



AIA
Louisiana

Qualifications Based Selection Workbook

For State and Local Governments

2017

Qualification Based Selection (QBS) In Louisiana

Louisiana law provides under La. R.S. 38:2318.1 (Hammett Act), that it is the policy of the state of Louisiana, its political subdivisions, and agencies to select **providers of design professional services** on the basis of competence and qualifications. The law prohibits public entities from using price or price-related information as a factor in the selection of a design professional. The La. Attorney General in Opinion No. 07-0185 (Sep. 18, 2007) made clear that pursuant to La. R.S. 38:2318.1, a Public Entity is prohibited from **requesting price quotes** on design professional services. The problem under the Hammett Act is that it contains no definition of “design professional services.” However, since the adoption of ACT 782, Regular Session, 2014 creating CMAR (effective Aug. 1, 2014) (R.S. 38:2225.2.4), the term "design professional" is clearly defined to mean “an engineer, architect, or landscape architect who has secured a professional license from a Louisiana registration board as required by state law and who is selected by an owner in accordance with state law.” Therefore, there should no longer be any doubt that whenever any public entity awards any contract to a registered engineer, architect, or landscape architect, the public entity shall not use price or price-related information as a factor for selection, nor may the public entity **request price quotes** regardless of whether the services involve any “design” so long as the person to perform these services is a "design professional."

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What is QBS?

QBS stands for Qualifications Based Selection. It is a flexible method that permits public owners to tailor the procurement of architectural services to meet their specific needs. QBS works for sophisticated owners who consult with architects often and owners who do not have prior experience working with an architect. QBS provides both groups with a selection process that is not only straightforward and easy to implement, but is objective and fair.

QBS recognizes that design professionals play a critical role in the public building process. The quality of design services provided by the architect or engineer is the single most important factor in determining the overall construction and life-cycle costs of a building. Since design services represent only a small percentage of the initial construction budget, it is in taxpayers' best interest to ensure that the most qualified firms are selected for public projects.

As QBS is predicated on the notion that qualifications, not price, should be the determining factor in selecting an architect, it places fee negotiation at the end of the selection process. While price may have its place within the selection process, it alone should not be the determining factor.

The reason for this is clear: Projects that are contracted solely on price do not take into account the myriad additional factors that go into architectural design. Architectural design is an evolving process and much goes into it after the drawings are signed, sealed and delivered. In fact, one of an architect's principal duties is to ensure that the construction process goes smoothly.

