeared to receive “consistently high scores from the design team” respondents.


Agreement Level for Six Trust Variables	1- Low to 5- High	1	2	3	4	5
	Evenhanded Negotiations	0%	17%	10%	47%	27%
	Act Opportunistically	23%	43%	13%	20%	0%
	Lack of Confidence	30%	53%	13%	3%	0%
	Hesitant With Vague Specifications	23%	40%	30%	7%	0%
	Trustworthy	3%	0%	17%	40%	40%
	Positive Experience	3%	3%	7%	43%	43%

Source: *An Analysis of Issues Pertaining to Qualifications-Based Selection, 2009*

Resources

Primers

A Primer on Qualifications-Based Selection Process



Qualifications-Based Selection (QBS) is the ideal procurement method for the hiring of qualified design professionals. It is the best process to emphasize public safety and client satisfaction.

QBS Process

Does Not Include Cost Proposal
Like lawyers and doctors, design professionals are procured for best service

Pick Right Firm for Right Project
Objective criteria reveals best firm for specific project

Negotiate a Fair Price
After collaborating on scope of services with selected firm

Enjoy Professional Relationship
QBS creates high satisfaction among clients and professionals—increasing chances of working together again

What is QBS?
QBS is a competitive procurement process that requires a project owner to first evaluate design professionals (engineers, land surveyors, architects, etc.) based on their qualifications and their competence. After ranking the firms and identifying the most qualified, only then may the public agency begin to negotiate a fair and reasonable price with the top firm based on the scope of the project. This is different from contractors, who are selected at lowest bid because construction documents already exist on which bids are based.

What is the QBS Process?
QBS is required in both federal and California law; it is also considered an international best practice. While there may be some small variations in implementation, QBS does have a uniform, step-by-step procedure to be followed by the soliciting agency:

1. Develop an information packet and issue RFQ/RFP, including a clear schedule of deadlines. Any required cost proposals should be included in a separate, sealed envelope.
2. Review and evaluate responses based on qualifications and invite a short list of firms to interview.
3. Conduct panel interviews.
4. Rank firms based on their qualifications for this project.
5. Begin negotiations for the complete scope of services at a fair and reasonable price with top firm. If a cost proposal was required, the selected firm's envelope may be opened to begin negotiations. (If a price cannot be agreed upon, negotiations are closed and the client moves to negotiations with the second ranked firm.)
6. Approve the negotiated agreement and issue a notice to proceed.
7. Return unopened cost proposal envelopes to unselected firms.

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Templates

SAMPLE REQUEST FOR STATEMENT OF QUALIFICATIONS

PROJECT DESCRIPTION AND SCOPE OF WORK

The (Name of Agency) is soliciting proposals from qualified (Insert Type of Professional – Architects, Engineers, Landscape Architects, Land Surveyors and Construction Management) to provide (general statement of services and deliverables being requested) for the (project name or study).

(Insert a short project description including project type, estimated size and location (if known) and desired completion date, as well as the local government's general goals for the facility or infrastructure's performance. Provide enough information that consultant understands the scope and complexity of the project. The amount of information will vary depending on the size, type and complexity of the project and services being requested).

Types of professional services required are likely to include (Insert description of applicable services – for example, feasibility analysis, grant preparation, participation in public meetings, surveying, programming, schematic design, cost estimation, construction drawings, project oversight).

Optional: Funding sources for this project may include (Insert funding sources). The successful firm will be required to comply with (Insert requirements such as environmental regulations, firm's public participation responsibilities, local government's affirmative action policies, etc.). The (Local Agency) anticipates a total project cost of (Insert project cost, if known). (If the agency knows they will only have a finite amount of money for these services or for construction, it can help to share that).

PROPOSAL CONTENT

The proposal must be organized in sections containing the following information:

