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# COFPAES

## Council On Federal Procurement of Architectural & Engineering Services

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**American Institute of Architects**  
1735 New York Avenue, NW  
Washington, DC 20006  
202/626-7405 Fax 202/626-7365

**American Society of  
Civil Engineers**  
101 Constitution Avenue, NW,  
Suite 375 East  
Washington, DC 20001  
202/789-7842 Fax 202/789-7859

**Management Association for  
Private Photogrammetric  
Surveyors**  
1856 Old Reston Avenue  
Suite 205  
Reston, VA 20190  
703/787-6996 Fax 703/787-7550

**National Society of Professional  
Engineers**  
1420 King Street  
Alexandria, VA 22314  
703/684-2862 Fax 703/836-4875

**National Society of Professional  
Surveyors**  
5119 Pegasus Court  
Suite Q  
Frederick, MD 21704  
240/439-4615 Fax 240/439-4952

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October 28, 2013

Mr. Daniel M. Tangherlini  
Administrator, General Services Administration  
1800 F Street, NW  
Washington, DC 20405

Dear Mr. Tangherlini:

The Council on Federal Procurement of Architectural & Engineering Services (COFPAES) ([www.cofpaes.org](http://www.cofpaes.org)) has, for more than 40 years, been the nation's advocate for qualifications based selection (QBS) for professional architecture-engineering (A-E) and related services. Our members are the American Institute of Architects (AIA), American Society of Civil Engineers (ASCE), National Society of Professional Engineers (NSPE), National Society of Professional Surveyors (NSPS) and the Management Association for Private Photogrammetric Surveyors (MAPPS).

COFPAES has met on numerous occasions with individuals who have held the position of Commissioner of GSA's Federal Acquisition Service to express our deep concern for the conflict between numerous GSA Schedules (also referred to as Multiple Award Schedules (MAS) and Federal Supply Schedules (FSS)) and the "Brooks Architect-Engineers Act" (40 USC § 1101-1104 and FAR part 36.6).

Attached is a memorandum explaining that conflict. We have been extremely disappointed in GSA's failure to adequately revise these contracts to assure full compliance with the law. On one hand, GSA is offering professional architecture, engineering and related services, while providing through a disclaimer that such contracts should not be used for professional architecture, engineering and related services.

Our reason for writing today is the fact that despite years of effort by COFPAES to work with GSA officials to remedy this conflict, the OASIS contract is now in procurement – with exactly the same conflict.

The OASIS contract, like its GSA Schedule predecessors, includes a disclaimer that it is not to be used for professional architecture, engineering and related services, while the solicitation includes just that. Services requiring an Architect or Engineer, and specific services, such as Land Surveying, Civil Engineering, and Mapping and Geographic Information Systems (GIS), that fall within 40 USC § 1101-1104 and FAR 36.6, and are traditionally procured by Federal agencies using the Brooks Act's qualifications based selection (QBS) process, are included in the OASIS solicitation, with a solicitation of prices. This is a violation of the Brooks Act generally and Public Law 108-136, § 1427(b) and FAR § 8.403(c) in particular.

We respectfully urge your attention to this important matter so that the OASIS procurement is revised to remove any reference to professional architecture, engineering and related services.

COFPAES would be pleased to meet with you to discuss our concerns, and suggested remedies, at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Palatiello". The signature is fluid and cursive, with the first name "John" being particularly prominent and stylized.

John M. Palatiello  
Administrator