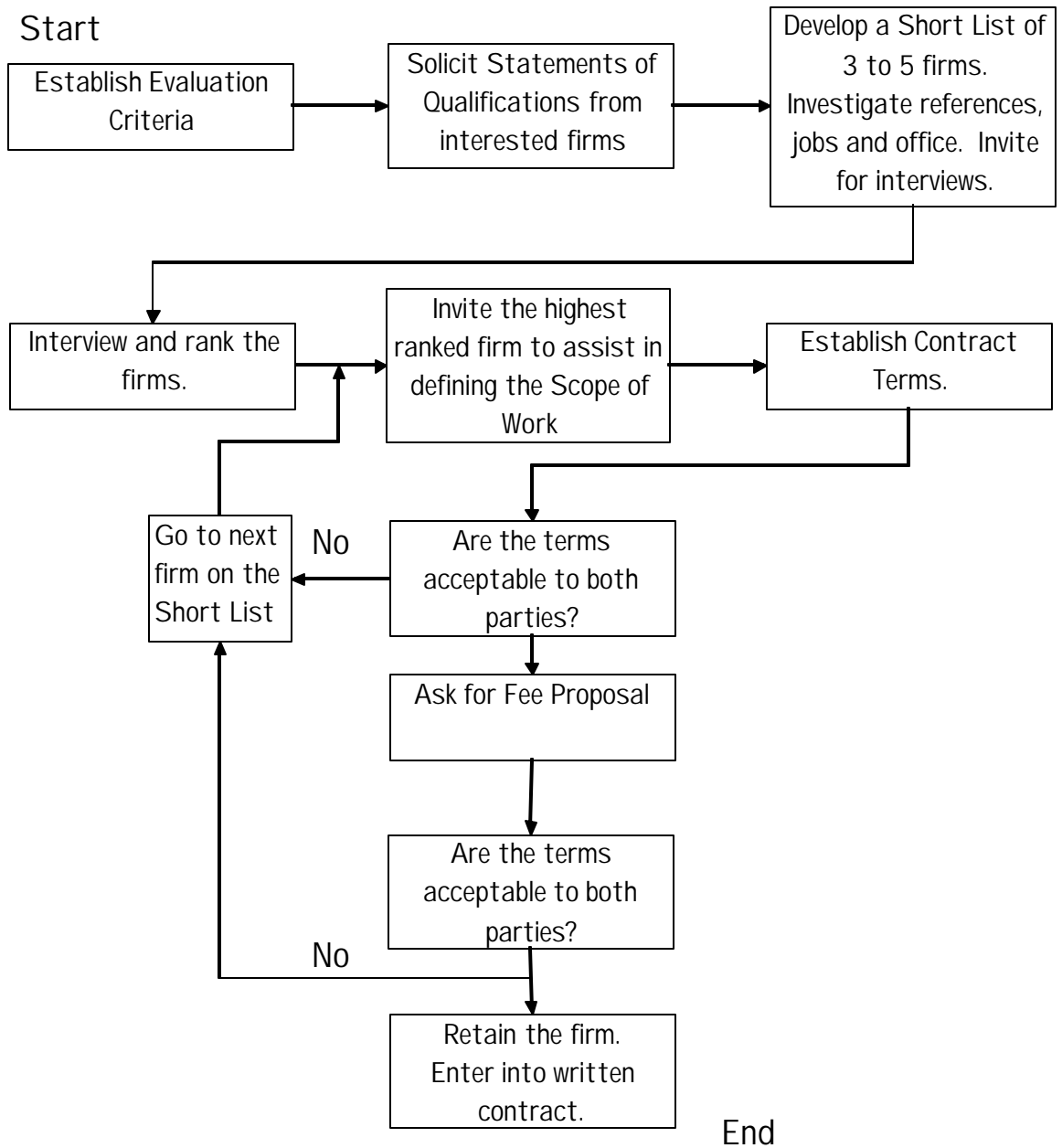
These duties simply cannot be reduced to the lowest possible cost. Oftentimes, change orders, unforeseen circumstances and other intangibles crop up throughout the design process and well into the construction phase. It is an architect's experience, expertise and ability to resolve problems creatively that will keep a construction project moving forward. These intangibles are common throughout the process. As a result, the submitted bid and the actual final cost can vary widely. This can cause significant problems for the owner, who thought that a project would cost a certain amount based on the original bid only to find the actual final cost is much higher.

QBS helps resolve the projected vs. final cost dilemma by negotiating the project's cost with the most qualified firm among the applicants. By fostering a collaborative environment, the roles of all stakeholders are known, documented and understood. Finally, because the selection process is well-documented, decisions the owner makes are more likely to stand up to public scrutiny.

Please keep in mind that while every attempt has been made to ensure that the information in this publication is accurate, it is not intended to be a source of either legal advice or legal opinion. It is meant to describe the Qualifications Based Selection procedure in general terms. For more information on how a state may implement its QBS procedures, please contact the state agency responsible for procuring architectural and engineering services.

How does QBS work?

Selecting an architect through the QBS process is as simple as it is straightforward. The following diagram shows how simple it can be:



The QBS process explained

QBS Facilitators

For owners who do not have experience using the QBS process, a QBS facilitator can be retained to provide advice and guidance throughout the process. As a person who is knowledgeable about the QBS process, the facilitator's role is to educate owners unfamiliar with the QBS process and to serve as an impartial guide. A facilitator can advise the owner in formulating the scope of work and the request for qualifications, and serve in a non-voting capacity throughout the selection phase. The facilitator does not evaluate the architects' proposals. The American Institute of Architects' state chapters can provide assistance in helping owners select a QBS facilitator. A list of state QBS facilitator web sites is also included in the appendix of this document.

