



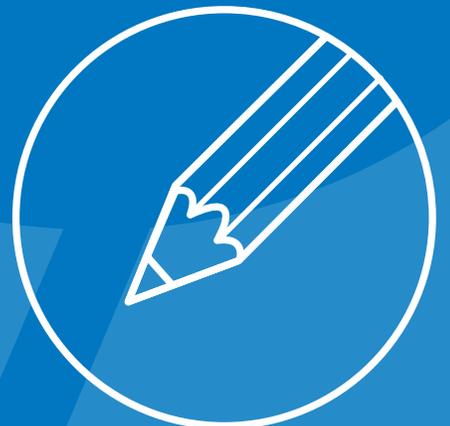
Ontario Association of  
**Landscape Architects**

# Engaging a Landscape Architect

Part One:

## **OALA Guide to Landscape Architectural Services**

2016





Ontario Association of  
**Landscape Architects**

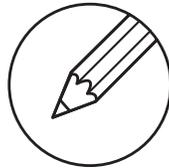


**CSLA AAPC**  
Canadian Society of  
Landscape Architects L'Association des architectes  
paysagistes du Canada

The OALA is a component organization of the Canadian Society of Landscape Architects.

# Engaging a Landscape Architect

## Part One: OALA Guide to Landscape Architectural Services



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## 1.0 Introduction

Landscape Architects are site planning and design consultants that assist Clients to solve complex problems related to land-use planning, site design, land development, and land rehabilitation. The OALA has published a series of documents to help Clients better understand the practices and processes for engaging a Landscape Architect by presenting the range of services provided by Landscape Architects, outlining the various procurement options, and providing guidelines to determine reasonable budgets and fees.

The ***Engaging a Landscape Architect*** series has been prepared in four (4) separate parts as guide publications, under the following titles:

- Part One: OALA Guide to Landscape Architectural Services (this volume)*
- Part Two: OALA Fee Guide for Landscape Architectural Services*
- Part Three: OALA Guide to Standard Written Agreements*
- Part Four: OALA Guide to Design Competitions*

Part One provides Landscape Architects, the public and Clients, with a comprehensive set of business guidelines related to landscape architectural services. It is both an educational tool and a source of information.

This publication guide is divided into nine sections.

- Section One: Introduction
- Section Two: Landscape Architecture Definition
- Section Three: Ontario Association of Landscape Architects (OALA)
- Section Four: General Areas of Practice
- Section Five: Specialty Areas of Practice
- Section Six: Role of the Landscape Architect
- Section Seven: Retaining a Landscape Architect and Options for Engagement
- Section Eight: Categories of Services
- Section Nine: Standard Agreements

This publication is available to members, potential Clients and government organizations to assist them in assessing appropriate methods of procurement and the provision of landscape architectural services. This is intended for a broad range of organizations that may require landscape architectural services, including but not limited to, municipal, regional, provincial and federal governments, conservation authorities, educational institutions, private sector businesses, not-for-profit organizations, allied professionals and other land based related agencies. This publication is intended to achieve a new level of exposure, awareness and understanding of landscape architecture and provide guidance for retaining the services of Landscape Architects.

## 2.0 Landscape Architecture Definition

Landscape architecture is the profession that applies artistic and scientific principles to the research, planning, design and management of both natural and built environments. Practitioners of this profession apply creative and technical skills and scientific, cultural and political knowledge in the planned arrangement of natural and constructed elements on the land with a concern for the stewardship and conservation of natural, constructed and human resources. The resulting environments serve useful, aesthetic, safe and enjoyable purposes.



Image: NAK Design Strategies

### 3.0 Ontario Association of Landscape Architects (OALA)



Ontario Association of  
Landscape Architects

The Ontario Association of Landscape Architects (OALA) is a self-regulating professional association. The OALA undertakes activities including: setting standards for licensure; the active promotion to governments, professionals, and the public; and developing and promoting the standards and benefits of landscape architecture. The OALA was formed in 1968. For more information on the OALA see [www.oala.ca](http://www.oala.ca).

The OALA is a component organization of the Canadian Society of Landscape Architects (CSLA). The CSLA is the national body that is comprised of all provincial and territorial landscape architecture component organizations. For more information see [www.csla.ca](http://www.csla.ca).

The OALA, with headquarters in Toronto, administers the **Ontario Association of Landscape Architects Act 1984**. The act states that an individual must be a **Full Member** of the Association before they can be granted the exclusive use of the title of **Landscape Architect**. Candidates seeking admission into the organization are required to have specific minimum educational requirements, complete a Professional Development Program (PDP) for a period of time specified by the Association, and successfully pass the prescribed examinations – The LARE. The Landscape Architecture Registration Exams (LARE) are administered by an independent body called the Council of Landscape Architecture Registration Boards (CLARB) that regulates licensure in the United States and several Canadian provinces. The OALA maintains high standards of professional practice, including a mandatory continuing education program (MCEP), to ensure its members serve and protect the public interest.

#### Mission Statement

To promote, improve and advance the profession of landscape architecture and maintain standards of professional practice and conduct, consistent with the need to serve and protect the public interest.

#### The common attributes of a profession are:

- A unique body of knowledge;
- Standards of entry;
- A code of ethics;
- A service organization to both the profession and the public;
- A sanctioning organization.

#### OALA Objectives

- To support the improvement and or conservation of the natural, cultural, social and built environment;
- To promote the visibility, recognition, acceptance and understanding of the profession of landscape architecture;
- Communicating its value in relation to that of the public good;
- To encourage and support the CSLA in its endeavours toward promoting the recognition, acceptance and understanding of the profession of landscape architecture nationally and internationally.

## 4.0 Areas of Practice

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Landscape architecture is a broad design profession practiced in both the public and private sectors. In the public sector, Landscape Architects are employed in a variety of institutional, government and academic positions, and many are in non-traditional roles within the arts and non-governmental organizations.

Private sector Landscape Architects provide professional advice and services on a fee for service basis. The scope of work is subject to agreement between Client and consultant. Members are encouraged to practice within their range of skills, expertise and competency, while conducting themselves in accordance with good professional and best practices. Landscape Architects offer creative advice, creative design solutions and various products in the form of deliverables.

Landscape Architects offer professional opinion in response to a Client's specific project requirements and goals. This may include researching and reporting, undertaking site inventories, reviewing specific technical or design challenges and presenting written recommendations and conclusions. Creative solutions are communicated through a variety of products or deliverables produced by the consultant to meet the Client's goals. These include, but are not limited to, written reports, design plans, construction drawings and specifications, administering a construction contract, and providing various levels of contract documentation, including certificates of acceptance.

Services include, but are not limited to, the following:

### 4.1 Landscape Design

The traditional core of the profession is concerned with design for a wide range of public and private sector projects. Scope may include public consultation, municipal approvals and either full, or partial services for un-enclosed or enclosed spaces.

### 4.2 Land Development Planning

Land development planning involves undeveloped land or land being redeveloped for new uses. It provides a bridge between land use policy planning and land use development planning. Landscape Architects working in this area have knowledge of land development, regulation processes, as well as, an understanding of the constraints of working wisely with the land for human use while protecting natural features and natural processes as "Stewards of the Land".

### 4.3 Landscape Master Planning

Landscape Architects deal with the full range of planning and management of land and water including natural resource analysis, creation and protection of habitats, wetlands, and other natural environmental features.

## 4.0 Areas of Practice

### 4.4 Park and Recreation Planning

This area includes creating or redesigning parks, recreation, and public open spaces in cities, suburban and rural areas, waterfront developments, including marinas and natural areas such as provincial / national parks and forests.

