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**ARCHITECTS' PROFESSIONAL EXAMINATION AUTHORITY IN
SCOTLAND Ltd.**

**THE EXAMINATION IN PROFESSIONAL PRACTICE &
MANAGEMENT: PART 3, 2006**

QUESTIONS for CANDIDATES
All questions should be attempted

All the characters, locations and incidents contained in this Paper are fictitious. The projects, if based on live events, have been amended to conceal specific identity.

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QUESTION 1

Write **concise** notes on the following topics:

- 1.1 Profitability in Architectural Practice
- 1.2 Joint and Several Liability in Partnership
- 1.3 Change Management Procedure
- 1.4 Relevance of Egan today
- 1.5 Use of OJEU in Construction
- 1.6 Alternative Dispute Resolution

End of Question 1

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QUESTION 2

Memo to: Candidate

From: John Young

Date: 24 August 2006

Copy of letter from HGG Design Associates attached for your consideration.

I am a bit rusty on codes of conduct. Please can you look into this and let me know where we stand.

Should we have advised HGG of our involvement?

Should we have ascertained that they had been paid before commencing work?

What about the allegation that we have supplanted HGG?

Should we consider resigning the commission to minimise the possibility of disciplinary action by the ARB?

What else do you think that we should do?

QUESTION 2 (continued)

LETTER FROM PREVIOUS ARCHITECTS:

H G G D E S I G N A S S O C I A T E S

Unit 16, WESTMOUNT BUSINESS PARK, CITYBURGH CB127PL Tel. 0123 456 7890
Fax. 0123 456 7899

GFY Architects
Geddes House
1 Union Street
Cityburgh
CB1 9RW

I write to complain in the strongest possible terms.

Through the letting agent for the above, I hear that you have been carrying out design work on this project. We were engaged by Vagon Properties Ltd in 2003 to provide architectural services on this project and have completed numerous designs for the subdivision of the old bank building into retail and commercial units. Although we have incurred considerable costs on this and have invoiced VPL, we have yet to receive any payment for our work to date.

In accordance with the professional Codes of Conduct, you had a duty to advise us of your involvement and to ensure that we were paid before you proceeded with work on this project. Furthermore, we consider that you may be guilty of supplanting us.

On this basis, we have made a formal complaint against you to the ARB and have requested that disciplinary action be taken against you.

We also require that you resign this commission immediately.

Yours faithfully,

G. Macmillan,
Senior Partner,
HGG Design Associates

HGG Design Associates, Cityburgh, Seatown. Partners: G Macmillan BA, FRIAS, A. Dent BSc, ARIAS, F. Prefect BIAT

End of Question 2

QUESTION 3

Memo to: Candidate

From: Miriam

Date: 24 August 2006

I had a meeting with Tower Valley this morning to discuss possible procurement routes for the 24 new houses at Station Road. Their main concerns are:

1. Cost certainty is a must. Once funding is agreed, it will be very difficult for Tower Valley to go back and obtain more funding.
2. Quality-control is also very important to Tower Valley. Their last few projects have suffered from a high level of construction defects, leading to widespread complaints from the tenants. Tower Valley requires us to keep a tight grip on build-quality, with frequent and rigorous site inspections.

As this project is to become part of a much larger volume-procurement turn-key contract with Summerpark Homes, Tower Valley are suggesting that we could be appointed directly by the contractor, from the outset. Will this involve a novation?

What do you think about the procurement method? I have to give them some response by Friday.

Tower Valley also intends to do something (at long last) about collaborative working. They say that the Summerpark contract may end up as a partnering arrangement. Can you do some research into collaborative working and give me a brief summary of what this involves, including the sharing of risks and rewards.

Do you think that a partnering approach would be suitable for this project?

End of Question 3

QUESTION 4

Memo to: Candidate

From: John Young

Please find attached an e-mail from our client Cityburgh Development Ltd.

I have checked the file – it would seem that your predecessor may have failed to discharge, or incorporate into the specifications and drawings, the conditions attached to the Listed Building Consent.

I know this is short notice, but we need to act quickly, can you look at the e-mail and inform me of what you suggest our immediate course of action should be, and can you draft a letter to the client in response. I will be back in the office late this afternoon and will speak to you then. I am anxious to resolve this quickly and professionally in order to maintain the good relationship we have with this client as I am sure we were in line for some repeat business.

