



AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON
Since 1956

July 2011

New QBS law passed!

HB 3316 will expand qualification based selection (QBS) to more projects in Oregon after unanimously passing the House and Senate. Governor Kitzhaber signed the bill into law on June 21, 2011.

Prior to HB 3316, local governments were not required to use QBS unless the total project cost including design fees was estimated to cost more than \$900,000 and had a minimum of 10 percent of state funding. HB 3316 removes these thresholds. Now, all projects will be required to use QBS when they are above \$100,000 in estimated design fees.

Direct appointment process up to \$100,000

For projects up to \$100,000 in estimated design fees, local and state governments will be able to use a direct appointment process when making procurements. The \$100,000 direct appointment level is an increase from \$50,000.

Select from a pre-qualified list for projects from \$100,000 to \$250,000, then use QBS

Projects more than \$100,000 but less than \$250,000 in design fees will be required to use QBS but will only have to use an "informal selection process." This informal selection process allows them to screen and select firms from a pre-qualified list. A request for proposals that are solicited from a minimum of five firms will be rank ordered and negotiations will begin with the top ranked firm as in a regular QBS process.

Full QBS required for projects above \$250,000 in design fees

For projects with estimated fees above \$250,000, a full public contracting process must be used with responding firms ranked and discussions on final scope and price begun with the top ranked firm.

For the first time, all local government projects from cities, counties, special districts, school districts and ports will be required to use QBS on projects with more than \$100,000 in estimated design fees. This is a major victory for ACEC, AIA and others who have worked years on this issue.

The new law also:

- Adds photogrammetrists to the design professions that state and local governments will procure through the QBS process.
- Adds transportation planning services to the list of professional services that state and local governments will procure through the QBS process. This ensures that projects that require compliance with the NEPA act 42 U.S.C. 4321 et seq. will be procured through QBS.

ACEC and AIA have committed to an outreach program to educate local governments on the appropriate use of QBS. Meetings will be held soon to plan our presentation and we will plan seminars with local governments this fall to ensure they are comfortable and knowledgeable with QBS.

Thank you to the many ACEC members who worked very hard on this issue. Major thanks to Representatives Schaufler and Kennemer for their strong support during the session.

For a "Staff Measure Summary" of the bill, follow the link below and enter HB 3316 in the search box:
<http://www.leg.state.or.us/comm/sms/SMS11Frameset.html>.

To view all 17 pages of HB 3316, go to: <http://www.leg.state.or.us/11reg/measpdf/hb3300.dir/hb3316.en.pdf>.

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