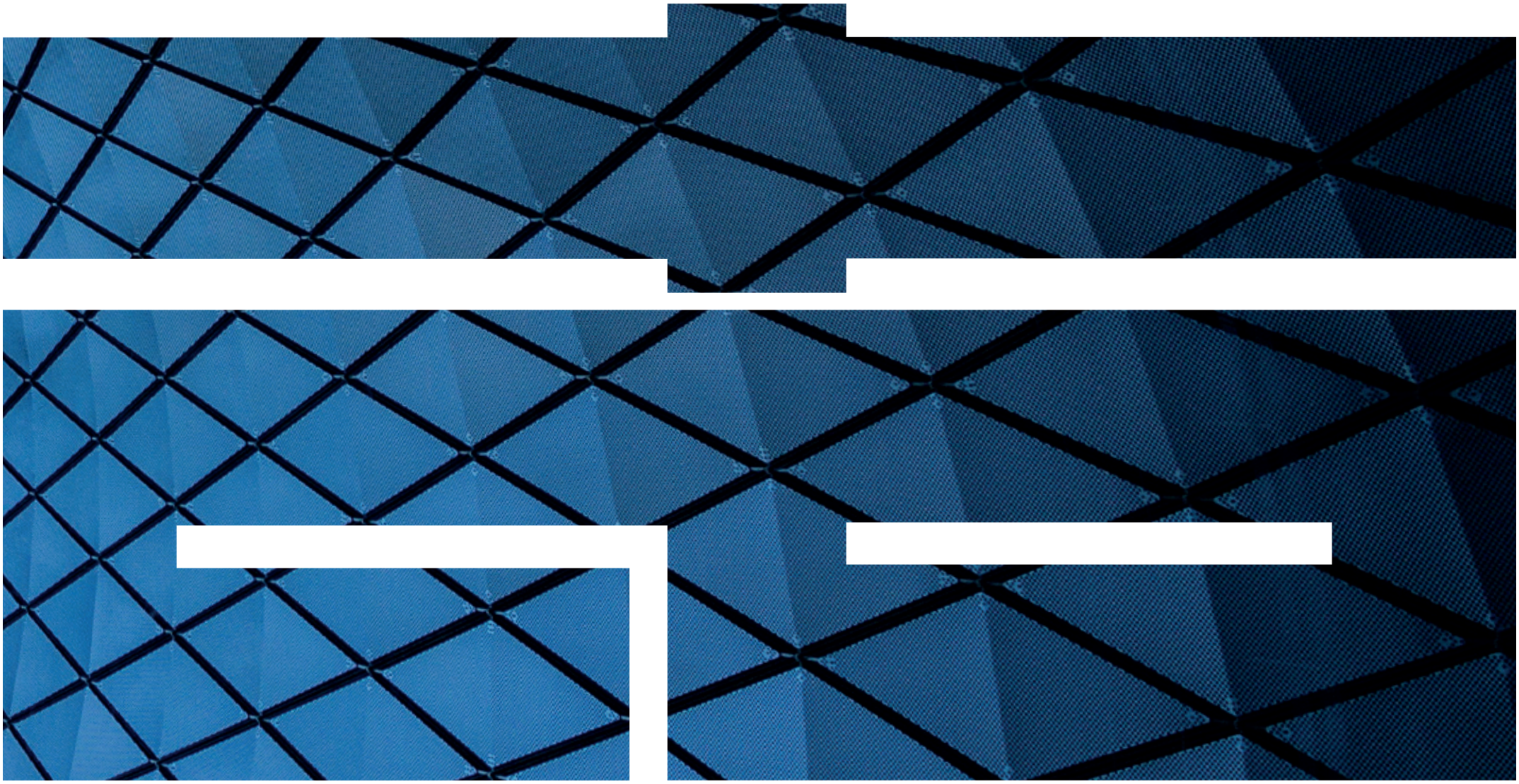
Architectural Technology

Open and Fair Competition in Procurement

CIAT



Architectural Technology

A global discipline

Architectural Technology professionals are innovators creating and adapting environments for future generations to live, work and play.

Heydar Aliyev Cultural Centre, Zaha Hadid Architects

The discipline

Architectural Technology is the technology of architecture; a creative, innovative design discipline rooted in science and engineering.