We need to treat this as a complaint and make sure this does not happen again. As we are on the verge of completing our office quality manual and gaining accreditation, can you look into the QA process for customer complaints, and give me a memo on what we need to do in terms of dealing with this situation under ISO9001.

QUESTION 4 (continued)

Client / Contractors e-mail

To: John Young

From: Paul Brown

Subject: Problem with Listed Building Consent

We have just been visited by a team from the Council's Heritage and Design Department. I am somewhat perplexed and indeed embarrassed – they have informed me that the repair work we are doing to the external elevations, as per your drawings and specification, is not in accordance with the Listed Building Consent (LBC). They have told me that they are not happy with the colour you have specified for the external painter work, the replacement windows currently on site are pre-finished, and the type of stone you have selected for the indents. They said that these were express conditions of the LBC that should have been adhered to prior to starting on site.

They are treating this matter seriously – I will receive a formal letter from the Council giving me 14 days to attend to these matters to the satisfaction of Heritage and Design or they will serve notice requiring me to suspend this section of the contract. I will forward you a copy of the letter once I receive it.

It goes without saying that I am extremely concerned about this and surprised that this has not been cleared with Heritage and Design prior to starting on site. After all, we specifically chose your office for your experience and professionalism.

We cannot afford any delay. If I have to suspend the repair work this will have serious implications for the rest of the contract. I also need to place the stone work order now to ensure the masonry work is completed on programme.

I need this dealt with now – please send me your response by close of business today.

You will also need to explain this to my MD.

End of Question 4

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QUESTION 5

Memo to: Candidate

From: Miriam Gorst

Today I have attended a meeting with Tom Smith the Chief Executive of Cityburgh Academy for Arts and Science, a distinguished academic society, which owns an Category 'A' listed [Grade 1 listed] Georgian townhouse in a quiet crescent in Cityburgh Midtown Conservation Area. The building is on five floors (semi-basement, ground, first, second and attic floors) with three rooms per floor. The roof has problems – a leaking parapet gutter, slated slope with rooflights to the front and a lead flat roof over the remainder of the building. The lead is patched and in poor condition and the attic rooms have a ceiling height of 2.1m. The principal rooms at ground and first floor level and the curved staircase have all their original details intact. The Academy is considering its future in the building. The room generally used for members' lectures is at first floor level and there is no lift. There are six steps up to the entrance platt (landing), which has a portico with columns on the platt. There is a lane behind the building, which provides access to two parking places and the rear basement door (five steps down).

The Academy is considering its options for the building. They have asked us to look at two options should they decide to vacate the building. The two options are:

- (a) conversion to residential use;
- (b) conversion to office use.

As you know we are looking for new office premises and the location is highly desirable with good road access from the airport road and close to the station and bus routes. We are considering suggesting change of use to offices for our occupation. We would want to demonstrate best practice to clients in our approach to the building.

Please identify the Disability Discrimination Act (DDA) implications for each option and compare the Building Standards which will apply to change of use to office use and to residential use and which might take time to resolve. It would, I think, be important to minimise loss of original details from the existing building.

After initial discussions with the Planning Department we understand that they are supportive of either option. Which option do you think would have the least impact on the historic fabric of the building?

End of Question 5

QUESTION 6

Memo to: Candidate
From: John Young
Subject: "In House" CDM Designers Review
Date: August 2006

The visit last September to the office by the HSE Construction Inspector could be described as salutary. Fortunately the CPD Seminar on the CDM Regulations, organised by your predecessor prior to the HSE visit, avoided a complete disaster.

It was evident however from the HSE Inspector's comments that as designers we are still not complying with our duties under the CDM Regulations and I therefore intend to establish a CDM review panel structure for jobs at varying RIBA work stages within the office.

I would like the first review panel to take place next week and as you are presently working on the Stoneybridge Resource Centre (at RIBA workstage C), can you please prepare a commentary on the sketch proposals prepared by Elliot North as indicated below, identifying problems and proposing solutions we should consider as designers to minimise construction and maintenance risks.

STONEYBRIDGE RESOURCE CENTRE (STAGE C) CONTRACT VALUE £2M

QUESTION 6 (continued)

The M & E Engineer's preliminary proposal for air handling has been indicated. Elliot's initial proposals for external materials are interlocking concrete tiles to the roof and white render to the rear and gable masonry walls.