Developing a Scope of Work

In this phase the owner develops a preliminary scope of work as a written description of the project. The document tells the firms interested in competing for the project the owner's goals and requirements. It is critical that the scope of work is clear and well-defined. This allows the firms interested in competing to decide if they are qualified to perform the work. Keep in mind that when the scope of work lacks sufficient detail, each firm competing may interpret it differently. Consequently, proposals can vary widely in scope and detail, creating an "apples to oranges" disparity in proposals. A well-defined scope of work also allows each firm to tailor its statement of qualifications directly to the project requirements. Finally, it gives all the firms interested a level playing field from which to compete and gives the owner a uniform basis in evaluating the responses.

A typical preliminary scope of work will contain the following information:

- Owner's Name
- Description of function and short history of the owner organization or agency, including the goals or events that prompted the project.
- Project name or identification.
- Project location.
- Contact person.
- The selection panel or client groups, e.g., boards, foundations, committees, and citizen groups that have a stake in the project.
- A description of other construction in process or planned for the same site but not part of the scope of work.
- Completed studies, surveys, and preliminary feasibility work that is relevant to the project.
- Requirements for further feasibility planning prior to design and construction.
- Project outline that includes size, function, occupancy and other general requirements.
- Anticipated time frame including completion of design work, beginning of construction, and planned project completion date.
- A description of the architect selection process.

- Additional or unique requirements and considerations such as anticipated funding delays, budget information, and relevant state or local ordinances.

Establishing a Time Frame for Selection

Once the preliminary scope of work is completed, the next step is to establish a time frame for completing the selection process. The time frame should try to incorporate important benchmarks such as when potential firms will receive a request for qualifications, when the short list of firms will be selected, when the interviews for short listed firms will be scheduled, and when the contract with the selected firm will be negotiated and implemented.

Compiling a list of interested firms

After establishing a time frame, the owner will need to advertise its intent to interested firms. Before advertising it is important to consider the following factors:

- What type of service is needed? Is it architectural, engineering, land surveying, or a combination of some or all of these?
- How many firms does the owner wish to involve in the competition?
- Where are the firms located?
- Within the type of service needed, is there a need for specialization?

Once these factors are taken into account, a common practice is to place a public notice in newspapers and trade or professional publications.¹ The announcement will often reach a large segment of the architectural community and can result in a large number of responses from interested firms. Because of this, the advertisement should specify a contact person who can answer questions and send a packet of information regarding the project to anyone who is interested in competing.

Another method of compiling a list of interested firms is to look through a directory published by a professional organization. Organizations such as the American Institute of Architects maintain such directories to help owners locate firms. These directories detail the experience and expertise with specific types of projects and will help the owner narrow its search and sharpen its focus regarding the type of firm it wants to invite to compete for the project.

¹Commonly, the placement of these advertisements is dictated by state or local laws or regulations. Because QBS laws vary, be sure to consult an attorney familiar with Qualifications Based Selection procedures and relevant state statutes to ensure compliance.

Requesting Qualifications

When the list of firms to be considered is compiled, the owner should prepare the following materials to send to the firms:

- A memo to all firms that are being invited to submit their letters of qualifications.
- A list of requested information to be included with the firms' letters of qualifications.
- A schedule of planned activities.
- A scope-of-work statement.

Evaluating and short listing the interested firms

When the letters of qualifications have been received from all interested firms, the owner can evaluate their appropriateness for the job and establish a short list of three to five firms to interview for the project. To ensure the most qualified firm is selected, the owner needs to create a selection committee that contains stakeholders that have experience in the architect and engineering selection processes. The committee should be composed of individuals who are competent to review the qualifications of each firm.

If the owner desires, the QBS facilitator may observe the selection proceedings in an advisory capacity to answer any questions the owner may have. The QBS facilitator should not vote or evaluate the proposals.

Letters should be sent to all firms that submitted letters of qualifications indicating their status once the evaluations are complete. These letters should be sent to firms that **will** be interviewed and to those that **will not** be interviewed. Preparing a letter of qualification takes considerable time, energy, and effort on behalf of the competing firms. Because of this, it is customary to inform all firms of the selection committee's decision as soon as possible. The letters that are sent to the firms not selected should express the owner's appreciation and identify the firms that will continue on to the interview and final selection phase.

