**South African Council for the Architectural Profession**

**PROFESSIONAL PRACTICE EXAMINATION**

**OCTOBER 2020**

**PAPER 1 – MEMORANDUM**

* This is closed book paper.
* Candidates must answer all questions.
* Total marks for paper 1 – **150 marks**
* Time allowed for paper 1 – **3 hours**
* Pass mark – **50%** in either paper.
* Please ensure that you have provided your correct **EXAMINATION NUMBER** for identification purposes.
* No cell phones, programmable calculators, laptops and/or other electronic equipment are permitted to be used during the examination.

**QUESTION 1** *25 marks*

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| 1.1 | Name the primary function of the Council for the Built Environment. | (4) |
| To ensure uniform application of norms and guidelines (2) set by the councils for the professions throughout the built environment (2) |
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| 1.2 | What is the full name of the statutory body known by the abbreviation "CIDB" (or "cidb")? | (2) |
| Construction Industry (1) Development Board (1) |
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| 1.3 | Provide the full name, number and year of origin of the Act that established the South African Council for the Architectural Profession (SACAP). | (2) |
| The Architectural Profession (1) Act 44 of 2000 (1)  |
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| 1.4 | Which legislative body enacted the form of legislation identified in question 1.3 above? | (2) |
| Parliament |
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| 1.5 | Aside from providing for connected matters, provide two (2) functions of the Act identified in question 1.3 above *(3 marks each)*. | (6) |
| *3 marks for each of the following (total 6 marks):*To provide for the registration of professionals, candidates and specified categories in the Architectural ProfessionTo provide for the regulation of the relationship between the SACAP and the Council for the Built Environment (CBE) |
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| 1.6 | What are the two (2) ways of adhering to the requirements of the regulations set out in the South African National Standards (SANS) 10400? *(3 marks each)* | (6) |
| Deemed to satisfy (3)Rational design (3) |
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| 1.7 | *Provide the missing word to complete the following sentence:* | (3) |
| In the eyes of the South African Council for the Architectural Profession (SACAP), the only competence of an architectural professional is his/her \_\_\_\_\_\_\_\_\_\_\_\_ competence. |
| Registered |
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**QUESTION 2** *30 marks*

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| 2.1 | Which two (2) words describe the manner in which a registered person is required to act in order to adhere to the most important obligation in terms of the SACAP Code of Professional Conduct? *(2 marks each)* | (4) |
| A registered person is expected to act COMPETENTLY (2) and with INTEGRITY (2) |
|  |
| 2.2 | In terms of the rules of the SACAP Code of Professional Conduct, what three (3) factors determine the type of architectural practice that may be formed? *(2 marks each)* | (6) |
| The registration category (2) of the most senior person (2) actively practicing (2) in the practice |
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| 2.3 | In terms rule 4.1 of the Code of Professional Conduct, an architectural professional must clearly set out the terms of appointment with the client in writing. Aside from adhering to the Code, provide two (2) reasons why you would regard this as important? *(3 marks each)* | (6) |
| *Not all answers are provided, but requires an insight into the reasons for adhering to the Code (3 marks each – total 6 marks). Possible answers may include the following:** Establishes the business relationship with the client
* Establishes the services that would be provided and the fees that would be charged
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| 2.4 | Describe three (3) reasons for engaging in Continuing Professional Development (CPD) as a registered architectural professional *(2 marks each)*. | (6) |
| *Any of the following or in a similar vein (2 marks each – total 6 marks):** Increasing complexity of construction
* Rapid developments in information technology
* Need for improved performance
* Ongoing development of materials, techniques and systems
* Continually changing legislative and practice frameworks
* Growing environmental imperatives
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| 2.5 | What type of offence would result if an unregistered person provides architectural services to a member of the public? | (2) |
| This is regarded as a CRIMINAL offence *– 2 marks* |
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| 2.6 | Which one (1) of the following words best describe the relationship between an architectural professional and SACAP? | (2) |
| A. | Membership |
| B. | Election |
| C. | Competitor |
| **D.** | Mandatory *– 2 marks* |
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| 2.7 | Which one (1) of the following words best describe the relationship between an architectural professional and a Voluntary Association (VA)? | (2) |
| **A.** | Membership *– 2 marks* |
| B. | Election |
| C. | Competitor |
| D. | Mandatory |
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| 2.8 | Which one (1) part of an architectural professional’s relationship with SACAP lapses pending the submission of Continuing Professional Development (CPD) credits? | (2) |
| A. | Membership |
| B. | Election |
| C. | Affiliation |
| **D.** | Registration *– 2 marks* |
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**QUESTION 3** *40 marks*

