



Strategic Priority 2: Practice

Recommendations for Design Contests

ACE WG Public Procurement & Architectural Design Contests

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Recommendations for Architectural Design Contests (ADC)

Introduction

The ADC is a quality based and project orientated selection procedure. 'DC' means those procedures, mainly in the fields of architecture and engineering, urban and landscape planning, which enable the contracting authority to acquire a plan or design selected by a jury after being put out to competition with or without the award of prizes.

ADCs provide the opportunity for architects to compare their own creative power with that of other architects in a fair and targeted procedure. They are consequently the perfect source for innovative, economic and sustainable solutions, for everyday planning tasks as well as for particularly complex projects.

Due to the anonymity of participants, the design contest offers an ideal way of awarding planning contracts in a retraceable manner, based solely on quality criteria published in advance. It provides an unique possibility to benefit from competition by exploiting the large quantity of know-how in the market.

During the consultations of an independent and qualified jury, the best design concepts can be selected in a concentrated and transparent procedure which provides a basis for further decisions by the organiser. Thus, the design contest provides a means to meet the economic, social and aesthetical aims of the builder / the awarding entity and simultaneously boost quality of the built environment.

In view of the great intellectual efforts and economic investment by all parties involved, the design contest must be carefully prepared. Its results must serve to solve set tasks and must lead to the realisation of the winning project.

The competitive concept of the design contest is applicable whenever planning solutions are needed, regardless of nationality, political or administrative context or tradition.

The Architects' Council of Europe consequently promotes the design contest as a procedure perfectly tailored for the awarding of architects' services. To help exploit the full potential of the design contest and facilitate its application as a procedure, it is proposed to use the following 9 rules.

1. Participants

There are two different types of competition:

Open competition

Restricted competition



(participants are selected after an open call using pre-selection criteria (pre-selection))

Invited competition

(participants are directly invited by the client. Note, invited competitions are only possible below the EU threshold).

2. Looking from the client's perspective:

The project competition and the ideas competition:

Project competition:

Realisation competitions should show, based on a detailed programme and certain performance requirements, the conceptual options for the intended realisation of a project.

In the case of a two-stage competition the jury has to be the same in both stages and the procedure is anonymous until the jury's final decision.

Ideas competition:

Ideas competitions aim to gather numerous solutions without any further commission. An ideas competitions may in particular serve for the preparation of later planning steps or for the preparation of a project competition. It may also serve for finding participants for a limited competition.

If the client wishes to use any of the results, such use must be compensated in accordance with copyright law (see also Rule 7) and the rules of the competition.

The prize money for ideas competitions must be adequate and commensurate with the resources required. It must be considerably higher than the prize money of project competitions.

3. Approaches

1 stage

2 stages

In the first stage, participants submit small scale concepts or preliminary design proposals, preferably on one sheet. The jury selects an adequate number for the 2nd stage. The participants of the second stage are remunerated adequately.

Recommendations

The following set of recommended rules and recommendations - the "toolbox" for holding a successful design contest - is divided into 3 parts:

A. The 9 rules, which are essential to respect in every design contest (colloquially: procedures referred to as "architects' competitions").

B. The Master Brief (see attached)



A. The “9 rules”

Rule 1. Equality of opportunity for all participants,

The same level of information must be provided to all participants at the same time.

There must be no individual exchange of information between participants and jury members; questions about the brief are answered to all participants simultaneously.

Persons excluded from participation: the representatives, partners or employees of the promoter or of any jury member, or any person who has been involved in the preparation of the competition, will not be eligible to compete or to assist competitors.

Rule 2. Transparency of the procedure

The summary of the jury's discussion and the decision-making process has to be drawn up in a report.

A jury report shall be published or distributed to the participants and the public.

There shall be an exhibition of all entries and/or digital publication.

Rule 3. Independence of the jury

The jury shall be autonomous in its decisions or opinions.

The jury designates a winner and awards the prizes.

Where a particular professional qualification is required from participants, according to the Directive at least one third of the members of the jury shall hold the same standard of qualification as the participants and must be independent from the client.

The jury shall examine the proposals submitted by the candidates anonymously and solely on the basis of the criteria indicated in the Design Contest notice.

It shall record its ranking in a report, signed by its members. This report shall contain the merits of the projects and a clear recommendation on how to proceed with the result of the competition.

Rule 4. The brief

The Design Contest brief must be clear and unambiguous. Design Contest requirements must be clearly specified. There must be a clear distinction between mandatory requirements and non-binding guidelines.

