ACCG Governmental Affairs

House Bill 377

QBS Mandate for Procuring Professional Services

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Senate Government Oversight: HB 377 with SB 51 Language

This legislation mandates local governments use qualified-based selection (QBS) to hire professional services from architects, interior designers, land surveyors, landscape architects, and engineers when preliminary construction costs exceed $1 million or when professional services cost more than $75,000. The bill forbids local governments from asking for cost estimates in submission documents. For the reasons detailed below, ACCG opposes this mandate on the local government procurement process.

Loss of Discretion

ACCG does not take issue with Qualified Based Selection as a procurement method. Counties are currently required to use this method when utilizing federal funds. We have found that this method is used much more often by our larger counties, who have the dedicated staff and resources, as opposed to our smaller counties, who may rely on their county clerk to take on this process. QBS is already a tool that counties can use to procure professional services at their discretion. Many of them currently use traditional RFPs and professional service contracts. These methods allow counties the discretion to choose quality firms while assuring taxpayers that fees are not out of line with current market conditions.

Small Business Implications

Small businesses are an essential part of Georgia's economy. This bill intends to create a more competitive process. In practice, small businesses will have more difficulty getting projects as they may not have the qualifications to compete with large firms. This bill would set a terrible precedent for other industries and professions to come forward with mandates that further tie the county's hands.

Fair & Reasonable Fees

One of the best ways local governments can determine "fair and reasonable fees" is to compare the prices offered by those submitting proposals. SB 51 would forbid local governments from seeing any proposed fees until they have entered negotiations with the firm considered to be the "most qualified." This puts counties at a disadvantage when negotiating as they would not have sufficient information to determine the current market conditions for their area. This is especially the case for smaller counties that rarely take on projects of such scale. Sometimes, a county does not have the funds for the most qualified and most expensive firm; rather, a well-qualified but competitively priced firm is better suited.