



March 25, 2024

The Honorable Shailen Bhatt
Administrator
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Re: Docket No. FHWA-2023-0046-0001

Dear Administrator Bhatt:

The undersigned organizations, representing a wide array of businesses and individuals engaged in the engineering, design, and construction of the nation's infrastructure, are opposed to the proposed changes to the federal regulations governing the procurement, management, and administration of engineering and design services on federally funded projects.

We are all strongly committed to successful implementation of the Bipartisan Infrastructure Law (BIL). Our collective members have been working diligently with our state and local partners for the last two and a half years to deliver on the promised benefits of the historic investments included in the law. Unfortunately, we believe the changes put forward in this Notice of Proposed Rulemaking would be a step backward in achieving that shared goal.

Existing Federal Highway Administration (FHWA) rules provide for a qualifications-based selection (QBS) process for the procurement of engineering services. This long-standing framework puts an emphasis on hiring the right design team up front, based on their experience, expertise, specialized skills, and proven success in delivering projects. The experience and technical approaches of design professionals are important to the quality and utility of a project. Utilizing QBS reduces project costs, keeps projects on schedule, fosters innovation, and results in more satisfied owners. Removing the requirement that local governments receiving FHWA grants must follow QBS will be counterproductive in successfully delivering BIL projects on time and on budget.

We recognize the challenges that FHWA and many local entities have encountered in administering their grant awards. However, waiving well-established, proven federal regulations is not the solution, and it may set an unfortunate precedent for removing other critical protections in the future. Instead, FHWA should offer additional implementation guidance and training that

is responsive to any local-level concerns. Our organizations will continue to work collaboratively with you and others on solutions to advance local projects more efficiently.

Our members are working on BIL-funded projects across every state in the nation. A uniform and consistent federal regulatory framework is essential, regardless of whether the funds flow through discretionary competitive grants or apportioned formulas.

We appreciate your consideration of our concerns, and we look forward to working with you on alternative means for achieving our shared goals.

American Council of Engineering Companies
American Society of Civil Engineers
American Road & Transportation Builders Association
Associated General Contractors of America
National Society of Professional Engineers