The interview process is an important consideration in selecting a firm and it should be undertaken with extreme care. The interview allows the owner to compare the firms' different approaches to the design process, as well as their interpretations and understanding of the project requirements. In addition, the interview provides an opportunity to compare the personal styles of each firm's principals and project managers and their approach to the project.

Information should be sent to the firms that were selected so they can adequately prepare for the interview and the final selection phase of the competition. The following information should be sent to these firms:

- A date for a tour of the proposed work site. This tour provides an opportunity for an exchange of information between the owner and the firms.

- A list of interview criteria and questions as well as an explanation of the scoring and selection process. Predetermining the selection scoring criteria and specific areas of owner concern will provide the selection committee with the best possible basis for making an “apples to apples” comparison of the firms.
- Any reports, feasibility studies or updated materials that can help the firms submit an informed, competent proposal.
- Specifics regarding the interview date, place, time, and the names of the selection committee members.

In ranking and evaluating the firms, the evaluation form should include a weight and a score for each question. When developing a weight for each question, it is advised that a scale of 1 to 10, with 1 being the lowest and 10 being the highest, should be established for each category before the interview. When developing the weighting system, consider the value of each category and assign its weight accordingly. The criteria used to develop the weights should be consistent throughout the process.

Each firm should be interviewed separately by each interviewer. The interview process should foster and promote a candid discussion between participants and give both the interviewer and interviewee an opportunity to discuss the project. When the interviews are completed, the chair of the selection committee should compile all of the score sheets. This system provides a documented record of the selection process and will serve as a written record of the committee’s actions. When making their final decision, committee members should discuss all of their impressions and reflections and come to a consensus.

Selecting the highest ranked firm and negotiating a contract

After the interviews and ranking are completed, a letter should be sent to all firms that participated in the interview process. The letter should list all participating firms and include the rank the committee assigned to each of them.

The committee should then begin negotiations as quickly as possible with the highest ranked firm. During the negotiation process, a detailed and comprehensive scope of services should be developed jointly by the owner and the top-ranked firm. The work plan should list consultants, and the roles and responsibilities of all members of the design team as well as the owner. If an agreement on the scope of services and compensation cannot be reached, negotiations should be terminated and the owner should then begin negotiations with the next highest ranked firm on the selection list. When conducting negotiations, the following considerations should be kept in mind:

- A written contract should be utilized. The parties may wish to use the AIA standard forms of agreement. These contracts are widely used, time tested, and designed to coordinate the needs of the owners, contractors, and architects.
- The agreement between the owner and architect should ensure that both parties have the same expectations and understanding of the project requirements.
- Legal counsel should be involved in developing the agreements.
- The architecture firm should submit its proposal for compensation to the owner to initiate fee negotiations.

When project responsibilities of both the owner and architectural firm are understood and compensation is agreed upon, contract negotiations should be finalized. At this point, the selection process has been completed and the project can begin.

Appendix A – Model Forms

FORM A - Request for Letters of Qualifications

To: *(List all firms asked to apply)*
From: *(Owner) (Individual's name and title)*
RE: Request for Letters of Qualifications

Your firm is invited to submit your Letters of Qualifications to become eligible for a possible interview for architectural/engineering services relative to design and construction requirements for the *(owner)*.

This project's *(description)* identified requirements are based on studies performed by *(name of committee or group)*.

Attached to this memo are the following:

1. A list of materials and information that should be included with your Letters of Qualifications.
2. A general definition of the scope of work.
3. A schedule of dates and requirements.

For firms that are selected for an interview a tour of the facility and site will be arranged. Your Letters of Qualifications should be forwarded to the following address to be received no later than 5 p.m. on *(date)*.

FORM B - Requirements for Letters of Qualifications

Owner: _____

Project: _____

1. Name, Address, and brief history of firm.
2. Resumes of personnel to be assigned to this project.
3. Related projects/areas of expertise on which the firm has performed work or had experience during the last two years.
 - a. Include projects where architectural/engineering services relating to design and construction work were performed.
 - b. Include examples of other projects that are similar in scope to this one. (Example: restoration, new construction, or feasibility study.)
 - c. Include examples of project budgeting, cost estimating, and results.
4. You are invited to include a maximum of one page of information not covered above that you feel may be useful and applicable to this project.