- ▶ **Description of Firm.** Describe your firm's legal structure, areas of expertise, length of time in business, number of employees, and other information that would help to characterize the firm. Provide the address of the main office (for legal purposes) and the address of the office that will manage the project, as well as the name and contact information of the Project Manager.
- ▶ **Experience.** Briefly describe other projects executed by your firm that demonstrate relevant experience. However, extensive descriptions of vaguely related projects are discouraged. For each project mentioned, include the name, address and phone number of a person who can be contacted regarding your performance on the project. When submitting projects for which your firm worked in an auxiliary capacity or in a joint venture or partnership, include the name of the lead firm.
- ▶ **Personnel.** Provide a professional resume for the key people proposed to be assigned to the project (including any important subconsultants) and describe relevant related experience. Describe key personnel's proposed roles and responsibilities on this project. Submittals must identify a proposed project manager who would be responsible for the day-to-day management of project tasks and would be the primary point of contact with your firm. An organization chart of the project team may be appropriate.
- ▶ **Project Approach.** Describe the approach, management, and tasks that will be accomplished to complete the project. Provide a narrative description of how the firm proposes to execute the tasks (you may request a detailed scope of services that will be used to negotiate a contract, or a general description of the workflow and key deliverables. A detailed scope is more appropriate for a technical assignment, and a general description is more appropriate for a large project or study). If applicable, discuss any unique aspects of the project, alternative approaches the (Local Agency) might wish to consider or special considerations related to programmatic/funding requirements. Your firm should rely on its expertise and experience with similar projects to demonstrate how it will effectively complete the project.
- ▶ **Project Schedule.** Provide a schedule of general project activities indicating the duration of each activity and of the total project. The schedule should reflect realistic activity durations. **Optional:** The agency may want to lay out a schedule of key milestones the selected firm would need to meet, such as notice to proceed, design deliverables, construction documents, and completion and delivery of constructed project or study).

Support for QBS

“The American Society of Civil Engineers (ASCE) believes that *the selection of Professional Engineers as prime consultants and subcontractors should be based on the qualifications of the engineering firm*. Qualifications including education, training, experience, past-performance, capabilities, personnel and workloads should be evaluated when selecting an engineering firm.” (ASCE Policy Statement 304)

“The successful selection of a consultant is the most important decision in a successful project. *The process that best utilizes a fair & equitable selection is Qualifications-Based Selection (QBS).*”

(APWA Red Book on Qualifications-Based Selection Guidelines)

“It is the policy of the National Society of Professional Engineers (NSPE) that *all engineering services should be performed by qualified engineers on the basis of design ability, experience, integrity and judgement*. Engineering is a learned profession, requiring of its members sound technical experience, personal ability, education, honesty and integrity.” (NSPE Professional Policy 131)

Statutes

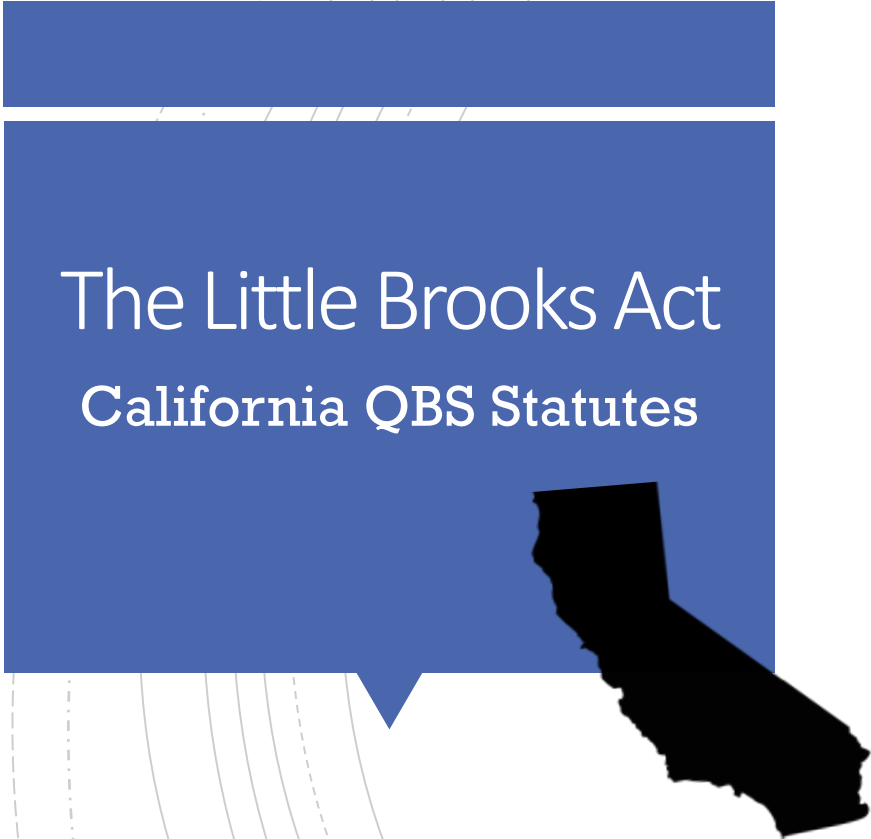
The federal and State laws that guide all public agency procurement of design professionals in California