### 4.5 Site Planning

Focuses on the physical design and arrangement of the built environment and natural elements. It deals with a wide range of technical aspects, such as, circulation patterns, utilities, siting of buildings and creating areas for human use. Sensitive site planning design minimizes environmental impacts and capital costs while creating well planned public spaces.

### 4.6 Urban Design

This involves the development of urban public spaces, such as, plazas, streetscapes and complete streets. As urban designers, Landscape Architects set design standards, develop guidelines and provide detailed design for the implementation of urban spaces. Barrier free design focuses on meeting the special needs of those with restricted, or limited mobility and all persons including people with disabilities. Best practices include following Accessibility for Ontarians with Disabilities Act (AODA), Americans with Disabilities Act (ADA), guidelines for Universal Access, and the principles of Crime Prevention Through Environmental Design (CPTED). In all cases, the standards to be applied and the context of the site must be considered and, where necessary, adapt standards considering site specific conditions.



Image: The David Bradley and Nancy Gordon Rock Garden at the Royal Botanical Gardens, Janet Rosenberg & Studio Inc.

## 5.0 Specialty Areas of Practice

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### 5.1 Environmental Assessment (EA)

As part of a team either leading or participating in Environmental Assessment work (EA), Class Environmental Assessment work (Class EA), or Environmental Impact Studies (EIS) and following accepted policy and other regulatory protocols.

### 5.2 Expert Witness / Expert Testimony

Providing expert witness, opinion and testimony services for tribunals such as the Ontario Municipal Board (OMB), Environmental Tribunals, Niagara Escarpment Commission (NEC), Consolidated Board Hearings, Divisional Court, or other planning / court bodies where expert testimony is required. Witnesses must be qualified by the tribunal in order to give evidence on a subject matter or case.

### 5.3 Golf Course Architecture

This involves the planning and design of golf courses and golf communities and may include planning, design and site reviews.

### 5.4 Health Care Design

Health care and long-term care facilities focus on site development for patient care, safety, wellness and rehabilitation.

### 5.5 Landscape Reclamation and Habitat Restoration

Landscape reclamation considers interaction between people and the natural environment including formulation of policies that ensure the suitability of a site for development, guide environmentally sound development including bioengineering or restoration practices.

Habitat restoration including reclaiming or restoring disturbed landscapes, such as, gravel pits and landfill sites and creating or restoring upland habitats, riparian habitats or wetlands and other natural environments for public open space and recreational uses.

### 5.6 Marina and Waterfront Planning

Planning and design of waterfronts, public open space and associated marine facilities both on and off shore.

## 5.0 Specialty Areas of Practice

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### 5.7 Natural Heritage Conservation

Natural heritage conservation provides a link between the past, present and future uses of land and historic sites. Consultants working in this area undertake historical research, analyze contemporary needs and recommend preservation, stabilization, restoration, adaptation, and interpretation of landscapes with respect to natural heritage to accommodate human use while ensuring protection of natural resources.

### 5.8 Resort and Entertainment Facilities

This focuses on resorts with accommodation, hotels, recreation and facilities. Entertainment focuses on retail destinations, places, streets or districts for entertainment.

### 5.9 Visual Assessment

Specialty work related to the review and assessment of potential impacts of development on visual resources at a variety of scales from site scale to regional scale.

### 5.10 Water Play and Playground Design

This includes integrated water play facilities from smaller splash pads to larger scale water parks, as well as, playground design for a range of ages and accessibility for people with disabilities.

### 5.11 Cultural Heritage Assessment and Conservation

Cultural heritage assessment and conservation provide a link between the past, present and future uses of land and historic sites. Consultants working in this area undertake historical research, analyze contemporary needs and recommend stabilization, restoration, adaptation, and interpretation of landscapes to accommodate human use while ensuring protection of cultural resources.

### 5.12 Green Infrastructure

This focuses on both Low Impact Development (LID) and green infrastructure when considering overall development solutions, as well as, ecological solutions to develop a site, while considering larger system wide solutions.

### 5.13 Education Facility Design

This area of practice can range from campus design and planning to area development of school grounds for learning and education. A wide range of work is covered in campus and educational facility design.

## 5.0 Specialty Areas of Practice

### 5.14 Sports Facilities

This specialty often involves complex sub-surface systems, surface systems, specialty review and independent testing by third party groups such as FIFA or others. The Landscape Architect may act as prime consultant managing a team, as required, to complete the sports facilities.

### 5.15 Multi-use Trail Assessment

Trail evaluation and assessment may be carried out in a number of ways.

High Efficiency Trail Assessment Process (HETAP) utilizes a walk behind scanner that that collects trail data dynamically requiring training to correctly operate and interpret data accurately.

Universal Trail Assessment Process (UTAP) involves conducting trail assessment using qualitative survey methods including visual observation, anecdotal review, survey equipment and manual labour.

### 5.16 Green Roof and Wall Design

Green roof and wall design is a specialty that requires additional considerations and coordination with other consultants, including structural, roofing specialists, architects and others. Green roof specialists are generally designated as Green Roof Professionals. (GRP). This is a standard of training and testing which third party groups carry out.



Image: Kingston Waterfront Master Plan, thinc design

## 6.0 Role of the Landscape Architect

### 6.1 Role as Prime Consultant

The prime consultant is the consultant firm or design professional commissioned by the Client to plan, design, prepare detailed documents and is in charge of the overall consulting team from project initiation to final acceptance. Prime consultants are normally retained by the Clients. Services are provided in accordance with an agreement that describes scope of services, deliverables, fees and reimbursable expenses. Basic and additional services are also outlined in the agreement.

The prime consultant undertakes to perform the agreed services and is responsible to assemble a team of professionals, as required, to complete the agreed scope of work. They are also responsible to engage, manage and coordinate subconsultants, as required, as part of the overall agreement. The prime consultant outlines the services that are in the best interest of the Client, the public and as required to perform the services. This includes coordination of all disciplines, quality assurance and documentation to control and integrate the services of subconsultants.

### 6.2 Role as Subconsultant

The prime consultant to perform a specialty service for projects that require multi-disciplinary design and implementation skills typically retains a subconsultant. The subconsultant may be retained with fees paid by the Client or by the prime consultant. The subconsultant typically signs an agreement with the prime consultant with respect to services and fees. The subconsultant agrees to observe and perform all the covenants and obligations of the prime consultant contained in a written agreement between the Client and prime consultant.

### 6.3 Role as Joint Venture Consultant

A business arrangement that is a formal and legally binding relationship between two or more parties who agree to pool their resources joining as one legal entity, for the limited purpose of completing a project or specific task. Each firm is responsible for profits and losses and all associated costs to complete the project. The Joint Venture (JV) and relationship is its own entity, separate and apart from the participants other business interests. Each firm must be acknowledged for the relevant service provided, unless the Joint Venture agreement states otherwise.

### 6.4 Peer Review

A consultant reviewing and commenting on the work of others completes peer review. This may be reviewing the work of another consultant, owner, owner staff or others to provide an objective third party assessment and review. It may involve specialty work such as code or other items for compliance purposes to meet upper tier documents or guidelines. Daily/hourly rates for this work would be similar to those of an expert witness.

## 7.0 Retaining a Landscape Architect and Options for Engagement

Landscape Architects may be retained through one of several procedures that the OALA recommends to use when calling for proposals.

