

January 4, 2012

**VIA EMAIL**

Bruce Steadman  
Executive Director  
Fort Monmouth Economic Revitalization Authority  
2-12 Corbett Way  
Eatontown, NJ 07724

Dear Mr. Steadman,

On behalf of the American Council of Engineering Companies of New Jersey's (ACECNJ) member firms I am expressing the engineering industry's serious concerns with respect to the recent request for qualifications/proposals solicitation of surveying services issued by the Fort Monmouth Economic Revitalization Authority (RFP). As you may be aware, ACECNJ is the leading advocate for New Jersey's consulting engineering profession, representing over 115 firms and 5,500 New Jersey jobs.

The posted RFP fails to comply with federal laws regarding the selection of surveying firms based solely on professional qualifications, as outlined in the Brooks Act and required on federally funded projects (23 U.S.C. §112 (b)(2)). Therefore, we respectfully request that the current RFP be rescinded and redrafted to remove any reference or consideration of costs/price in the selection of the consultant.

Under the Brooks Act, the procurement of engineering services for construction projects is done through a qualifications-based selection (QBS) process. This Act requires that contracts be advertised and companies ranked based on published criteria for competence and qualifications. Cost cannot be a factor in the selection. Once the top firms have been rated, negotiations begin with the top rated firm. If the type of professional services required cannot be agreed upon at fair and reasonable prices, the agency can proceed to negotiate with the next highest qualified firm. If no federal funds are being utilized for this project, the RFP would still fail to comply with the New Jersey State QBS law in that cost proposals are only to be solicited from the highest ranked short-listed firm.

Engineering and design related services are defined to include program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, or other related services. It is clear from the Project Description and Scope of Work that the professional services in the RFP fall under the terms of the Brooks Act and 23 U.S.C. §112 (b)(2).

For the reasons provided above, we request that this RFP be rescinded and amended to incorporate the QBS process for selection of the services provider. If you have any questions, please do not hesitate to contact me. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'JAF', with a stylized, cursive flourish extending to the right.

Joseph A. Fiordaliso

cc: Timothy F. Hegarty, Counsel to ACECNJ