

Code of Ethics Part II

- > Bylaw Review Consultation and Information Session

Welcome! Please ...

- > Turn off your phones;
- > Raise your hand and wait to be called upon;
- > Comment or ask a question, one at a time;
- > Give others their opportunity to reply; and
- > Wait until others have replied before asking another question.

Thanks!

Overview

- > For many years, the AIBC has been engaged in a comprehensive process to review and amend AIBC bylaws for the self-governance of the profession in the public interest.

Overview

- > The AIBC's Code of Ethics and Professional Conduct ("Code of Ethics") is comprised of approximately 115 bylaws and council rulings. Accordingly, the BRC is phasing amendments to them in several parts.

Overview

- > The previous set of Code of Ethics bylaw amendments received strong support from voting registrants and came into effect in October 2019.

Overview

- > Those bylaw amendments were related to:
 - professional engagement (Bylaws 28.0, 28.1 & 28.3);
 - reporting and disclosure (Bylaw 32.5); and
 - architectural competitions (Bylaw 34.11 & 34.12).

Code of Ethics – Part II

- > Amendments for discussion today are related to:
 - Approved Partial Services Bylaw 28.1.1;
 - Advertising (Promotional Activities) Bylaw 32.2.1;
 - Harassment/Discrimination Bylaws 34.5 & 34.5.1;
 - Supervision of Intern Architect Bylaw 34.1.1; and
 - Client Confidentiality Bylaw 34.4.1.

Basic Services

- > The BRC identified, with feedback from registrants, council, and the AIBC's Investigations Committee, concerns about architects providing fewer services than basic services without the client's understanding.

Basic Services Reminder

- > What are 'basic services'? Basic services are services for a design or construction project.
- > They are set out in the AIBC Standard Form of Contract 6C between Client and Consultant 'Schedule of Consultant's Services'. They are the five phases of services listed in the grey boxes.

Basic Services Reminder

DESIGN DEVELOPMENT PHASE

Based on the *Client* approved schematic design documents and statement of probable *Construction Cost* (for Projects to be delivered in the traditional five-phase Design/Bid/Build method of Project Delivery, insert the following):

The *Managing Consultant* shall coordinate services of other *Consultants* as applicable, and jointly with those other *Consultants*, the *Managing Consultant* and the *Consultant* shall:

- 2.1 Prepare for the *Client's* review and approval, design development documents consisting of drawings and other documents appropriate to the size of the *Project*, as listed below:
- Site plan
 - Plans
 - Elevations
 - Sections
 - *Project* Brief detailing area calculations, building systems and outline specifications to describe the size and character of the entire *Project* including the architectural, structural, mechanical, and electrical systems, materials and such other elements as may be appropriate;

Basic Services Reminder

- > 'Basic services' are also listed in the 'Sequence and Scope of Services Chart' of the Tariff of Fees for Architectural Services. They are the services with a black bullet.

