



2013 Survey of State QBS Laws and Registrations Boards

State	QBS Law	State Statute	QBS Applies to State Contracts	QBS Applies to Local Units	Registration Bd. Prohibits Response To Price Proposal	Registration Bd. 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
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
LA	Y	38:2181-2316	Y	Y	N		

State	QBS Law	State Statute	QBS applies to State Contracts	QBS applies to local units	Registration Bd. Prohibits response to price proposal	Registration Board enforced?	Comments
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	Part 1 Title 2 Chap. 7 – 38F	Y	N	N		QBS applies to vertical construction not horizontal
MI	Y	18-1237b	Y	N	N		Only applies to Dept. of Management & Budget
MN	Y	16C.095 16C.08 for the general rules and §16C.33 Subd. 5 for D-B projects	Y	N	N		Does not directly apply to local units of govt; no threshold; designer-selection board and other exceptions.
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	Y	Y	N		
MT	Y	18-8-201	Y	Y	N		
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.
NM	Y	13-1-117.2 THRU 13-1-124	Y	Y	N		For contracts over 50K, surveying 10K. Universities exempt.
NY	Y	136A	Y	N			
NC	Y	143-64.31	Y	Y	Y		See comment below ²
ND	Y	54 – 44.7 and 45.7	Y	N	N	N	
OH	Y	153.65-99	Y	Y	N		Except home rule municipalities, see comment below. ³
OK	Y	61, 60-65	Y	Y	Y	N	Includes all political subdivisions

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
OR	Y	Statutes ORS 279C.100 to 279C.125. Model rules at OAR 137-048-0100 to 137-048-0320	Y	Y	N		The state board enforces the use of licensed professionals only for geologists under ORS 672.695. See comment below. ⁴
PA	Y	62, CSA 905	Y	N	N		
RI	Y	45-55-8.1	Y	Y			
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	12-4-106	N	Y	N		Requires qualification, allows price
TX	Y	2254.004	Y	Y	Y	Y	Board enforcement just went into effect. 2013
UT	Y	63-56-42	Y	N	N	N	
VT	N		N/A	N/A			Requires qualification plus price
VA	Y	2.2-4300	Y	Y	Y	N	
WA	Y	38.80.040, 050	Y	Y	Y	N	
WV	Y	5G-1-1	Y	Y			
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.

²NORTH CAROLINA’s Mini-Brooks Act allows state and local entities various “Opt-Out” provisions in the current law. Proposed Design-Build/P3 enabling legislation (HB857) would eliminate this loophole for all public entities except NCDOT. This legislation has broad support from the infrastructure industry, including ACEC/NC, and should pass this session (2013).

³OHIO - 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.

⁴ OREGON

- * 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).

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