



PROFESSIONAL PRACTICE EXAMINATION : 20 APRIL 2016

PAPER 1: This is closed book paper.

Answer all questions

Total marks for this paper	-	100 marks
Time allowed for Paper 1	-	3 hours
Pass mark for the examination	-	55% in either papers with an average of 60% for the two papers combined.

Question 1

25 marks

1.1 In terms of the Architectural Profession Act _____ of _____ (2)

Answer to 1.1

- 44 (1)
- 2000 (1)

Complete the following:

- 1.1**
- i) "Actively Practice" means _____ (1)
 - ii) "Committee" means _____ (1)
 - iii) "Council" means _____ (1)
 - iv) "Department" means _____ (1)
 - v) "Disciplinary Tribunal" means _____ (1)
 - vi) "Registered Person" means _____ (1)
 - vii) "Registration" means a) _____ (1)
b) _____ (1)

Answer to 1.1

- i) "Actively Practice" means to practice on an ongoing basis in one of the categories contemplated in section 18, and includes a person qualified in the Architectural Profession who is employed by any sphere of government or an educational institution. (1)
- ii) "Committee" means a committee established in terms of section 17. (1)
- iii) "Council" means the South African Council for the Architectural Profession established by section 2. (1)
- iv) "Department" means the national department responsible for public works (1)
- v) "Disciplinary Tribunal" means a tribunal appointed in terms of section 30 (1)
- vi) "Registered Person" means a person registered under one of the categories referred to in section 18. (1)
- vii) "Registration" means the process –
 - a) of assessment of competency of applicants for the purpose of registration under this Act; and (1)
 - b) of entering the names of applicants who qualify into the register referred to in section 11(c) (1)

1.2 Name any five Powers of the Council with regard to Fees and Charges. (5)

Answer to 1.2

Any five:

The Council may, with regard to fees and charges, which are payable to the Council, determine –

- a) Application fees (1)
- b) Registration fees (1)
- c) Annual fees, or portion thereof, in respect of a part of a year (1)
- d) The date on which any fee or charge is payable (1)
- e) The fees, or portion thereof, payable in respect of any examination referred to in section 19, conducted by or on behalf of the council
- f) Any charge payable for the purposes of the education fund referred to in section 15(5) (1)
- g) Fees payable for a service referred to in section 14 (c) (1)
- h) The fees payable for an appeal in terms of section 24(1); or (1)
- i) Any other fee or charge it considers necessary. (1)

1.3 Name two other powers of the Council. (2)

Answer to 1.3

Any two:

- i) Administrative powers (1)
- ii) Powers of the Council with regard to Registration (1)
- iii) Powers of the Council with regard to Education in Architecture (1)
- iv) General powers of the Council (1)

1.4 Name any eight Categories of Registration in terms of the above Act. (8)

Answer to 1.4

Any eight:

- Professional Architect (1)
- Professional Senior Architectural Technologist (1)
- Professional Architectural Technologist (1)
- Professional Architectural Draughtsperson (1)
- Candidate Architect (1)
- Candidate Senior Architectural Technologist (1)
- Candidate Architectural Technologist (1)
- Candidate Architectural Draughtsperson (1)
- Specified Categories prescribed by the Council (1)

Question 2

25 marks ✓

2.1 In terms of the Code of Professional Conduct there are six rules. Name all six (headings only). (6)

Answers to 2.1

- Unprofessional Conduct. (1)
- Technical competence and professional work. (1)
- Promotion of services. (1)
- Professional responsibility. (1)
- Establishment of an Architectural Practice and carrying on of a business. (1)
- International work. (1)

2.2 In terms of the Code of Professional Conduct, complete the following: "A registered person may only promote his/her professional services in a _____ and _____ manner." (2)

Answers to 2.2

- Truthful (1)
- Responsible (1)

2.3 In terms of the Code of Professional Conduct a Registered Person shall only undertake to perform architectural work where the registered person has clearly set out in writing the terms of appointment which must inter alia include the following:

Name eight. (8)