As a design function, it relates to the anatomy and physiology of buildings and their production, performance and processes. This is based upon the knowledge and application of science, engineering and technology, which are compliant with regulatory, statutory and legal requirements.

Architectural Technology achieves efficient and effective construction and robust sustainable design solutions that perform and endure over time.`

Chartered Architectural Technologists, MCIAT

Chartered Architectural Technologists, MCIAT are qualified to offer design services and manage projects from inception to completion. They lead the technological design of a project; forming the link between concept, innovation and realisation. They:

- specialise in design, underpinned by building science, engineering and technology applied to architecture within projects, playing a pivotal role in project and design management;
- hold a valued, respected and regulated professional qualification and protected designation, which is transferable and recognised across borders and can only be awarded by the Chartered Institute of Architectural Technologists, whilst abiding by a set of professional ethics in the Institute's *Code of Conduct;*
- apply their skills within innovation, research, academia, manufacturing and processing industries, housing, health and government agencies;
- work collaboratively with other professionals such as architects and engineers and are recognised on a par with all Chartered professionals in the built environment sector; and
- design and manage all project types large and small from residential to commercial, industrial and public projects; they range from being sole practitioners to working in and running multinational and multidisciplinary practices.

Fair competition

To ensure open and fair competition, eliminate the risk of restrictive practice, restraint of trade and, as a consequence, challenge, it is necessary to ensure that bids can be received from the pool of all competent professionals without undue restriction. As such, it is essential that generic descriptors are used when inviting tenders or job applications. This will require clear terminology, which is not restricted by statute, and is understood by users.

The promotion of fair competition by using impartial methods of selection of service providers is underwritten by EU DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014 on public procurement and repeals Directive 2004/18/EC. This Directive specifically identifies the need for *drawing up technical specifications using function and performance and not artificially narrowing competition through requirements that favour a specific economic operator.*

This Directive covers, inter alia, suggested methods of selection avoiding restrictive practice both in terms of competent professionals and also size of practice to avoid excluding SMEs. This paper serves to highlight the issues with unintended consequences of specific terminology.

This point is further supported by the Public Contracts Regulations 2018, Section 2, Principals of Procurement as follows:
18.—(1) Contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner. (2) The design of the procurement shall not be made with the intention of excluding it from the scope of this Part or of artificially narrowing competition. (3) For that purpose, competition shall be considered to be artificially narrowed where the design of the procurement is made with the intention of unduly favouring or disadvantaging certain economic operators.

In addition to the methods suggested within these documents, an example of definitions on methods determining competence in procurement is the established PAS91, written for industry and clients by British Standards Institution (https://shop.bsigroup.com/PAS91).

It has become evident that drafters of pre-qualification questionnaires are unaware of certain restrictions placed on using titles generically. It is therefore apparent that the most effective way to address this issue would be to use functions as the descriptor, as the data sets used in this method would be in common with the requirement of the selection process in terms of resources and skills.

This document and its supporting appendix provide evidence to give confidence to those setting procurement documents of the competences of Chartered Architectural technologists. They also provide recommendations to ensure best and fair practice.

Use of generic descriptors: for selection of competent professionals

Open and fair procurement methods must be used and competence relating to function must be the basis for awarding projects. Decisions should not be based on titles, which, by its very nature restricts practice and encourages unfair competition.

Incorrect use of titles

In many procurement documents, reference is made to the appointment of professional consultants and often for the design element, the descriptor 'architect' is the only one which is listed. This leads to restrictive practices in favour of the architect only and prevents fair competition between competent professionals. However, the list of competent professionals who can provide and lead on the design element of a project is not restricted to architects. Chartered Architectural Technologists are such professionals who are competent to lead on design as well as the whole project from conception through to completion.

It is therefore important for teams putting procurement documents together and assessing the bids to understand that although the title 'architect' is protected, the function that architects are commonly understood to perform is not, and that there are other qualified and competent professionals who can bid for such projects, either as the team lead or as part of the collective team.

As such, to mitigate restrictive practice, public procurement documents must list **'competent professional'**, use generic terms such as **'designer'** or provide a correct listing of all competent professionals, which would include Chartered Architectural Technologists. The disadvantage of using the latter method is that exhaustive lists are difficult to maintain in terms of accuracy and could lead to challenge.

Architects' Act 1997

A common misconception is that the term 'architect' can be used generically to describe the function of a building designer. The Architects' Act 1997 restricts the use of this title to only one profession.