- Direct appointment or sole-source procurement
- Limited source procurement
- Expression of Interest (EOI), followed by short list and full written proposals
- Prequalifying a short list of consultants
- Request for Quotation (RFQ)
- Request for Proposal (RFP) - two stage or fixed fee
- Municipal or agency consultant roster
- Alternative Financing and Procurement (AFP)
- Design Competitions
- Competitor Bid Team (DB, DBF, DBFM)  
(DB = Design Build; DBF = Design Build Finance; DBFM = Design Build Finance Maintain)

### 7.1 Terms of Reference (ToR)

The first step in selecting and retaining a Landscape Architect is for the Client to prepare detailed terms of reference. Meaningful engagement of services requires a comprehensive terms of reference. The Client, based on the specific project objectives and an assessment of resources and applicable budgets, usually prepares terms of reference. They should be written and endorsed by the authorized Client representative. These terms of reference and scope form part of the final agreement.

In addition to the Terms of Reference, the Client should include the Instructions and Terms of Conditions for bidding and/or submitting a Proposal of Services and Fees and a sample Client/Consultant Agreement so each party is aware at the outset of the process and contractual requirements. As a minimum, the terms of reference should define the following:

#### 7.1.1 Context and Background

- A clear description of the project, Clients objectives;
- Relevant information, such as, a description of the community for which the project is to be undertaken or the status of related policy and regulatory documents. Details can be included in appendices.

#### 7.1.2 Base Information and Available Reports / Studies

- Relevant available information to be made available to the selected consultant.
- Reports or designs, master plans, studies;
- Base mapping, legal, topographic surveys;
- Survey data, existing underground and above ground utilities.
- Geotechnical surveys / reports;
- Tree Inventories / surveys where required

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.1.3 Project Objectives and Scope of Work

- A description of the project for which the consultant is required and its current status;
- A description of the intended results and their eventual use.

### 7.1.4 Approach and Methodology

- Consultant required approach and methodology to meet project objectives;
- Any involvement of Client staff, including the relationship of staff to the consultant;
- The consultant's required qualifications.

### 7.1.5 Design Services Required and Project Deliverables

The Terms of Reference should include an outline of what design services the Client requires from the consultant, and their subconsultants, identifying a list of outcomes and deliverables that the Landscape Architect can respond to including the appropriate services. See Section 8.0, Categories of Services.

### 7.1.6 Team Members Experience and Qualifications

Identify individual team members, together with their number of years' of experience and related project experience.

### 7.1.7 Firm Experience and Qualifications

Consulting team related experience, resources of the team and availability.

### 7.1.8 Schedule, Budget, Submission Date and Other Requirements

- The time frame for the project;
- The rationale for the schedule, including flexibility for the consultant to modify schedule if necessary;
- The construction budget or an estimated construction budget range and whether the budget includes contingencies and taxes such as HST;
- Identify whether a cost estimate is to be prepared by the consultant and what type and degree of complexity.
- The approved budgets for studies;
- The budgets for consultant fees and reimbursable expenses (disbursements) where know should be disclosed by public agencies;
- The submission date and number of copies of the proposal to be submitted by the consultant;
- Clients should ensure that the budget fits the work program.
- See *Part Two: OALA Fee Guide for Landscape Architectural Services* for guidelines on developing reasonable budgets for consulting services.

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.1.9 Meetings

Meetings are an essential aspect of service to obtain everyone's perspective, present information, seek consensus and obtain approvals. Face-to-face meetings are often required, however, the total number should be managed as meetings may become quite expensive. The costs associated with staff time, travel, accommodation and food is borne by the project. Clients should be sensitive to this fact and clearly identify the number of meetings the Landscape Architect and their subconsultants are required to attend. An allowance should be provided for payment of any meetings held over the stipulated number.

### 7.1.10 Sample Client / Consultant Agreement

When available, the Client should provide a draft or sample agreement with the terms of reference for review by all parties in advance of submission. Early provision of Client agreement expectations reduces subsequent conflicts and further benefits all bidders during the preparation of their bids to ensure that misunderstandings and Client expectations are known in advance.

### 7.1.11 Proposal Evaluation Criteria

A proposal is not a tender. It is an offer to complete certain works for an agreed fee and expenses. Therefore, the lowest cost is not the primary criteria for selection of a consultant. The proposal method is used where comprehensive technical specifications for services and deliverables cannot be fully defined or specified, when alternative methods and design concepts are being sought, or when the nature of a site or problem requires specialized expertise and approaches to seek the preferred solution.

For a proposal, the Client should develop and publish a set of criteria with a weighting or scoring schedule to indicate how proposals will be evaluated. In this regard, consultants can prepare a comprehensive proposal that addresses the issues of a proposal call, and Clients will be able to better compare and evaluate all submissions.

A typical set of proposal evaluation criteria is shown in Table 1.

## 7.0 Retaining a Landscape Architect and Options for Engagement

**Table 1: TYPICAL PROPOSAL EVALUATION CRITERIA**

No.	Criteria	Weighting (%)	Scoring (pts)
1	Understanding of the Client's objectives and requirements.	10% - 15%	10 - 15
2	Proposed approach and methodology.	15% - 20%	15 - 20
3	Scope of services, work plan and schedule.	15% - 20%	15 - 20
4	Qualifications, experience, composition, and special expertise of the consultant team and its members.	10% - 15%	10 - 15
5	Qualifications, experience and resources of the firms.	15% - 20%	15 - 20
6	Proposed fees.	25% - 30%	25 - 30
TOTAL		100%	100

An interview may also be used to clarify the materials submitted in the proposal, or it may be a separate scoring factor in the scoring criteria.

### 7.1.12 Proposal Evaluation Process and Selection Timing:

All proposals received should be properly evaluated and scored according to preset criteria and requirements set out in the RFP in order to arrive at the preferred consultant who will be offered the commission. This should be done by a team of people with a range of experience or backgrounds who are familiar with the project and who will evaluate each proposal from different perspectives.

There are several evaluation methodologies that may be used. These are summarized in Table 2: Proposal Evaluation Methodologies.

## 7.0 Retaining a Landscape Architect and Options for Engagement

**Table 2: PROPOSAL EVALUATION METHODOLOGIES**

Type	RFP Evaluation Methodology	Description	RFP Award shall be made to	Calculation
A	<b>FIXED PRICE</b>	<p><b>The Client establishes a fixed dollar amount for the award, and the Bids consist of only a proposal for that fixed dollar value.</b></p> <p>The evaluation of the RFP utilizes a one step, single-envelope evaluation process. The Client evaluates the proposals received against the evaluation criteria and weightings set out in the Request For Proposals (RFP).</p>	The highest scoring consultant.	None
B	<b>PRICE PER POINT</b>	<p>The evaluation of the RFP will utilize a two-step, two-envelope evaluation process. The Client evaluates the proposals received against the evaluation criteria and weightings set out in the RFP. For those proposals that successfully meet the benchmark score stipulated in the RFP, the Client will open the price Bid received. The Client will then calculate the price per point for each Bid meeting the benchmark score.</p>	The consultant with the lowest price per point.	$\frac{\text{Total Contract Price}(\$'s)}{\text{Total Points Scored}} = \text{Price per Point.}$
C	<p><b>COMBINATION OF TECHNICAL AND PRICE SCORES</b></p> <p>also referred to as</p> <p><b>TOTAL EVALUATION SCORE</b></p> <p>also known as</p> <p><b>WEIGHTED SCORE EVALUATION</b></p>	<p>The RFP will utilize a two-step, two-envelope evaluation process. The Client evaluates the proposals received against the evaluation criteria and weightings set out in the RFP.</p> <p><b>For those proposals that successfully meet the benchmark score stipulated in the RFP, the Client will open the price Bid received and score the price based on a predetermined calculation set out in the RFP.</b></p> <p>The price weighting should be a minimum of 25 percent of the technical weighting. A total evaluation score will be determined by adding the technical score and the price score.</p>	The highest scoring consultant.	<p>Various. To be determined and specified in the RFP.</p> <p>e.g., Envelope One is for the purpose of benchmarking. Once a Proponent meets or exceeds the benchmark, or technical score. This is weighted max. 75% of the score.</p> <p>Envelope Two is reserved for Pricing. This is weighed min. 25% of the total score.</p>
D	<b>LOWEST PRICED BID MEETING TECHNICAL BENCHMARK SCORE</b>	<p>The RFP will utilize a two-step, two-envelope evaluation process. The Client evaluates the proposals received against the evaluation criteria and weightings set out in the RFP.</p> <p><b>For those proposals that successfully meet the benchmark score stipulated in the RFP, the Client will open the price Bid received.</b></p>	The consultant who has successfully met the technical benchmark score and has the lowest priced Bid.	None

Note: It is recommended that a technical benchmark score be specified for each evaluation type.

