

Confusion over Brooks Act. Again?

Surveying and Mapping Services are covered



You may have heard about an e-mail originating from the American Institute of Architects and claiming that “the federal government body that sets policy on procurement had ruled that mapping and surveying professionals do not fall under the Brooks Act, the federal QBS law.” **This statement is inaccurate.**

ACSM looked into the claim and analyzed the Federal Register notice that refers to the ruling. ACSM concluded that the Brooks Act still covers surveying, and it covers mapping services under certain situations.

The e-mail is based on a Federal Register Notice, published on April 19, 2005, and written by Julia Wise, Director, Contract Policy Division, which analyzes whether mapping services fall under the Brooks Act. The Brooks Act is the law requiring that the purchase of surveying and mapping services, as well as other A/E services, by the federal government be implemented using Qualifications Based Selection (QBS). The Notice lays out what the Federal Acquisition Regulation (FAR) says about the procurement of surveying and mapping services by the federal government. The FAR states:

Surveying is considered to be an architectural and engineering service and shall be procured pursuant to (FAR) section 36.601 from registered surveyors or architects and engineers. Mapping associated with research, planning, development, design, construction, or alteration of real property is considered to be an architectural and engineering service and is to be procured pursuant to section 36.601. However, mapping services that are not connected to traditionally understood or accepted architectural and engineering activities, are not incidental to such architectural and engineering activities or have not in themselves traditionally been considered architectural and engineering services shall be procured pursuant to provisions in Parts 13, 14 and 15. (FAR Section 36.604(a) (4)).

The Brooks Act (40 USC 1101 et. seq.) defines surveying and mapping as “incidental” to A/E services.

The relevant section of the Brooks Act reads: *The term “architectural and engineering services” means: (c) such other professional services of an architectural or engineering nature or **incidental services**, which members of the architectural or engi-*

*neering professions (and individuals in their employ) may legally 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, soil engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.*

Additionally, the Brooks Act still requires the federal government to use qualification based selection (QBS) when purchasing A/E related services, including surveying and mapping.

The confusion comes because arguments presented in the Federal Register notice of April 19, 2005, differ with regard to whether all “mapping services” fall under the Brooks Act. At the end of the Notice, Wise states that FAR Part 36 should NOT be revised, and that contracting officers should resolve the question of whether or not a specific procurement of mapping services comes within the scope of the Brooks Act.

Surveying and Mapping on the GSA Schedule

On a related note, ACSM has voiced its concern because “surveying and mapping” is listed on the General Services Administration (GSA) schedule in violation of the Brooks Act. Participants in ACSM’s Lobby Day on September 15, 2005, made this concern clear to Members of Congress and asked that this issue be looked into.

On September 30, 2005, the FAR Council adopted as final, without change, an interim rule amending the Federal Acquisition Regulation to implement Section 1427(b) of the Services Acquisition Reform Act of 2003 (Title XIV of Public Law 108-136).

This final rule emphasizes the requirement for federal purchasers to place orders for architect-engineer services consistent with the FAR and reiterates that such orders **shall not be** placed under General Services Administration (GSA) multiple award schedule (MAS) contracts and government-wide task and delivery order contracts unless the contracts were awarded using the procedures as stated in the FAR. The effective date of the rule is September 30, 2005.

Brooks Act, p. 38, col. 2

communication about communication?

Discussion of association communication tends to be long on rhetoric and short on facts—and sometimes, it's plain not there. The American Congress on Surveying and Mapping decided to take communication out in the open and give some facts—about Open Access and other communication trends in this information age of ours, and how to adapt to them.

This communication about “how to get your word out most effectively” will occur at a brand-new seminar at ACSM’s spring meeting in Orlando, Florida. The session takes place on Tuesday, April 24.

See you there!

—It won't be all facts. You will also learn a few tricks about how to make editors write back “Paper Accepted!” and the person in the streets say “I Know this Company.”

grid computing *The savvy manager's guide*

A decade ago, the corporate world viewed grid computing as a curiosity. Today, it views it as an opportunity—a chance to reduce costs, improve performance, fund new projects, and take advantage of under-utilized capacity. The engineering behind this transformation has been amply documented. Until now, however, little has been written to prepare managers, executives, and other decision-makers to implement grid computing in a sensible and effective way.

Grid Computing: The Savvy Manager's Guide by Pawel Plaszcak and Richard Wellner, Jr. explains grid in simple terms, using practical examples to demonstrate the technical and business benefits of grid and hands-on guidance for readers. This is a must read for everyone who is seriously investigating grid or planning to integrate grid technology in their IT environment. [Grid Computing and Networking Services, MCNC, Inc.]

The emergence of grid and service-oriented IT: An industry vision for business success

This full-color, glossy book communicates a collaborative industry vision that comprehends the emergence of Grid and its broader application across the enterprise referred to as service-oriented IT (service-oriented architecture (SOA) and service-oriented infrastructure (SOI). [Tabor Communications]

The final rule constitutes the implementation in the FAR of Section 1427 of the Services Acquisition Reform Act of 2003 (Title XIV of Public Law 108-136) to ensure that the requirements of the Brooks Architect-Engineers Act (40 U.S.C. 1102 et seq.) are not circumvented through the placement of orders under GSA MAS contracts and government-wide task and delivery order contracts that were not awarded using FAR Subpart 36.6 procedures.

An order cannot be issued consistent with FAR Subpart 36.6, as currently required by FAR 16.500(d), unless the basic underlying contract was awarded using the Brooks Architect-Engineers Act procedures. This final rule amends FAR parts 2, 8, 16, and 36 to ensure appropriate procedures are followed when ordering architect-engineer services.

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