Include the name of the project, a contact person and dollar amount for each example.

FORM C - Schedule of Activities

Owner: _____
 Project: _____

| Action Date | Description of Task |
|-------------|---|
| _____ | Needs are identified by the owner. A scope of work is developed. |
| _____ | Architectural firms are identified by the owner to receive memo requesting Letters of Qualifications |
| _____ | Memo requesting Letters of Qualifications mailed to interested and invited firms. |
| _____ | Letters of Qualifications due. Allow a minimum of 10 days for the firms to submit their materials. <i>Before the next action date, references should be reviewed.</i> |
| _____ | Develop a short list of approximately three firms for subsequent interviews. Selection should be based on qualifications, references, and compatibility with owner's project. |
| _____ | Memo mailed to short-listed firms advising of the date for interview and pre-interview tour of site and facilities, along with criteria to be reviewed during the interview. |
| _____ | Memo mailed to non-short-listed firms informing them of who will be interviewed and expressing appreciation for their interest. |
| _____ | Tour of facilities at <i>(date and time)</i> and <i>(location)</i> . Should be scheduled at least 10 days prior to the date of interviews to allow for preparation. |
| _____ | Scheduled interviews to be held at the time and location previously communicated. |
| _____ | The highest ranked firm to be selected based on qualifications. |
| _____ | Contract with selected firm to be negotiated and implemented. |
| _____ | Memo mailed to all firms interviewed reflecting the results of the interviews and expressing appreciation. |
| _____ | Post-selection requirements. (Example: referendum approved.) |

FORM D - Scope of Work

Owner: _____
Project Name: _____
Project Location: _____
Contact Person: _____

Identification and involvement of groups. (Example: board, committees, citizen groups, etc.)

Description of studies, surveys, and preliminary feasibility work that are relevant to the project and useful and available to the firms that will be short listed.

Requirements for further feasibility planning prior to design and construction.

Project outline and general anticipated requirements. (Example: demolition, renovation, addition, new construction, energy, land use, site selection, etc.)

Anticipated time frame, including projected start and planned finish.

Approval process/involvement of groups.

Other requirements. (Example: referenda, funding delays/availability, etc.)

FORM E - Reference Check Form

Firm on which the reference check is being conducted.

Owner: _____
Project Description: _____
Architectural Firm: _____

Based on references provided in firm's Letters of Qualification

Owner: _____
Project Reference: _____
Address: _____
Person Contacted: _____

1. What was your project? _____

2. When was it completed? _____

3. Did the architectural firm above do the work? _____

4. What type of work did they do for you? (Example: design work, construction coordination) _____

5. Who was the staff person assigned to work with you on this project and what was your satisfaction level with this person? _____

6. Was the project started as scheduled? _____

7. Was the project completed as planned? _____

8. Was the budget, cost control, and financial administration within the planned controls and limitations? _____

9. Did the architectural firm and (you) the owner work well as a team as it related to the project in general terms? _____

10. Did the firms personnel work well with the committees/board and staff on all requirements of the projects specific requirements?

11. What is your overall evaluation of the firm based on your experience?

12. Other questions :

Rate from 1 to 5, with 1 being the lowest and 5 being the highest rating. This rating will be included on the firm's Letters of Qualification Evaluation sheet.

_____ Reference check rating

FORM F - Letters of Qualifications Evaluation Process

Instructions: It is suggested that the weights and rating values assigned be on the same scale as those used for interviewing the firms, which will be done later.

Highest number = most value

Rating column: 1 – 5 points (1 = lowest rating; 5 = highest rating)

Weight column: 1 – 10, depending on value to the project (1 = lowest weight; 10 = highest weight)

Each reviewer should fill out an evaluation form for each firm. An evaluation summary form is provided for the chairperson of the evaluation group to compile the evaluator's results to arrive at the short list of firms.