Please also prepare draft Hazard Elimination and Management Lists for your solutions to allow the office panel to assess the Health and Safety implications.

End of Question 6

QUESTION 7

Memo to: Candidate

From: Jill Khan

I have received the attached e-mail from Susan Swift, the convener of the Fabric Group at St Matthew's Church – you will remember that we are nearing completion there, following extensive internal and external repairs. It is an Episcopal church and the re-dedication Service will take place on St Matthew's Day, 21 September.

You will see that the client is extremely anxious to get into the Church this week. The contractor is waiting for two plain metal framed windows and the stained glass will not be ready for two more weeks. I have heard, since receiving Susan's e-mail that half the lights are not working.

The plain metal framed windows, the lighting and painter snagging are all part of Cityburgh Builders' contract but the stained glass work is a direct client commission.

Please can you prepare a properly constructed letter to Susan Swift (so all I have to do is check you haven't left anything out) setting out procedures at Practical Completion and pointing out the consequences of taking possession of the building before the work is fully complete.

QUESTION 7 (continued)

e-mail

29/08/06

To Jill Khan from Susan Swift

Jill

I have looked into the Church and Ian (the site agent) says they have arranged cleaners for tomorrow, 30 August. There is still some snagging to do. He told me that the sound system and heating are working. The new lights are being commissioned this morning. The congregation is desperate to move in as once term starts we cannot use the High School Hall any more. We must start bringing back loose items and having services in the Church so we are confident that all will be ready for the big service on 21/09/06. I know the window work is not finished but please can you agree handover details with Cityburgh Builders.

I look forward to hearing from you.

Susan

End of Question 7

QUESTION 8

Memo to: Candidate

From: Mark Lang

Our internal fit out project for IT Networks is now two weeks beyond the contract completion date. The contractor has intensified his operations over the last month but it is clear from visiting the site this morning that he will realistically require another 4 weeks to complete fully.

You will recall from the last site progress meeting that the contractor has recorded that he was on programme and that because of his intensified site operations would meet the completion date. At this point it was also recorded that the contractor would not be submitting a claim.

However, on return to the office, I found the attached claim for an extension of time was sitting in my intray.

The client has been difficult and I am sure the contractor is due an extension but a claim of £30K seems a bit steep.

I know that the client will want to take hand over of the building as close to the original programmed date as possible as they have commitments in relation to their office relocation.

The timescales are all getting a bit tight and I have a seminar to go to this afternoon, so can you assess the contractor's letter against the contractual protocols on practical completion and claims for the additional time / money and review and confirm the correct course of action. I have a project review meeting with Miriam first thing tomorrow morning so can you leave a memo for my return.

QUESTION 8 (continued)

Contractor's Letter

Shop Fit National
'For all your fitting solutions'

GFY Architects
Geddes House
1 Union Street
Cityburgh
CB1 9RW

17th August 2006

Dear Sirs ...

We hereby give notice of our claim for extension of time.

We have estimated that it will take us an additional six weeks to complete the project from the contract completion date and would be grateful if you could issue your formal extension of time accordingly.

As stated with our tender submission our prelim costs have been stated at £5,000 per week. Our total additional prelim costs will therefore equate to £30,000. Please could you make provision for payment within the remaining monthly valuations and related interim certificates.

Yours faithfully

Graeme Smith,
Manager, Shop Fit National

Shop Fit National, Unit 4 to 10, Castle Business Park, CITYBURGH C14 3PL
Tel: 0123 461 7200, Fax; 0123 461 7211; e-mail: gsmith@shopfitnational.co.uk

End of Question 8

QUESTION 9

Memo to: Candidate
From: Paul Moore
Date: 18 August 2006
Reference: CPD Development

I have recently received an e-mail from RIBA informing me that I am amongst those selected by random sample to determine the Continuing Professional Development (CPD) compliance of Chartered Members.

As you know I have been extremely busy over the last few months and have found little time for anything other than project related work – in fact I wasn't even aware that changes had been made to CPD obligations for Chartered Architects!

I don't envisage having any time in the near future as I am preparing for a major presentation in ten days so it would be helpful if you could advise me about the changes made to the rules and CPD requirements generally.

Are you satisfied that GFY Architects' approach to CPD is adequate and is their budget allowance for staff training sufficient?