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.2 Options for Engagement

#### 7.2.1 Direct Appointment or Sole-Source Procurement

The Client retains one consultant for a project, or retains the same consultant on an ongoing basis for a particular project. This option may be appropriate when:

1. A highly specialized consultant is required, if there is only one consultant with the right qualifications, availability, time or budget constraints make an extensive search impractical;
2. The contract is extremely small and a local consultant is available with the necessary skills and a solid record of satisfactory work for the Client or, where the local consultant provides additional local knowledge that is important to the project or, fees and expenses for the size of the project are cost prohibitive;
3. There are severe time constraints on the project and a consultant is available who has the necessary skills and a solid record of satisfactory performance with the Client.
4. Extensions of work on a project previously completed by a specific consultant where the benefits are clear due to continuity of design philosophy and service, reduced time to and costs for the consultant to become familiar with the background studies, and familiarity with site's characteristics.

#### 7.2.2 Limited Source Procurement

The Client negotiates with three to five (3-5) suitably qualified consultants, who have been identified. The firms are either familiar to the Client or have been strongly recommended for the type of work. This approach is useful when the Client lacks either the time or the staff to fairly evaluate detailed proposals from more than five consultants. This is also more efficient from the consultant's point of view. A busy consultant is more likely to respond to a request for proposals if the process makes the most efficient use of his/her time and resources and they have a greater chance of success.

The following steps are involved:

1. The Client approaches the consultants about the assignment and determines their interest and availability. If necessary, the Client may further check the consultant's references;
2. The Client requests a written proposal;
3. The Client evaluates the proposals and draws up a short list of consultants to be interviewed, if required and;
4. Following the interviews, the Client negotiates with the primary candidate to refine the approach, scope and any other conditions of the agreement. This process is appropriate for both Limited Source and Two-stage Proposal Calls.

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.2.3 Request for Quotation (RFQ)

Request for Quotation (RFQ) process is an invitation to bid. Invited or open where there is a request to complete a scope of work, define experience, methodology, staff resources, fee/expenses and to complete those services. This is a Client-initiated process for an invitation to bid. The Client may ask for a quotation where the scope is well defined or the assignment is not Client Client complex. The determining factor for consultant selection is solely fees. This process may be used when a consultant is pre-qualified from a consultant roster. The process is generally very simple for both parties.

### 7.2.4 Request for Proposal (RFP) Two-stage Proposal Call

Request for Proposal (RFP) process is an invitation to bid. Invited or open proposal where there is a request to complete a scope of work, define experience, methodology, staff resources, fee/expenses and to complete those services. This is a Client-initiated process for an invitation to bid. The Client follows a formal, pre-qualification process to identify a limited number of suitable consultants. These consultants are then asked to submit proposals. The proposals are evaluated and a short list of consultants may be asked to attend an interview. This process is appropriate for larger budget proposals (more than \$100,000), or for proposals that require specialized services for which it may be difficult to determine an appropriate initial list of suitable consultants.

### 7.2.5 Request for Proposal (RFP) Fixed-fee Proposal Call

This is appropriate for design schemes that are clearly defined and easily understood by all parties. Selected consultants are invited to submit a proposal for a scope and fixed fee. Where a fee is fixed, the consultants provide an outline of scope of services for the fee. The firm that makes the most appropriate submission is retained to complete the project.

### 7.2.6 Municipal or Agency Consultant Roster

This involves a process where consultants are asked to submit detailed qualifications in a number of categories for the purpose of short listing a series of consultants in advance of a specific project. This would typically involve qualifications, expertise, team members experience types of project experience and possibly hourly rates to name a few.

### 7.2.7 Alternative Financing and Procurement (AFP)

Large public works projects that are complex in nature can be issued using Alternative Finance and Procurement (AFP) models. The AFP model brings together private and public sector expertise in a unique business structure that transfers the risk of project cost increases and scheduling delays typically associated with traditional project delivery. AFP's include:

- Design Build (DB)
- Design Build Finance (DBF)
- Design Build Finance Maintain (DBFM)

## 7.0 Retaining a Landscape Architect and Options for Engagement

The principal issuer of these types of contracts in Ontario is Infrastructure Ontario (I.O.). Other issuers may include Build Toronto, MTO, Federal Government and municipal governments. Project types generally include Healthcare, Educational and Justice Facilities, as well as, road, rail and transportation projects. These documents may be issued by MERX or another similar type of agency.

AFP projects are competitively bid. There are two types of AFP projects – Planning Design and Compliance services and Competitor Bid-team services including (DB, DBF and DBFM). Landscape Architects can provide services to either type. The services and the potential risks for each type are outlined below:

### 7.2.8 Planning Design and Compliance (PDC)

Landscape Architects are invited to join a team of consultants that compete with other multi-disciplinary teams to win the contract. RFP's are published on the MERX or other agency bidding system and are open to all consultants to bid on. Proposals are submitted and are reviewed and the winning team is awarded the contract to prepare the Compliance documents.

The role of the Landscape Architect as a member of the compliance team entails the following:

- meetings with project Client representatives to determine project program
- developing design responses for an agreed program
- creating illustrative landscape plans for submissions to local municipalities – to master site plan agreement (75%-90% SPA)
- developing design guidelines and standards as part of bidder documentation
- creating Project Specific Output Specifications (PSOS)
- developing design solutions and criteria to meet LEED (Leadership in Energy and Environmental Design), or other standards
- attending design presentation meeting by bid proponents (DB)
- assisting in the preparation of the RFP documentation and evaluation during the RFP period
- evaluating bid proponents
- ensuring compliance with selected bid team work at milestones (50%, 75%, 100% Design Development (DD) and 50%, 75%, 100% Construction Documentation (CD)
- Provide approval on final documents through to end of construction period.

The compliance services are usually bid on a lump sum basis based upon billing rates and services established.

See also *Part Two: OALA Fee Guide for Landscape Architectural Services*

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.2.9 Competitor Bid Team (DB, DBF, DBFM)

The Competitor Bid Team process can take on any of the three AFP models and will typically be led by a contractor builder and will include an entire team of design related disciplines. It is a three-step process in which a pre-qualification (RFQ) will be issued to determine a short list of design build teams that are then approved to bid on the project. Once the bid is submitted, it is evaluated for its compliance and financial viability by Infrastructure Ontario. The highest-ranking bidder is then identified as the Preferred Proponent and moves on to a third stage.

The role of the Landscape Architect, as a member of the constructors bidding team, involves financial risk. In this role, there is a great deal of work undertaken by the Landscape Architect during the bidding process. The bid team works at reduced fees during the development of the bid documents and participation in the presentations and the eventual submittal of the RFP bid. The risk involves the work associated with pursuing the bid call. This entails:

- Development of plans and documents in response to the Planning Design and Compliance teams RFP/Bid documents.
- Development of alternative design solutions to meet the intent of the compliance team PSOS specifications and exemplar design.

Working with large design teams and coordinating design elements in a compressed time frame.