Basic Services Reminder

Sequence and Scope of Services Chart

Project Inception 1.0 Pre-design	Project Feasibility 2.0 Schematic Design	Concept Approval 3.0 Design Development	Development Permit 4.0 Construction Documents	Building Permit 5.0 Bidding or Negotiation	Award of Construction Contract 6.0 Construction Contract Administration	Substantial Performance Occupancy Permit 7.0 Post-Construction	Warranty and Maintenance
Architect's Services ○ Facility Programming ○ Space Relationships ○ Flow Diagrams ○ Project Development/Scheduling ○ Project Budgeting ○ Life Cycle Cost Studies ○ Economic Feasibility Studies ○ Agency Consulting/Review/Approval ○ Site Selection/Analysis/Utilization ○ Environmental Studies ○ Energy Studies ○ Existing Facilities Surveys ○ Client-supplied Data Coordination ○ Project Management ○ Presentations ○ Marketing Studies ○ Project Financing ○ Re-zoning Assistance ○ Project Promotion ○ OCP/Zoning Review ○ Obtain Consultants' Proposals Special Consultants' Services ○ Legal Survey ○ Land Survey ○ Geotechnical Analysis ○ Environmental ○ Urban Planning ○ Collect Site Data ○ Municipal Bylaw Review (Historic, Creeks, Hazardous Materials, etc.) ○ Foreign Practices Review ○ Project Scheduling	Architect's Services ● Client-Supplied Data Coordination ● Program and Budget Evaluation/Review ● Review Site Characteristics ● Review Alternate Design Approaches ● Architectural Schematic Design ● Schematic Design Coordination ● Drawings & Documents ● Review Construction Contract Types ● Statement of Probable Construction Costs ● Client Consultation ● Agency Consultation ● Building Code Review ○ Interior Design Concepts ○ Special Studies; e.g. Future Facilities, Environmental Impact ○ Special Submissions or Promotional Presentations ○ Special Models or Perspectives ○ Project Management ○ Value Analysis ○ Building Envelope Professional Services Coordination of Normal Engineering Services ● Structural Design Concepts ● Mechanical Design Concepts ● Electrical Design Concepts ● Statements of Probable Costs ● Agency Consultation ● Building Code Review ○ Value Analysis Special Consultants' Services ○ Geotechnical Design Concepts ○ Civil Design Concepts ○ Landscape Concepts ○ Statements of Probable Costs ○ Building Code Review ○ Zoning Amendments ○ Zoning Variance ○ Municipal Bylaw Review ○ OCP/ Zoning Analysis ○ Traffic Studies ○ Urban Design/Streetscape ○ View/Sun/Shadow Studies ○ Area Analysis	Architect's Services ● Client-Supplied Data Coordination ● Design Coordination ● Architectural Design Development ● Design Development Coordination ● Drawings & Documents ● Statement of Probable Construction Costs ● Client Consultation ● Agency Consultation ● Building Code Review ● Development Permit Submission ● Budget Review/Evaluation ○ Certified Professional Service ○ Interior Design Development ○ Special Studies Reports; e.g. Planning Tenant or Rental Spaces ○ Promotional Presentations ○ Models or Perspectives ○ Project Management ○ Rezoning Variance Submission ○ Value Analysis ○ Building Envelope Professional Services Coordination of Normal Engineering Services ● Structural Design Development ● Mechanical Design Development ● Electrical Design Development ● Budget Review/Evaluation ● Statements of Probable Costs ● Agency Consultation ● Building Code Review ○ Value Analysis Special Consultants' Services ○ Geotechnical Design Development ○ Civil Design Development ○ Landscape Design Development ○ Detailed Construction Cost Estimates, Quantity Surveys ○ Fire Protection ○ Acoustics ○ Building Code Equivalencies ○ Certified Professional Service ○ Energy Utilization Studies ○ Building Envelope Professional Services	Architect's Services ● Client-Supplied Data Coordination ● Project Coordination ● Architectural Construction Documents (Working Drawings, Form of Contract and Specifications) ● Document Checking and Coordination ● Statement of Probable Construction Costs ● Client Consultation ● Agency Consultation ● Building Code Review ● Letters of Assurance ● Budget Review/Evaluation ● Coordinating