



Ontario Association of
Landscape Architects

Engaging a Landscape Architect

Part One:

OALA Guide to Landscape Architectural Services

2023



Preamble

The Ontario Association of Landscape Architects (OALA) *Guide to Landscape Architectural Services* provides landscape architects, the public, procurement teams, 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.

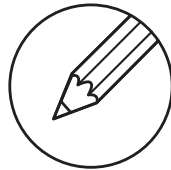
Disclaimer

This publication, providing guidance for retaining the services of landscape architects, aims to achieve a new level of exposure, awareness, and understanding of the profession of landscape architecture. It is intended for information purposes only and is not meant to replace legal advice and professional consultation. Selection of a landscape architect for a particular project is generally based on a prospective client's understanding of the range of services offered and the landscape architect's level of experience, both of which can vary significantly from firm to firm, and from individual to individual.



Engaging a Landscape Architect

Part One: OALA Guide to Landscape Architectural Services



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April 2023



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

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1.0 Introduction

Landscape architects are site planning and design consultants who assist clients to solve complex problems related to land-use planning, site design, land development, and land rehabilitation. The Ontario Association of Landscape Architects (OALA) has published a series of documents to help clients better understand the practices and processes for engaging a landscape architect. The series presents the range of services provided by landscape architects, outlines the various procurement options, and offers guidance on how to determine reasonable budgets and fees.

1.1 Engaging a Landscape Architect

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, procurement teams, 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 is divided into eight sections:

- Section 1: Introduction
- Section 2: Landscape Architecture Definition
- Section 3: Ontario Association of Landscape Architects (OALA)
- Section 4: Project Types and Areas of Practice and Services
- Section 5: Roles of the Landscape Architect
- Section 6: Retaining a Landscape Architect
- Section 7: Stages of Services
- Section 8: Design Services Agreements

This publication is available to all practising OALA and Canadian Society of Landscape Architects (CSLA) members, existing and potential clients, government organizations, and procurement teams, to assist them in assessing appropriate procurement methods and the provision of landscape architectural services.

It 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 agencies.

1.0 Introduction

This publication provides guidance for retaining the services of a landscape architect and aims to achieve a new level of exposure, awareness, and understanding of the profession of landscape architecture. Selection of a landscape architect for a particular project is generally based on a prospective client’s understanding of the range of services offered and the landscape architect’s level of experience. Both of these factors can vary significantly from firm to firm and from individual to individual.

1.2 Acknowledgements

The first two parts of the *Engaging a Landscape Architect* series—*Part One: OALA Guide to Landscape Architectural Services* (this volume) and *Part Two: OALA Fee Guide for Landscape Architectural Services*—were originally published by OALA in 2016. The authors of these two guides are as follows:

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In 2022, at the request of the OALA Council, OALA created a new task force to review and update the Part One and Part Two guides. The task force wishes to acknowledge and express appreciation for the valuable input from the following groups and individuals:

- the members for their response to the 2021 OALA Member survey and for their individual input;
- the OALA Council;
- OALA staff; and
- the other OALA task forces including the Insurance Task Force.

Input was also provided by a staff member of a major city who contributed to Section 6.0 of this guide, Retaining a Landscape Architect. While unofficial, the feedback was valuable and ensured that Section 6.0 was drafted through the lens of procurement and that the correct terminology was appropriately used.

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. In Ontario, an individual who practises the profession of landscape architecture and is a full member of OALA is called a landscape architect.

Landscape architects apply creative and technical skills, using scientific, cultural, and political knowledge, to create optimal private and public spaces and landscapes. They are site planning and design experts who assist in solving complex problems related to land-use planning, site design, land development, and rehabilitation.

Landscape architecture is a broad design profession practised in both the public and private sectors. In the public sector, landscape architects are employed in a variety of institutional, government, not-for-profit, and academic positions, and many are in non-traditional roles within the arts community 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. OALA members are encouraged to practise within their range of skills, expertise, and competency while conducting themselves in accordance with good professional best practices. Landscape architects offer creative advice, creative design solutions, and various products in the form of deliverables.