The Brooks Act Federal QBS Statutes



- Signed into law October 27, 1972
- Requirement to use federal funding
- 46 states followed federal lead
- *“Sec. 902. The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services **on the basis of demonstrated competence and qualification** for the type of professional services required and at fair and reasonable prices.”*
- Simplified Acquisition Process



The Little Brooks Act
California QBS Statutes

- Government Code 4526: “ *Notwithstanding any other provision of law, **selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.***”
- Required of State and local agencies
- Selection shall be based on qualifications and demonstrated competence (cost cannot be a factor)
- Step-by-step process mandated in statute
- Caltrans
 - Division of Local Assistance, LAPM Chapter 10

QBS Process



- Section 4527(a) sets forth the specific procedures that a state agency must follow in providing notice of an RFP and the criteria for “selection” (as that term is used in Section 4526) of responsive firms. In making the selection, the state agency “**shall** evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project.” Consideration of costs is not authorized.”

QBS Process



- Section 4527(a) authorizes discussions with no less than three firms regarding
- Discussion can include:
 - Anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services
- Agencies then shall select therefrom, in order of preference, based upon criteria established and published by the agency, no less than three of the firms deemed to be the most highly qualified to provide the services required.

QBS Process



Section 4528(a) authorizes selection of the best qualified firm as follows:

- (1) . . . [a]t compensation which the agency head determines is fair and reasonable to the agency.
- (2) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the agency head determines to be fair and reasonable . . . The agency head shall then undertake negotiations with the second most qualified firm.
- (3) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, the agency head shall select additional firms in order of their competence and qualifications . . .

Local Agencies – “Shall” v. “May”



- Section 4528(b) states “(b) When the selection is by a local agency head, the agency head **may** undertake the procedures described in subdivision (a).”
- California statutes allow local agencies flexibility to choose the steps they follow to comply with QBS or to follow the State procedure—but cost components cannot be a factor until after the initial selection. (See Section 4526)

...

Prop 35



- Proposition 35 (2000) overruled mandatory use of QBS
- Upheld in *Professional Engineers in California Government v. Kempton* decision
 - held that Proposition 35 did not impliedly repeal the QBS statutes, which remained in full force and effect

A&E CONTRACTS QUALIFICATION BASED SELECTION (QBS)

**Robert So
July 2020**



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

- Architectural and Engineering (A&E) contracts are used for professional services requiring a particular license, registration, or certification.
- A&E services include, but are not limited to, architectural, landscape architectural, environmental engineering, land surveying, right of way engineering, construction engineering, and construction management and project management services.
- A&E contracts are necessary due to fluctuation in workload and/or specialized work for which Caltrans does not have the necessary staff and/or expertise.
- The authority to contract for A&E services is governed by Article XXII of the California Constitution, and Government Codes 4525 et seq.



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

- Brooks Act: Architectural-Engineering (A-E) services be publicly announced, and be negotiated on the basis of demonstrated competence and qualifications for the type of professional services required, at fair and reasonable prices.
- The Act established a specific qualification based procurement process to be used in procurements for architectural-engineering services.



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

- Code of Federal Regulations, Title 23, Part 172
- California Code of Regulations, Title 21, Section 1520.6
- Government Code § 4525-4529 et. seq.
- Caltrans Deputy Directive DD-09-R5, Incompatible Activities and Conflict of Interest



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

California Code of Regulations

21 CCR § 1520.6

§ 1520.6. Selection Process.

After expiration of the period stated in the announcement prescribed in Section 1520.5, the Director shall evaluate statements of qualifications and performance data that have been submitted to the Department.

