

## The Fast Lane: A horse of a different color

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*The rules change when firms market in the public sector.*

Have you heard of people who take a client to lunch three times, and the next time the client brings a contract?

Have you heard of people who ask a client, “What can we do next?” and get a new project?

Have you asked yourself, “Why not me?” or “What am I not doing right?”

Those stories are probably about firms marketing in the private sector— the *public sector* just doesn’t work that way. **It’s a horse of a different color!**

The public-sector A/E procurement process is often set forth in law or ordinance. For federal agencies, the Brooks Act governs. Section 902 of the Act states: “. . . policy of the Federal Government to publicly announce all requirements for A&E services, and to negotiate contracts for A&E services on the basis of demonstrated competence and qualification.”

Section 903 states: “The agency . . . shall select . . . no less than three of the firms deemed to be the most highly qualified . . .”

Section 904 concludes: “The agency head shall negotiate a contract with the highest qualified firm . . .”

There are a number of ways to learn about upcoming federal projects: pre-solicitation notices, item listings in budgets, newspaper articles, conferences where projects are discussed, etc. The basic steps in the pursuit of federal A/E or environmental work will look like this:

1. The agency publishes a solicitation.
2. Firms submit SOQs demonstrating qualifications and experience.
3. The agency evaluates submittals and develops a “short list” of qualified firms for further discussion.
4. The agency interviews and ranks the short-listed firms.
5. The agency selects the top-ranked firm and negotiates a scope and fee.

Cities, counties, states, and regional entities have adopted similar qualifications-based procurement processes. Many use standard forms to “level the playing field” for submitting firms, and make it easier for agency personnel to evaluate and rank firms more objectively.

In most cases, the procurement process is mandated by law or local ordinance, is public and open, and requires a **printed submittal**. Contrast this with the case cited above, where the client gives you a new project *just because you’re doing a good job on the current one!*

The evaluation process can now consider the client/consultant relationship. Solicitations include the phrase “best value,” which enables consideration of the intangibles of a client/consultant relationship as part of the objective evaluation of submittals, because good relationships CAN bring measurable value to the project.

When the consultant has worked for the agency, and knows its staff, procedures, and standards, benefits include timeliness, cost-effectiveness, and freedom from headaches. When the consultant team has worked together, there are benefits related to internal communications and sharing of standards and conventions.

Often with public-sector solicitations, once the RFP is released, agency staff cannot talk with consultants. They want to ensure that no consultant learns something others do not.

During activities that build a client relationship, you learn about upcoming projects and the client’s related expectations and fears. This enables you to ensure that evaluators know all they need to know to select your firm— long before the solicitation appears. By the time the submittal is due, the client should already expect your submittal to be the “best value.”

Finally, public-sector clients often have a dollar threshold below which projects may be awarded with no formal process. These usually go to firms that already have relationships with that client.

When you visit a client, you get to meet staff, build relationships, develop professional credibility, and learn about how the agency works, what it needs and wants (often two different things), and what services it will procure in the near future.

“Schmoozing” a public sector client has some limitations, and these differ from one client to the next. Some clients will let their staff go to lunch with you, but you cannot pay for them; some will let you leave a “gimme,” but only up to a pre-set maximum value. It helps to know each agency’s policies. Contrast this to the private sector, where gifts to good clients have been known to include electronic equipment and ski vacations.

On the other hand, if you run across an article, whether in print or on the Internet, that would be of value or interest to your public-sector client, by all means send a copy (or the

hyperlink). You will soon become known as a consultant whose relationship provides extra value.

This is merely an overview. My goal is to show that there are big differences in marketing the public and private sectors; that activities which are successful in the private sector might not be allowable, much less successful, in the public sector; and that anyone marketing the public sector for the first time will need to educate him or herself about these differences.

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