Landscape architects also offer professional opinion and advice in response to clients' specific project requirements and goals. This may include conducting research and writing reports, undertaking site inventories, reviewing specific technical or design challenges, and presenting written recommendations and conclusions. Creative solutions are communicated through a variety of deliverables produced to meet the client's goals.



Image: Morgan's Garden: Healing, Engaging, Empowering, Virginia Burt Designs, Canada Inc.

3.0 Ontario Association of Landscape Architects (OALA)

The Ontario Association of Landscape Architects (OALA) is a self-regulating professional association that undertakes activities to improve, advance, and promote the profession of landscape architecture. These activities include setting standards for licensure; maintaining a mandatory continuing education program; actively promoting OALA and the profession to governments, professionals, and the public; and developing and promoting the standards and benefits of landscape architecture. OALA was founded in 1968. For more information, see www.oala.ca.

OALA is one of nine provincial, territorial, and regional member associations that make up the Canadian Society of Landscape Architects (CSLA). CSLA is the national organization responsible for the education, awareness, promotion, advocacy, and celebration of the profession of landscape architecture. For more information, see www.csla.ca.

OALA, headquartered in Toronto, administers the *Ontario Association of Landscape Architects Act, 1984* (An Act respecting The Ontario Association of Landscape Architects), Bill Pr37. The Act states that an individual must be a full member of the Association to be granted exclusive use of the title of landscape architect. In addition, only full members may use the professional designation “OALA” after their names.

These restrictions are imposed by the Act and by Section 10 of the OALA By-laws. See also Section 13.1 of the *OALA Handbook* for the *Policy on the Use of Title*.

Candidates seeking admission to OALA must have specific minimum educational requirements, complete the OALA Professional Development Program (PDP) over a period of time specified by the Association, and pass the Landscape Architect Registration Examination (L.A.R.E.). The L.A.R.E. is administered by the Council of Landscape Architectural Registration Boards (CLARB), an independent body that regulates licensure in the United States and several Canadian provinces.

OALA maintains high standards of professional practice, including the requirement to adhere to a [Code of Ethics](#) and a Mandatory Continuing Education Program (MCEP), to ensure its members continue to serve and protect the public interest.

3.1 Mission, Vision, and Core Values

OALA and its members are committed to the Association’s defined mission, vision, and set of core values in their work to support the improvement and conservation of the natural, cultural, social, and built environment in Ontario.

Mission

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.

3.0 Ontario Association of Landscape Architects (OALA)

OALA recognizes the following common attributes of a profession:

- a unique body of knowledge;
- standards of entry;
- a code of ethics;
- a service organization serving both the profession and the public; and
- a sanctioning organization.

Vision

OALA's vision is to advance the recognition of landscape architects as professionals and respected leaders in the design and planning of physical environments, whose expertise contributes to the creation of healthy, safe, and livable communities as well as sustainable landscapes.

Core Values

OALA's core values reflect the Association's operational philosophy and the principles that guide its internal conduct as well as its relationships with customers, clients, related professionals, and the public.

- **Public Interest:** Through the establishment of professional standards of practice, OALA requires its members to advance and protect public health, safety, and well-being.
- **Ethics:** OALA conducts its operations, relationships, and promotional activities in a professional and ethical manner. The OALA Council and members of OALA are held to rigorous standards of honesty and integrity.
- **Excellence:** OALA strives to be forward-thinking and to achieve excellence through a commitment to meeting and exceeding identified standards.
- **Sustainability:** OALA operates in a manner that promotes the [CSLA's Canadian Landscape Charter](#) core principles: recognize landscapes as vital; consider all people; inspire stewardship; expand knowledge; and show leadership.
- **Accountability:** OALA is responsible to its membership and the public for the programs it provides, their effectiveness, and their fees. OALA plans for future activities with input from its members.

3.2 Other Professional Accreditations

Many OALA members have additional professional accreditation. Members may also belong to one or more other professional organizations at the provincial, national, or international level, based in Canada or other countries. Their professional credentials may appear after their names. Common examples include, but are not limited to, OPPI, LEED, and GRP.

