



Survey of State QBS Laws and Registrations Boards

State	QBS Law	State Statute	QBS Applies to State Contracts	QBS Applies to Local Units	Registration Board Prohibits Response To Price Proposal	Registration Board Enforced?	Comments
AL	Y	41-16-21&72	Y	N	Y	N	
AK	Y	36-30-270	Y	N			Certain Exemptions
AZ	Y	34-603	Y	Y	N		
AR	Y	19-11-802	Y	Y	N		
CA	Y	Gov Code Chap. 10 – 4525 -29	Y	Y	N		
CO	Y	24-30, Sec. 1401-8	Y	N	N		
CT	Y	4B-58 & 13B-20	Y	N	N		Dept. of Public Works is now Dept. of Construction Services
DE	Y	29-6962 & 6982	Y	Y			
FL	Y	287-055	Y	Y	N	N	See comment below ¹
GA	Y	50-22	Y	N	N		
HI	Y	103D-304	Y	Y	N		
ID	Y	67-2320	Y	Y	Y	Y	
IL	Y	30-ILCS-535	Y	Y	N		Local law cited as 50-ILCS-510
IN	Y	5-16-11.1	Y	Y	N		Price may be considered on state contracts not involving construction and may be considered on local contracts if state or federal matching money is not involved.
IA	N		N/A	N/A	N		Agencies generally follow QBS. Admin Code 11-105-9
KS	Y	75-5801	Y	N	N		
KY	Y	45A	Y	N	N		Local units may use QBS

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LA	Y	38:2181-2316	Y	Y	N		
ME	Y	5-1742	Y	N	N		
MD	Y	13-308	Y	N	N	N	Under \$100,000, price is 40% of selection criteria
MA	Y	M.G.L. Part 1 Title 2 c. 7C §§ 44-57 (Vert.) and § 58 (Hor.)	Y	N	N		QBS applies to vertical design. QBS applies to horizontal design for public works projects by the Massachusetts transportation agencies MassDOT, Massport, and MBTA (MA Bay Transportation Auth.). ²
MI	Y	18.1237b	Y	N	N		Only applies to Dept. of Management & Budget
MN	Y	§16C.08 for the general rules; §16C.087 for selection of professional services contractors; §16C.33 Subd. 5 for D-B projects	Y	N	N	N	State agency may choose to use QBS and, if it does, then must comply with 16C.087, sub. 2,3,4. Does not directly apply to local units of gov; no threshold; designer-selection board and other exceptions. For State Design Selection Board, see https://mn.gov/admin/government/construction-projects/sdsb/ . For rules governing Selection Board, see MN R. 3200 et seq.
MS	Y	17.056 Registration law	N	Y			Administrative rule 31-7-13-2. Allows for price after short list accomplished.
MO	Y	8.285 – 8.291	Y	Y	N	N	Prior Attorney General’s favorable opinion letter is used to support QBS.
MT	Y	18-8-201	Y	Y	N	N	Contracts under 50K – agency may direct select a qualified firm.
NE	Y	81-1701-1721	Y	Y	Y		Projects over 40K
NV	Y	625.530	Y	Y	Y	Y	Projects over 35K
NH	Y	Title 1 – Chap. 21 Sec 22	Y	N			
NJ	Y	PL 1997 Chap. 399	Y	N	N		Local governments encouraged to use QBS. Allows price proposal from top 3 firms. Working on new law.

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NM	Y	13-1-117.1 THRU 13-154.1	Y	Y	N		For engineering and architecture contracts over 60K, surveying 20K. Universities exempt.
NY	Y	136A	Y	N			
NC	Y	143-64.31	Y	Y	Y	N	See comment below ³
ND	Y	54 – 44.7	Y	N	N	N	
OH	Y	153.65-99	Y	Y	N	N	Except home rule municipalities, see comment below. ⁴
OK	Y	61, 60-65	Y	Y	Y	N	Includes all political subdivisions
OR	Y	Statutes ORS 279C.100 to 279C.125. Model rules at OAR 137-048-0100 to 137-048-0320	Y	Y	N	N	The state board enforces the use of licensed professionals only for geologists under ORS 672.695. See comment below. ⁵
PA	Y	62, CSA 905	Y	N	N		
RI	Y	45-55-8.1	N	Y	N		Introducing “state” QBS bill in 2018
SC	Y	11-35-3220	Y	N	N		Attempting to pass legislation this year that will extend QBS to local subdivisions and will be enforced by the Registration Board.
SD	N		N/A	N/A			
TN	Y	12-4-107(a)	Y	Y	Y	Y	TN Board of A/E Examiners Rule prohibits compensation submission for selection. ⁶
TX	Y	2254.004	Y	Y	Y	Y	Board enforcement just went into effect. 2013
UT	Y	63G-6a-Part15	Y	Y districts	N	N	Does not apply to cities, towns, and counties.
VT	N		N/A	N/A	N	N	QBS required for only FHWA funded projects. State typically requests qualifications plus price otherwise.
VA	Y	2.2-4300	Y	Y	N	N	Legislation mandates use of QBS, even for term contracts.
WA	Y	39.80.040, 050	Y	Y	N	N	
WV	Y	5G-1-1	Y	Y			