Owner: _____

Contact Person: _____

Project Description: _____

Architectural Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Contact: _____

| | Rating | x | Weight | = | Total |
|--|--------|---|--------|---|-------|
| 1. Firm's history and resource capability to perform required services | _____ | x | _____ | = | _____ |
| 2. Evaluation of assigned personnel | _____ | x | _____ | = | _____ |
| 3. Related experience as appropriate | _____ | x | _____ | = | _____ |
| <ul style="list-style-type: none"> • design services • construction services • new construction • construction coordination • restoration • demolition • feasibility studies • other | | | | | |
| 4. Budget, cost-control experience, and results | _____ | x | _____ | = | _____ |
| 5. Familiarity with local area geography and facilities | _____ | x | _____ | = | _____ |
| 6. Ability to relate to project requirements | _____ | x | _____ | = | _____ |

7. Analysis of subjective statements (one page)
applicable to the project as requested on the
Request for Letters of Qualifications

_____ x _____ = _____

8. Reference Check

_____ x _____ = _____

Grand Total

Name of Reviewer _____

FORM H - Memo to Firms Not Selected for an Interview

To: *(List firms not asked to interview)*
From: *(Owner) (Individual's name and title)*
RE: Request for Letters of Qualifications
(Project)

The *(committee or board)* would like to express their appreciation to you and your firm for submitting your Letters of Qualifications.

After careful consideration by the *(committee or board)* of all firms that submitted their qualifications, a decision to interview three firms has been made.

The firms selected for further consideration are:

1. *(List in alphabetical order)*
- 2.
- 3.

While your firm was not selected for an interview, we appreciate your interest in our project and the time spent in preparing your proposal. If you have any questions about the *(committee or board)*'s decision please contact *(name of contact person listed in original advertisement)* for additional details.

FORM I - Memo to Short-Listed Firms

To: *(List firms asked to interview)*
From: *(Name and address of Owner)*
Re: Interview Schedule and Requirements

The firms listed above have been asked to interview for the architectural /engineering services necessary to implement this project.

Attached to this memo are the following:

1. An interview score sheet that will be used by the *(name of board, committee)* during the interview session.
2. Evaluation form to be used by the chairperson to compile the evaluation scores.
3. Copies of *(name of studies or reports)* compiled by *(name of committee or group)* for your information and review.

Each firm will be allowed 30 minutes to present its qualifications and to answer questions. The *(committee/board)* will schedule 15 minutes between interviews for informal discussion of information presented during the preceding interview. At the completion of the interviews, the committee members will rank the firms interviewed in accordance with their determination of which firm is most competent to do the work. The firm deemed to be most competent will then be invited to negotiate a contract to provide the necessary professional services. If contract terms cannot be reached, the firm deemed the next most competent will be invited for contract negotiations.

Interviews will be held on *(date)*. The location is *(name of building and address)*.

The order and time of the interviews is:

Firm #1*(name of firm)*: *(date and time)*

Firm #2*(name of firm)*: *(date and time)*

Firm #3*(name of firm)*: *(date and time)*

A tour of the site has been arranged for *(date and time)*. Please have your firm's representative assemble at the *(building)*, *(location)* at *(time)* on this date.

FORM J - Interview Process: Questions and Score Sheet

Owner: _____
 Project: _____

| Categories | Rating | x | Weight | = | Total |
|--|--------|---|--------|---|-------|
| 1. Related project experience | _____ | x | _____ | = | _____ |
| 2. Firm's ability and capacity to perform the work | _____ | x | _____ | = | _____ |
| • key personnel assigned to project? | | | | | |
| 3. Grasp of project requirements | _____ | x | _____ | = | _____ |
| • feasibility studies? | | | | | |
| • design? | | | | | |
| • construction? | | | | | |
| 4. Method to be used to fulfill the required services, including design and construction phases. | _____ | x | _____ | = | _____ |
| 5. Management approach to technical requirements. | _____ | x | _____ | = | _____ |
| • cost controls? | | | | | |
| • construction phase involvement? | | | | | |
| 6. Use of consultants that may work on project | _____ | x | _____ | = | _____ |
| • discuss in-house resources | | | | | |
| 7. Time schedule planned for project | _____ | x | _____ | = | _____ |
| • availability | | | | | |
| 8. Firm's experience and methods used for: | _____ | x | _____ | = | _____ |
| • budgeting and financial controls | | | | | |
| • determining fee and compensation | | | | | |
| Grand Total | | | | | _____ |

Rating: During the interview, rate each firm on a scale of 1 to 5 in each of the eight categories.

