

Responsible Procurement Starts with Independent Design

By Brian Pallasch, EVP & CEO

EVERY SUCCESSFUL PUBLIC building enclosure project rests on three distinct things working together: the right design, the right materials, and a quality installation. When those three are kept in balance, and when the person designing the system has no stake in which products are installed, taxpayers get roofs and walls that perform for decades. When that balance is lost, the public pays, sometimes upfront, but often years later.

That is the heart of responsible procurement, and it has become one of IIBEC's most pressing advocacy priorities.

A FAMILIAR PITCH, A COSTLY RESULT

Cooperative purchasing programs promise public owners savings through pooled purchasing power. For commodities like office supplies, laptops, or vehicles, that logic holds. Price is easy to compare, and a good deal is easy to recognize.

Building enclosure design and construction are not commodities. Every roof and wall assembly responds to its own climate, structure, use, and existing conditions. When those projects move through a cooperative agreement, the independent design step is too often eliminated or handed to a party with a financial interest in the products specified. The result is a specification written to sell a product rather than to solve a building's problem.

This is not a hypothetical concern. The RCI-IIBEC Foundation's study, *An Analysis of Unit-Price Procurement,* documented a lack of design independence and inappropriate materials that increased costs or underperformed. The public record points in the same direction. In Minnesota, the state auditor found that a manufacturer's subsidiary had prepared roofing specifications for six school buildings without the architect's certification, which state law requires. A California legislative investigation estimated that manufacturer-driven roofing specifications were costing school districts $30 million to $125 million a year. In Connecticut, contractors have filed suits alleging that school roofing specifications were written around one manufacturer's products, with "equals" listed that could not realistically compete. In one case, the alleged difference exceeded $800,000 for a single school. Some governments have responded by severely limiting or banning unit-price procurement for design and construction.

Meanwhile, of the cooperative programs IIBEC has reviewed, as few as two roof system manufacturers participate in these programs, even though there are more than 20 manufacturers serving the roofing market. Fewer competitors rarely means lower prices.

A COORDINATED PUSH

This legislative cycle saw cooperative purchasing bills introduced in Idaho, Arizona, Alabama, Georgia, Virginia, and Hawaii, often with strikingly similar language. IIBEC testified and submitted letters opposing measures in Alabama, Georgia, Hawaii, Idaho, and Virginia. Even when bills stalled in committee, the language resurfaced late in session, amended into other legislation. That pattern points to an organized, well-funded, multistate effort, and at least one manufacturer has been identified as supporting this effort, which says a great deal about who benefits when the independent design professional is removed.

Responding one bill at a time has netted some success, but it lets others set the agenda. It is time for IIBEC to take the initiative and advance sound procurement policy that protects building owners and the public's investment.

MAKING THE CASE FOR WHAT WORKS

Responsible procurement is not a new idea. For more than 50 years, the federal Brooks Act has required that architectural and engineering services be selected on the basis of qualifications, not price. The American Bar Association recommends the same approach to state and local governments. The evidence supports it: the ACEC Research Institute's study of 68 projects found that qualifications-based selection produced half the cost growth of national averages (3% versus 6%), less schedule growth, and higher owner satisfaction.

IIBEC's position is straightforward. Public owners deserve an independent design professional whose decisions serve the building's needs, free from financial interest in the products specified. Public procurement should protect health and safety, require full and open competition, and prioritize performance and life cycle over proprietary products. Cooperative purchasing can serve public agencies well for true commodities, but it should not be used to procure design services or building enclosure construction.

WHAT YOU CAN DO

Our members are the most credible voices on this issue. You see the failed roofs, the inappropriate systems, the mismatched assemblies, and the projects that do not deliver expected results. Your firsthand knowledge helps us build case studies that bring these stories to policymakers' attention and show why action is needed to prevent the use of these procurement methods. When a public owner in your community considers a cooperative contract for enclosure work, share what you know. Talk to your chapter leaders. And let IIBEC staff know when you see a bill or a procurement that raises concern. Early warning makes all the difference.

Protecting independent design is not only about protecting our profession. It is about protecting both the buildings that the public pays for and the people who use them every day.



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