

October 28, 2025

The Honorable Nick Collins
Senate Chair
The Honorable Antonio F. D. Cabral
House Chair
Joint Committee on State Administration and Regulatory Oversight
24 Beacon St.
Boston, MA 02133

Re: Bill H.3424, *An Act to Enhance Cooperative Purchasing Opportunities for Cities and Towns*

Dear Chair Collins and Chair Cabral:

On behalf of the International Institute of Building Enclosure Consultants (IIBEC), an association of design professionals specializing in building enclosure projects, I am writing to respectfully express our concerns regarding Bill H.3424, *An Act to Enhance Cooperative Purchasing Opportunities for Cities and Towns*. I urge the committee to ensure that any changes to municipal procurement law, including those proposed in H.3424, exclude engineering, and other professional construction design services and continue to protect qualifications-based selection (QBS) for architecture, engineering, and other professional design services thereby remaining in compliance with existing state statutes.¹

IIBEC represents more than 3,900 members who design, investigate, and manage roofing, exterior wall, and waterproofing systems. Our members serve as trusted advocates for building owners, ensuring that projects meet applicable standards, codes, warranties, and performance expectations.

Public entities often use cooperative purchase agreements to procure goods and services, achieving cost savings through volume discounts and reduced administrative effort. While these programs have traditionally been applied to commodities such as office supplies, extending them to architectural and engineering services presents significant risks. Doing so could undermine the QBS process mandated under federal law, potentially compromising project quality, public safety, and long-term value for taxpayers.

QBS is widely recognized as the most effective, transparent, and fiscally responsible approach for procuring professional design services. By selecting firms based on demonstrated competence and experience rather than the lowest bid, public agencies

¹ M.G.L. Part 1 Title 2 c. 7C §§ 44-57 (Vertical) and § 58 (Horizontal)

can ensure high-quality project outcomes, minimize costly design errors, and maximize long-term value for taxpayers.

At the federal level, the Brooks Act (Public Law 92-582) established QBS as the standard for procuring architectural and engineering services. Under this law, federal agencies evaluate and select design professionals based solely on qualifications and technical expertise before negotiating a fair and reasonable price. This approach has been highly successful for more than 50 years and has served as a model for nearly every state, including Massachusetts. Upholding the principles of the Brooks Act at the state and local levels ensures consistency, protects public investments, and reinforces professional integrity in public procurement.

Massachusetts law (M.G.L. Part 1, Title 2, c. 7C, §§ 44–57 (vertical) and § 58 (horizontal)) applies QBS to both vertical and horizontal design for public works projects administered by the Massachusetts transportation agencies, MassDOT, Massport, and MBTA. By applying QBS at the state level, Massachusetts ensures that design professionals are selected based on expertise and qualifications, maintaining high standards of safety, quality, and efficiency in public projects.

As the commonwealth considers expanding cooperative purchasing opportunities under Chapter 30B, it is essential that these perceived efficiencies do not come at the expense of QBS principles. Any reforms should include clear language preserving the requirement that architects, engineers, and other licensed design professionals be procured based on their qualifications and expertise and ensuring the necessary independence between the design professional, the contractor, and the manufacturer.

Protecting QBS safeguards public health, safety, and investments in our built environment. I respectfully encourage the committee to reaffirm support for this proven procurement method and to ensure that future legislation explicitly preserves QBS provisions for design and construction-related services in Massachusetts.

Thank you for your attention to this important matter and for your continued service to the commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian", with a stylized flourish at the end.

Brian Pallasch, CAE
Executive Vice President & CEO