



IDAHO'S  
QUALIFICATION  
BASED  
SELECTION  
PROCESS

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## Qualification Based Selection is:

A federal (Brooks Act) and state law (Idaho Code 67-2320) that says that design professionals must first be considered based on their qualifications for the project at hand, rather than on low bid.

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## Why?

When local governments are hiring a professional design service, they are essentially buying solutions to problems that will only be clearly defined or discovered as the design process moves forward.

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The designer's role is to generate and evaluate many possible alternatives and present their relative costs and benefits for the entity's consideration thus protecting public health and safety, not to mention public budgets (both construction and operational).

# History of QBS in Idaho

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**Early 1990's** – Language was introduced to authorize political subdivisions and the state to utilize the Qualifications Based process if they chose to do so.

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**1997 Legislative Session** – Language was changed from a “may” to a “shall” in utilizing the QBS process. The language allowing for fee information was added as a concession to the cities.

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**2021 Legislative Session** – QBS limit was raised to \$50,000 and clarification language for fair and reasonable prices, scoring and ranking of firms based upon qualification, and change the pre-qualified list from 3 to “2 or more” qualified firms.

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**Education** – The Idaho QBS Facilitator Council was formed with volunteers from Idaho's architects, engineers, land surveyors and landscape architects to provide education on meeting Idaho's QBS Law.



# Who is required to follow the QBS process?

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- **Public Agencies**
- **Political Subdivision of the State of Idaho**
- **Agents of Public Agencies and Political Subdivisions**

**Must comply with the QBS process when they select professionals to perform the following services:**

- **Architectural**
- **Engineering**
- **Land surveying**
- **Landscape architecture, and**
- **Construction management service**



# QBS:

Important  
for  
governmental  
entities  
AND  
business

## For governmental entities:

- QBS allows the entity to set the criteria for what they want, to rank the firms based upon that criteria and then to negotiate a scope of work and cost to fit the entity's budget restraints.

## For businesses:

- The QBS process emphasizes that one size does not fit all, that even small and/or local firms can compete because the public entity can set the criteria they feel are important, and that the procurement process is thoughtful and deliberate and not based on dollars alone.

# The Process for QBS Selection for Projects over \$50,000


Provide a general description of the services being solicited



Establish a Request for Qualifications that includes:

The Criteria – can include firm’s past performance, experience, etc.

The Procedures for Measurable Scoring and Ranking



Make all the RFQ criteria, ranking, and scoring available to the public

## After receiving responses to a request for qualifications:

- Evaluate submittals and select most qualified, ranked in order of preference.
- Make public the list of ranked respondents and the measures used for scoring them
- Negotiate with the highest-ranked person or firm for a contract or an agreement to perform such services at a price determined
- IF an entity is unable to negotiate a satisfactory contract or agreement with the highest-ranked person or firm, formally terminate negotiations and undertake negotiations with the next highest-ranked



For  
Projects  
Under  
\$50,000

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The public agency or political subdivision may use the minimum guidelines outlined in the QBS law.

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**OR**

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The entity may establish its own guidelines for selection based on demonstrated competence and qualifications to perform the type of services required.

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The entity must negotiate the fee at a price determined by the public agency to be fair and reasonable after considering the estimated value, scope, complexity, schedule, and nature of services required.



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## *Exceptions to the QBS Law*

### **Work associated with a prior contract**

IF the project is work associated with a previously awarded contract, you do not need to follow the QBS process to award to the same company as an extension or new contract.



## Pre-approved list

The entity may establish a preapproved list of qualified two (2) or more professionals.

### To do this:

The entity must publish notice the same as for services in excess of \$50,000 projects to solicit professionals interested in being on the pre-approved list.

### Some questions about the Pre-approved list:

Can you rank the firms on your pre-approval list?

NO

Once your pre-approval list is complete, how long is it valid?

5 years

Can you piggyback on another governmental entities pre-approved list?

YES



# QBS Facilitator Council – Who Are We?

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**Council made up of volunteer design and public organizations including:**

- **American Council of Engineering Companies of Idaho (ACEC of I)**
- **American Institute of Architects (AIA)**
- **Idaho Society of Professional Engineers (ISPE)**
- **Idaho Society of Professional Land Surveyors (ISPLS)**
- **Structural Engineers Association of Idaho (SEAI)**
- **American Public Works Association (APWA)**
- **Public Works Directors Assoc. of Association of Idaho Cities (AIC)**
- **Idaho Montana American Society of Landscape Architects (IMASLA)**
- **Local Highway Technical Assistance Council (LHTAC)**

# QBS Facilitator Council Services:



Training on  
IC 67-2320



Assistance  
with  
determining  
a violation  
and  
educating a  
jurisdiction  
on their  
options



Assistance  
with RFP/RFQ  
development



Assistance  
with RFP  
review and  
ranking



Assistance  
with  
interviews  
and  
selection





## CONTACT US!

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