

# Minimum Level of Professional Practice

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## Summary

This bulletin provides a guideline for the Minimum Level of Professional Practice. To provide services in the "...planning or supervision for others of the erection, enlargement or alteration of buildings..." an Architect must adhere to a level of professionalism that meets a standard of practice that would be deemed by the Architect's peers to be a reasonable minimum level of practice.

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## BACKGROUND

This Practice Bulletin is intended to provide guidance and advice to Architects practicing in the Province of Manitoba, and to clarify for Clients, Authorities Having Jurisdiction, Contractors and the General Public, the profession's expectations related to a Minimum Level of Professional Practice to be provided by architects under contract. It is the responsibility of the architect to exercise professional judgment to determine the extent of services required to meet the minimum level of professional practice. The Practice of Architecture is broad based on its diversity, scope, and the variety of sectors it services. A prescriptive approach to defining Minimum Professional Practice therefore cannot be applied. Instead, a performance based model based on the principle of the Architect as a Professional must be applied.

## DEFINING PRINCIPLES OF PROFESSIONAL SERVICE

An Architect in the Province of Manitoba according to The Architect's Act "*means any person who is engaged for hire, gain, or hope of reward in the planning or review for others of the erection, enlargement, or alteration of buildings by persons other than himself*". In order for an individual to provide services which are encompassed by this definition in the Act, the law requires that the individual be a registered member of the Manitoba Association of Architects (MAA). The Architects Act

further prescribes the qualifications required to be registered as a member of the MAA and provide Professional Services. These qualifications embody the principles of professionalism. The Canadian Handbook of Practice for Architects (CHOP) presents these principles as:

- Expertise
- Autonomy
- Commitment
- Accountability

CHOP defines the Architect as a Professional who adheres to these principles. The Architect is an individual who:

Expertise:

"...possesses a systematic body of knowledge, skills and theory developed through education and experience... that is structured to assure the public that the "architect" engaged to perform professional services has acquired the expertise to perform them to acceptable standards".

Autonomy:

"... provides expert advise to [the] client, independent of any self-interest...." with "...uncompromised professional judgment..." recognizing that this professional service is the offering of expert advice within the context of "... the spirit and letter of the laws governing this profession."



## REGULATORY

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Commitment:

“... is mandated to service [the] client in a competent and professional manner, and to exercise unprejudiced and impartial judgment on the client’s behalf.”

Accountability:

“... accepts personal responsibility and liability for the consequence of [the architect’s] professional behavior ... provides independent and, if necessary, critical advice to [the] client for the effects of [the architect’s] work on society and the environment.”

In simple terms, an Architect’s Professional Practice is the application of the art, science, and business of Architecture. In its broadest sense it strives to “...identify the public need and serve the public interest in matters relating to the built environment”. (CHOP)

Having established this context, this bulletin provides a guideline for the Minimum Level of Professional Practice of an Architect. The art, science, and business of Architecture must, at a minimum, be reasonably addressed by the Professional Practice of the Architect in whatever endeavor the Architect is commissioned to do. To provide services in the “...planning or review for others of the erection, enlargement or alteration of buildings...” an Architect must adhere to a level of professionalism that meets a standard of practice that would be deemed by the Architect’s peers to be a reasonable minimum level of practice.

Because each project and every client have different needs and criteria, it is not possible to establish a prescriptive definition of minimum Professional Practice that fairly and adequately provides a “standard” or measured level of acceptable practice. The extent of the Architectural Services required for the erection, enlargement, or alteration of buildings can only be established through the use of performance based criteria. This performance-based criteria is comprised of ten components. If all ten

performance components are satisfied by the service being provided by the Architect, then a minimum level of Professional Practice will have been provided.

The ten performance components that the Architect must provide as a Minimum Level of Professional Practice are:

## 1. Responsible Control

The Architect must:

- Exercise responsible control over all projects and services for which the Architect has been contracted. The Ontario Association of Architects, as well as other professional associations, define responsible control as *‘the degree of control exercised by reasonable and prudent members acting in accordance with the guidelines set out’* [by the members and their Association]. The guidelines for Responsible Control for Architects in Manitoba are set out in the Practice Bulletins published, endorsed, and referenced by the MAA.
- Responsible Control requires the Architect to review and monitor the work provided for the project whether provided by the Architect or by others contracted by the Architect. The Architect must use and demonstrate Professional Judgment in the provision of these services in accordance with the standards of the profession.

