



# Safeguarding the Role of the Design Professional in Public Procurement Projects

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**WITH THE RELEASE** of the new RCI-IIBEC Foundation report, "An Analysis of Unit-Price Procurement," IIBEC has redoubled its efforts to protect the role of the design professional in public procurement.

The RCI-IIBEC Foundation study reveals shortcomings in construction project purchasing programs based on unit-price procurement (cooperative purchasing, job order contracting, and multiple award schedules). Specifically, using unit-price procurement to procure design and construction services often leads to wasted taxpayer dollars and risk to public safety. Recognizing these problems, some governmental entities have severely limited or banned unit-price procurement for design and construction services.

In our education and public policy activities, IIBEC is focused on the following policy changes:

**Ensure the independence of the design professional.** IIBEC advocates for the use of independent design consultants with no financial interest in products specified and installed on publicly funded projects.

**Public health and safety are paramount.** Independent design professionals have a responsibility to adhere to local building codes and design standards that protect public safety. For this reason alone, design and construction services should never be part of a unit-price procurement.

**Avoid single-source product specifications.** IIBEC recommends multiple material sources be specified in all publicly funded construction projects to promote competition and ensure best value. A specification focused on performance goals and life-cycle cost goals will allow for increased competition between material suppliers.

**Require full and open competition in all public procurements.** IIBEC encourages public entities to embrace competition in procurement to the maximum extent possible.

## Utilize qualifications-based selection (QBS) for procurement of all design services.

QBS is designed to ensure the public owner's primary concern is realized—to get the best available professional design services for the taxpayers' money and to conduct a fair and equitable selection process.

## Responding to Questionable Procurements

At the state, provincial, and local levels, IIBEC has redoubled its efforts to ensure that procurement officials are following existing laws and regulations. The goal is to be alerted to questionable or improper procurements before the closing date. In those instances, IIBEC can quickly reach out to identify the issues with the procurement. This was the case in Alberta and British Columbia, where we sent a series of letters regarding specific procurements. In a number of instances, this resulted in the reissuing of the procurement to comply with the regulations. Due to our outreach, we started a dialogue with a number of local officials, resulting in a better understanding of their challenges with procuring design services while allowing them to understand the important role IIBEC members play in project delivery.

In May, IIBEC sent a letter to the Texas Region 4 Educational Services Committee (Houston area) that outlined problems with a job order contract solicitation that closed in June.

Even if we do not learn in advance of a questionable procurement, we still have the opportunity to educate local officials and start a dialogue. Also in May, IIBEC learned after the fact that Louisa County, Virginia, had used cooperative procurement on a number of projects. Virginia had years earlier passed a law outlawing cooperative procurement for public construction projects. After contacting the Louisa County procurement officials, we received a quick response saying that in the future the county would use a different process for procuring needed services.

## Opposing Legislation to Expand Cooperative Procurement

Attempts are ongoing at the state level to expand the use of cooperative purchasing and similar procurement methods. IIBEC continues to oppose these attempts and to engage partner

organizations to join the cause. So far this year, IIBEC has contacted legislatures in North Dakota and Missouri to oppose the expansion of cooperative purchasing, and in each case the outcome was favorable to our position.

## Protecting QBS

Last year IIBEC successfully defended against efforts in Illinois and Alabama that threatened the use of QBS for the selection of design professionals. This spring, a controversial amendment was added to a Florida charter school funding bill that would have eliminated the state's QBS requirements and allowed the university system to design its own procurement system. Over the course of 72 hours IIBEC alerted allies and wrote and delivered testimony in opposition to the amendment to all members of the committee. At the end of the day, the amendment was stripped out of the final bill—protecting QBS and eradicating the new procurement system. Even though QBS recently celebrated its 50th anniversary of use at the federal level, those supporting a price-based approach to design services procurement threaten QBS every year.

## How You Can Help Improve Procurement

Let IIBEC know when you see a procurement that is not following the rules. We have a system that allows us to respond in these instances confidentially. Our experience is that local procurement officials are willing to engage in a dialogue to improve their procurement practices.

Independent building enclosure consultants safeguard taxpayer dollars by ensuring proper design, appropriate materials, and quality installation. IIBEC's goal is to ensure that public officials comply with the letter and the spirit of the law when procuring design services.

**P.S. Watch your inbox this month for the IIBEC member survey. Your voice matters in shaping our future.**