

QBS Solicitation Alert Template & Process

Proposed Process

- Notification of a potential QBS Solicitation violation is sent by a member firm to TCEL through webform, email, etc.
- Whoever receives the initial notification from member firm will forward to the rest of the board for awareness as well as send a text message notification to the board informing them of email. Ensure the original email and other information are included in the email to the board.
- TCEL President will contact the solicitor to determine if the single firm has been “selected” for the work and confirm it is not a competitive situation. If yes, then solicited firm can proceed. If not, move to next step. If there is any doubt, move to next step. TCEL President will inform member firm of recommended next steps based on response by solicitor.
- TCEL President will inform the board after discussion with the solicitor and provide initial recommendations on next steps.
- TCEL President contacts ACEC (or member firm rep if TCEL member is not ACEC member) if necessary for coordination/collaboration.
- TCEL Board will make final recommendation on response no later than 24 hours after the initial notification was sent.
- If recommended by the board, Executive Director will send out QBS solicitation alert email to TCEL members.
- If recommended by the board, Executive Director will send QBS violation notice to solicitor.

QBS Solicitation Alert for Member Firms:

*The State Board of TCEL was recently made aware that **Entity name** is soliciting a bid for **Name of Bid Request document/form** that is due on **Date**. Since this is a public entity, this requires a qualifications-based approach per CHAPTER 2254.004 PROFESSIONAL AND CONSULTING SERVICES SUBCHAPTER A. PROFESSIONAL SERVICES of the Texas Statutes Government Code.*

Since the bid package is soliciting fees as part of the evaluation instead of a qualifications-based approach, it is the opinion of TCEL that this would be a direct violation of Texas Statutes Government Code.

Please take this into consideration should you choose to respond to this “bid package”.

On behalf of the TCEL State Board,

*Name of Current President
President (**2026-2027**)*

QBS Solicitation Alert Template & Process

QBS Violation Notice:

The State Board of the Texas Council of Engineering Laboratories (TCEL-Geoprofessionals Serving Texas) has been informed that **Entity Name** is seeking estimated quantities for the professional services of Construction Materials Engineering and Acceptance Testing as part of the professional selection process for new projects. The Board has reviewed the solicitation and respectfully requests that **Entity Name** withdraw this portion of the solicitation as it is in violation of the intent of the Government Code. Additionally, the Board will recommend that member firms do not provide estimated quantities in response to this solicitation.

Providing estimated quantities during the initial selection phase violates the qualification-based selection (QBS) process as defined by the Texas Engineering Procurement Act for several reasons:

1. **Focus on Qualifications:** The QBS process is designed to select firms based solely on their qualifications and competence to perform the required services. Introducing estimated quantities or any cost-related information during this phase shifts the focus from qualifications to cost considerations, which is contrary to the intent of the QBS process.
2. **Compliance with Legal Requirements:** The Texas Government Code, Chapter 2254, Subchapter A, states that selection should be based on demonstrated competence and qualifications, not on competitive bidding or cost information. Providing estimated quantities can be seen as a form of cost information, which is prohibited during the initial selection phase.
3. **Fair and Transparent Selection:** The QBS process aims to ensure a fair and transparent selection of the most qualified firm. Introducing estimated quantities can create biases and undermine the objectivity of the selection process. It can lead to the selection of firms based on perceived cost advantages rather than their ability to deliver high-quality services.
4. **Negotiation Phase:** The appropriate time to discuss cost-related information, including estimated quantities, is after a firm has been selected based on their qualifications. This allows for a fair negotiation of a reasonable price for the services to be provided.

By adhering strictly to the QBS process and avoiding the inclusion of estimated quantities during the initial selection phase, the integrity and objectives of the Texas Engineering Procurement Act are upheld.

On behalf of the TCEL State Board,

Current President

President (2026-2027)

<https://tcel.org/>