

PRACTICE ADVISORY ARCHITECTURAL COMPETITIONS

SUMMARY

This practice advisory addresses the responsibilities of registered architects (Architects) participating in architectural competitions. The Alberta Association of Architects (AAA) accepts the Royal Architectural Institute of Canada's (RAIC's) Competition Guidelines to guide participation in endorsed architectural competitions. Non-endorsed architectural competitions are not supported by the AAA and participation in same may place Architects at risk of findings of unprofessional conduct.

BACKGROUND

The participation in architectural competitions has created several issues for Architects in the past especially where the competition is not endorsed, and the procurement of professional design ideas often takes place without appropriate compensation. These issues arise because non-endorsed competitions do not adhere to established guidelines and often lack clear structures, fair compensation, or contractual agreements.

Architects have an obligation to the public to provide services that uphold the profession's standard of care. To do so, the Architect must, among other things, act in a professional and ethical manner that protects the public interest.

Participation in non-endorsed competitions may expose Architects to disciplinary action for unprofessional conduct, if they do not meet the standard of care expected of the profession.

The AAA encourages fair compensation practices, discourages speculative work, and requires registered architects to uphold ethical standards when they participate in architectural competitions. Competitive procurement practices that require professional design ideas to be provided without appropriate compensation do not meet these elements and are not supported by the AAA.

APPLICABLE LEGISLATION & REFERENCE

- ▶ [Architects Act, Architects Act General Regulation](#)
- ▶ [RAIC Guidelines](#)
- ▶ [Canadian Design-Build Institute](#)

COMPETITIONS

Architects Act (the Act) and Architects Act General Regulation (the General Regulation)

Competitions

37 An authorized entity may not take part in an architectural competition or a limited architectural competition unless the conditions of the competition or limited competition are in accordance with the standards approved by the Council.

It should be noted that a competition is exempt from the written agreement for fees requirement in section 41 of the *General Regulation*.

Agreements

41(1) Subject to subsection (2), an authorized entity may provide professional services to a client only if the authorized entity and client have executed a written agreement that

- (a) provides for a method of determining the fee or other consideration to be charged, and
- (b) describes the professional services to be provided.

(2) Subsection (1) does not apply if an authorized entity is providing professional services

- (a) in an architectural competition conducted in accordance with the standards referred to in section 37, or
- (b) in accordance with a direction by the Council.

The Royal Architectural Institute of Canada's Competition Guidelines

The AAA has adopted the [RAIC's Competition Guidelines](#) (the RAIC Guidelines) to guide Architects' participation in endorsed architectural competitions. Terms "endorsed" and "non-endorsed" are adopted to refer to "architectural competition" and "limited architectural competition".

An authorized entity can only participate in an endorsed or non-endorsed architectural competition that is in accordance with the standards approved by the Council.

Endorsed and non-endorsed architectural competitions are defined in the RAIC Guidelines:

► **Endorsed architectural competition:**

Endorsed architectural competitions include a professional advisor, abide by a jury's decision, are endorsed by the appropriate provincial or territorial association of architects and lead to a commission for the winning architect.

► **Non-endorsed design competition:**

Non-endorsed competitions are not endorsed by the appropriate provincial or territorial association of architects. It may or may not have a professional advisor or use a jury for decision-making. It may or may not lead to a commission for the winning architect.

The key distinction between an endorsed competition and non-endorsed competition is that an endorsed competition follows the RAIC Guidelines and includes proper compensation.

As per the RAIC Guidelines:

All endorsed architectural competitions are for the design of a building. The project can range in size from a small building to a master plan. As well, it can result in the selection of a winning design and commission to the architect of the winning design, or the competition may be a means to award a commission without necessarily selecting the winning design.

The AAA has not yet established a formal process to define what qualifies as a competition and how such competitions should be officially endorsed. As the provincial regulator, the AAA may endorse a competition; however, the AAA does not assume any liability for the competition process. The intent of endorsement is to indicate that the proposed competition meets the requirements set out by the RAIC. Additionally, the AAA can offer guidance to the sponsor or client about the competition, but only to the extent that it helps align with the RAIC guidelines.

Issues with non-endorsed architectural competitions

Of particular concern is participation in non-endorsed competitions, where architectural design work is completed without financial compensation. Non-endorsed competitions put the Architect at risk for the following:

- ▶ **Devaluation of Professional Expertise:** The expectation of free work in non-endorsed competitions can undermine the value of architectural expertise and the profession as a whole. It sends the message that Architects' skills and knowledge are not worth compensation.
- ▶ **Erosion of Ethical Standards:** It may encourage a culture where speculative work is the norm, which can lead to a decline in ethical standards within the profession and an erosion of the principles of fair compensation for professional services.
- ▶ **Diminished Quality:** The absence of proper compensation can lead to rushed or subpar design proposals, as Architects may prioritize paid work over speculative competitions.

Design-build, public private partnership (P3), and similar procurement processes, where a design solution forms part of the competitive submission, are considered non-endorsed competitions if they do not adhere to the formal structure outlined by the RAIC.

A Request for Proposal ("RFP") is considered a non-endorsed competition if the design work is mandated and used as the determining factor for project award. In this case, the regulated member may find themselves committed to the project based on a "winning submission," even if there is no clear structure, compensation, or contract in place. Conversely, the "winning submission" might lead to no formal work or compensation.

However, where Architects are required to submit specific design solutions in competition with others for the same project and client, the RFP is **considered a procurement process rather than a competition**.

Non-endorsed competitions may carry considerable risk for design participants. For example, in both P3 and design-build procurement methods, participants may face substantial financial burdens, potentially affecting their business, and they may also risk not meeting the standard of care requirements established by their respective professions. Participation in a non-endorsed competition may result in disciplinary proceedings for unprofessional conduct.

Non-endorsed competitions and unprofessional conduct

Registrants who participate in non-endorsed competitions where they must submit professional design ideas on an “at-risk” basis, meaning without compensation or with only token levels of compensation/honoraria, may be viewed by the AAA as unprofessional conduct if the standard of care is compromised.

SUPPORT

The Practice Advisory Committee may issue advisory notices to registrants regarding competitions classified as non-endorsed. It is important to note that competitions not reviewed by the AAA may not be identified by a third party as an endorsed competition.

Architects are encouraged to engage the Practice Advisory Committee if you have inquiries concerning a competition's compliance with RAIC Guidelines at practiceadvisor@aaa.ab.ca.

NOTES

Date: Approved by Council May 9, 2024

The Practice Advisory Committee of the Alberta Association of Architects develops a consolidated opinion on practice matters consistent with the established Alberta Architects Act, General Regulations, bylaws and policies; based on the input of administration and a group of professional advisors to the Association. Practice advice contained in the advisory above is issued as a general interpretation of the requirements of the Alberta Architects Act, regulations under the act, and the bylaws and in no way supersedes these documents. Advice provided from the Practice Advisory Committee should be read in conjunction with the Act, regulations and bylaws. This Advisory is not intended to be legal advice to the members of the association. Members should consult their own legal, insurance, income tax or financial advisors as to the application of the Act and General Regulations. This communication including any information transmitted with it is intended for the use of the membership.