'Architect' is defined under the Architects' Act 1997 as only those who are registered with the Architects' Registration Board (ARB). The ARB does not register other design professionals, such as Chartered Architectural Technologists, Chartered Building Surveyors etc. The Act is clear in that it controls the use of the title 'architect' only. There is no protection of function or level of operation to those on the Register.

Examples of unintended consequences of generic misuse of titles

Quite often generic titles are used. If the titles are used in a generic way by the authors, the consequences can be:

Architect	this creates a restrictive practice in that only an architect can bid for projects, when there are other competent professionals who are being prevented from doing so.
Surveyor	this is not a protected title and so anyone can call themselves a surveyor, which provides no protection – however:
Chartered Surveyor	this demonstrates that the individual is qualified by the RICS, the body which awards 'Chartered Surveyor' is a broad church ranging from building surveyors to auctioneers.
Engineer	this is not a protected title and so anyone can call themselves an engineer, which provides no protection – however:
Chartered Engineer	this demonstrates that the individual is qualified, however this qualification is issued under licence from The Engineering Council; there are +30 member bodies of The Engineering Council representing a broad church ranging from electrical engineers to civil engineers.

Recommendations

1. A clear guide should be developed for those putting together procurement criteria, outlining the differences and encouraging the use of 'competence' to execute the required 'function' as a primary factor in selection processes. There are already established standards of practice for the effective execution of this as outlined above within EU2014/24 and PAS91.

2. a) Use 'Competent professional' or other generic term for bids to make them open and fair to all those eligible. The required skills and competence for the project may be detailed and the methods of evidence stated if this is appropriate.

   or

   b) list all competent professionals. However, for this option, there is a risk of excluding some competent professionals.

   The main priority for the criteria should be to attract the most qualified professional for that particular project without creating unnecessary barriers and narrowing the scope. It would therefore be effective if the **function** was given precedent over roles. Best practice would dictate that the data sets are established in this way rather than using titles.

Key differences between a Chartered Architectural Technologist and an Architect within a UK context

N.B. In the UK there is no protection or regulation of function of any built environment professionals, therefore Chartered Architectural Technologists or architects are able to lead architectural projects from inception to completion.

Profession	Chartered Architectural Technologist, MCIAT	Architect
How to qualify	The standard routes to qualify as a Chartered Architectural Technologist consist of three distinct stages including a three or four year full time Accredited Honours degree (Stage 1), completion of a monitored Professional Assessment or Professional and Occupational Performance Record application with technical assessment of explanations and supporting evidence (Stage 2) and successful attendance at a Professional Assessment Interview with a portfolio (Stage 3). The Chartered Institute of Architectural Technologists (CIAT) does not specify a time frame for progression, as its qualifying process is based on professional knowledge, competence and experience and is focused on outcomes rather than time.	The standard route to qualify as an architect consists of three distinct stages of qualification including a recognised degree in architecture (Part 1), Diploma (Part 2) and Professional Practice (Part 3). Parts 1 and 2 consist of five years' full-time education followed by Part 3 which consists of two years' practical experience. The majority of courses are monitored and regulated by the Architects' Registration Board (ARB) or the Royal Institute of British Architects (RIBA). There are alternative routes to qualify as an architect with ARB for overseas candidates or holders of non-recognised UK qualifications.
Regulators/ professional bodies	Architectural Technology is a distinct discipline and as such Chartered Architectural Technologists do not require membership of ARB or RIBA. The Chartered Institute of Architectural Technologists is the professional body for Chartered Architectural Technologists, MCIAT, and only those who have been awarded this professional qualification by CIAT may use the title 'Chartered Architectural Technologist', which is a regulated profession covered by EU Directive 2005/36/EC. CIAT's Royal 'Charter' awarded in 2005 demonstrates parity between Chartered Architectural Technologists and other chartered professionals. CIAT has a Code of Conduct that specifies that its members must undertake continuing professional development (CPD), currently 35 hours minimum each year, commensurate with their role. 5% of the membership is randomly monitored on an annual basis to ensure compliance.	ARB was established under the Architects' Act 1997 as a registration body for the regulation of the title 'architect'. It does not regulate function. It sets standards, protects society with a code of conduct and has the power to issue sanctions. Misuse of the title 'architect' may result in court action. All architects who practise in the UK must be registered with ARB. RIBA is the professional body for architects with the Royal 'Charter' awarded in 1837. RIBA can award the title 'Chartered Architect' providing the architect is registered with ARB. The profession is covered by EU Directive 2005/36/EC and its amendment 2013/55/EU. The section that is specific to the training of architects is Article 46. It has a professional Code of Conduct and requires its members to undertake 35 hours of prescribed continuing professional development (CPD) each year. Architects can choose whether to join the RIBA (or other UK architectural bodies such as Royal Society of Ulster Architects (RSUA), Royal Incorporation of Architects in Scotland (RIAS), Royal Society of Architects in Wales (RSAW)).

