



April 16, 2023

The Hon. Thomas Leek  
The Hon. Lawrence McClure  
The Hon. James Mooney  
The Hon. Fentrice Driskell  
Committee on Appropriations  
221 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300

**Re: HB 1259 – Restore Consultant’s Competitive Negotiations Act.**

Dear Chair Leek, Vice-Chair McClure, Whip Mooney, Ranking Member Driskell, and members of the committee:

On behalf of the over 3,500 members of the **International Institute of Building Enclosure Consultants (IIBEC)**, and especially our 160+ members in Florida, IIBEC respectfully requests that you amend HB 1259 and retain Consultant’s Competitive Negotiations Act (CCNA) requirements for higher education.

IIBEC is an association of design professionals who specialize in building enclosure projects. IIBEC members design, investigate, and manage roofing, exterior wall, and waterproofing systems and projects. IIBEC members act as advocates for the building on behalf of the owner or manager and ensure the building enclosure or roofing projects meet standards, codes, warranty requirements, and performance requirements.

From IIBEC’s perspective, HB 1259 is troublesome because it amends s. 1001.706, F.S. and allows the Board of Governors to develop their own regulations for university boards of trustees relating to contracting for the construction and design of new facilities or for work on existing facilities. CCNA, also referred to as qualifications-based selection (QBS), has been required for all state and local government agencies in Florida for nearly 50 years and has proven superior to all other procurement systems when it comes to architecture and engineering design services for new construction and major renovations.

**We’ve Been Down This Road Before**

IIBEC understands the financial constraints faced by public institutions and appreciates efforts to find cost-saving options. It seems like every few years a new purchasing system is promoted that promises new functionality, speedier throughput, and cheaper prices. Unfortunately, when it comes to construction design services, the advertised benefits rarely materialize.

For example, numerous state and local governments tried cooperative purchasing for goods and services. Experience has shown, however, that the use of cooperative purchasing for construction has, in many cases, resulted in increased costs to the taxpayers instead of savings. The promise of efficiencies of scale simply did not materialize when it came to construction services, which includes architectural and engineering (A&E) design services.

Other states that have allowed cooperative purchasing for construction contracts have reversed course once the excessive costs were discovered. For example, the Virginia General Assembly, in a bipartisan capacity,

recognized problems associated with procuring construction and services via cooperatives and corrected it. When a proposal was made to expand cooperative purchasing again, the legislators rejected it<sup>1</sup>. Minnesota's St. Cloud School District discovered in 2015 they were overpaying by an estimate of \$4 million for construction between 2012 – 2015<sup>2</sup>. North Carolina routinely rejects bills alternative contracting measures<sup>3</sup>, while California<sup>4</sup> and other states are also rolling back measures allowing for construction contracts to be included in cooperative purchasing programs. More recently, on February 16, 2023, North Dakota State Senators specifically amended a cooperative purchasing bill to exclude construction services.<sup>5</sup>

### **Consultant's Competitive Negotiations Act – Benefiting Floridians for 50 Years!**

CCNA has proven beneficial since it was enacted in 1973 for the following reasons:

- Saves money by ensuring competitive pricing. While some alternative programs tout 'national pricing programs' in reality they are promising a competitive price for only the highest cost areas in the US, not every location in Florida. Construction projects designed and bid locally ensure competitive prices.
- Ensures Public safety. CCNA ensures that architectural, engineering and design considerations are applied to every project, which protect public safety and usually lower costs by ensuring reduced operating expense and increasing the feasibility and functionality of the improvement. which includes a focus on safety, health, and welfare of the public.
- Saves time & produces a higher level of client satisfaction. A recent study by the ACEC Foundation revealed that the independent design professional hired via the current qualifications-based selection (CCNA/QBS) process saves money, time due to fewer change orders, and produces higher level of client satisfaction than other procurement methods.<sup>6</sup> These factors lead to time-saving and happy customers!

The siren song of faster-better-cheaper will continue to be sung, however, it should be ignored when it comes to replacing a statute that has proved beneficial to Floridians for the last 50 years. For this reason and those outlined above, please strike the text instructing the Board to develop their own policies and procedures for the procurement of construction services in HB 1259.

Sincerely,



Brian Pallasch, CAE  
CEO/EVP

Cc: Appropriations Committee Members

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<sup>1</sup> [Votes: VA HB467 | 2020 | Regular Session | LegiScan](#)

<sup>2</sup> [State auditor finds holes in St. Cloud school roof bids \(sctimes.com\)](#)

<sup>3</sup> [Senate Bill 607 \(2017-2018 Session\) - North Carolina General Assembly \(ncleg.gov\)](#)

<sup>4</sup> [Bill Text - AB-635 Public contracts: roof projects. \(ca.gov\)](#)

<sup>5</sup> <https://www.ndlegis.gov/assembly/68-2023/regular/documents/23-0564-02004a.pdf>

<sup>6</sup> <https://program.acec.org/qbs-resources-portal>