Registered Professional Role ● Building Permit Submission ○ Certified Professional Service ○ Interior Construction Documents ○ Alternate Bid Details & Special Bid Documents ○ Project Management ○ Area Analysis ○ Project Lease Plans ○ Tenant Layout Drawings ○ Multiple Contracts Management ○ Phased Construction Management ○ Building Envelope Professional Services Coordination of Normal Engineering Services ● Structural Construction Documents ● Mechanical Construction Documents ● Electrical Construction Documents ● Statements of Probable Costs ● Building Code Review ● Letters of Assurance ● Budget Review/Evaluation ● Building Permit Submissions Special Consultants' Services ○ Geotechnical Documents ○ Civil Construction Documents ○ Detailed Construction Cost Estimates, Quantity Surveys ○ Fire Protection ○ Acoustics ○ Building Code Equivalencies ○ Certified Professional Service ○ Energy Utilization Analysis ○ Security System Design ○ Existing Condition Surveys ○ Building Envelope Professional Services	Architect's Services ● Client-Supplied Data Coordination ● Coordinate Issue of Bid Documents ● Coordinate/Issue Addenda ● Bid Evaluation ● Client Consultation ● Prepare Contracts ○ Separate Bids or Negotiated Bids ○ Services Related to Bidders' Proposals ○ Project Management ○ Prepare Prequalification Criteria ○ Prequalify Contractors Coordination of Normal Engineering Services ● Prepare Bid Documents ● Prepare Addenda ● Bid Evaluation Special Consultants' Services ○ Prepare Bid Documents ○ Prepare Addenda ○ Bid Evaluation ○ Prepare Prequalification Criteria ○ Prequalify Contractors	Architect's Services ● Construction Inspection/Field Review ● Progress Reports' Evaluation ● Certificates for Payment ● Interpretation of Contract Documents ● Shop Drawing/Product Data/ Sample Review ● Change Orders & Change Directives ● Review of Warranties (1) ● Client Consultation ● Letters of Assurance ● Coordinating Registered Professional Role ● Substantial Performance Report and Certification (1) ● Deficiency Assessment (1) ● Instructions for Correction of Deficiencies (1) ● Final Inspection and Certification for Payment (1) ● Agency Consultation ○ Interior Construction Inspection/Field Review ○ Full-Time Project Rep ○ Admin. of Separate Contracts ○ Project Management ○ Promotional Material ○ Record (As-Built) Drawings ○ Certification re: Financing ○ Alternate Dispute Resolution Services ○ Certified Professional Service ○ Multiple Contracts Management ○ Phased Construction Management ○ Building Envelope Professional Services ○ Payment certifier role for subcontracts (Lien legislation) Coordination of Normal Engineering Services ● Structural Inspection/Field Review Reports ● Mechanical Inspection/Field Review Reports ● Electrical Inspection/Field Review Reports ● Certification of Progress ● Letters of Assurance - Record (As-Built) Drawings Special Consultants' Services ○ Civil Construction Inspection/Field Review ○ Landscape Inspection/Field Review ○ Detailed Cost Accounting ○ Fire Protection Inspection/Field Review ○ Acoustical Inspection/Field Review ○ Building Code Equivalencies ○ Certified Professional Service ○ Building Envelope Professional Services	Architect's Services ○ Project Inspection/Field Review ○ Deficiency Assessment ○ Instructions for Correction of Deficiencies ○ Start-up Assistance ○ Services Provided After Substantial Performance Date ○ Fine Arts/Crafts/Graphics/Non-Building Equipment Selection ○ Building Analysis and Reports ○ Services Related to Alterations and Demolition ○ Life Cycle Cost Monitoring ○ Environmental Monitoring ○ Project Management ○ Commissioning ○ Alternate Dispute Resolution Services ○ Expert Witness Services ○ Post-Occupancy Evaluation Coordination of Engineering and Special Consultants Services ○ Start-Up Assistance ○ Services Provided After Substantial Performance Date ○ Non-Building Equipment Selection ○ Building Analysis and Reports ○ Services Related to Alterations and Demolition ○ Life Cycle Cost Monitoring ○ Systems Performance Review ○ Commissioning	