- Plans development to meet local municipality's Site Plan Approval and standards, and other government related approvals
- Design plan submission to minimum 50% DD
- Complete design specifications to meet PSOS documents
- Attendance and presentations at two or three Design Presentation Meetings.
- Once the Preferred Proponent is selected, the Landscape Architect will continue in their role and provide additional services to complete the project. At this stage interim compensation is usually paid and an agreement for subsequent fees and scope, at an above normal percentage basis, are confirmed. Services at this stage include: 50%, 75% and 100% Design Development (DD) drawings
- LEED (Leadership in Energy and Environmental Design) documentation related to accreditation (if applicable)
- 50%, 75% and 100% Construction Documents (CD)
- Meetings at all stages of the DD and CD stages
- Administration services related to Quality Control, Communications and coordination with other design disciplines
- Construction Administration services – monitoring and site reviews to project completion

## 7.0 Retaining a Landscape Architect and Options for Engagement

Fees relating to AFP projects are often milestone based. Key Milestones include:

- Pursuit fees relating to submission of Bid Documents (PDC)
- Award of Contract disclosure
- Financial Close Design Development (DD) or commercial close
- Construction Development (CD)
- Construction Administration (CA)

These milestones are particular to each project and should be reviewed in detail with the service and fee contract established with the constructor (DB) proponent.

Landscape Architects participating in AFP's are encouraged to become familiar with the Canadian Construction Documents Committee CCDC 15 – 2013 (or most current) Design Services Contract between Design-Builder and consultant when providing fees on Design-Build projects. The 2013 version has the consensus agreement of all: the Canadian Construction Association (CCA), Construction Specifications Canada (CSC), Association of Consulting Engineering Companies Canada (ACEC) and RAIC / Architecture Canada.

Abbreviations:

- P3: Public Private Partnership (PPP)  
 AFP: Alternative Finance and Procurement  
 PSOS: Project Specific Output Specifications  
 PDC: Planning Design and Compliance  
 IO: Infrastructure Ontario  
 DB: Design Build  
 DBF: Design Build Finance  
 DBFM: Design Build Finance Maintain  
 DD: Design Development  
 CD: Construction Development

### 7.2.10 Design Competitions

In general, design competitions are often used to inspire innovative and creative designs for a specific project, generate public awareness, serve as a form of public relations by engaging the public and allowing the selection by an independent panel, and provide a more open and level field of competition for all design firms.

This type of selection method is very specialized method of consultant selection. More information is available in *Part Four: OALA Guide to Design Competitions*.

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.3 Prequalifying a Short List of Consultants

The prospective Client should ensure that the list of consultants invited to submit a proposal include all those who have the appropriate qualifications for their particular project. The OALA membership directory found on the OALA website at [www.oala.ca](http://www.oala.ca) is a useful resource for identifying consultants and their stated areas of practice.

Procedures for establishing a list of consultants to draw from include:

#### 7.3.1 Submission of an Expression of Interest (E.O.I.)

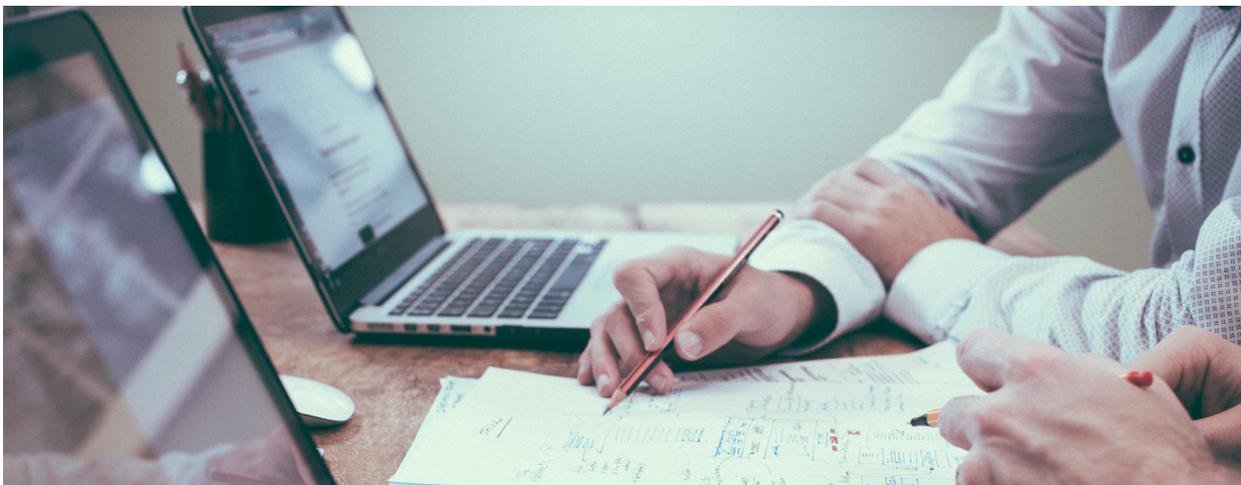
A request for a letter of interest and qualifications is publicly advertised and/or directly circulated to consultants. Interested consultants may submit a brief description of their qualifications and experience to demonstrate their suitability for the project. After an initial evaluation and screening process, including checking references for the top candidates, a short list of qualified consultants is prepared. These consultants are then asked to submit full written proposals.

#### 7.3.2 Formal Prequalification Procedures

Some Clients have a formal procedure for establishing a short list of available consultants or maintain a list of consultants on a roster that they periodically update. Consultants who wish to be included on the list may apply for consideration. However, if Clients have special projects for which they require consultants with unusual or specific qualifications, the list may be supplemented by referrals, advertisements or other appropriate mechanisms.

#### 7.3.3 Informal Prequalification Procedures

The Client compiles an informal list of consultants for the project from personal and business referrals, consultants who have done previous work for the Client, the Association's membership directory or other sources.



## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.4 Proposal Submissions

Given that a written proposal of services and fees will form the basis of an agreement, it is recommended that all Landscape Architects prepare a comprehensive written proposal capturing the conditions of engagement in a format that includes a breakdown of tasks such as noted below.

For larger, more complex projects, a written Terms of Reference (ToR) is recommended with an outline on how the response is to be prepared and submitted. For a small project or engagement, such as noted in section above, or where a pre-established Client/consultant relationship exists, a Client may choose to summarize the project verbally for the consultant to better define the work plan and scope.

A proposal outline should include the following components, edited to suit the specific requirements of a project:

1. Cover letter (*project name + address, Client, consultant names and address*)
2. Consultant corporate background (*overview of corporate entity, history*)
3. Relevant experience (*to the proposed project*)
4. Expertise, qualifications (*relevant to the project*)
5. Key team members (*who will actually do work, what they will do, CV's as needed or paragraph*)
6. Understanding of the project (*Client's vision + background*)
7. Methodology + approach (*how will your team approach and complete required tasks*)
8. Scope of work and deliverables (*clearly define what you are providing*)
9. Items excluded (*clearly define what you are not providing*)
10. Assumptions (*any items you assumed in preparing and executing work*)
11. Responsibilities of Client (*items such as legal, topographic or other background info*)
12. Schedule (*expressed in words, graphics or both for major milestones*)
13. Schedule of fees and conditions (*milestone payments, by task, months, % complete*)
14. Contract terms (*any specific items, clauses to be included in final agreement*)
15. Reference projects (*similar to this project, relevant and related scope, scale*)

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.5 Consultant Selection

Once the objectives of the project have been clearly identified, evaluation should be a straightforward process. The evaluation should be carried out by a group of individuals that have a broad range of interests in the project. All those involved must review the same material and be present at any interviews. They should also use a pre-established point scoring system, in which each criterion is assigned a maximum number of points.

