

June, 2009

To: Governmental Agencies
Engineering and Surveying Firms
Fr: Qualification Based Selection Council
Re: Notice of Rule Change

During the 2009 legislative session the following rule was proposed by the Board of Professional Engineers and Professional Land Surveyors, the licensing entity for engineers and land surveyors in the State of Idaho.

05. Selection on the Basis of Qualifications. A Licensee or Certificate Holder should seek professional employment or professional service work on the basis of qualifications and competence for proper accomplishment of the work assignment. On selections for professional engineering and land surveying services that are required pursuant to Idaho Code Section 67-2320, a licensee or certificate holder, in response to solicitations described in Idaho Code Section 67-2320(2)(a) shall not submit information that constitutes a bid for services requested.

This new rule formally prohibits engineers and land surveyors from responding to bids, “Requests for Proposals” or “Requests for Qualifications” that are in violation of Idaho Code 67-2320 (see attached). This law delineates the requirements for selection of design professionals based upon qualifications first, and cost negotiations second. The QBS selection process is based upon identifying the qualifications needed to do perform the services needed, and then ranking applicants based upon those qualifications. Once the applicants are ranked based on how they best meet requirements, then a negotiation process takes place to determine scope of work or tasks that need to be performed and the cost for the company to perform those.

As of July 1, 2009 licensed engineers and land surveyors could jeopardize their license status if they respond to a proposal that does not strictly follow the law.

The QBS Council only serves an educational function. We will be glad to contact a governmental entity and inform them of any problems, as well as offer free services to help any governmental entity to get through the QBS process. However, the QBS Council is not an enforcer and does not offer anything more than our assistance. **If you need more information or need assistance, call us at 208-321-1736. If you see a violation, please call us at 208-321-1736 and we will follow up.** All calls are confidential and those reporting violations are kept anonymous.

(Feel free to email also email us at tottens@clearwire.net or visit our website at www.idahoqbs.com.)