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Practice of the profession

Procurement of Architectural Services

Recommendations for Design Contests

Final

This document is an extract from the document "European Public Procurement Legislation and Architectural Services : Recommendations and Guidelines for Transposition to National Law" adopted by the General Assembly of the ACE in November 2004

Recommendations for Design Contests

The awarding of contracts for architectural services must focus on the quality of the service and of the technical offer and not on the price of the service. Architectural design competition is one of the best means to provide for quality. It demonstrates the skills of the profession and emphasizes quality based awarding criteria.

In respect of the great intellectual and economic investment by all parties involved in such procedures, the ACE has established the following rules which comply with European public procurement law.

The following set of rules and recommendations is divided into 3 parts:

1. 10 rules, which are essentials to be respected in every procedure, called architectural competitions.
2. Recommendations on how to organise and manage the procedure.
3. Additional regulations which have to be applied within public procurement

Part 1

10 rules, which are essentials to be respected in every procedure, called architectural competitions

1 Definition of an architectural competition:

Architectural competition means the procedure of a Design Contest evaluating the ideas of architects, landscape architects and urbanists in a formalised procedure on a defined program and defined criteria, anonymously weighted by an independent Jury.

There are different kinds of competition

- project competition
- ideas competition

which can be held separately or combined in different stages. In case of a two-stage competition the jury has to be the same in both stages and the procedure is anonymous until the final decision of the jury.

2 Equal chances for all participants

- Same information level provided to all participants at the same time
- No individual exchange of information between participants and jury members
- Persons excluded from participation:

The representatives, partners or employees of the promoter or of any jury member, or any person who has been involved in the preparation of the competition, will not be eligible to compete or to assist competitors

- Questions about the brief are answered to all participants simultaneously.

3 Independent jury

- The jury shall be autonomous in its decisions or opinions.
- Where a particular professional qualification is required from participants, at least a third of the members of the jury shall hold that qualification at a high standard, and must be independent from the client.
- The jury shall examine the proposals submitted by the candidates anonymously and solely on the basis of the criteria indicated in the contest notice
- It shall record its ranking of projects in a report, signed by its members. This report shall contain the merits of the projects and a clear recommendation on how to proceed with the result of the competition.

4 The brief

- The competition brief must be clear and unambiguous. Competition requirements must be clearly specified. There must be a clear distinction of requirements and non-binding guidelines.
- The evaluation criteria must be stated in the brief.
- The brief has to be accepted by the jury before launching the competition.

5 Transparency of the procedure

- The **summary** of the jury's discussion and the decision making process has to be drawn up in a report.
- A jury report shall be published or distributed to the participants and the public.
- There shall be an exhibition of all entries.

6 Anonymity

- Anonymity must be observed until the jury has reached its opinion or decision

7 Prize money and remuneration

- The prize money or remuneration has to be fixed and announced in the competition brief. For the calculation of the prize money or the remuneration, there must be an adequate relationship between the required performance of the participants and the honoraria normally calculated for that task.
- In the second stage of a competition, a remuneration, which is a part of the total prize money, is paid to each participant in that stage.

8 Consequences of the jury's decision

- There must be a fair and adequate compensation for **the participants**. There must be a declaration of the client to award a contract including a sufficient scope of work to the prize winner or to one or the prize winners in a project competition.
- If an ideas competition is not followed by a project competition an adequate **remuneration** in the form of higher prize money has to be fixed.
- If the results of an ideas competition are used as a basis for the execution of a project, this has to be done in agreement with the author.

9 Copyright

- The author's rights for a competition entry remain with the author.

- The promoter is entitled to make use of the winning entries under the conditions that are laid down in the brief or agreed between the parties.

10 Dispute resolution

- Any disputes concerning competition procedures **shall be examined by** the relevant national professional organisation **before any legal procedures.**