3.0 Ontario Association of Landscape Architects (OALA)

- **OPPI (Ontario Professional Planners Institute):** OPPI is the recognized voice of Ontario’s planning profession. OPPI membership is a requirement for professionals who wish to practise as Registered Professional Planners (RPPs) in Ontario. RPPs are the only accredited planning professionals recognized across Canada.
- **LEED (Leadership in Energy and Environmental Design):** LEED is an ecology-oriented building certification program run under the auspices of the U.S. Green Building Council (USGBC). A LEED credential denotes proficiency in today’s sustainable design, construction, and operations standards. LEED-accredited professional designations include, but are not limited to:
 - **LEED Green Associate:** A foundational professional credential signifying core competency in green building principles.
 - **LEED AP with specialty:** An advanced professional credential signifying expertise in green building and a LEED rating system.
 - **LEED AP Building Design + Construction (LEED AP BD+C):** An advanced professional credential signifying expertise in the design and construction phases of green buildings, serving the commercial, residential, education, and health-care sectors.
 - **LEED AP Neighborhood Development (LEED AP ND):** An advanced professional credential signifying expertise in the planning, design, and development of walkable neighbourhoods and communities.
- **GRP (Green Roof Professional):** Green Roofs for Healthy Cities (GRHC) is the recognized body providing certification to individuals for their knowledge and training in green roof installation and maintenance. Individuals with the GRP designation are recognized to have been trained and tested in all of the competencies necessary for green roof success, including knowledge of building science, horticulture, irrigation, waterproofing, plant physiology, structural considerations, and other related areas.



Image: Find your Centre: Mount Pearl City Centre Renewal Plan, Mills & Wright Landscape Architecture

4.0 Project Types and Areas of Practice and Services

Landscape architects perform across a broad range of projects providing services in a variety of practice areas based on their extensive knowledge, training, and experience.

Landscape architectural services include, but are not limited to:

- the investigation, selection, and allocation of landscape resources for appropriate uses;
- the formulation of graphical and written criteria to govern the planning and design of landscape construction programs for outdoor environments, including, but not limited to, commercial projects, office complexes, parks, golf courses, residential sites, heritage preservation, and the public realm;
- the preparation, review, and analysis of urban design and master plans for landscape development;
- the production and sealing of landscape site plans, grading and drainage plans, irrigation plans, planting plans, and construction details, cost estimates, and specifications;
- the field observation and review of landscape construction, restoration, and maintenance;
- the preparation of visual impact assessments of proposed developments on landscape resources; and
- the design of landscape systems to improve environmental resiliency and to mitigate climate change by promoting the sustainability of natural assets and by providing the services listed above.

There are three main types of projects for which landscape architects offer their services:

Type 1 – Specialized Landscapes

Type 2 – Civic, Institutional, and Residential Landscapes

Type 3 – Greenfield and Industrial Landscapes

Each project type encompasses projects and areas of practice that have similar characteristics requiring a range of skill and expertise. The type definitions contained in this publication are intended to provide general guidance only, however, as a project's classification also depends on its scale, size, and complexity. Users of this publication are advised to use their professional discretion when determining a given project's type category or when recategorizing a project as a different type.

This section provides descriptions of the three main project types. It should be noted that these project types are used in the Percentage Method Fee Calculation Chart in *Part Two: OALA Fee Guide for Landscape Architectural Services* of OALA's ***Engaging a Landscape Architect*** series.

4.0 Project Types and Areas of Practice and Services

4.1 Type 1 – Specialized Landscapes

Scope: Specialized landscape projects are typically larger, more complex projects requiring the highest level of expertise, technical proficiency, and specialization. Work in this category requires extensive research, coordination, collaboration, and reporting while working with and/or directing a multi-disciplinary team of consultants.

The following kinds of projects fall within the specialized landscapes category:

- Botanical gardens
- Cultural heritage assessment and conservation
- Custom single-family residential design
- Environmental assessment
- Expert witness / expert testimony
- Fountains and water features
- Golf course architecture
- Health-care facility design
- Marina and waterfront planning
- Memorials and gardens of remembrance
- Resort and entertainment facilities
- Visual assessment
- Water play and pool design
- Zoo and wildlife conversation areas

4.1.1 Botanical Gardens

Botanical garden projects typically involve planning and designing new gardens or retrofitting existing gardens. Generally, a botanical garden includes a collection of living plants designed to illustrate relationships within plant groups. These may include native plant communities, adventive or non-native plant species, and collections that are grown for the display and conservation of plants or for scientific research and education. Botanical gardens are important for human needs and well-being.

