

PB-30**RFP RESPONSES FROM OUT-OF-PROVINCE PROFESSIONALS****REFERENCES**

Architects Act, Part 4 – Registration of Members

Architects Act General Regulation, Part 1 – Registration

Bylaws, Part 6 – Registers

From time to time, the Alberta Association of Architects (AAA) addresses inquiries from professionals outside of Alberta who wish to pursue work in the province in response to an RFP. The AAA has deemed this activity acceptable. However, certain protocols must be followed.

PROTOCOL

The following represents the general process that the AAA requires each proponent or firm to follow:

1. Determine and confirm if the proponent¹ or firm is eligible to be registered in the province of Alberta or to qualify as a Visiting Project Architect (VPA) for a single project. The AAA website provides all required protocols and eligibility criteria under the Registration and Licensing tab.
2. Declare to the Association and to the client in the marketing materials and RFP response, that the proponent or the firm is NOT registered in Alberta but is eligible for registration and licensure - and if successful, will NOT enter into any agreement for professional services until and unless registration and licensure is confirmed. Proponents may use the letter template provided in the Appendix to this Practice Bulletin.
3. Take immediate steps to apply for registration and licensure in Alberta if successful with the proposal.

Please note, regardless of eligibility for registration and licensure, the AAA recommends that the proponent or firm, if not resident in Alberta, as part of its response to the RFP, align itself via a formal association with a local firm to act as the Architect of Record and identify themselves as an out-of-province proponent or firm as a sub-consultant to the local firm.

APPENDICES**Background**

To practice architecture in Alberta, one must be a member of the AAA and have an approved practice arrangement (sole practitioner, partnership or corporation). Alternatively, an out-of-province architect or interiors professional may associate with a locally-registered practice entity as a visiting project architect (interior designer). To practice architecture in Alberta, registered architects and firms may qualify under provincial reciprocity or other international agreements. The AAA website (www.aaa.ab.ca) identifies these options under the Registration and Licensing tab.

In Alberta, it is important to note that the *Alberta Building Code* (ABC) requires the architect of record to execute schedules of commitment and compliance known as Schedules A, B and C as

a condition precedent to project development and execution. The architect of record is generally known and referred to as the Coordinating Registered Professional (CRP) or in some jurisdictions, the Registered Professional of Record.

In executing the seal onto these schedules, the CRP must meet the oversight test in the practice of architecture in Alberta according to the *Architects Act* and that the seal represents to the authority having jurisdiction that the work was completed under “the personal supervision, direction and control” of the authorized entity, i.e., the CRP. If one’s seal is affixed to documents intended for permitting or other official purposes when this test is not, or cannot be, met, then the seal is used inappropriately and this is considered unprofessional practice by the AAA. As such, this may subject the proponent and / or firm to disciplinary action upon receipt of a formal complaint.

It is incumbent upon any non-resident proponent or firm practicing in Alberta to understand that these professional obligations apply equally to an out-of-province or an out-of-country entity as it does for those who reside in Alberta, in order to protect the public interest.

It is for this reason that the AAA encourages all out-of-province registrants to align themselves with a local Alberta firm as the architect of record. This places the onus on the local firm or the local architect that is generally better-suited and capable of assuming these responsibilities.

This requirement is not to be taken lightly. The AAA will continue to monitor this requirement in its role as the regulator to protect the public interest and to ensure that every project is duly administered, regardless of who is doing the work.

Upholding the professional obligations under the *Architects Act*, the *Architects Act General Regulation*, Bylaws, Code of Ethics and the protection of the public interest is paramount to the AAA. None of the above, however, is intended to presuppose the ultimate responsibilities vis a vis scope of work and professional liability for that work between the parties to an agreement. This is usually addressed “outside of the seal” and should be carefully identified in the agreement between the parties with a specific project endorsement included in each firm’s professional liability policy or, if applicable, covered under a separate project professional liability insurance policy.

NOTES

¹ In the case of larger international firms, typically in the USA, it is not unusual that a firm’s CEO or lead principal seeking a VPA registration does not meet the conditions required if they are not architects. As a result, it is wise to seek advice from the AAA to confirm eligibility for VPA registration. There are several instances where individuals may be registered in several States but cannot qualify for a Canadian Architectural Certification Board (CACB) certification registration number, as a prerequisite for reciprocal recognition in Canada, and thus are not eligible to be a VPA in Alberta. However, firm registration may still be possible.

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Practice Bulletins are issued by The Alberta Association of Architects as a practice resource or as general interpretations of the requirements in the *Architects Act*, the *Architects Act General Regulation*, and the Bylaws. Bulletins should be read in conjunction with the Act, Regulation and Bylaws and in no way supersede these documents. Bulletins are not intended to be and are not legal advice to the members of the association nor to the public / client. members and the public should consult their own legal, income tax or financial advisors as to the application of the *Architects Act* and *General Regulation* in specific circumstances.

Appendix – Letter Template

Month, Day, Year

Registrar
Alberta Association of Architects
Duggan House
10515 Saskatchewan Drive
Edmonton, AB T6E 4S1

Dear Sir / Madam:

We are writing to inform you that we have been invited to submit an (expression of interest, letter of qualification or interest, proposal) in connection with an RFP for consulting services entitled (xxx), due by (xxx) for the (Project name, client and description).

It (is / is not) our intention to align ourselves in association with a local Alberta Firm (XXX) / (at this time).

We confirm that we are not currently registered and licensed to practice in Alberta. However, we are members in good standing of the (xxx) in the province of (xxx) or (xxx) in the USA. We also confirm that we are eligible for registration and licensure in Alberta.

We intend to apply for registration and licensure of our firm should we be successful in securing this commission. Our firm will not enter into any agreement to provide any professional services unless and until registration and licensure is achieved in accordance with the *Architects Act*, *General Regulation* and Bylaws.

By copy of this letter to the Association and to the Client, we trust that we are currently following the protocols as required by the Alberta Association of Architects (AAA).

Sincerely,

cc: Client