The Client should evaluate, as a minimum, each proposal based on the following criteria. Regardless of the criteria, providing the consultants the criteria in advance will generally yield much better results for both parties. As a minimum, criteria should include:

1. The consultants' understanding of the project;
2. Similar relevant work experience;
3. Evidence that the project team (those who prepared the proposal and attended the interview) have the necessary qualifications to complete the work and will actually be carrying out the majority of the work;
4. The appropriateness of the proposed work program to achieve the project's objectives;
5. Special features of the work program that show an innovative or creative approach to the project;
6. Consulting fees (recommend maximum thirty percent);
7. Schedules and deadlines;
8. The management and organization of the project.

Primary emphasis should be on professional and technical merit, rather than fees. If all the proposals are in a similar fee range, cost should play a relatively small scoring criteria role. It is important to focus on the consultant's ideas, approach and ability to communicate. The fees should be treated as a separate issue. If certain proposals are significantly lower in fees than other submissions, the Client should analyze them carefully to determine whether the terms of reference have actually been satisfied and whether the consultant has allowed adequate time to complete the required tasks while meeting project objectives. In particular, Clients should identify whether they will be required to carry out certain tasks that in other proposals, were allocated to the consultants.

Similarly, proposals that are significantly higher in fees, should also be reviewed to determine what additional value they would offer that would account for the additional fees.

Fees can be provided at various stages of the selection process. For smaller projects, it may be appropriate for the Client to ask for a fee breakdown at the first written proposal submission. For larger projects, the fee can be provided at the completion of the interview stage. This method allows the Client to objectively assess the consultant's qualifications, experience and design approach. Fees are then assessed in conjunction with evaluations obtained during the interview stage.

## 7.0 Retaining a Landscape Architect and Options for Engagement

### 7.6 Notification

The preparation of a proposal requires a considerable time by the consultants to assemble an appropriate team, develop a project specific methodology and work program, estimate staff time and fees, and produce the written submission. For professional courtesy, Clients should notify all those who participated in the consultant selection process of the final decision as soon as possible after the selection decision has been made. It is also helpful to provide a debriefing to consultants, as they will be able to understand how their response compared to others allowing them to prepare a better proposal in the future. Clients, whether public or private sector, are encouraged to debrief consultants following submissions to provide clear and useful comments for the benefit of both parties.

The awarding of a project by a Client, including terms, conditions, fees and expenses, as mutually agreed, is the acceptance of the agreement. The written agreement forms the contract that both parties sign and execute.

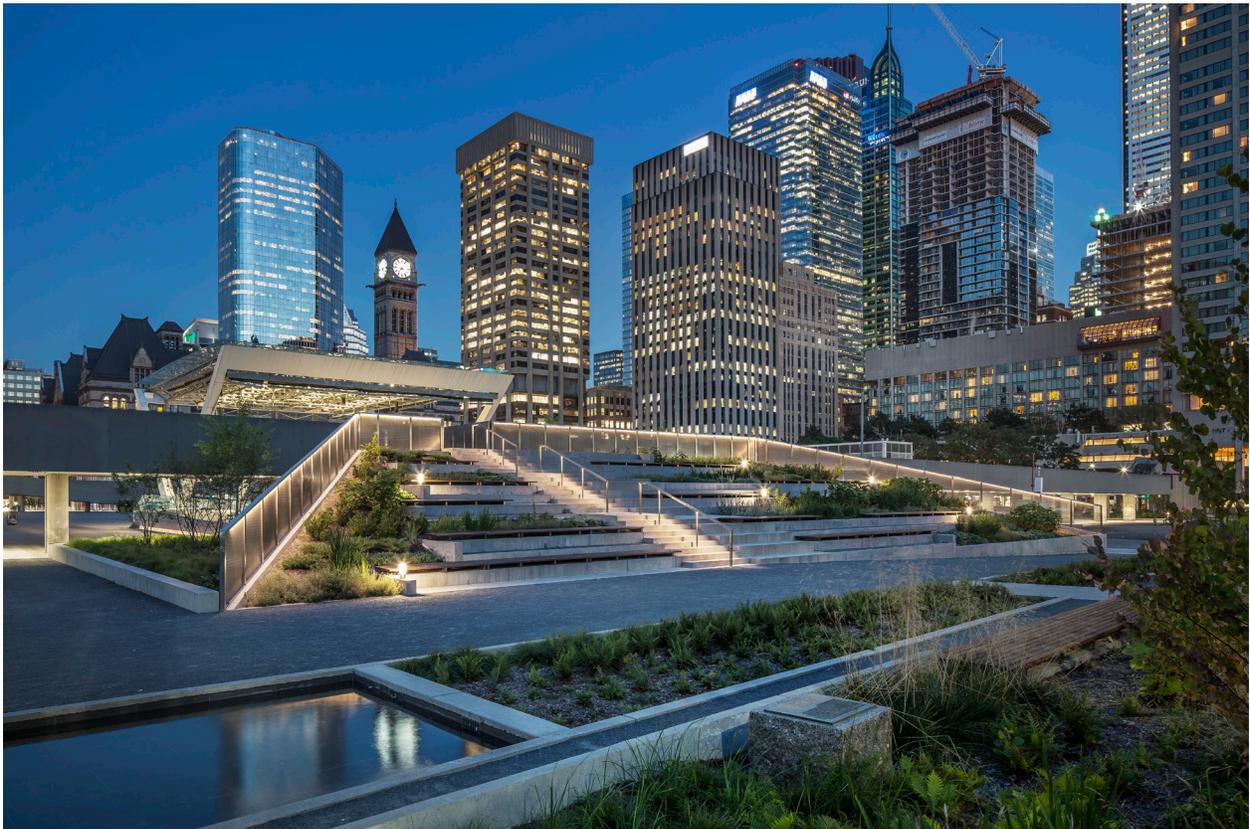


Image: Peace Garden at Nathan Phillips Square, PLANT Architects

## 8.0 Categories of Services

The following provides an outline of the potential types of services, which may be included in the scope of required services. Professional consultant fees and expenses are the result of the level of services provided. The following provides an outline of the types of services that are commonly required in a traditional landscape architecture assignment.

### 8.1 Category I - Consulting and Advisory Services

This category of services is intended to establish and analyze facts, issues and specific parameters. A specific project may or may not have been identified when these services are called for and generally these services are not part of a fixed fee contract.

#### a) Consulting and Advisory Services

These services include such assignments as:

- General consultation and advice;
- Environmental studies;
- Site analyses;
- Appraisals;
- Report preparation;
- Research;
- Management and/or administrative services;
- Establishment of terms of reference;
- Consultant co-ordination.

#### b) Expert Testimony and Specialty Services

This category includes those services requiring senior expert involvement, with or without support staff such as expert testimony at Ontario Municipal Board (OMB), Environmental Tribunal, Niagara Escarpment Commission (NEC), Consolidated Hearing or Environmental Assessment hearings, or other similar situations. See also Section 5.2 Expert Witness/Expert Testimony.

#### c) Other Services

This category covers other services not specifically identified under the other categories and includes services of a short term or intermittent nature and specialized services.

## 8.0 Categories of Services

### 8.2 Category II - Concept Master Planning and Pre-Design Services

This category of services involves the assembly of relevant background materials, analysis, synthesis, and preparation of conceptual plans for proposed work.

#### a) Concept Master Planning and Master Planning (CMP & MP)

Conceptual planning studies include a range of work to determine the feasibility of a project. Master planning is a process whereby a site and potential ideas are studied, leading to the preparation of a master plan to guide future site development and/or redevelopment.