4.1.2 Cultural Heritage Assessment and Conservation

Cultural heritage assessment and conservation provides a link between the past, present, and future uses of land and historic sites. Work in this area may include undertaking historical research, analyzing contemporary needs, and providing recommendations for the stabilization, restoration, adaptation, and interpretation of landscapes to accommodate human use while ensuring protection of cultural resources.

4.0 Project Types and Areas of Practice and Services

4.1.3 Custom Single-Family Residential Design

Custom single-family residential design is a specialty that may involve numerous other consultants depending on the project size, scope, and complexity. The project may involve designated heritage structures and culturally important landscapes that require landscape assessment, architectural heritage review, and approvals from boards or conservation authorities. It may also involve specialty elements such as custom landscape structures, water features, 3D or interpretive art, green roofs, green walls, or habitat restoration. Projects range from intricate private roof gardens to gardens many hectares in size. The landscape architect may act as the prime consultant managing a team to complete the project.

4.1.4 Environmental Assessment (EA)

Within an environmental assessment (EA) project, the landscape architect typically works as part of a team either leading or participating in EA work, Class EA work, or environmental impact studies (EIS), following accepted policy and other regulatory protocols.

4.1.5 Expert Witness / Expert Testimony

A landscape architect may be called upon to provide expert witness, opinion, and testimony services for tribunals or other environmental, planning, or court bodies such as the Ontario Land Tribunal (OLT), environmental tribunals, the Niagara Escarpment Commission (NEC), the Office of Consolidated Hearings, Ontario's Divisional Court, and Ontario's Superior Court of Justice. Witnesses must be qualified in advance by the relevant body in order to give evidence on a particular subject matter or case.

4.1.6 Fountains and Water Features

Fountains and water features involve complex mechanical and electrical systems to develop unique water feature displays requiring design direction and co-ordination with multiple teams including civil engineers, electrical engineers, structural engineers and architects. Designs include a wide variety of water features, reflecting pools, waterfalls, classic spray fountains and jets, art installations, animated show fountains with co-ordinated music and lighting. Generally, these are facilities where the public do not physically enter the water but may touch the water.

4.1.7 Golf Course Architecture

Golf course architecture projects involve the planning, design, and layout of golf courses and golf course communities. The work may include the planning, design, and preparation of contract documents as well as site reviews during construction.

4.0 Project Types and Areas of Practice and Services

4.1.8 Health-Care Facility Design

The design of health-care and long-term care facilities focuses on site development for patient care, safety, wellness, and rehabilitation in both internal and external spaces including therapeutic gardens and facilities.

4.1.9 Marina and Waterfront Planning

Marina and waterfront planning involves the planning and design of waterfronts, public open spaces, and associated marine facilities both onshore and offshore.

4.1.10 Memorials and Gardens of Remembrance

Projects in this area involve monuments, statues, memorials and related walls and structures, and buildings or gardens of remembrance that generally focus on honouring one or more notable figures or a special event. The work may involve a wide variety of design features, public art, or other methods to, for example, educate the public and preserve the memory of those who served Canada, the suffering encountered, and the victories achieved in different global conflicts or peacekeeping efforts.

Memorials and gardens of remembrance are designed to convey forceful messages about the events or individuals they commemorate. Each reflects a particular perspective, interpretation, and set of values.

4.1.11 Resort and Entertainment Facilities

Resort projects involve the design of accommodation and recreational facilities for hotels, luxury resorts, and other vacation destinations. Entertainment facility projects focus on retail destinations, gathering places such as entertainment streets and districts, dining districts, and location-based entertainment (LBE) such as water and theme parks.

4.1.12 Visual Assessment

Visual assessment projects involve specialty work related to the review and assessment of the potential impacts of development on existing natural or cultural visual resources. This type of project ranges from site scale to regional scale.

