**South African Council for the Architectural Profession**

**PROFESSIONAL PRACTICE EXAMINATION**

**26 SEPTEMBER 2019**

**PAPER 1**

* 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 – **55%** in either paper, and an average of **60%** for the two papers combined
* Please ensure that each exam book that you use displays your correct **EXAMINATION NUMBER** for identification purposes.
* No reference material, cell phones, programmable calculators, laptops and/or other electronic equipment will be permitted in the examination room.

**QUESTION 1** *25 marks*

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| 1.1 | What is the name of the overarching Council for the professions practicing in the built environment? | (2) |
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| 1.2 | Provide the full name, number and year of origin of the Act that established the South African Council for the Architectural Profession (SACAP). | (4) |
|  |
| 1.3 | Which legislative body enacted the form of legislation referred to in question 1.2 above?  | (2) |
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| 1.4 | What is the primary difference between the current legislation governing the architectural profession and the Architects' Act of 1970? | (4) |
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| 1.5 | Which entity is protected as a primary function of SACAP? | (2) |
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| 1.6 | Who appoints the members of the Council of SACAP? | (3) |
|  |
| 1.7 | Answer 'TRUE' or 'FALSE' to each of the following statements: |
|  |
| 1. | SACAP develops and promotes architectural education in South Africa. | (2) |
|  |
| 2. | SACAP publishes a Code of Ethics. | (2) |
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|  | 3. | 'Professional Senior Architectural Draftsperson' is a category of registration in the architectural profession. | (2) |
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| 4. | An architectural practice may not display the logo of SACAP on corporate stationary. | (2) |

**QUESTION 2** *30 marks*

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| 2.1 | What is the overriding obligation of a registered person under the rules of the SACAP Code of Professional Conduct? | (9) |
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| 2.2 | What is the term used to refer to the person who has control of an architectural practice? | (2) |
|  |
| 2.3 | What term may be omitted from the trading name of an architectural practice? | (2) |
|  |
| 2.4 | Provide the definition of 'complaint' as provided in the SACAP rules for investigations and disciplinary tribunal hearings. | (6) |
|  |
| 2.5 | On receipt of a complaint of improper conduct of a registered professional, the SACAP Registrar must refer the matter to which body? | (2) |
|  |
| 2.6 | When would it be regarded as a breach of the SACAP Code of Professional Conduct to sign a building plan or document that has been prepared by another architectural practice? | (6) |
|  |
| 2.7 | What must one do to ensure compliance with the SACAP Code of Professional Conduct when receiving remuneration for an installation used on project on which you are providing a service? | (3) |

**QUESTION 3** *40 marks*

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| In April this year, SACAP circulated a communication containing a stern warning regarding the growing trend of registered professionals charging excessively reduced fees for architectural services.  |
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| You have been approached by a client to carry out architectural services on a residential project up until work stage 4.2 in order to save on fees for architectural services. Furthermore, the client has indicated that your appointment will only be considered once you have agreed to a substantial reduction of your fees from the SACAP recommended tariff. The budget for the project is R 7 500 000.00. In order to proceed with the project, the client would like for you to commence with a design concept prior to your appointment to assess the cost of the project. |
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| 3.1 | Prior to the commencement of your services, what are three of the factors that you would consider discussing with your client regarding the demand for a substantial reduction of your fees for architectural services? | (6) |
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| 3.2 | When requested to carry out work at risk (for deferred remuneration), what are three of the factors to consider as part of a risk analysis prior to the commencement of your services? | (6) |
|  |
| Having considered the items above, you have decided to proceed with the project provided that remuneration is not deferred and that the client agrees to remunerate you appropriately for your services, in line with the current SACAP professional fee guideline. The client has provisionally agreed, and you are now in the process of formalising your appointment through a letter of offer to the client for your partial services on the project. |
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| 3.3 | Consider each of the following items and indicate whether or not you would include them in your letter of offer. Provide a motivation for each. |
|  |
| 1. | A stipulated monetary penalty for the late performance of your service. | (3) |
|  |
| 2. | The stages at which your fees would be payable. | (3) |
|  |
| 3. | The fact that you do not have Professional Indemnity insurance cover. | (3) |
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| The budget for the project is R 7 500 000.00. The project cost-based fee for your service that you present in your offer will be in line with the current SACAP professional fee guideline (Board Notice 122 of 2015). This has been calculated as follows: |

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| --- | --- |
| For value of works of | R 7 500 000.00 |
| Primary Fee | R 728 749.00 |
| Secondary Fee | (R 7 500 000.00 – R 6 500 001) X 9.50% |
| R 999 999.00 X 9.50% |
| R 94 999.91 |
| Professional Fee | Primary Fee + Secondary Fee |
| R 728 749.00 + R 94 999.91 |
| R 823 748.91 |

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| 3.4 | Calculate the fees for each work stage and your total fee for the project. This must include the minimum fees for the stages following work stage 4.2. Present this as you would in your letter of offer, providing the name and fee for each work stage, and showing the VAT applicable to each, followed by the total fee for your services. | (19) |

**QUESTION 4** *30 marks*

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| 4.1 | Provide four advantages of the PROCSA Client/Consultant Professional Service Agreements. | (12) |
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| 4.2 | Consider each of the following statements regarding the services of an architectural professional and indicate whether or not they will constitute a contractual obligation to the client. Provide a motivation for each. |
|  |
| 1. | The drawings and documentation for the project will be free of errors. | (3) |
|  |
| 2. | The quality of the building will be guaranteed. | (3) |
|  |
| 3. | The service will be provided with reasonable professional skill, care and diligence. | (3) |
|  |
| 4.3 | Provide a definition of 'copyright' as it relates to the work of an architectural professional. | (6) |
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| 4.4 | Provide an example of what would be regarded as a breach of the copyright of an architectural professional. | (3) |

**QUESTION 5** *25 marks*

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| 5.1 | 1. | What is the simplest type of business entity in South Africa? | (3) |
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| 2. | What is the maximum number of people permitted to engage in a Partnership? | (3) |
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| 3. | Which type of business entity can no longer be newly established in South Africa? | (3) |
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| 4. | Which type of business entity has shareholders as participants? | (3) |
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| 5.2 | Name two methods to consider in the appointment of a professional team. | (4) |
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| 5.3 | Name three items that must be provided on the letterhead of an architectural practice. | (9) |