

ISSUE BRIEF 

January 10, 2006



Improving How EBR Parish Selects Architects and Engineers



Baton Rouge Area Chamber

In November 2005, the East Baton Rouge (EBR) Parish Engineer and Surveyor Selection Board selected a firm to provide program management services for the \$463 million Green Light Plan, a transportation and street-improvement program designed to reduce traffic congestion in EBR. A protest to this decision, as well as the filing of several Metropolitan Council resolutions to change the selection process itself, have resulted in a heated debate about the merits of the current “Qualifications-Based Selection” (QBS) process and whether it should be dramatically changed or eliminated altogether. Several pertinent proposals are on the Metropolitan Council’s meeting agenda for Wednesday, January 11. The decisions of the Metropolitan Council on these proposals could change how architectural, engineering, and surveyor (A/E) firms are selected for public projects in the future, and could result in a retroactive reversal of the recent program-manager selection for the Green Light Plan.

This *Issue Brief* discusses why the EBR Parish A/E selection process is important to the Baton Rouge area business community; provides a brief overview of QBS, including its principal features, purported benefits, and history in EBR Parish; analyzes the current set of issues surrounding the EBR Parish selection process for A/E firms; and concludes with several recommendations.

Why This Issue Is Important

The process used by EBR Parish to select A/E firms for public projects is important to the Baton Rouge area business community – and to the community overall – for at least three reasons. First and foremost, hundreds of millions of tax dollars collected from businesses and families are spent on A/E projects so the selection process must ensure that these funds are spent effectively and efficiently. Second, dozens of A/E firms are located throughout the Baton Rouge area; a substantial portion of them submit their qualifications for public projects and depend on a fair selection process for their livelihood and growth. Third, our future economic development depends to a significant degree upon our local governments exhibiting integrity and transparency in their operations – nowhere is this issue more prominent than in the procurement processes used to spend public tax dollars. This last issue is of particular significance over the next 12-24 months as our state and region must engender a high degree of national trust to secure the federal funding we need to recover from the economic effects of Hurricanes Katrina and Rita.

What is Qualifications-Based Selection?

QBS is widely recognized as the national standard by which professional design contracts are awarded by public agencies. Since being mandated for federal use by passage of the Brooks Act in 1972, some form of QBS is now required by the vast majority of states, and the American Bar Association recommends procedures consistent with QBS in its *Model Procurement Code for States and Municipalities*. The American Council of Engineering Companies (ACEC) calls QBS “the most widely endorsed legal method for selecting a design professional by public owners.”

The basic objective of QBS is to ensure that A/E firms are selected on the basis of professional qualifications, experience, prior performance, and competence relevant to the particular project in question. While there is no single precise definition of a QBS process for public A/E projects, the process generally is considered to entail the following major steps:

- **Public notice.** A preliminary scope of services is prepared, describing the project to be designed or the problem to be solved. Qualified firms are invited to submit qualifications articulating their capabilities relative to the project in question.
- **Submittals.** Firms submit qualifications with relevant information about their experience, key personnel, etc.
- **Review of submittals.** A selection board made up principally of A/E professionals is responsible for evaluating proposals/firms according to relevant professional qualifications of the overall firm and project leader(s), experience, availability of key personnel, understanding of project requirements, balance of in-house versus consultant services, etc.
- **Ranking of respondents.** Generally there is an initial process to develop a short list based on predefined evaluation criteria, sometimes followed by interviews with the short-list firms. Finalist firms are ranked according to their perceived suitability for the project.
- **Negotiations.** The hiring agency and the top-ranked firm enter negotiations relative to scope of work, services to be provided, and fees. If no agreement can be reached with the top-ranked firm, the contracting agency enters into negotiations with the next firm on the list.
- **Engagement.** The project proceeds according to the finalized contract and project plan.

Proponents of QBS, including major professional A/E societies in the U.S., cite several benefits for its usage in public settings, for example:

- QBS safeguards public safety and public funds by enabling public agencies to acquire the services of the most qualified A/E firm for a particular project at a reasonable cost.
- QBS helps public agencies avoid mistakes and abuses that often are associated with the lowbid method of procurement. For example, with A/E projects, detailed specifications are not always available at the outset; therefore a low-bid approach might paradoxically result in higher long-term costs if the wrong firm is selected for a particular project.
- QBS enables the design team and client to work together collaboratively to fashion a solution to the project or problem at hand.
- QBS reduces concerns about political patronage in the procurement of professional A/E design services by requiring that contracting decisions be driven by professionals instead of elected officials.
- QBS ensures transparency in the awarding of public contracts by requiring evaluation of competing firms using a process in which the evaluation criteria are made clear to both the competing firms and the public.