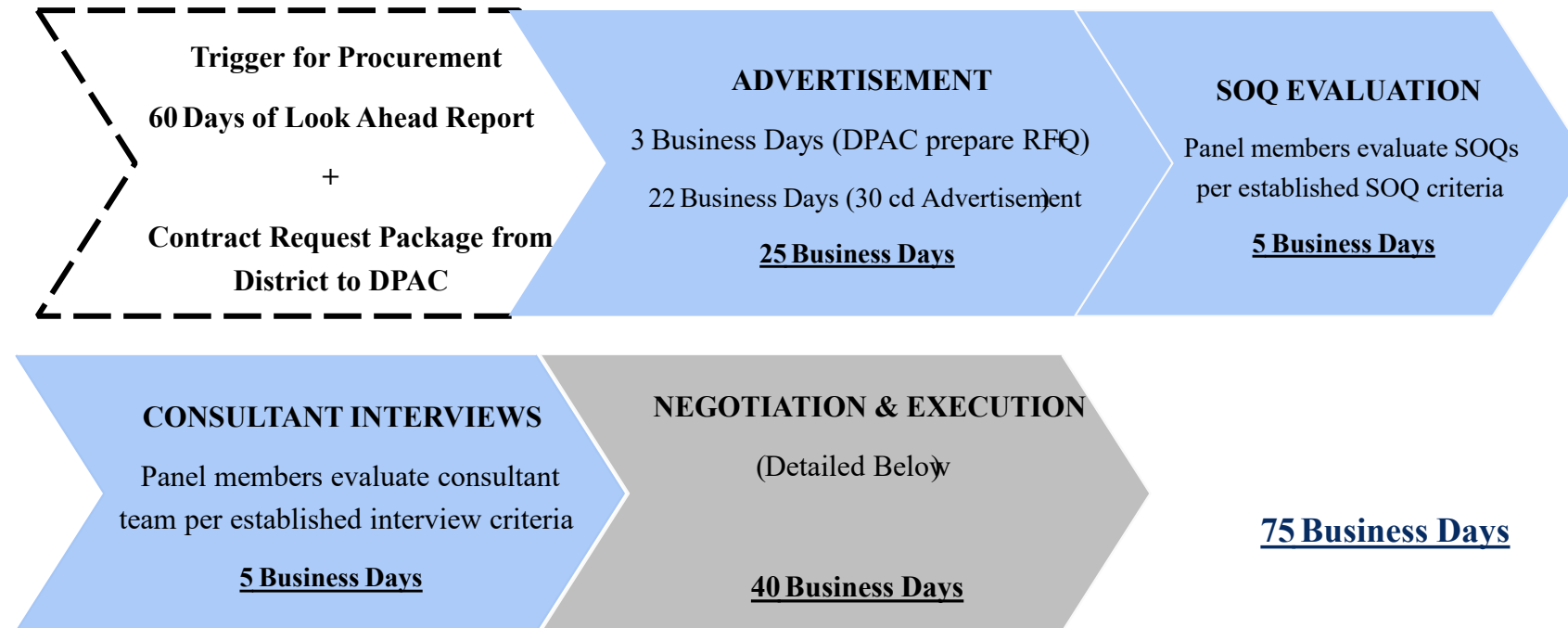
Discussions shall be conducted with **no less than three firms** regarding the required service.

From the firms with which discussions are held, the Director shall select no less than three, in order of preference, based upon the *established criteria, that are deemed to be the most highly qualified to provide the services required.



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
ARCHITECTURAL AND ENGINEERING (A&E) CONSULTANT EVALUATION FORM
INITIAL EVALUATION

ADM-2027A (NEW 04/2020)

Page 1 of 2

Contract No. Consultant

This scoring system is provided as a guideline for evaluating Statements of Qualifications (SOQs) that are submitted in response to a Request for Qualifications (RFQ) and for evaluating consultant proposals. Scores should be based only on the information provided in the SOQs.

Criteria	(a) Weight	(b) Score (0-10)	(a) x (b) Weighted Score
1. Experience of the Consultant Contract Manager and availability.	2		
2. Composition of the proposed team (professional and technical level personnel of the prime and subconsultants) to fulfill the requirements of the Scope of Work in the Request for Qualifications, including conflict and availability.	3		
3. Education, experience, and licensing of the key personnel to be assigned.	2		
4. Nature of completed relevant projects. <ul style="list-style-type: none"> • All relevant experience should include state, federal and local projects (Caltrans projects will not be given a higher rate). 	1		
5. Past Performance Data. <ul style="list-style-type: none"> • Caltrans Consultant Performance Evaluation Report, ADM-2031 Series, and additional reference checks by Caltrans staff may be used if available. 	2		
		Total	



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

INITIAL EVALUATION

ADM-2027A (NEW 04/2020)