What form can CPD take and which methods of acquiring it do you find to be most informative? Should it be directly linked to other office procedures and what benefits do you consider the Practice gains from encouraging CPD on a personal development plan basis?

Given our specialisation in community, commercial and industrial buildings, and housing it would be helpful if you could prepare a list of typical CPD topics to which the office could commit to ensure all staff have the opportunity of achieving their yearly quota.

End of Question 9

QUESTION 10

Memo to: Candidate

From: Miriam Gorst

I attach a copy of a letter received today from Cityburgh Preservation Trust inviting us to be a candidate in a Design Team selection process for their project.

The Trust have embarked on an extensive programme of redevelopment of redundant properties with the intention of regenerating Cityburgh's Old Town so there may be the opportunity of further work in future.

The Partners have therefore decided to accept the invitation although the Scope of Work is not very informative and as usual we don't have much time to prepare the submission.

It would be helpful if you could prepare a checklist and timetable which ensures that the submission document is produced on time and is of the quality we all aspire to achieve.

What form should the submission take i.e. format and layout – and what information should it contain? i.e. suggest list of headings for the Contents Page with brief notes on what each section should cover.

How do you feel we should choose the other Consultants and which disciplines will we require to complete the Design Team? I will discuss the level of their fee proposals with the Design Team. Perhaps you could consider for discussion an appropriate fee level for GFY acting as Architects and Lead Consultant and summarise the factors you took into account in arriving at this figure. Are there any services which would not be included in the percentage fee?

You can accompany me to the site visit to which we should take a list of queries we feel have to be answered to enable us to complete the submission. Please prepare a draft for discussion with me beforehand.

What is your opinion of the proposed quality cost ratio?

Finally – and thinking ahead – who do you consider should attend the interview if we are selected and what form should our presentation take?

QUESTION 10 (continued)

**Cityburgh Preservation
Trust**

No.1 Tumbledown Close
Old Town
Cityburgh

Ms Gorst
GFY Architects
Geddes House
1 Union Street
Cityburgh
CB1 9RW

AA/BB/W2424/1.0

08 September 2006

Dear Ms Gorst

RESTORATION & CONVERSION OF 52-59 TOLBOOTH STREET, CITYBURGH

Further to our telephone conversation last week I write to confirm that the Trust has acquired the above properties in Cityburgh and wishes to appoint a Design Team to execute the works required.

You expressed interest in making a submission in that respect and I enclose the General Scope of Work giving details of the project and the method of consultant selection.

Please note that the initial Statement of Quality, Professional Resumes, your Approach to the Project and Fee Proposal for the Design Team members selected must be submitted to the above address by 12 noon Wednesday 20 September 2006. The completed Fee Proposal is to be enclosed in the separate envelope provided and included within the submission envelope.

The selected teams will be asked to attend interviews on 27 & 28 September 2006 and the appointment made on Monday 02 October 2006.

Tours of the site have been arranged for 06 & 07 September 2006 and your firm is programmed to attend for 09.30-11.30am on Thursday 07 September 2006.

If you are unable to attend at this time please contact me to arrange an alternative.

I look forward to receiving your submission.

Yours sincerely

QUESTION 10 (continued)

RESTORATION & CONVERSION OF 52-59 TOLLBOOTH STREET CITYBURGH: GENERAL SCOPE OF WORKS

1.0 Project Outline

The project is for the restoration and conversion of the Category 'B' listed buildings to provide community care housing.

On completion of the project Cityburgh Housing Association will purchase the buildings. In addition to providing Town Centre residential accommodation the project will restore the historic buildings which are an important element in the townscape of Cityburgh.

The Trust aims to involve and work with the future residents in the development programme.

The rear courtyards will be included in the design proposals.

2.0 Project Construction Budget

The preliminary budget for the construction work exclusive of VAT is circa £1,250,000.

3.0 Consultant Selection Procedures

It is proposed that selection of the consultant will be made on a quality to cost ratio of 50:50.

The appointed consultants will be expected to work closely with specialists appointed separately by the Trust.

The Architect will perform the role of Lead Consultant.

4.0 Other Information

The following documents can be supplied on request:
Measured Drawings & Feasibility Study Prepared by ABC Architects dated February 2006

End of Question 10

END OF PAPER

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