## 2. Program/Project Definition

The Architect must:

- Have clearly defined the works required to address the Client’s needs.
- Be satisfied and confirm to the Client that the Architect has, or has access to, the knowledge, skills, and theory required.
- Demonstrate that the Architect has the financial and human resources to carry out the project.
- Communicate the Architect’s understanding of the “vision” and goals of the project to the Client.

- Formalize this understanding with a signed agreement for services with the Client where “gain or hope of reward” will be realized.

### 3. Project Management

The Architect must:

- Develop a Work Plan that is reasonably and realistically achieved, that clearly outlines the process and tasks required to complete the project and meet the Client’s program.
- Communicate the Work Plan to the Client and the Architect’s resources (staff and consultants), in a manner that is clear, concise and consistent. The Standard Form of Agreement between an Architect and Client Document No. 6 or the CHOP section on Project Management provides examples of the basis or structure by which the Work Plan can be developed. The Architect’s and the Client’s Roles and Responsibilities are articulated in a sequential manner typical of many Architectural commissions.

### 4. Scheduling of Services

The Architect must:

- Communicate and clearly document the Architect’s understanding of the Client’s time constraints for the project.
- Schedule the tasks as defined in the Work Plan and communicate the schedule to the Architect’s resources (staff and consultants).
- Demonstrate commitment and accountability to meeting the agreed upon Schedule.

### 5. Budget Planning and Control

The Architect must:

- Review the Client’s budget and provide confirmation that the Architect is satisfied with the reasonableness and adequacy of the budget.

- Establish and agree to a reasonable fee that allows adequate allocation of expertise and resources.
- Assist the Client (and the Cost Consultant if provided) in developing milestone budget adherence confirmation. Class C, B and A opinions of probable construction costs are typical by-products of Budget Planning and Control.
- Provide independent advice to the Client during the Construction Stage related to contractor costs and changes.

### 6. Relevant Project/Program Interpretation

In the design process, project and program interpretation are generally carried out in the Schematic and Design Development Stages. Standard Forms of Agreement between Client and Architect, and CHOP, provide lists of generally accepted tasks normally associated with these stages as well as the other traditional Stages of Construction Documentation, Tender and Contract Administration. The relevance of these to each individual project is established during the Project Definition process.

In design interpretation, the Architect must:

- Illustrate the general scope, scale, and massing of the project with enough clarity to allow the Client to make an informed decision of acceptance.
- Obtain, and document in some form, the Client’s acceptance of the design at each stage.

### 7. Documentation and Implementation

The transition of design documents into construction documents is perhaps the area where the Architect must provide the most care and due diligence. Design documents become ‘legal documents’ at this stage. The

Client and the Contractor rely on these documents to transform the design into the built form.

The Architect must:

- Have or obtain sufficient resources and expertise to provide the technical research, calculations, documentation, specifications, and coordination required.
- Confirm to the Client, the Contractor and the Authorities Having Jurisdiction that the design is reasonably 'constructible' for its intended use and can be built in a mutually acceptable timeframe and budget.

## 8. Quality and Risk Management

Incorporating a quality and risk management process into the Architect's practice is a sound decision. Good practice requires that some form of quality and risk management process should be implemented.

The Architect must:

- Formalize a review process for the Construction Documents that the Architect and the Sub-consultants create.
- Clearly articulate the Architect's role and responsibilities as reviewer, arbitrator, and interpreter of the documents to the Client and Contractor during the Construction stage.
- Carry out and document timely and relevant reviews of the construction.

## 9. Adherence to Required Codes and Standards

The Architect must:

- Review the design in the context of all applicable codes, laws, and regulations and meet with relevant authorities responsible for the issuing of required jurisdictional approvals where necessary.

- Carry out and document a thorough Building Code analysis and confirm that the Engineering consultants have an understanding of the Code requirements for the project.
- Review construction for general conformance to the applicable codes and standards and inform the Client and Contractor of any non-conformance.

## 10. Project Completion and Close-Out

The Architect must:

- Be satisfied that the Contractor has performed the required work and that the Contractor has obtained the necessary occupancy permits.
- Be satisfied that the Client has fulfilled the contractual obligations to the Contractor.
- Carry out all agreed upon and regulated post-occupancy reviews and services.
- Provide documentation to the Client evidencing the completion of the contracted architectural services and be paid in full for those services.

If the Architect is satisfied that the requirements of these ten performance components have been met, or where a peer review conducted pursuant to a formal investigation determines that the requirements were met, then the Architect has satisfied his or her professional obligation to meet or exceed the Minimum Level of Professional Practice.