Page 2 of 2

SUGGESTED SCORING SYSTEM FOR A&E CALTRANS CONSULTANT SELECTION COMMITTEES

TIER	DESCRIPTION	SCORE
Excellent	<ul style="list-style-type: none"> • Proposer has exceptional qualifications. • SOQ supports an extremely strong expectation of successful Project performance. • SOQ indicates significant strengths with few minor weaknesses, if any. • SOQ contains an outstanding level of quality. 	10
Very Good	<ul style="list-style-type: none"> • Proposer has strong qualifications. • SOQ supports a very good expectation of successful Project performance. • SOQ contains a few minor weaknesses that are outweighed by the strengths. • Weaknesses, if any, are very minor and can be readily corrected. 	9
Good	<ul style="list-style-type: none"> • Proposer has adequate qualifications. • SOQ supports a good expectation of successful Project performance. • SOQ contains strengths that are balanced by weaknesses. • Weaknesses are minor and can be corrected. 	8
Fair	<ul style="list-style-type: none"> • Proposer has limited qualifications. • SOQ supports a fair expectation of successful Project performance. • There are a significant number of weaknesses and very few strengths. • Weaknesses could adversely affect successful project performance. 	7
Poor	<ul style="list-style-type: none"> • Proposer has little or no qualifications. • SOQ supports a weak expectation of successful Project performance. • SOQ contains significant weaknesses with very minor strengths, if any. 	0 - 6



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
 ARCHITECTURAL & ENGINEERING (A&E) CONSULTANT EVALUATION FORM
 PRESENTATION AND INTERVIEW
 ADM-2028a
 Enhanced - Revised 8/1/16
 Page 1 of 3

Contract No: _____ Consultant: _____

Criteria	(a) Score (0-10.0)	(b) Weight	(c)=(a) x (b) Weighted Score
1. TECHNICAL EVALUATION			
Part A: Example Take Home Task Order: <ul style="list-style-type: none"> ➤ Demonstrated knowledge of the Scope of Work. ➤ Identified challenges associated with the Contract. ➤ Responded to Task Order and Contract needs and discussed approach ➤ Qualifications and availability of proposed ten (10) employees. ➤ Demonstrated ability to deliver the Example Task Order. 		2.0	
Part B: Technical Scenario Questions: <ol style="list-style-type: none"> 1. Consultant's breadth of technical knowledge and approach to address contract specific technical challenge questions. 2. Closing statement comments regarding Technical Questions 		5.5	
2. INITIAL EVALUATION TOTAL (SOQ score ÷ 10)		2.5	
TOTAL SCORE			



A&E CONTRACTS

QUALIFICATION BASED SELECTION (QBS)

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 Page 2 of 3

SUGGESTED SCORING SYSTEM for A&E CALTRANS CONSULTANT SELECTION COMMITTEES

TIER	DESCRIPTION	SCORE
Well Qualified	<p>Presentation: Exceptional understanding of the scope work and challenges associated with this contract. Outstanding comprehension of all key deliverables and exceptional ability to deliver the Contract deliverables.</p> <p>Technical Evaluation A (Example Task Order): Exceptional understanding of all the challenges associated with the Example Task Order. Personnel cover all or majority of the required services and secure adequate cross the board major classifications. Qualifications exceed Caltrans requirements and have more than adequate availability in the coming one year of the contract. Have direct and similar experience to the requested services. Solid methodological approach to deliver the Example Task Order.</p> <p>Technical Evaluation B (Technical Questions): Answered all technical challenge questions comprehensively and demonstrated technical expertise that exceeds Caltrans expectations</p>	8.5 – 10.0
Qualified	<p>Presentation: Acceptable understanding of the scope work and challenges associated with this contract. Covered the majority of key deliverables of the Contract and a good ability to deliver the Contract deliverables.</p> <p>Technical Evaluation A (Example Task Order): Complete understanding of all the challenges associated with the Example Task Order. Personnel just barely cover the majority of the required services and it includes barely adequate cross the board major classifications. Qualifications just met Caltrans requirements and just have adequate availability in the coming one year of the contract. The proposed individuals have similar experience to the requested services. Adequate methodological approach to deliver the Example Task Order.</p> <p>Technical Evaluation B (Technical Questions): Answered half to most technical challenge questions satisfactorily and demonstrated technical expertise that meets Caltrans expectations.</p>	5.0 – 8.4

TIER	DESCRIPTION	SCORE
Not Qualified	<p>Presentation: Lack of an acceptable understanding of the scope work and challenges associated with this contract. Did not cover key deliverables of the Contract and poor ability to deliver the Contract deliverables.</p> <p>Technical Evaluation A (Example Task Order): Did not demonstrate understanding of key and or majority of the challenges associated with the Example Task Order. Personnel do not cover the majority of the required services and do not cover cross the board major classifications. Qualifications do not meet Caltrans requirements and have little to no availability in the coming one year of the contract. The proposed individuals do not have direct or similar experience to the requested services. Deficient methodological approach to deliver the Example Task Order.</p> <p>Technical Evaluation B (Technical Questions): Answered less than half of technical challenge questions satisfactorily and demonstrated lack technical expertise that meets Caltrans expectations.</p>	0.0 – 4.9





The Consultant Perspective to QBS

Natasha DeBenon – Ghirardelli Associates, Inc.