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| A family friend has contacted you to enquire about providing architectural services for an addition and alteration project on their existing home. They are happy to pay you for your services and have indicated that they furthermore require the service of a project manager to oversee the project, and would be delighted if you would also fulfil this role. |
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| Having met with your prospective client to discuss the project, you noted that the scope of the project may change, and client requires your input on what would be possible for the preliminary budget. |
|  |
| Based on the preliminary scope and budget, you are now in the process of compiling a letter of offer for your services, which may ultimately lead to the signing of a professional service agreement on the acceptance of your offer. In your letter, you are outlining the standard ("full") scope of an architectural professional’s service. However, you have not included "project management" as part of your services. |
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| 3.1 | 1. | As an architectural professional, why would you not include the project management services as requested by the client? | (6) |
| To provide this service, a person must be registered as a professional (3) with the South African Council for the Project and Construction Management Professions (SACPCMP) *(either full name or acronym (3))*. |
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| 2. | Instead of providing project management services, what is the name of the service you would provide during work stage five (5)? | (3) |
| Principal Agent |
|  |
| 3. | Describe three (3) of your obligations in providing this service during work stage five (5) *(3 marks each)*. | (9) |
| *Any of the following or in a similar vein (3 marks each – total 9 marks):** To administer the construction contract
* To certify the stages of completion
* To evaluate claims during the construction work stage
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| Having reviewed your letter of offer, the client has noted that your fees may be adjusted based on numerous variables. The client has requested that your fees be fixed for the duration of the project, based on the preliminary budget. |
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| 3.2 | What reason would you give for not agreeing to these terms? | (6) |
| *Either of the following reasons, or in a similar vein (total 6 marks):** Budgets or estimates typically prove to be conservative when measured against the final project cost
* The architectural professional has forfeited the right to recalculate fees – regardless of changes to the budget or changes to the scope
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| Having accepted your reason, the client has agreed to the adjustment of your fees as the project progresses and has accepted your offer to provide the standard ("full") scope of architectural services on the project. |
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| 3.3 | Provide the name of the standard form professional service agreement would you recommend be entered into with your client for the project. | (3) |
| *This answer may be any ONE of the following Professional Service Agreements (for 3 marks):* * SAIA (1) Client-Architect Agreement (2)
* SAIAT (1) Client/Professional Agreement for Architectural Services (2)
* PROCSA (1) Client/Consultant Professional Services Agreement (2)
* SACAP (1) Client Professional Project Agreement (2)
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| You have proposed this to the client but (due to your family connection) the client does not feel it necessary to enter into a professional service agreement, and would prefer to continue with the project without such an agreement. |
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| 3.4 | 1. | Identify three (3) common law principles that would apply should you not enter into a professional service agreement with the client? *(3 marks each)* | (9) |
| *Any of the following or in a similar vein (3 mark each – total 9 marks)** Payment for services only once the completed project is handed over
* There may be no changes to the agreed scope of the service nor to the extent of the project
* All disputes would have to be resolved in the courts through litigation
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| 2. | Over-and-above the common law principles that would apply, provide one (1) other reason why it would be important to enter into a professional service agreement with your client. | (4) |
| *Any one of the following or in a similar vein (total 4 marks)** Establishes the business arrangement between you and your client
* Sets out the standard scope of service
* Grants authority to the architectural professional
* Limits the liability of the architectural professional
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**QUESTION 4** *30 marks*