Services may include:

- Obtaining and analyzing relevant planning, economic, social and environmental data;
- Overall program development;
- Development of alternative concepts;
- Development of creative solutions and ideas;
- Public consultation;
- Project facilitation;
- Evaluation of concepts;
- Creating phasing strategies for long term development;
- Preparation of estimates of capital and operating costs and other financial considerations.

#### b) Pre-Design Services

Pre-design services consist of development of the design concept including:

- Master plans;
- Development plans;
- Conceptual designs;
- Planning approvals;
- Site plan consultation;
- Preliminary cost estimates;
- Permit applications;
- Consultant co-ordination;
- Attending public or Client meetings;
- Environmental Assessments (EA/Class EA);
- Environmental Impact Studies (EIS);
- Historical studies.

## 8.0 Categories of Services

### 8.3 Category III – Schematic, Design Development and Contract Documents Phases

#### a) Schematic, Design Development Phases (SD, DD)

Services include the preparation of schematic and design development (detailed design development) and documents based upon design content as determined and approved under Categories I and II. Also included is the preparation of preliminary underground servicing, preliminary grading, drainage, layout, planting plans and preliminary details. Public consultation, where required, is often included at this stage or as part of an on-going process starting with concept master planning.

#### b) Contract Document Phase (CD)

Upon completion of the schematic and design development phases approved by the Client, the Landscape Architect will prepare more detailed documents including, but not limited to, layout plans, grading plans indicating existing and proposed grades, planting plans, and construction details, written specifications for the project. Lighting plans, underground utilities, irrigation plans and drawings from other consultants may also be required. These plans must meet all applicable codes and by-laws and are subject to review and approval by regulatory agencies.

With the exception of single-family residential projects, these drawing packages must to be sealed (stamped) by the Landscape Architect. Upon completion of the contract documents, approval will be required by all regulatory agencies. Contract documents are prepared which are used for bidding purposes. In the same manner that the approved drawings represent the design of the product that will be constructed, the contract documents and specifications for the project describe the quality and quantity of the features to be constructed.

The documents also describe the complexity and extent of the development to be constructed, as well as, the contemplated time schedule for the completion of the work. The number and types of working drawings, specifications and cost estimates, required will vary with the type and complexity of the project. It may also be necessary to prepare complete contract documents for future phases of the project.

The type and number of working drawings required for different projects will vary, but in general they consist of many or all of the following:

- **Existing Conditions Plan** showing all existing site features, conditions, legal, utilities and above grade features and topography.
- **Tree Conservation Plan** showing all plants to be retained and protected or removed.
- **Demolition Plan** showing all materials and areas to be retained and or demolished.

## 8.0 Categories of Services

- A **Layout and Materials Plan** locating accurately by dimensions all buildings, walks, roads, parking areas, planting areas, and all other landscape site elements that form part of the design.
- A **Grading Plan** establishing grades for all buildings, roads, retaining walls, outside steps, ramps and surface drainage structures, and may include subsurface drainage facilities and utility lines with their connections to existing utilities.
- A **Planting Plan** locating and identifying the plants to be used and any existing plants to be preserved, a plant list specifying the quantities, sizes and varieties of all plants on the planting plan. The list may appear on the plan or as a separate list.
- **Construction Details** providing plans, sections and elevations of the individual elements of the site plan such as roads, walls, steps, gutters, catch basins, drains, paving patterns, fences, and irrigation systems.
- **Cost Estimates** of all proposed contract elements to determine the probable magnitude of the project before going to tender.

### c) Written Specifications

The specifications will identify all materials and products to be used, where required, and set forth explicit and concise performance standards that are to be met and may indicate methods of execution and/or installation. They may also define and organize separate portions of the work that may logically be executed by other trades or by separate contracts. They may also set forth an itemized price schedule. In a unit price contract the specifications define the units of measurement and units of payment.

### d) Tender Documents

The tender information identifies all drawings and documents pertaining to the work and establishes the manner in which tenders are to be submitted. The tender also forms the basis on which the work is to be contracted, the required units of work to be priced, terms, payments and all other information necessary to create a complete and valid contract.

### e) Regulatory Approvals

Most projects are subject to a variety of regulatory controls and permits or approvals that are required prior to advancing a project to construction. Some examples are: lands regulated by Conservation Authorities (CA's), Niagara Escarpment Commission (NEC), National Capital Commission (NCC), Environmental Assessments (EA's), Environmental Impact Studies (EIS), contaminated sites, culturally significant lands, heritage sites, designated wetlands, conformance to barrier free design, municipal site plan controls, building codes and building permits. The Landscape Architect may assist advancing the project by representing the Client to regulatory agencies and preparing permit applications on behalf of the Client.

## 8.0 Categories of Services

### 8.4 Category IV - Services Before and During Construction

For the Landscape Architect to be able to issue a certificate of substantial completion, total performance and to certify the design has been implemented in accordance with the approved plans and specifications, contract administration services must be provided. Normal duties of the Landscape Architect in a contract administration role may include:

- Contract management
- Site visits / periodic field reviews
- Site instructions, contemplated change notices (CCN), change orders (CO)
- Overseeing material testing and reviewing same
- Certificate of Substantial Performance
- Total Performance
- As-Built drawings
- Preparation of maintenance management procedures
- Warranty inspections
- Final acceptance certification

#### a) Contract Management

1. Pre-qualification of bidders  
The Landscape Architect may assist the Client to pre-qualify bidders by requiring them to submit financial statements, experience statements, references, work load information or other qualifications such as bonding and insurability.
2. Preparation and receipt of tenders  
The Landscape Architect may establish the time period for tenders, the location for the submission of tenders, whether subcontractors are to be listed, tenders are to be sealed or unsealed, public or private opening, informality of tenders, award to other than low bidder, qualified tenders, analysis of tenders for errors, withdrawal of tenders, rejection of tenders and forfeiture of bid bonds.
3. Awarding Methods  
Upon receipt of tenders, the Landscape Architect may advise the Client to award the work on a Letter of Agreement and Notice to Proceed; or formal contract documents recognized by the trade construction association.

The Landscape Architect using a standard form accepted by the Client and/or by the construction trades, identifying the conditions and provisions required by both parties, and the role of the Landscape Architect, prepares formal contracts.

## 8.0 Categories of Services

### b) Site Reviews and Contract Administration

1. Site reviews are conducted periodically during the construction phase to ensure the proper execution of site works and compliance to the contract drawings and specifications. Resident inspection, on a daily basis, is not within the scope of normal periodic field reviews. See item 6 below. Project management is a more comprehensive service that may include day-to-day contact with the Client and contractor, communicating and resolving issues on a regular daily basis, if necessary to ensure smooth completion of the work.
2. The Landscape Architect may be authorized by the Client to act as agent, including authorizing payments to the contractor through certificates of payment.
3. The Landscape Architect may be designated as a project administrator to interpret the contract documents and regulations, certify progress payments and acceptance of work, and certify completion of contract. This administrator determines “Substantial Performance” and “Completion or Total Performance”.
4. “Substantial Performance of the work” is as defined in the lien legislation applicable to the place of the work. If such legislation is not in force or does not contain such definition, “substantial performance of the work” shall have been reached when the work is ready for use or is being used for the purpose intended and the value of outstanding work falls within the parameters established by the Construction Lien Act as so certified by the Landscape Architect.
5. “Total Performance of the work” means the entire work, except those items arising from the provisions of WARRANTY- has been performed to the requirements of the contract documents and as so certified by the Landscape Architect.
6. If the Landscape Architect is supplying a project manager who is required to attend the project on a daily basis, such as resident inspection, a supplementary fee will be charged on an hourly basis. Alternatively, a project manager may be hired by and paid by the Client, but required to be under the direction of and report to the Landscape Architect.
7. When subconsultants are engaged by the Landscape Architect to provide certain technical services, documentation and approvals will be submitted to the Landscape Architect.

