

CWSRF Guidance Document

Qualifications-Based Selection (QBS) Process and Request for Qualifications (RFQ) Guidance

On June 10, 2014, President Obama signed into law the Water Resources Reform and Development Act of 2014 (WRRDA). Among its provisions are amendments to the Federal Water Pollution Control Act (FWPCA), which include changes to the administration of the Clean Water State Revolving Fund (CWSRF) program. Per Section 602(b)(14) of FWPCA (33 U.S.C. § 1382(b)(14)), beginning October 1, 2014, all contracts, including new solicitations, significant contractual amendments, and contract renewals must now publicly announce when soliciting for architectural and engineering services¹ and must negotiate contracts for those services using a qualifications-based selection (QBS) process. This is a requirement for all CWSRF projects receiving assistance in fiscal year 2016 and beyond. Drinking Water State Revolving Fund projects are excluded from this requirement.

Selecting an Architectural/Engineering Design Firm:

1. The applicant shall publicly issue a request for qualifications (RFQ) based on a scope of work. Some suggestions for inclusion in the solicitation include the following:
 - a. Project name and details, including intended size, function, capacity, and other general requirements.
 - b. Project budget and anticipated funding sources.
 - c. Anticipated project schedule, including completion of design work, construction start, and planned project completion date.
 - d. Unique requirements such as zoning or environmental problems, if known.
 - e. Specific services to be provided by the engineer or architect, such as preliminary engineering reports, final design, construction observation or management, etc.
2. The applicant shall evaluate and rank the submitted qualifications statements based on established, publicly available criteria (the criteria may be included in the solicitation, made available through a website, etc.);
3. The evaluation criteria used by the applicant shall be based on demonstrated competence and qualification for the type of professional services required (e.g., past performance, specialized experience, and technical competence in the type of work required);
4. The applicant shall engage in discussions with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services;
5. The applicant shall select at least three firms considered to be the most highly qualified to provide the services required. It is highly recommended that the applicant contact clients that the firms have worked with during the last five years for references;
6. The applicant shall begin contract negotiations with the most highly qualified firm to determine compensation that is fair and reasonable based on a clear understanding of the project scope, complexity, professional nature, and the estimated value of the services to be rendered;
7. In the event that a contract cannot be negotiated with the most highly qualified firm, negotiation continues in order of qualification.

¹ Architectural and engineering services means program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services.