Getting Ready for the QBS

A Simple View

- ❑ Hiring Qualified Staff For Projects/Upcoming Opportunities
- ❑ Finding the Projects/Opportunities
- ❑ Positioning
- ❑ Go-No-Go
- ❑ RFQ/RFP
- ❑ Proposal

Hiring Quality Staff

- ❑ Investments: PM, RE, Inspectors & Supporting Staff
- ❑ Keeping staff
 - ❑ Benefits, Salaries, Vacation, Safety, Education/Training, Keeping them busy
- ❑ Properly adhering to Prevailing Wage Laws
 - ❑ Increase each July (2015-2020) \$2.05 -> 2:45 (social); \$1.75 -> \$3.45 (nocal)
- ❑ Managing professional staff on projects – keeping clients happy

Finding the Projects

- ❑ Investment in research/meetings/webinars/luncheon/breakfast
- ❑ Networking, building relationships – clients/teaming partners
- ❑ Look 1-2 Years out
- ❑ Keep track of progress
- ❑ Learning & Understanding client/project needs
- ❑ Go-No-Go & updates as information is found



Positioning

- ❑ Finding Events Related to Projects
 - ❑ Webinars, Breakfast/Luncheon's
- ❑ Getting together with potential teaming partners
 - ❑ Competition, Specialty Firms
- ❑ Visiting with Potential Client
 - ❑ Meetings with staff members
- ❑ Finding the right qualified person/team

The RFQ/RFP

- ❑ Finding Complete Review of RFP/RFQs
 - ❑ PM, BD, Marketing
- ❑ What we know/understand about the project
 - ❑ Competition, relationships, GNG-Win Odds, teaming partners
- ❑ Staffing
 - ❑ Availability, Org Chart, Needed Qualifications
- ❑ Proposal Cost vs potential fee's

The Proposal - Condensed

- ❑ Review of Costs (\$50k cost vs \$1M contract – 10% > 5%)
 - ❑ Marketing staff time
 - ❑ Technical staff time (PM, RE)
 - ❑ PM/RE/Inspector costs (prevailing wage/increases)
 - ❑ Printing
 - ❑ Interview Prep/Materials/Time for Interview

The Proposal - Condensed

- Potential Teaming Partners
 - Qualifications, Past history on other projects, relationship
- Final Decision on GNG....Then....
 - Proposal Matrix/Directive – due dates, sub outreach, who does what, deadlines, follow-up, questions etc.

The Questions – Confusing in RFQ/RFP

- ❑ Forms
 - ❑ Which forms agencies want within the proposal
 - ❑ Include all supporting documents when released i.e. conflict of interest forms; lobbying forms, etc.
- ❑ Requesting of Financials
 - ❑ There is no evaluation criteria and no mark down in rfq
 - ❑ Some Proposals could have 15 subs, then no interview, waste of time
 - ❑ Suggest request with interview

The Questions – Confusing in RFQ/RFP

- ❑ Federally Funded Projects
 - ❑ RFP notes using federal fund other funds and but there is no DBE % (On-Calls w/many projects)
 - ❑ Suggest allowing firms to add DBE's after selection based upon project requirements
- ❑ Conclusion
 - ❑ Less precise RFP creates more questions--your staff is now spending more time answering questions than other tasks
 - ❑ Maybe have someone else read in different department who is unfamiliar

Costs As Part of Evaluation Criteria For a Public Agency?

- ❑ Its not qualification-based selection anymore
 - ❑ Not looking for the best quality, i.e. taking time looking for a product
- ❑ Potential to re-evaluate -- whether or not to propose
 - ❑ So less proposals-because based on cost
- ❑ Potential low-ball cost to get in and potentially a change order putting project over budget

Costs As Part of Evaluation Criteria For a Public Agency?

- ❑ Small businesses can't afford to continue put in proposals
 - ❑ Not get selected because of cost and not based on staff qualifications
- ❑ Two Step process (qualifications, then cost) allows to sit down and negotiate
 - ❑ Assumptions are made on the written scope by each firm- not comparing same apples to apples
 - ❑ Opportunity to sit down and talk about scope to get to your price

Questions?

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