● Basic Services: normally provided as integrated set by architect under Standard Forms Agreement; form basis of fees in section 3.5.3

○ Additional Services: provided to meet specific project needs

Approved Partial Services

- > Approved partial services omit, as approved by council, one or more basic service(s) for a design or construction project.
- > For example, services related to certificates of payment, bidding, etc., may be omitted after notifying the client in writing.

Approved Partial Services

- > Approved partial services are described in Bulletin 90: Minimum Scope of Architectural Services.
- > Basic services with an asterisk may be omitted.

Approved Partial Services

- > And, approved partial services for residential condos are listed in Bulletin 55: Tariff For Market Multiple-Residential Sector and its Appendix II Sequence and Scope of Services Chart.
- > Basic services without a black bullet may be omitted.

Approved Partial Services

- > The only basic services that may be omitted for a design or construction project are the basic services that council has approved, e.g., Bulletins 90 and 55.
- > **Rationale: The omissions do not endanger the public interest and the client understands and undertakes the risks when an architect does not provide the omitted services.**

Approved Partial Services

- > The proposed bylaw establishes a notification requirement that architects must accurately describe in their contract any basic service(s) that will be omitted and thereby notify clients specifically which basic service(s) will not be provided.

Consistency with Notification Standards

- > Informing clients of basic services that will be omitted is consistent with historic and more recent AIBC professional standards directed at notifying clients and the public of important professional matters.
- > For example, architects notifying clients of insurance status; associates notifying clients and AHJs of associate registration status.

Consistency with Contract Standards

- > The proposed new bylaw complements the bylaw amendments made to Bylaw 28.0 and 28.1 during the previous round of Code of Ethics amendments.
- > Bylaw 28.0 requires an executed contract and notifications about PLI coverage and AIBC bylaw compliance before providing any services.

Bylaw 28.1 Reminder

- > Bylaw 28.1 requires that an architectural services contract must be a standard form contract approved by council or based upon, and generally consistent with, a standard contract in relation to services, responsibilities, and general conditions.
- > Council-approved contracts: AIBC 6C, 6C-H & 8C; RAIC 6 & 9; CCDC 15 & 30 and ACEC 31.

Approved Partial Services Bylaw

> Proposed New Bylaw 28.1.1:

28.1.1 An architect ~~who will provide~~ **only approved** partial services ~~on any~~ **for a design or construction** architectural commission must:

- (a) accurately describe the ~~reduced scope of~~ **basic service(s) to be omitted** in the architectural services contract required under Bylaw 28.0; and

Approved Partial Services Bylaw

- (b) either in the scope of services description in (a) above, or otherwise in writing; specifically notify the client which **other basic** service(s) found in the Schedule of Consultant's Services in AIBC Standard Form of Contract 6C will not be provided during the commission.

Approved Partial Services

> Example: AIBC 6C Schedule of Consultant's Services: Construction Documents Phase

3.1 Prepare for the *Client's* review and approval, construction documents consisting of drawings and specifications setting forth in detail the requirements for the construction of the Project;

Approved Partial Services

~~3.3 Obtain instructions from and advise the Client on the preparation of the necessary bidding information, bidding forms, conditions of the contract and the form of contract between the Client and Contractor;~~

3.4 Review statutes, regulations, codes and by-laws applicable to the design and where necessary review the same with the authorities having jurisdiction in order that the *Client* may apply for and obtain the consents, approvals, licences and permits necessary for the *Project*;

Bulletin 90

- > Bulletin 90: *Minimum Scope of Architectural Services* is scheduled for review and will be updated soon.

Advertising/ Promotions

- > The BRC recommends an advertising bylaw that requires registrants to be accurate, factual, and not misleading in advertising and promotions.

Advertising/ Promotions

- > This new bylaw will accompany existing Bylaw 32.2, which requires accurate representations regarding qualifications, and scope of responsibility and credit for work.

Advertising/ Promotions

> Proposed New Bylaw 32.2.1:

32.2.1 An architect must ensure that all advertising, marketing, and other promotional information is accurate, factual, and not misleading.

Harassment/Discrimination

- > The BRC has considered the #metoo movement and whether the current Code of Ethics adequately addresses registrant behavior with regard to harassment and discrimination.

Harassment/Discrimination

- > The BRC recommends amendments to the current Bylaw 34.5, and the creation of new bylaw 34.5.1.
- > The proposed amendments to Bylaw 34.5 include consolidating the first five council rulings under this bylaw and adding a new paragraph specifically prohibiting harassment and discrimination.

Harassment/Discrimination

- > Proposed new Bylaw 34.5.1 combines the remaining three council rulings that relate to registrant's obligations to the AIBC; namely:
 - respond promptly;
 - cooperate with investigations; and
 - promptly advise of changes in contact information.