Mandatory requirements shall be restricted to the minimum necessary. Only proposals meeting these requirements are taken into consideration (cf. Vienna Declaration).



The jury must be named.

The evaluation criteria must be stated in the brief.

There must be a declaration from the client concerning the intention to commission the winning design.

The brief has to be accepted by the jury before launching the competition.

The material requested from entrants shall be limited to the minimum required for a qualified decision of the jury. Any extra material shall be deleted or covered.

Rule 5. Anonymity

Anonymity must be observed until the jury has reached its opinion or decision.

Rule 6. Prize money and remuneration

The prizes, the prize money or remuneration has to be fixed and announced in the competition brief. For the calculation of the prize money or the remuneration, there must be an adequate relationship between the required performance of the participants and the honoraria normally calculated for that task.

In the second stage of a competition, a remuneration, which is a part of the total prize money, is paid to each participant in that stage.

Rule 7. Copyright

The copyright of the competition entry remains the property of the author.

The promoter is entitled to make use of the winning entries under the conditions that are laid down in the brief or as agreed between the parties. (see also item 2).

Rule 8. Dispute resolution

It is recommended that any disputes concerning competition procedures are **examined by** the relevant national professional organisation **before any recourse to legal procedures**.

Rule 9. Participation of citizens

The public may be involved in the preparation of Design Contests, especially in the field of town planning and urban development (giving input regarding the needs, discussing alternatives, collaborating in the (general) definition of the programme).

The public opinion may be considered by the jury during its decision-making process. However, the final decision remains with the jury.



B. Master Brief (see appendix)



Legal framework (most relevant provisions)¹

Art. 2 (Definitions), Whereas (21):

“ ‘design contests’ means those procedures which enable the contracting authority to acquire, mainly in the fields of town and country planning, architecture and engineering or data processing, a plan or design selected by a jury after being put out to competition with or without the award of prizes;”

Art. 32 (Use of the negotiated procedure without prior publication), Paragraph 4:

“The negotiated procedure without prior publication may be used for public service contracts, where the contract concerned follows a design contest organised in accordance with this Directive and is to be awarded, under the rules provided for in the design contest, to the winner or one of the winners of the design contest; in the latter case, all winners must be invited to participate in the negotiations.”

Article 78 (Scope):

“This Chapter shall apply to:

- design contests organised as part of a procedure leading to the award of a public service contract;
- design contests with prizes or payments to participants.”

Article 80 (Rules on organisation of design contests and selection of participants):

- “1. When organising design contests, contracting authorities shall apply procedures which are adapted to the provisions of Title I and this Chapter.
2. The admission of participants to design contests shall not be limited: by reference to the territory or part of the territory of a Member State; on the grounds that, under the law of the Member State in which the contest is organised, they would be required to be either natural or legal persons.
3. Where design contests are restricted to a limited number of participants, the contracting authorities shall lay down clear and non-discriminatory selection criteria. In any event, the number of candidates invited to participate shall be sufficient to ensure genuine competition.”

Article 65 (Reduction of the number of otherwise qualified candidates to be invited to participate):

In the restricted procedure the minimum number of candidates shall be five. In the competitive procedure with negotiation, in the competitive dialogue procedure and in the innovation partnership the minimum number of candidates shall be three. In any event the number of candidates invited shall be sufficient to ensure genuine competition

¹ Directive 2014/24/UE du Parlement européen et du Conseil du 26 février 2014 sur la passation des marchés publics et abrogeant la directive 2004/18/CE - <http://eur-lex.europa.eu/legal-content/FR/TXT/?uri=celex%3A32014L0024>



Article 81 (Composition of the jury):

“The jury shall be composed exclusively of natural persons who are independent of participants in the contest. Where a particular professional qualification is required from participants in a contest, at least a third of the members of the jury shall have that qualification or an equivalent qualification.”

Article 82 (Decisions of the jury):

1. The jury shall be autonomous in its decisions or opinions.
2. The jury shall examine the plans and projects submitted by the candidates anonymously and solely on the basis of the criteria indicated in the contest notice.
3. The jury shall record its ranking of projects in a report, signed by its members, made according to the merits of each project, together with its remarks and any points that may need clarification.
4. Anonymity shall be observed until the jury has reached its opinion or decision.
5. Candidates may be invited, if need be, to answer questions that the jury has recorded in the minutes to clarify any aspect of the projects.
6. Complete minutes shall be drawn up of the dialogue between jury members and candidates.”