Weight: Weights on a scale of 1 to 10 should be established for each category before the interview. It is suggested that weights used here correspond to weights of categories used for evaluating the Letters of Qualifications (FORM F). Enter the pre-established weight for each category on the lines provided.

Totals: At the completion of the interview, multiply the rating by the weight in each category and enter the totals on the lines provided. Add all totals to establish the grand total.

FORM K - Group Interview Evaluation Form

For use by the chairperson to compile all scores of individuals participating in the interview process.

Instructions: Each interviewer will submit an Interview Score Sheet (FORM J). Enter the Grand Total for each firm as recorded on those forms in the appropriate space provided below.

| | Combined Group Totals | | |
|---------------|-----------------------|--------|--------|
| | Firm A | Firm B | Firm C |
| Interviewer 1 | _____ | _____ | _____ |
| Interviewer 2 | _____ | _____ | _____ |
| Interviewer 3 | _____ | _____ | _____ |
| Interviewer 4 | _____ | _____ | _____ |
| Interviewer 5 | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| Grand Totals | _____ | _____ | _____ |

FORM L - Memo to Firms Interviewed But Not Selected

To: *(Firms interviewed but not selected)*

From: *(Owner's name and address)*

Re: Status of Selection Project – *(project name)*

The *(owner)* has completed its selection process regarding professional services for the above named project.

It has been our objective to select the most qualified firm to perform these services through this selection process. The *(committee or board)* decision ranks the firms interviewed in the following order:

Firm #1 *(name of firm)*

Firm #2 *(name of firm)*

Firm #3 *(name of firm)*

We have now entered into contract negotiations with *(Firm #1)*

The *(committee or board)* expresses its appreciation for your time, effort, and interest spent on our behalf. If you have any questions about the *(committee or board)*'s decision please contact *(name of contact person listed in original advertisement)* for additional details.

Appendix B – QBS Facilitator Web Site Information

The following web sites provide information regarding support services that the American Institute of Architects, the American Council of Engineering Companies, and the American Public Works Association provide to public owners interested in procuring design services utilizing the QBS method.

| QBS Facilitator Web Site Information | |
|---|---|
| State | Internet address |
| California | http://www.celsoc.org/FairComp.asp |
| Colorado | http://www.acec-co.org/qbs/index.html |
| Connecticut | http://www.ctqbs.org/ |
| Idaho | http://idahoqbs.com/ |
| Illinois | http://www.acec-il.org/howto.cfm |
| Indiana | http://www.qbsindiana.org/ |
| Iowa | http://www.iaengr.org/qbsinfo.htm |
| Maine | http://www.meqbs.org/ |
| Maryland | http://www.msaia.org/qbs_info.htm |
| Michigan | http://www.qbs-mi.org/ |
| North Carolina | http://www.penc.org/NCQBSFac.cfm |
| New Hampshire | http://www.nhqbs.org/ |
| New York | http://www.nysqbs.org/process.asp |
| South Dakota | http://www.cecsd.org/qbs.html |
| Utah | http://www.acecutah.org/QBS/Default.asp |
| Wisconsin | http://www.qbswi.org/ |

Appendix C – State Statute Reference Chart

This chart lists the statute reference for each state that has a Qualifications Based Selection Statute.

Qualifications Based Selection Quick Reference Chart for Architectural Services

| State | Statute Reference | Comments |
|-------------|--|---|
| Alabama | Title 41 Chapter 16 Section 21 Code of Ala §41-16-21 | Exempts architects from competitive bidding but does not have a “true” QBS law. |
| Alaska | Title 36 Chapter 30 Section 270 Alaska Stat. §36.30.270 | |
| Arizona | Title 34 Chapter 6 Article 1 Section 603 A.R.S §34-603 | |
| Arkansas | Title 19 Chapter 11 SubChapter 8 Section 803 Arkansas Code 19-11-803 | |
| California | California Government Code Chapter 10 Section 4525 Cal Gov Code §4525 | |
| Colorado | Title 24 Article 30 Part 14 Section 1401 through 1408 C.R.S. 24-30-1403 | |
| Connecticut | Title 4B Chapter 60 Section 58 & Section 61 Conn. Gen. Stat. §4b-58 and Conn. Gen. Stat. §4b-61 | |
| Delaware | Title 29 Part VI Chapter 69 Subchapter V Sections 6981 & 6982 29 Del. C. §6981 and 29 Del. C. §6982 | |
| Florida | Title XIX Chapter 287 Part 1 Section 55 Fla. Stat. §287.55 | |
| Georgia | Title 50 Chapter 22 Section 4 | |
| Hawaii | Chapter 103D Section 304 HRS §103D-304 | |
| Idaho | Title 67 Chapter 23 Section 2320 Idaho Code §67-2320 | |
| Illinois | Chapter 30 Section 535 30 ILCS 535 | |
| Indiana | Title 5 Article 16 Chapter 11.1 §5-16-11.1 | |
| Iowa | Administrative Code 11 Chapter 105 Section 9(1) | Done through administrative rules |