Answers to 2.3

- The scope of work (1)
- The services provided (1)
- The allocation and limitation of responsibilities (1)
- Fee payable for the work or services, the method of calculating it (if appropriate) and the stage(s) at which it will be payable. (1)
- The budget (if applicable) or other cost limit for the project, work or service, and the method and implication of estimating costs (1)
- Provision for termination of agreement (1)
- Details of the professional indemnity insurance (1)
- Provision for dispute resolution (1)

2.4 In terms of the Code of Professional Conduct the letterheads of the practice shall display the following: (9)

Answers to 2.4

- Name of the architectural practice and type of practice. (1)
- The names of the principals and their registration numbers. (1)
- The category of registration of the principals, using the prescribed abbreviation:
Professional Architectural Draughtsperson (PrArchDraught). (1)
Professional Architectural Technologist (PrArchT) (1)
Professional Senior Architectural Technologist (PrSArchT) (1)
Professional Architect (PrArch) (1)
- The professional designation and qualification of all principals who are not registered with the Council (1)
- Physical and postal address, telephone, fax and email, CIPRO and (1)
- VAT registration numbers, if applicable. (1)

Question 3

20 marks

3.1 In terms of Renewal of Registration for Registered Professional Architectural Practitioners, what do the letters CPD stand for? (1)

Answers to 3.1

Continuing Professional Development. (1)

3.2 CPD credits must be obtained in 3 categories, name all three and the activities of each category (6)

Answer to 3.2

- Category 1 : Development Activities
such as Interactive or Non-Interactive Workshops / Conferences / Congresses / Lectures / Seminars (2)
- Category 2 : Work-based Activities
Architectural work within a practice⁴ / Full time lecturing
In-house training or mentoring of candidates (2)
- Category 3 : Individual Activities
Anyone of the activities listed in the relevant SACAP board notice (2)

3.3 Name four styles of practice as the options when an Architectural Practitioner decides to go into business with another person. (4)

Answers to 3.3

- A Private Company (PTY) Ltd. (1)
- Incorporated Company (Inc.) (1)

- Close Corporation (1)
- Partnership (1)

3.4 In terms of Period of Liability, state the current position of the law for Architects, both in contract and in delict, and how this liability can be limited. (3)

Answers to 3.4

The current position in law is that the period of liability for Architects both in contract and in delict, is unlimited, unless the employer has signed the Client/Architect Agreement in which case the period of liability in contract is five years. There is no way in which an Architect can contract out of his delictual liability. (3)

3.5 Options for consideration in attempting to combat the dangers of Professional Liability. (4)

Answers to 3.5

In attempting to combat the dangers of Professional Liability, the following four avenues should be examined

- Go bare – i.e. carry no professional indemnity insurance at all. This is not as ridiculous a solution as may at first be thought, more especially if the firm in question is one with many experienced partners and almost no staff and accordingly hardly ever make any mistakes, and can afford to pay for their mistakes (1)
- Limit the liability in contract by signing the Client/Architect Agreement (five years). However, this will not limit the Architect’s liability in delict at all. (1)
- Use a corporate vehicle such as a close corporation, an incorporated company, or even a limited liability company. (1)
- Take out adequate professional indemnity insurance. (1)

3.6 Name any two of the principal areas in which claims against Architects are made. (2)

Answers to 3.6

Any two

- Late or incorrect supply of information to contractors. (1)
- Materials that fail to perform. (1)
- Building inadequately inspected during construction. (1)
- Incomplete completion lists drawn up at issue of certificate of practical completion. (1)
- Buildings constructed across the boundary line. (1)
- Buildings not within the building line. (1)
- Buildings that leak. (1)
- Buildings that fall short of their stated payability. (1)
- Failure to comply with mandate. (1)
- Failure to issue payment certificates timeously. (1)

Question 4

16 marks

A new client appoints you to design their home in an upmarket estate. Their budget is R 6, 500, 000 – 00 excluding VAT and excluding all other Professional and Approval fees. Your appointment is for a full service (stage 1-6). They will sign a lump sum contract with a contractor they know well and have previously completed various projects with. Board Notice 73 of 2015 Project Cost-based Fee Guideline is as follows :