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WI	N		N/A	N/A			Not required but most state agencies use QBS
WY	Y	9-2-1031	Y	N	N		Exempted: WYDOT, U of Wyo., community colleges, school districts.

¹FLORIDA - QBS applies to a planning or study activity where compensation exceeds \$35,000 and in projects where the basic cost of construction, as estimated by the agency, will exceed \$325,000. A “continuing contract” is defined by the statute as a contract for professional services entered into in accordance with all the procedures of this act whereby the firm provides professional services to the agency for which the estimated construction cost of each individual project under the contract does not exceed \$2 million, the fee for professional services for each individual study under the contract does not exceed \$200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.

²MASSACHUSETTS - No mandate for municipal civil works projects, except that MassDOT Highway requires municipalities to use pre-qualified engineering firms and strongly suggests that they use QBS for designer selection. The following types of contracts entailing design services for building (vertical) projects are exempt from the designer selection law in Massachusetts:

1. **Sewer, water or highway system buildings and structures.** Contracts for the design of a building that is appurtenant to a sewer, water or highway system, and is required as an integral part of that system, are exempt from the designer selection law. M.G.L. c. 7C, § 1.
2. **Building demolition projects.** Contracts for the design of building demolition projects are exempt from the designer selection law. M.G.L. c. 7C, § 46(e).
3. **Design contracts for building projects estimated to cost less than \$100,000.** To select designers for building projects estimated to cost less than \$100,000, the State Inspector General's office recommends soliciting qualifications and price information from at least three design firms. ACEC disagrees with the suggestion of providing price information.

³NORTH CAROLINA’s Mini-Brooks Act allows state and local entities various “Opt-Out” provisions in the current law. In 2013, Design-Build/P3 enabling legislation (HB857) eliminated this loophole for all public entities except NCDOT. The legislation allowed a public entity to request a price proposal only for projects with an estimated fee less than \$50,000. Our State Licensing Board does not have enforcement authority over non-licensees.

⁴OHIO - In 2011 we had our law amended to eliminate the exemption for projects with an estimated fee under \$25,000 and we substituted a provision that allows design professionals to be "direct selected" on projects with an estimated fee of less than \$50,000 provided that the fee and scope of services still must be negotiated with the selected firm. ohio.gov/orc/153.71.

⁵OREGON

- * Oregon has a broad definition of consultants that are covered by QBS including Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, or Related Services.
- * All state and local agencies must follow QBS. Exceptions apply when the agency finds there is an emergency or the estimated design fee is below \$100,000.
- * Projects with design fees expected to be at least \$100K but less than \$250K are required to use QBS but are allowed to go through a process described as an "informal selection process".

- * Agencies must establish QBS procedures that meet the requirements of the law or adopt the model rule procedures outlined in the Oregon Administrative Rules (OAR 137-048-0100 to 137-048-0320)
- * The Oregon Department of Transportation and Department of Administrative Services must follow the model rules which provide details about the selection process. Projects with an estimated design fee of more than \$100K but less than \$250K use an "informal selection process". The process allows the agency to screen and select a consulting firm from a prequalified 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 (See OAR 137-048-0210). For projects with expected design fees above \$250,000, a full public contracting process must be used with responding firms ranked. Negotiations and discussions on the final contract, scope and price occur with the top ranked firm first and terminate if an agreement is not reached within a reasonable time before moving to the second ranked consultant (See OAR 137-048-0220).

⁶Tennessee Board of Architectural & Engineering Examiners Rule 0120-02-.02 – Proper Conduct of Practice: “(6) A registrant may not submit any information as part of a proposal for a public project to the state or any of its political subdivisions that would enable the governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services required, thereby precluding participation in any system requiring a comparison of compensation. This rule shall apply only to proposals submitted to governmental entities that are prohibited by TCA§ 12-4-107(a) from making a selection or awarding a contract on the basis of competitive bids. Upon selection, a registrant may state compensation to a prospective client in direct negotiation where architectural, engineering, or landscape architectural services necessary to protect the public health, safety, and welfare have been defined.”

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