Although QBS processes entail several common steps and elements, there are a number of differences across states, counties, and municipalities. For example, QBS processes entail varying approaches with respect to the usage of scoring sheets, voting procedures, conflicts of interest, and reporting of firm ratings.

QBS in EBR Parish

The current selection board process for EBR Parish was instituted in 1989 at the recommendation of a professional services task force. Concerns about political patronage and the need for objectivity and transparency in the awarding of municipal contracts purportedly were central to the task force's findings and to the creation of ordinances governing the present system.

Ordinance 8931 established the Engineer and Surveyor's Selection Board while Ordinance 8932 established the Design and Planning Selection Board. These professional selection boards were created to facilitate the objective assessment of qualifications of firms competing for public contracts for A/E services in East Baton Rouge. It is a system that previously has received national recognition for its fidelity to QBS standards. Reportedly there had never been a challenge to a selection made by either of these boards until 2005.

Issue Analysis

A member of the Metropolitan Council recently proposed three resolutions that, if passed, could dramatically change the current selection process and could allow a retroactive reversal of the project-manager selection for the Green Light Plan made by the Engineer and Surveyor Selection Board. The local A/E professional community expressed serious concerns about the proposed changes, which would allow the Mayor-President to select the first firm with which to enter into negotiations. Representatives from the national headquarters of several professional A/E organizations have stated that the granting of such authority would be a clear departure from the standards of QBS.

While the professional A/E community strongly endorses QBS, there are some local A/E professionals who recently have suggested that EBR Parish's QBS process may not be as objective or transparent as it could be – characteristics QBS is supposed to guarantee. Concerns raised about the objectivity of selection board decisions, as well as access to the decision-making process itself, deserve attention.

By evaluating its current selection board processes to identify any needed improvements on a forward-looking basis, EBR Parish can reaffirm and strengthen its commitment to QBS for the procurement of A/E services. In contrast, a departure from QBS would send a very negative message to the citizens and A/E community in the Baton Rouge area, as well as to the country, about the direction of our city, parish, and region.

Recommendations

The Baton Rouge Area Chamber convened a meeting of its architectural and engineering members to discuss this issue. Representatives of 16 A/E firms participated in the discussion. The following recommendations were unanimously adopted by the group and are fully endorsed by the Baton Rouge Area Chamber:

1. QBS should remain central to EBR Parish's procurement of professional architectural and engineering services; nevertheless, there may be opportunities to improve the current system on a forward-looking basis while continuing to adhere to QBS principles.
2. Any changes to the current A/E selection process should be driven by A/E

- professionals.
3. A task force comprised of local representatives of the major A/E societies should be formed immediately to review the current process and report back with any recommended changes within 90 days of formation. The local presidents of the major A/E societies should jointly design the composition of the task force. It should include a balance of A/E representatives and should include a representative from the EBR Department of Public Works.
 4. Items for consideration during the task-force review should include – but not be limited to – changes relative to scoring sheets, voting process, process transparency (e.g., providing a rationale for rankings), introducing more creativity into the process, conflicts of interest, special rules for large/complex projects, and/or a debrief/review process.
 5. In light of the above recommendations, all three Metropolitan Council agenda items related to this issue should be deleted at the meeting on January 11.
 6. The A/E selection board task force should continue to meet periodically even after making its recommendations to monitor the selection process and identify additional changes that may be warranted.

In addition to the above consensus recommendations, the Baton Rouge Area Chamber independently recommends that the task force solicit input and include representation from the Building Owners and Managers Association (BOMA) and the International Facility Management Association (IFMA).

QBS definitely is the right A/E firm selection approach for EBR Parish, but it may be time to give the current process a tuneup.

The Baton Rouge Area Chamber gratefully acknowledges assistance received from local members of the professional architectural and engineering societies in the preparation of this document. Conversations with representatives at the national headquarters of those same organizations also contributed to our understanding of the issues discussed here.