



April 23, 2021

The Honorable Emanuel Welch
Speaker of the House
300 Capitol Building
Springfield, IL 62706

The Honorable Jim Durkin
Republican Leader
316 Capitol Building
Springfield, IL 62706

Re: Oppose HB 680, which would upend Illinois procurement policy which has served the public well for over 30 years.

Dear Speaker Welch and Leader Durkin:

On behalf of the over 3,500 members of the International Institute of Building Enclosure Consultants (IIBEC), and especially our 161 members in Illinois, IIBEC respectfully requests that you block effort to subvert Illinois' current procurement process in the state.

IIBEC members come from a diverse group of design and construction industry companies, including hundreds of engineering firms, architecture companies, consultants, contractors, and product manufacturers. Our members specialize in design, investigation, repair, and management of roofing, exterior wall, and waterproofing systems.

House Bill 680, upends the current procurement practice that has proven effective for three decades, and this is bad for the state and taxpayers. Since 1987, Illinois has successfully used the Qualifications-Based Selection (QBS) process for the selection of architecture and engineering services.

QBS entails a proven step-by-step process that facilitates the owner's selection of a design professional firm on the basis of qualifications and competence in relation to the scope of the project and facilitates the development of an appropriate scope of work for a specific project. The process is straightforward and easy to implement. It is objective and fair. It can be well documented, and it is open to public scrutiny.¹

When it comes to the design of buildings, roads, bridges, or water systems, the citizens of Illinois are best served by the qualified professionals - not the lowest bidder. As numerous cases have proven, when price is the primary determinant, corners may be cut, and public safety is put at risk.

The U.S. Federal Government has used QBS since 1972 (Brooks Act - Public Law 92-582) as incorporated into Federal Acquisition Regulation (FAR) Subpart 36.6 - Architect-Engineer Services. This process has been so successful at the federal level that it is recommended by the American Bar Association in its model procurement code for state and local government. Since then, 46 states and many more local governments have incorporated the principles of QBS into their own state

¹ Qualifications-Based Selection: A Guide Including Model Local Government Policy and Procedures for Selecting Architects, Engineers and Land Surveyors, July 2000. <http://docs.acec.org/pub/9E675727-0EEE-1DC9-3B51-2A94F3CFDF3B>

procurement processes. QBS has proven to be more efficient and less costly when considering total life-cycle costs than the use of price-based selection criteria.

Additionally, QBS allows procurement officials to exercise greater latitude in selecting design professionals like building enclosure consultants (BEC), by recognizing both objective and subjective criteria such as innovation, unique design approaches, sustainable design, and in identifying the best match for a project’s size, scope, location, and regulatory requirements.

The QBS procedure is characterized by three basic steps:

- (1) The Owner evaluates and selects the BEC based on demonstrated qualifications and experience in the required types of professional services without considering fee;
- (2) The Owner and the BEC confer to determine and/or review the scope of work, including contract scheduling; and
- (3) A fee for professional services is negotiated based upon the mutually developed scope of services. In the event a mutual agreement on scope of services and fee is not achieved, the Owner may negotiate with the next most-qualified professional. Thus, cost is addressed at the appropriate time after the scope of services has been fully defined.

House Bill 680, introduced by Rep. Martin McLaughlin, would essentially reverse the process, and begin with fee discussions. Sadly, the siren song of “faster and cheaper” often leads people to think that starting with price will result in a better product. In spite of this, for more than 30 years, QBS has proven that contract negotiations that start with qualifications and experience have resulted in better more cost-effective construction projects.

For example, professional design fees are typically less than 2 percent of a building’s total life-cycle cost, yet they can have a profound effect on the other 98% (construction, ~12% / operations and maintenance, ~86%) of a building’s overall cost. Choosing the most-qualified BEC is a key component in the success of a publicly funded construction project. A well-qualified BEC, selected through the QBS process, is more likely to create independent high-quality, best-value construction project documents that encourage fair and open bidding amongst contractors, subcontractors, suppliers, and manufacturers.

We urge you to support a procurement process that has served the state and its taxpayers well. The QBS process is fair, transparent, and promotes open competition by qualified companies. Please support Illinois’ current, widely accepted, QBS method and oppose HB 680.

Sincerely,



Brian Pallasch
President & CEO
IIBEC



Charles Sietmann, RRO, REWO
Director IIBEC Region III
IIBEC Board of Directors



Raymond Makiejus RRC, RRO
Chapter President
Chicago Area Chapter of IIBEC

cc: Members of the House Committee on Cities & Villages