



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

ARCHITECTURE CENTRE
SUITE 100 - 440 CAMBIE STREET
VANCOUVER BC CANADA
V6B 2N5

TEL: 604 683 8588 / TOLL FREE IN BC: 1 800 667 0753

FAX: 604 683 8568 / 1 800 661 2955

E-MAIL: AIBC@AIBC.CA

INTERNET: WWW.AIBC.CA

BULLETIN 63: COMPETITIONS

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! IMPORTANT:

The AIBC transitioned to the Professional Governance Act on February 10, 2023. **This document has not yet been updated to reflect the new legislation and updated Bylaws.** Although there may be outdated terms and references in this document, note that the **general concepts and requirements remain the same**. If you have any concerns or questions, please contact practiceadvice@aicbc.ca. For more information about the transition, go to aicbc.ca/PGA.

Please note the AIBC's policy positions regarding competitions, reinforcing Bylaws 34.9 through 34.14 and their corresponding rules and commentary in the Code of Ethics. These have come about because of direct and unfortunate history with competitions, which were "unsanctioned", i.e. without the express approval of the AIBC. These were either unknown to the AIBC at all; known to be endorsed by other architectural associations or institutes (and so deemed to be implicitly endorsed by the AIBC); known to certain members and condoned by them as apparently equitable; or conducted by certain members in a "maverick" style. The facts of the matter are:

- (i) when unsanctioned "competitions" occur, they typically result in unfair, inequitable or unprofessional situations — for both sponsor and competitor;
- (ii) as well, they typically result in unwise business situations;
- (iii) the foregoing tends to be true because sponsors and members are not used to competitions;
- (iv) the typical sponsor is a one-time-only client unfamiliar with obtaining architectural services; and
- (v) it is our clear and very real experience that even a group of experienced, like-minded architects who believe themselves to be in an equitable competition can be (and do get) burned.

A screening by the AIBC represents a simple, quick and inexpensive "safety net" in these regards. Furthermore, it must also be pointed out that:

- (vi) when participating AIBC members complain to the AIBC "after the fact" about what they see to be their unfair treatment in an unsanctioned competition, the AIBC has no tools with which to help those members; and
- (vii) the members are exposed to disciplinary action.

Accordingly, please be advised of these Council positions under the *Architects Act* and Bylaws:

- no architect is permitted to render service without being retained and without appropriate compensation (see Bylaws 34.10 and 34.16); and
- no more than one architect is permitted to enter a competition for a project (real or imaginary) unless such competition is approved by the AIBC. (See Bylaws 34.9, 34.11, and 34.12.)

An architect is forbidden to enter as a competitor; participate as a Juror; act as a Professional Advisor; or provide technical assistance in any competition, which has not received approval. An architect who acts contrarily is subject to disciplinary action.

Architects are advised to be mindful of the foregoing when approached by a prospective client to be one of a group of architects to provide any form of service on the same problem. Equally, architects need to pay heed to the following five rulings, with explanatory notes and reasons following:

- (a) it is acceptable conduct for one architect, only, to provide service on the same problem (for the same client) in competition with one or more non-architects, without a formal competition or other approval by Council;
- (b) it is acceptable conduct for more than one architect to provide service on the same problem, each for a different client, without a formal competition or other approval by Council;
- (c) it is acceptable conduct for more than one architect to provide service on the same problem (for the same client), without a formal competition or other approval by Council, provided that the architect had every reason to believe that no other architect was so providing service;
- (d) it is acceptable conduct for more than one architect to provide service on the same problem (for the same client), without a formal competition or other approval by Council, provided each architect is engaged sequentially by the client (i.e. after proper termination of any predecessor architect) and provided that the client only uses and benefits from the service of its current (i.e. most recent) architect; and
- (e) it is not acceptable conduct for more than one architect to provide service on the same problem (for the same client), without a formal competition or other approval by Council, even when engaged sequentially, if there is reason to believe that the client intends to engage architects sequentially for purposes of comparing service and selecting its preferred service and architect.

Note: In the above rulings,

1. the word “architect” is deemed synonymous with “architectural firm”;
2. the phrase “provide service” represents the more complete wording of Bylaw 34.9;
3. the phrase “the same client” includes technically different clients or authorities or departments, connected to or part of a broader client; and
4. corresponding “reasons” (a - e) are as follows:

Reasons

- (a) The bylaw only prohibits unsanctioned competition between architects;
- (b) this is the classic “developer-proposal” scenario and recognizes the fact that various interested parties, who may not own a property, have a legitimate right to have an architect provide them with advice to assist their decision of offer or purchase;
- (c) if an architect has no idea that a competition exists, he/she is not exposed;
- (d) if a client chooses to hire and fire, that’s its prerogative; but
- (e) if a client chooses to hire architects sequentially (as opposed to simultaneously) and compare results for selection purposes, the process is still a competition. Bylaw 34.9 does not refer to the timing of the competing services. The key is “prior knowledge” of the competition.

Architects are advised to check with the AIBC’s Director of Professional Services as to the acceptability and sanction of a proposed competition’s term of reference. Prospective clients are encouraged to approach the AIBC, similarly.

Canadian Rules for the Conduct of Architectural Competitions (CCAC Document No. 5)

In the interest of both architects and potential sponsors alike, the various provincial associations of architecture across Canada agreed that it would be advantageous to develop and to publish a uniform set of rules for the conduct of architectural competitions.

Work on this was begun in 1986, collectively, and the AIBC acquired the leadership role. Each province’s rules and regulations were compiled and consensus was obtained on a new document. These new “Canadian Rules” published as CCAC Document 5 “Canadian Rules for the Conduct of Architectural Competitions” have been endorsed by every single architectural association in Canada, and are **MANDATORY** for the conduct of architectural competitions in Canada (refer to AIBC Bylaw 34.11) be they of provincial, interprovincial, national or international scope.

The rules are structured to apply to competitions which are open or limited; one or two-stage; and which are for either “ideas” or projects contemplated to be built.

The Canadian Rules for the Conduct of Competitions are flexible and responsive to various types of competition, including the very small one.

The AIBC’s management and senior staff are prepared and able to screen proposed terms of reference; provide guidance borne of experience; and obtain the required written approval from AIBC Council in a timely manner and at no charge. The AIBC is ready, willing and able to assist potential sponsors with making the process clear, manageable and equitable.

The AIBC does not provide legal, accounting or insurance advice and expressly disclaims any responsibility for any errors or omissions with respect to legal, accounting or insurance matters that may be contained herein. Readers of AIBC documents are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.