## 8.0 Categories of Services

8. Verbal site instructions given in the field should be followed up by a written confirmation outlining the extent of the changes discussed.
9. A numbered, formal change order / change notice is issued for changes to be included as part of the contract documents, describing the changes in materials or construction operation, changes in contract time periods, and changes in the contract amount.

### c) **As-Built Drawings**

Upon completion of the project, "as-built" information is transferred to the original drawings and recorded as "as-built" documents. This service is provided separately upon request and applicable fees are provided.

### d) **Preparation of Maintenance and Management Guidelines**

The Landscape Architect should submit to the Client all provided catalogs, manuals and operating instruments to assure proper servicing by the Client's maintenance people in order not to void guarantees / warranties, performance bonds, construction liens, etc.

### e) **Site Commissioning**

The Landscape Architect shall organize an inspection of the project at the time of substantial performance with maintenance and operations personnel to ensure a smooth handover of the project from contractor to owner. This meeting should include a demonstration and training session of project elements, such as, mechanical and electrical system, and any special maintenance equipment and procedures. It may also include instructions for the management of the site. An example of this would be a site that has been remediated and requires on-going monitoring and reporting to comply with regulations.

### f) **Warranty Inspections**

Upon the completion of the warranty period, the Landscape Architect will organize a site review of the project with the contractor, Client and/or governing agencies. The project will be reviewed for warranty deficiencies and a report issued. Any materials to be assigned an extended warranty should be noted.

### g) **Record Drawings and Files**

Where required by a public or private sector owner, documents and copyrights of work may be required to be turned over. Where specific Intellectual Property (IP) of the consultant exists, those aspects should be clearly identified to owners. These items may not be required to be provided. In the case of electronic data transfer, OALA members' electronic seals (stamps) should be removed and documents noted as provided for record purposes only.

## 8.0 Categories of Services

### 8.5 Category V - Project Management Services

Project management services may be required which are more complex and comprehensive than standard services. These may include, but not limited to assigning an individual as part of a firm as project manager (full or part time) as required to provide a comprehensive control and management from start to commissioning. The project manager will assist the Client as required to complete the project objectives. This is a separate fee and subject to negotiation between the parties.



## 9.0 Standard Agreements

### 9.1 Standard Agreements

A design services contract (“Contract”) is a legal document that spells out the terms of a relationship between a Landscape Architect and a Client. In Ontario, these contracts are called agreements. An effective agreement is built around the terms and conditions of a Request for Proposal, the accepted proposal from a consultant, time frame for execution of the work, and payment amount and schedule.

A number of stipulations are spelled out, such as, the scope of the project, the responsibilities of the consultant and the Client, and any dispute resolution clauses. Agreements have a commonality in form, however, due to the uniqueness of each project, agreements ought to be customized for each assignment. The OALA recommends written agreements be prepared for each assignment to ensure clarity in the contract of services. Agreements may be from either the owner as a standard agreement template, or the consultant as a standard template. In either case, modifications to clauses to specifically amend for the project may be necessary and modified as mutually agreed.

When drafting the agreement of execution, consultation with a lawyer and insurance advisor is recommended. See also *Part Three: OALA Guide to Standard Written Agreements*.

### 9.2 Professional Liability Insurance

Professional Liability Insurance provides protection to the landscape architecture consultant from claims due to errors and/or omissions that may have occurred during the preparation of documents. Although it is not mandatory for a Landscape Architect to have this type of insurance, it is highly recommended and is considered to be a standard business practice for most professionals in the design field. Many Clients, particularly public agencies and various levels of government, have made it mandatory for a consultant to carry Professional Liability Insurance.

There are several companies that provide Professional Liability Insurance. The OALA recommends that its members carry this insurance. It is in the best interest of all parties, including the public.

### 9.3 Commercial General Liability Insurance

Commercial General Liability insurance (CGL) is a type of insurance held by businesses. This is a broad policy that protects the business from liability claims related to products coverage, operations, premise and operations coverage and independent contractor’s coverage. CGL does not cover vehicle liability insurance.

## 9.0 Standard Agreements

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### 9.4 Other Insurance

Other insurances may be required by a business such as vehicle liability, business interruption insurance to name a few. Members are encouraged to seek and review applicable legislation related to their specific operations, individual business needs and those that may be required for a specific project.

### 9.5 WSIB - Workplace Safety and Insurance Board

Depending on the size and nature of the practice, OALA members may require Workplace Safety and Insurance Board (WSIB) coverage. Members are encouraged to review applicable legislation to determine individual or corporate requirements. The WSIB is an independent trust agency that administers compensation and no-fault insurance for Ontario workplaces.

### 9.6 Professional Practice and Ethics Review Committee, and Discipline Committee

The OALA has a number of Committees of Council who report directly to the Executive Committee (ExCom) of Council. The Professional Practice and Ethics Review Committee, and the Discipline Committee are two committees that are responsible for reviewing matters of professional practice, ethics and complaints against a member. They are also responsible to consider and recommend action, if appropriate, against a member as a result of their investigation on disciplinary matters or complaints.

## 9.0 Standard Agreements

### 9.7 OALA Code of Ethics

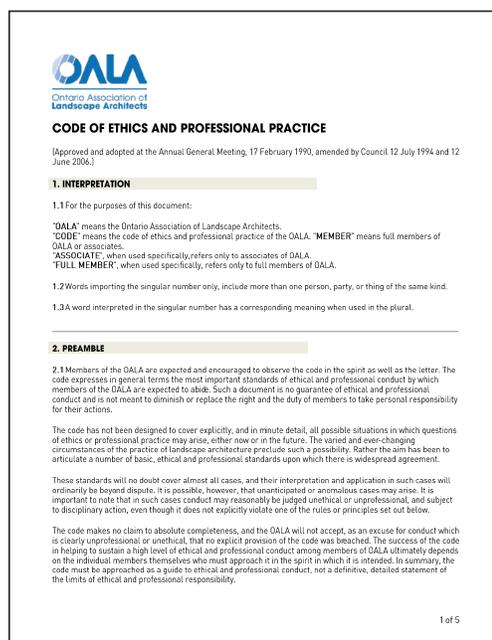
The OALA administers the **Ontario Association of Landscape Architects Act, 1984**, which includes professional responsibility for:

- Regulating professional standards
- Accreditation for the profession
- Maintaining and improving the examining process
- Approving educational and professional development standards

The Association maintains standards of professional practice and conduct to serve and protect the public interest. These are outlined in more detail through the Code of Ethics and Professional Practice.

Members of the OALA are expected and encouraged to observe the code in the spirit as well as the letter. The code expresses in general terms the most important standards of ethical and professional conduct by which members of the OALA are expected to abide. For a complete version of the OALA Code of Ethics and Professional Practice see the OALA web site at [www.oala.ca](http://www.oala.ca).

The OALA promotes public understanding of the profession and the advancement of the practice of landscape architecture. In support of the improvement and/or conservation of the natural, cultural, social and built environment, OALA undertakes activities including active promotion to governments, professionals, and developers of the standards and benefits of landscape architecture.



## End of Part One

The ***Engaging a Landscape Architect*** series has been prepared in four (4) separate parts as guide publications, under the following titles:

- Part One:* OALA Guide to Landscape Architectural Services (this volume)
- Part Two:* OALA Fee Guide for Landscape Architectural Services
- Part Three:* OALA Guide to Standard Written Agreements
- Part Four:* OALA Guide to Design Competitions

Please go to the Engaging a Landscape Architect page on [www.oala.ca](http://www.oala.ca) to read and learn more about each publication.

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