Harassment/Discrimination

> Proposed Amended Bylaw 34.5:

34.5 ~~An architect shall~~ **Architects must** conduct **their**
the architect's affairs in a professional manner
and refrain from any act which would reflect
unfavourably on the profession as a whole,
including but not limited to refraining from:

Harassment/Discrimination

- (a) dishonourable or discourteous conduct towards the public, other registrants or any other party, person or entity, or conduct unbecoming in the professional or personal life of an architect;
- (b) harassment, discrimination or other failure to comply with human rights laws in force in Canada, its provinces and territories; and

Harassment/Discrimination

(c) behaviour that would reflect unfavourably on the profession.

Harassment/Discrimination

> Proposed New Bylaw 34.5.1:

34.5.1 An architect must:

- (a) respond promptly to any AIBC communication requiring a response;
- (b) promptly notify the AIBC of any change in contact information that the AIBC may from time to time request; and

Harassment/Discrimination Bylaw

- (c) cooperate fully with the AIBC in a professional conduct matter at whatever stage, including attending in person upon request, summons or notification by the investigations committee, consensual resolution review panel, or disciplinary committee.

Supervision of Intern Architect

- > On occasion, concerns have arisen regarding the degree and quality of intern supervision and training.
- > In response to these concerns, the BRC recommends the creation of an intern supervision standard.

Supervision of Intern Architect

- > The recommended approach is similar to the Law Society of BC's approach and would require that supervising architects agree to sign and comply with a "supervision undertaking" established by council.

Supervision of Intern Architect

> Proposed New Bylaw 34.4.1:

34.4.1 An architect supervising an intern architect must sign and comply with the supervision undertaking established by council.

Supervision of Intern Architect

> A draft Supervising Architect Undertaking:

I [name of architect] ... undertake that:

1. I am familiar with the requirements and objectives of the intern architect program (IAP);
2. I have the time and ability to assess the quality of work of the intern;

Supervision of Intern Architect

3. I will meet as necessary with the Intern, and in any event no less than twice per year, to specifically review logbooks, assess and monitor work and ~~strategize on~~ **plan** future project **experiences**;
4. I will **provide** reasonable assistance to the Intern in preparation for written and oral examinations;

Supervision of Intern Architect

5. I will provide such **personal professional** supervision of and guidance to the Intern as appropriate, including assisting the Intern to obtain the necessary range of practical architectural experience for registration; and
6. I will support the Intern's efforts in relation to continuing education and **Intern courses** to the extent reasonably possible within my firm's capacity.

Client Confidentiality

- > The BRC is recommending a simple bylaw that reinforces the expectation that registrants maintain client confidentiality.
- > The new bylaw would complement contractual confidentiality requirements that are enforced through private litigation.

Client Confidentiality

> What is confidential information?

Client Confidentiality

> Proposed New Bylaw 34.4.1:

34.4.1 An architect must maintain the confidentiality of confidential client information and not disclose such information except:

- (a) with client consent;
- (b) where required to deliver such information to the AIBC;

Client Confidentiality

- (c) as may be required by law; or
- (d) In the event the architect believes on reasonable grounds that there is an imminent risk of serious public harm.

Next Steps

- > As with previous bylaw votes, your suggestions during this consultation session will be reviewed by the BRC to fine-tune the proposed bylaws and they will be appended to the BRC's final submission for council's consideration before council votes whether to approve these proposed bylaws for our e-vote.

Next Steps

- > If council approves the BRC's final submission of these proposed bylaws, our e-vote is likely in **March - April, 2020.**

Next Steps

- > Our next phase of Code of Ethics bylaw amendments (Part 3) will include amendments to bylaws and rulings about:
 - competency;
 - project takeover; and
 - use of seal.

Feedback

- > [Read the proposed bylaws amendments and supporting rationales](#) (PDF).
- > Consultation/Information Session.
- > Email bylawfeedback@aibc.ca.
- > Online feedback form.

Thank you for attending.