Profession	Chartered Architectural Technologist, MCIAT	Architect
Outline of role	A Chartered Architectural Technologist specialises in the science and technology of architectural design and is trained in creative conceptual design as well as the practical aspects of construction. A Chartered Architectural Technologist can play a lead role in the construction process and can liaise with the client and other professionals and can be the Principal person involved in the initial concept and design. They may also, as the Principal person, employ others within the design/built environment team, providing key guidance and direction to other chartered disciplines and professionals. A Chartered Architectural Technologist can also lead projects of all shapes and sizes from inception to completion including contract administration. Chartered Architectural Technologists are recognised in the industry as being able to lead the design process, taking the needs of the client and developing innovative and original solutions to overcome complex problems to meet the project brief and budget. Chartered Architectural Technologists specialise in design realisation, bringing a versatile and wide-reaching knowledge of architecture, technology, science and construction processes which encompass the entire design process.	An architect specialises in the design of buildings although is trained in the practical aspects of construction as well as creative design. An architect can play a lead role in the construction process and can liaise with the client and other professionals and can be the Principal person involved in the initial concept and design. They may also, as the Principal person, employ others within the design/built environment team, providing key guidance and direction to other chartered disciplines and professionals. An architect can lead projects of all shapes and sizes from inception to completion including contract administration. Architects are recognised in the industry as being able to lead the design process, taking the needs of the client and developing innovative and original solutions to overcome complex problems to meet the project brief and budget. Architects specialise in conceptual design, bringing a versatile and wide-reaching knowledge of art, architectural history, technology and construction processes which encompass the entire design process.
Can they undertake the initial design work?	Yes	Yes
Can they produce the technical work and drawings?	Yes	Yes

Profession	Chartered Architectural Technologist, MCIAT	Architect
Can they take overall responsibility for a project?	Yes, but, it will depend on the type of the project and the Chartered Architectural Technologist's employment circumstances/position in the organisation. It might also depend on the procurement process, the contract for the project, and who is funding the projects within the brief.	Yes, but it will depend on the type of project and the architect's employment circumstances/position in the organisation. It might also depend on the procurement process, the contract for the project, and who is funding the project within the brief.
Are they obliged to hold professional indemnity insurance?	Sometimes. However, it will depend on the type of the project, the procurement process and the contract for the project. It may also depend on the Chartered Architectural Technologist's employment circumstances. CIAT requires all Chartered Architectural Technologists who offer and/or provide services or advice to clients to register their practice with the Institute which includes the necessity to obtain and maintain adequate professional indemnity insurance. The requirement is policed annually by CIAT with zero tolerance for failure to comply i.e. expulsion from the Institute.	Sometimes. However, it will depend on the type of project, the procurement process and the contract for the project. It may also depend on the architect's employment circumstances. ARB requires all architects who offer and/or provide services or advice to clients to obtain and maintain adequate professional indemnity insurance.
Can they sign off certificates/contract administration forms/ contracts etc?	Yes	Yes
Can an Architect become a Chartered Architectural Technologist?	N/A	Yes. They are required to demonstrate the necessary underpinning knowledge and professional practice standards and satisfy Stages 1, 2 and 3 of the CIAT qualifying process.
Can a Chartered Architectural Technologist become an Architect?	Yes, they will need to go through Parts 1, 2 and 3 of the ARB/RIBA qualifying process.	N/A

ISSUE 01. 2019

Chartered Institute of Architectural Technologists
397 City Road
London EC1V 1NH

+44(0)20 7278 2206
info@ciat.org.uk
ciat.org.uk

/Chartered Institute of Architectural Technologists
/CIATechnologist
/CIATechnologist
/CIATechnologist
@CIATechnologist