



**National Society of  
Professional Engineers®**

February 1, 2016

Dear Michigan State Legislators,

I am writing to you as the President of the National Society of Professional Engineers (NSPE) on behalf of NSPE's more than 32,000 members to strongly urge you to support Michigan HB 5238 – Local Government Professional Services Act.

NSPE believes qualified professional engineers, on the basis of design ability, experience, and integrity should perform all engineering services. NSPE has long supported the procurement of design professional services on the basis of qualifications and was instrumental in the enactment of the federal Brooks Architect-Engineer (A/E) Act (PL 92-582), which requires federal agencies to use qualifications-based selection procedures when obtaining design professional services. (The federal Brooks Architect-Engineers (A/E) Act (PL 92-582), enacted in 1972, requires federal agencies to use QBS procedures when procuring design services.)

Qualifications-based selection is a procedure whereby service providers are retained on the basis of qualifications—design ability, experience, professional integrity and other key professional factors—rather than on price. Under the QBS method, the procuring agency reviews the qualifications submitted by interested individuals and firms, ranks respondents, and then negotiates with the most qualified respondent for a mutually agreeable contract. If an agreement cannot be reached with the highest ranked firm, negotiations begin with the next ranked firm and so forth. This process guarantees that the agency receives the highest quality of design and the greatest level of service at a fair and reasonable price.

Importantly, NSPE strongly supports the adoption of "mini-Brooks" laws at the state and local level. Forty-seven states have implemented some sort of QBS law, and numerous localities have also adopted laws modeled after the federal statute (known as "mini-Brooks" acts). These laws require states and localities to use QBS procedures when procuring design services. Other states and localities have adopted regulations or executive orders that accomplish the same objectives as the statutes.

Again, please support Michigan HB 5238 - Local Government Professional Services Act which is currently before the Michigan legislature.

Thank you!

Sincerely,

Timothy R. Austin, P.E., F.NSPE  
NSPE President

TRA:AES/mac

cc: NSPE Board of Directors  
N. Robert Uddin, P.E.  
Ronald W. Brenke, P.E.