

Policy Statement 101

Qualifications-Based Selection of Building Enclosure Consultant Services

Adopted by the Board of Directors March 26, 2020

Policy

The International Institute of Building Enclosure Consultants (IIBEC) supports public policies, requirements, and administrative procedures that require a building enclosure consultant (BEC) be selected based on qualifications. IIBEC supports qualifications-based selection (QBS) procedures such as those specified by the Brooks Architect-Engineers Act of 1972, 40 U.S.C. 1101 et seq., the numerous similar state and local laws, and the American Bar Association's Model Procurement Code for State and Local Governments for the engagement of building enclosure consultant services. Similar QBS procedures have been recommended for use in Canada by such national entities as the Association of Consulting Engineers of Canada (ACEC) and the Royal Architectural Institute of Canada (RAIC). IIBEC opposes hiring of a BEC based on fees alone.

Qualifications—including education, training, experience, past-performance, capabilities, personnel, and workloads—should be evaluated when selecting a professional BEC.

QBS is essential to fostering fair and impartial purchasing of BEC services that impact public health and safety in the built environment. Preserving the health, safety, and welfare of the public is a moral, ethical, and legal requirement for a procurement agency as well as for BEC professionals. IIBEC supports enforcement of federal, state, provincial, and local laws that mandate professionals be selected via QBS. Privately funded projects that are not subject to the procurement requirements of government agencies, or that do not utilize taxpayer funds, would also benefit from QBS for procuring professional BEC services.

Issues

Unsafe and unfair conditions can arise when BEC services are solicited on the basis of bids. When professional services are awarded based on cost as opposed to qualifications, competing firms may seek ways to reduce internal costs to gain a competitive edge. These reductions often result in less oversight on evaluations, design, or construction administration services, which may compromise the integrity of the work and, thereby, negatively impact the health, safety, and well-being of the public.

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. Over 45 states have adopted some form of QBS. Use of QBS in Canada is not as widespread as in the U.S., but is increasing, as certain provinces and other Canadian owners are adopting some form of QBS.

Rationale

Professional fees are typically less than 2% of a building's total life-cycle cost¹, 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.

QBS allows procurement officials to exercise greater latitude in selecting 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.

It is incumbent on procurement officials to be responsible stewards, to maximize competition to the greatest practical extent, to practice all due diligence, and to maintain impartial and consistent business judgment.

Key components of a procurement system are that it be fair, transparent, and open to competition by qualified companies. A trustworthy system is of paramount importance. If trust erodes between the government and those who are best suited to provide goods and services, qualified participants may choose not to participate.

It is the position of IIBEC that all projects should maintain the highest levels of transparency and value.

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¹ InfraGuide 11- National Research Council Canada and Federation of Canadian Municipalities, June 2006, [Selecting a Professional Consultant](#).