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NEVADA ASSOCIATION OF LAND SURVEYORS

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Assembly Bill No. 176

The Nevada Association of Land Surveyors believes that language contained in Section 2, Subparagraphs 2.(b), and 2.(c), is inappropriate and should be deleted, for the following reasons:

1. Materials testers and surveying personnel function under the direction of professional engineers and professional land surveyors, respectively. To place these skilled technicians in with the construction trades and crafts, for purposes of prevailing wages, would be contrary to the intent and purposes of Chapter 625 of NRS.
2. This language would preclude a city or county's ability to negotiate contracts for land surveying services on a lump sum basis.
3. The language of this bill runs counter to the Federal Brooks Act, Public Law 92-582, whose purpose is to enable and defend qualifications based selection of the design professions, including services by individuals under the employ of architects, engineers and land surveyors. Included under the Brooks Act "architectural and engineering services" definition are surveying and mapping, soils engineering and testing (see attached copy of the Brooks Act).

Submitted by:

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Attachment (1)

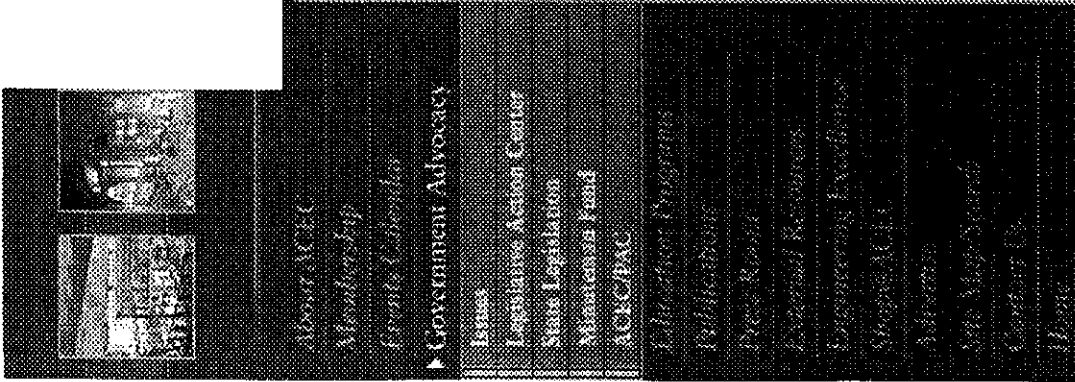


ASSEMBLY COMMERCE & LABOR

DATE: 3/17 ROOM: 4100 EXHIBIT D

SUBMITTED BY: Terry McHenry

D1014



Government Advocacy

The Brooks Act: Federal Government Selection of Architects and Engineers

Public Law 92-582
92nd Congress, H.R. 12807
October 27, 1972

An Act

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

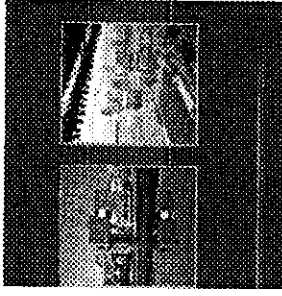
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

Search:

"TITLE IX - SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"Sec. 901. As used in this title



print version

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'architectural and engineering services' means –

1. professional services of an architectural or engineering nature, as defined by State law, if applicable, which are required to be performed or approved by a person licensed, registered, or certified to provide such services as described in this paragraph;
2. professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and
3. such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operation and maintenance manuals, and other related services.

"POLICY

"Sec. 902. The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUESTS FOR DATA ON ARCHITECTURAL AND ENGINEERING SERVICES

"Sec. 903. In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the

required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

"NEGOTIATIONS OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

"Sec. 904. (a) The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

If you're interested in pursuing federal design work, see our page, "How to Use Qualifications Based Selection"

AMERICAN COUNCIL OF ENGINEERING COMPANIES

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