4.1.13 Water Play and Pool Design

Water play and pool design involves the design of integrated pools and water play facilities ranging from swimming/leisure pools and features, fog and steam fountains, children's water play features, small splash pads to large-scale water parks. Water playground design involves the design of play facilities for a range of ages and the creation of spaces that are accessible for all levels of ability. Generally, these are facilities where the public physically enter the water.

4.0 Project Types and Areas of Practice and Services

4.1.14 Zoo and Wildlife Conservation Areas

Zoo and wildlife conservation areas involve planning and design of scientifically based and public facilities for a zoo or aquarium, including animal welfare, veterinary care, conservation, education, guest services, physical facilities. Many facilities are by accredited by the Association of Zoos and Aquariums (AZA) or Canada's Accredited Zoos and Aquariums (CAZA). To be accredited, the zoo or aquarium is required to meet or exceed standards related to animal health and wellness, applied animal behavior, training and enrichment, water and environmental quality, population sustainability, transportation, scientific research and conservation, and public education. Wildlife conservation areas may be areas containing significant habitat for plants and or animals and are created and managed for the purpose of wildlife conservation, research and interpretation using an ecosystem approach.

4.2 Type 2 – Civic, Institutional, and Residential Landscapes

Scope: Civic, institutional, and residential landscape projects are generally focused within the urban realm or fringe suburban growth areas. These projects require a broad range of designs with integrated hard and soft landscape features that can incorporate vehicular infrastructure, active recreational facilities, art and leisure installations, and architectural elements. Work in this category requires coordination, collaboration, and reporting while working with or directing a multi-disciplinary team of consultants.

The following kinds of projects fall within the civic, institutional, and residential landscape category:

- Cemetary planning and design
- Churches and places of worship
- Education facility design
- Green and natural systems infrastructure
- Green roof and green wall design
- Landscape reclamation, habitat restoration, and brownfields
- Multi-use trail development and assessment
- Natural heritage conservation
- Parks planning and design
- Public consultation and community engagement
- Sports facilities
- Streetscape design
- Urban design

4.2.1 Cemetary Planning and Design

Cemetery planning and design involves new or retrofitting existing historic facilities for casket and cremation burial sites, memorial gardens, columbaria and ossuaries, crypts and cremation gardens, natural burial sites, gateways and other cemetery

4.0 Project Types and Areas of Practice and Services

infrastructure. These sites may have a deep history and play an emotional role with a need for understanding visitor experience, culture and architectural context.

4.2.2 Churches and Places of Worship

Churches and places of worship are respected as spiritual centres and landmarks in our communities. Heritage places of worship are important to the larger community with cultural heritage value or interest and places of spirituality and community services. Many will need to change or adapt to meet new philosophies, doctrines or practices of worship and patterns of use. Heritage places include real property buildings, structures and attributes that contribute to their cultural heritage value or interest. Facilities may be existing and adapted or planned for reuse or new with a full range of site planning and associated design issues.

4.2.3 Education Facility Design

Education facility design ranges from the planning and design of college or university campuses to the development of buildings and grounds at preschool facilities, elementary schools, or secondary schools.

4.2.4 Green and Natural Systems Infrastructure

Green and natural systems infrastructure is an approach to water management that protects, restores, or mimics the natural water cycle. This approach is effective and economical and enhances community safety and quality of life. Green and natural systems infrastructure projects often use natural landscapes to minimize flood damage, purify and store water, and reduce urban stormwater runoff. These projects focus on both low-impact development (LID) and green infrastructure when considering overall development solutions. This approach also considers the application of ecological solutions in the development of a site while using larger system-wide solutions.

4.2.5 Green Roof and Green Wall Design

Green roof and green wall design is a specialty that requires additional considerations and coordination with other consultants, including architects, structural engineers, roofing specialists, and green roof suppliers. Specialists with the Green Roof Professional (GRP) designation are certified to have been trained and tested in all green roof competencies by Green Roofs for Healthy Cities (GRHC).