| | | |
|----------------|---|--------------------------------------|
| Kansas | Chapter 75 Article 58 Section 1254 K.S.A. §75-1254 | |
| Kentucky | Title VI Chapter 45A Section 740 KRS §45A.740 | |
| Louisiana | Revised Statutes 38:2310 through 38:2318 | |
| Maine | Title 5 Part 4 Chapter 153 Section 1743 5 M.R.S. §1743 | |
| Maryland | State Finance and Procurement Code Title 13 SubTitle 3 Section 308 | |
| Massachusetts | Part 1 Title 2 Chapter 7 Section 38F | |
| Michigan | Chapter 18 Section 1237b MCLS §18.1237b | |
| Minnesota | Chapter 16C Section 95 Minn. Stat. §16C.95 | |
| Mississippi | Bureau of Building, Grounds and Real Property Management Manual Section 300.3 and Section 400.6 | Done through administrative rules |
| Missouri | Chapter 8 Section 285 §8.285 R.S. Mo. | |
| Montana | Title 18 Chapter 8 Part 2 Section 201 through 211 Mont. Code Anno., § 18-8-204 | |
| Nebraska | Section 81-1712 R.R.S. Neb. §81-1712 | |
| Nevada | Chapter 625 Section 530 NRS § 625.530 | |
| New Hampshire | Title 1 Chapter 21-I Section 22 RSA 21-I:22 | |
| New Jersey | Title 52 Chapter 34 Section 9.5 N.J. Stat § 52:34-9.5 | |
| New Mexico | Chapter 13 Article 1 Section 120 N.M. Stat. Ann. §13-1-120 | |
| New York | State Finance Law Article 9 Section 136A | |
| North Carolina | Chapter 143 Article 1 Section 64.31 N.C. Gen. Stat. §143-64.31 | |
| North Dakota | Title 54 Section 44.7 | |
| Ohio | Title 1 Chapter 153 Section 65 through 99 | |

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| Oklahoma | Title 61 Section 62 61 Okl. St. § 62 | |
| Oregon | Chapter 279C Section 110 ORS §279C.110 | |
| Pennsylvania | Title 62 Chapter 9 Section 905. 62 Pa C.S. § 905 | |
| Rhode Island | Title 45 Chapter 55 Section 8.1 R.I. Gen. Laws §45-55-8.1 | |
| South Carolina | Title 11 Chapter 35 Article 9 SubArticle 5 Section 3220 & 3230 | |
| South Dakota | | |
| Tennessee | Title 2 Chapter 4 Part 1 Section 109 Tenn. Code Ann. §2-4-109 | |
| Texas | Government Code Chapter 2254 Section 003 & 004 | |
| Utah | Title 63 Chapter 56 Section 42 Utah Code Ann. §63-56-42 | |
| Vermont | | |
| Virginia | Title 2.2 Chapter 43 Section 4301 Va. Code Ann §2.2-4301 | |
| Washington | Title 39 Chapter 80 Sections 0050 Rev. Code Wash. (ARCW) §39.80.050 | |
| West Virginia | Chapter 5G Article 1 Sections 1 through 4 W. VA. Code §5G-2-3 | |
| Wisconsin | Administrative Rules ADM 20 Section .07 | Done through administrative rules |
| Wyoming | Title 9 Chapter 2 Article 10 Section 1031 Wyo. Stat. §9-2-1031 | |