For Value of Works of		R 6 500 000, 00
Primary Fee	is	R 478 750, 00
Secondary Fee	is	(R 6 500 000, 00 – R 4 000 001, 00) x 10 % R 2 499 999, 00 x 10% R 249 999, 90
Professional Fee	=	Primary Fee + Secondary Fee R 478 750, 00 + R 249 999, 90

4.1.1 Calculate the fees for each work stage and the total fee. In your calculations you are to show the VAT applicable to each stage and the total. (16)

Answer to 4.1.1

The Lump-sum Contract price is R 6 500 000, 00 + R 500 000, 00 total.

The total fee will therefore be R 478 750, 00 + (10% of R 6 500 000, 00 – R 400 001, 00) R 249 999, 90
 = R 728 749, 90 and total VAT will be R 102 024, 99 = R 728 749, 90
(2)

Fee calculation for the seven workstages:

Fee for Stage 1 (Invoice 1):
 5% of R 728 749, 90 = R 36 437, 50 + (14% VAT) R 5 101, 25 = R 41 538, 75
 (2)

Fee for Stage 2 (Invoice 2):
 15% of R 728 749, 90 = R 109 312, 49 + (14% VAT) R 15 303, 75 = R 124 616, 24
 (2)

Fee for Stage 3 (Invoice 3):
 20% of R 728 749, 90 = R 145 749, 98 + (14% VAT) R 20 404, 99 = R 166 154, 97
 (2)

Fee for Stage 4.1 (Invoice 4):
 20% of R 728 749, 90 = R 145 749, 98 + (14% VAT) R 20 404, 99 = R 166 154, 97
 (2)

Fee for Stage 4.2 (Invoice 5):
 10% of R 728 749, 90 = R 72 874, 99 + (14% VAT) R 10 202, 50 = R 83 077, 49
 (2)

Fee for Stage 5 (Invoice 6):
 27% of R 728 749, 90 = R 196 762, 47 + (14% VAT) R 27 546, 75 = R 224 309, 22
 (2)

Fee for Stage 6 (Invoice 7):
 3% of R 728 749, 90 = R 21 862, 50 + (14% VAT) R 3 060, 75 = R 24 923, 24
 (2)

Question 5

14 marks ✓

5.1 Conditions of employment are subject to legislation and requires that a contract of employment be entered into.

List any eight specific conditions of employment that should receive consideration. (8)

Answer to 5.1

Any eight:

- Commencement date (1)
- Provisional (probationary) period of employment 24 hour notice 3 months. Thereafter permanent. (1)
- Part time employment (if applicable) (1)
- Starting salary (1)
- Salary review period. (1)
- Merit and other bonuses (1)

- Job description (1)
- Review period of job description (1)
- Office hours (1)
- Overtime (1)
- Benefits (1)
 - Pension (1)
 - Medical Aid (1)
 - Accident Insurance (1)
 - Group Life Insurance (1)
 - Deferred compensation (1)
 - Provident fund (1)
- Leave (1)
 - Conditions for accumulation of leave (1)
 - Sick leave (1)
- Copyright, confidentiality of information, protection of intellectual property (1)
- Conditions of termination – see relevant labour legislation (1)
- Equipment/facilities provided by the firm (1)
- Principles of unfair discrimination – see Employment Equity Act (1)

5.2 Give a definition of the Professional Team. (2)

Answers to 5.2

Those consultants engaged by a client to realize his objective for a project to be designed, documented and constructed. (2)

5.3 List any four other professionals that could form part of the professional team. (4)

Answers to 5.3

Any four

- Quantity Surveyors (1)
- Structural & Civil Engineers (1)
- Mechanical & Electrical Engineers (1)
- Traffic Engineers (1)
- Landscape Architects (1)
- Interior Designers (1)
- Acousticians (1)
- Land Surveyors (1)
- Town Planners (1)
- Property Consultants (1)
- Legal Consultants (1)
- Insurance Advisors (1)
- Financial Advisors (1)