

Qualifications-Based Selection and Federal Statute



Qualifications-Based Selection (QBS) is a competitive procurement process that requires a public agency to hire design professionals (engineers, land surveyors, architects, etc.) based on their qualifications and competence.

QBS Statute

Known as the "Brooks Act"

Many states mimic this policy with Mini-Brooks Acts

Signed into law October 27, 1972

Garnered bipartisan support for its practical approach

Requirement to Use Federal Funds

State and local agencies must use QBS or risk losing funds

Most States Followed Federal Lead

46 states and many local agencies have adopted their own QBS practices

What Does Federal Law Require for QBS?

In 1972, Congress adopted, and the President signed into law, the Brooks Architect-Engineers Act (Public Law 92-582). The Brooks Act mandated the use of the QBS procurement method for the hiring of design professional services.

QBS prohibits the use of cost as a factor in the initial evaluation and selection of design professionals. Instead, firms are ranked based on their qualifications, experience, and demonstrated competence—along with other relevant factors that ensure the right firm is being selected for the right project. After identifying the best-qualified firm, a public agency may then enter into negotiations for a fair and reasonable price.

Since implementing the Brooks

Act 47 years ago, the federal government has consistently endorsed the use of QBS for hiring architectural and engineering services. The Competition in Contracting Act of 1984 affirmed QBS as a full and open competitive process. Subsequent federal policies have applied and expanded QBS requirements for state and local transportation agencies receiving federal funding.

According to the American Public Works Association, "the successful selection of a consultant is the most important decision in the success of a project." QBS is an objective, fair procurement method practiced by the federal government and 46 individual states. A quantitative study* of QBS indicates that the procurement method provides the best quality and value to project owners. The Brooks Act is a law that works.

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Benefits of QBS reported in "An Analysis of Issues Pertaining to Qualifications-Based Selection," a 2009 study by Paul S. Chinowsky, PhD (University of Colorado, Boulder) and Gordon S. Kingsley, PhD (Georgia Institute of Technology).