



Qualification Based Process for Engineering & Architect Selection

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When must you hire an Engineer/Architect?

- “if the estimated cost for the construction of a public improvement is in excess of the threshold established under section 48-01.2-02.1, the governing body **shall** procure plans, drawings, and specifications for the improvement from an architect or engineer.”
 - NDCC 48-01.2-02
- Translation - Public Improvements over \$200,000
- "Public improvement" means any improvement undertaken by a governing body for the good of the public and which is paid for with any public funds”
 - NDCC 48-01.2-01(21)

Are roads included in Public Improvements?

- NO – Roads are specifically excluded
- “The term does not include a county road construction and maintenance, state highway, or public service commission project governed by title 11, 24, or 38.”
 - NDCC 48-01.2-01(21)
- However, 25-05-04 still requires you to bid highway improvements over \$200K
- So if you are bidding for a contractor they need something prepared to bid on....





You need an Engineer/Architect now what?

How do you evaluate the “talent”

What are they proposing?

Qualifications?

Previous similar work?

In State or out of State?

Previous experience?

Big one – PRICE.....

National Soc. of Professional
Engineers v. United States, 435 U.S.
679 (US 1978)