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| You have been approached by an individual to provide a proposal for a new community centre in a rural setting. While this project may prove most valuable to the community, the following factors are currently unknown: the need and desirability of the project; the parameters of the project (the vision and feasibility); the appointment of consultants; and identifying appropriate land for the centre. |
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| 4.1 | 1. | Provide the name of the work stage that would typically be required in order to address the unknown factors of this project. | (4) |
| Project (2) Initiation (2) *(one mark for "stage zero")* |
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| 2. | Aside from the client, what is the name of the consultant who would typically provide the services required during this work stage? | (4) |
| The Development (2) Manager (2) |
|  |
| 3. | Identify one (1) aspect of the services in this work stage to which an architectural professional could provide valuable input (for additional fees). Provide a reason for your answer *(2 marks for the service plus 4 marks for the reason)*. | (6) |
| *Any suitable selection of the above factors in the scenario may be provided as an answer (2 marks) with an appropriate reason (4 marks).* |
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| Having discussed the project further, you note there has no amount set aside for the services of an architectural professional. Despite this, you remain interested in providing architectural services on the project, but have chosen to evaluate the potential risks that exist. |
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| 4.2 | Identify four (4) questions to ask as part of a risk assessment before commencing with your architectural services on this project *(3 marks for each question)*. | (12) |
|  | *Any FOUR of the following or in a similar vein (3 marks each – total 12 marks):** Has the client arranged for suitable finance?
* Are our fees to be negotiated?
* Are we in competition?
* Are the design requirements clearly defined?
* Do we have knowledge on the type of building?
* How much research will be required?
* Number of staff / additional staff / overtime required?
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| 4.3 | What would you ensure is in place in order to address your delictual liability on this project? | (4) |
| Ensure that a Professional Indemnity (2) Insurance policy (2) is in place. |
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**QUESTION 5** *25 marks*

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| Having successfully completed your Professional Practice Examination and registered with SACAP as professionals, you and two colleagues have decided to form a new architectural practice. To start off with this new venture, you and your colleagues have chosen a partnership as the most suitable type of business entity. |
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| 5.1 | Describe two (2) possible advantages and two (2) possible disadvantages of the choice of a partnership for your new business entity (*3 marks for each)*. | (12) |
| *Any TWO of the following advantages and TWO disadvantages or in a similar vein (3 marks each – total 12 marks):*ADVANTAGES:* Basically no legal formalities (no registration with CIPC) therefore relatively cheap and quick to establish
* Less strictly regulated than companies and more flexible in terms of management
* Partners share profits: an advantage when the partners have different skills and can work well together
* The partners only pay tax individually; the partnership/business does not pay tax as it is not a separate legal entity
* No statutory requirements to audit a partnership

DISADVANTAGES:* All business ventures involving more than one person run the risk of disputes arising, but partnerships have no statutory measures for governance like companies
* All business ventures involving more than one person run the risk of disputes arising, but partnerships have no statutory measures for governance like companies
* The partners are subject to unlimited liability: each partner shares the liability and financial risks of the business.
* All profit is attributed to the partners and will therefore be subject to the tax rate of the individual partner, which can lead to that partner paying higher taxes
* The life-span is only for as long as the partners remain in the business.
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| 5.2 | Like many new business, you have decided to compile a business plan and carry out an analysis of Strengths, Weaknesses, Opportunities and Threats ("SWOT" analysis). Describe one (1) potential strength and one (1) potential weakness that your new architectural practice could potentially face *(3 marks for each)*. | (6) |
| *Not all possible answers are listed – requires an evaluation of the insight of the answers (3 marks for each – total 6 marks).* |
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| 5.3 | What is the term used to describe you and the other partners within your new architectural practice? | (3) |
| *Any one of the following (3 marks):*Principals *(not "principles")* / Directors / Partners |
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| 5.4 | After having established your business as a partnership, to which form of business entity could you progress to as your practice develops? Provide the name plus the suffix attached to this type of business entity *(1 mark for the name; 1 mark for the suffix)*. | (2) |
| *Either one of the following:** A Proprietary Limited (1) (Pty) Ltd (1)
* Incorporated Company (1) (Inc.) (1)
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| 5.5 | Which type of employee would your practice consider when appointing someone on a short-term, per-project basis? | (2) |
| An independent (1) contractor (1) |
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