



May 21, 2018

Matthew Fritzingler  
Department of General Services  
Division of Purchases and Supply  
1111 East Broad Street, 6th Floor  
Richmond, VA 23219  
[matthew.fritzingler@dgs.virginia.gov](mailto:matthew.fritzingler@dgs.virginia.gov)

Re: Request For Sealed Proposal (RFP) # E194-79435, Unmanned Aerial System Services

Dear Mr. Fritzingler:

I am writing as a licensed professional land surveyor in the Commonwealth of Virginia and as Executive Director of the National Society of Professional Surveyors (NSPS).

The following provision in the Virginia Administrative Code (VAC) obligates me to formally advise you of the endangerment to the health, safety and welfare of the citizens of the Commonwealth, and our fellow Americans, in RFP E194-79435:

18VAC10-20-690. Responsibility to the public.

The primary obligation of the regulant is to the public. The regulant shall recognize that the health, safety, and welfare of the general public are dependent upon professional judgments, decisions, and practices. If the judgment of the regulant is overruled resulting in circumstances when the health, safety, or welfare of the public is endangered, the regulant shall inform the employer, client, and appropriate authorities in writing of the possible consequences.

Request for Sealed Proposal (RFP) # E194-79435, Unmanned Aerial System Services violates Virginia law, and in so doing, endangers the public.

Section 54.1-400 of the Code of Virginia, provides the following definition of “the practice of land surveying”: “includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof. The term “planning of land and subdivisions thereof” shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards.”

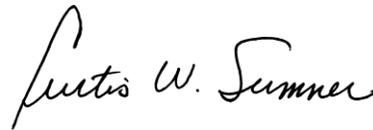
RFP - E194-79435, issued by the Virginia Department of General Services (DGS) is a multi-state contract, from Virginia to California, that includes in the scope of services a variety of “Land Surveying and Aerial Mapping Missions”. These activities constitute the practice of land surveying or surveying-photogrammetry as defined in the Code of Virginia and the Virginia Administrative Code, as well as in virtually every other state.

Moreover, in Virginia services that are the “practice of land surveying” in § 54.1-400 are required in another code section, § 2.2-4301 to be considered “professional services”, which “means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, *land surveying*, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering” and contracting by “competitive negotiation” (§ 2.2-4302.2). RFP E194-79435 requests prices and is therefore in violation of § 2.2-4301 and § 2.2-4302.2.

On behalf of myself and professional surveyors nationwide, NSPS respectfully urges the withdrawal of RFP E194-79435 and its re-issuance with a requirement for a Virginia licensed land surveyor or surveyor-photogrammetrist for services in Virginia, and an appropriately licensed surveyor in other states, as well as use of the qualifications based selection (QBS) and competitive negotiation process for professional services, consistent with the requirements of Code of Virginia sections § 54.1-400, § 2.2-4301 and § 2.2-4302.2, and similar QBS laws of other participating states.

Please be aware that any person or persons practicing without a license may be subject to civil or criminal penalties under the Code of Virginia.

Respectfully,

A handwritten signature in black ink that reads "Curtis W. Sumner". The signature is written in a cursive style with a large initial 'C'.

Curtis W. Sumner, LS  
NSPS Executive Director

cc: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board), Department of Professional and Occupational Regulation (DPOR), National Council of Examiners for Engineering and Surveying (NCEES)