Green roofs and walls can help regulate a building's internal temperature, reduce stormwater runoff, and mitigate the urban heat island effect. Green roofs offer significant economic benefits, including a longer roof life and heating and cooling energy savings. They may also provide opportunities for urban food production and increased urban biodiversity.

4.0 Project Types and Areas of Practice and Services

4.2.6 Landscape Reclamation, Habitat Restoration, and Brownfields

Landscape reclamation involves considering the interactions between people and the natural environment and providing guidance on environmentally sound development, such as by formulating policies that ensure the suitability of a site for development or by implementing bioengineering or restoration practices.

Habitat restoration involves reclaiming or restoring disturbed landscapes, such as gravel pits and landfill sites, brownfields and creating or restoring upland habitats, riparian habitats or wetlands, and other natural environments for a variety of purposes including stormwater management, recreational uses, or use as public open space.

Brownfields are abandoned, vacant, idle or underutilized commercial or industrial properties where past actions have caused environmental contamination, but which still have potential for redevelopment or other economic opportunities. Brownfields are often located in urban areas and had past uses such as factories, gas stations, port lands or other industrial uses and may be redeveloped for a range of other uses including recreation, public open space or new habitats.

4.2.7 Multi-Use Trail Development and Assessment

Multi-use trail development and assessment may be carried out in a variety of ways. Multi-Use trails are generally part of a larger overall system which may connect urban, suburban, rural, natural and cultural facilities together. Trails may be used for both pedestrians and cyclists either as combined or separate facilities. Trail development requires a detailed and complete understanding of existing natural resources and overall system requirements. The high-efficiency trail assessment process (HETAP) uses a walk-behind scanner that collects trail data dynamically. The user requires training to be able to operate the device correctly and interpret the data accurately. The universal trail assessment process (UTAP) uses both qualitative and quantitative survey methods. These include visual observation and anecdotal review as well as quantitative methods that involve manual measurements and the use of various devices.

4.2.8 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 provide recommendations on the preservation, stabilization, restoration, adaptation, and interpretation of landscapes with respect to natural heritage, to accommodate human use while ensuring protection of natural resources.

4.0 Project Types and Areas of Practice and Services

4.2.9 Parks Planning and Design

Parks planning and design involves planning or designing public parks, recreation facilities and public open spaces in cities, suburban and rural areas, including natural areas such as provincial / national parks and forests. Parks may provide a wide range of both active and passive uses at a wide variety of scales including active field sports facilities, stormwater management facilities, trails, washroom facilities, skating rinks, skating trails and active multi-purpose courts and other features.

4.2.10 Public Consultation and Community Engagement

Public consultation (via public and stakeholder participation) and community engagement both refer to a process of eliciting feedback from the public on community development proposals. Both are valuable mechanisms for improving the relationships between parties and communities. However, community engagement tends to yield more meaningful feedback, which can result in stronger and longer-lasting relationships between the parties making a proposal and the communities that may be affected by the proposal.

Community engagement is unique in that it is a two-way process, involving interaction and listening, with the goal of generating mutual benefit for all parties. Community engagement is an investment in building capability for the future.

4.2.11 Sports Facilities

Sports facility design is a specialty that often involves complex sub-surface systems, surface impact attenuation systems, specialty review, and independent testing by third-party groups such as FIFA, MLB, among others. The landscape architect may act as the prime consultant managing a team, as required, to complete the project.

4.2.12 Streetscape Design

Streetscape design projects may involve urban or rural streetscapes in cities, towns, or villages and thus vary widely in terms of scale and complexity. Areas may be as small as one block or encompass many blocks in size, and may include vehicular, pedestrian, cycling, and transit facilities as part of a renewal process or an entirely new streetscape.

Other typical amenities include pedestrian seating, connections to retail areas, plazas and related features, street trees, planting areas, lighting for vehicles, and lighting for pedestrians. Street furniture, signage, stormwater management, and safe pedestrian and cycling zones are also important aspects. Human comfort and safety are key considerations in this area of work, which prioritizes the safety of individuals by designing safer streets that put people first.

4.0 Project Types and Areas of Practice and Services

4.2.13 Urban Design

Urban design 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 while also considering the needs of all persons, including those with disabilities and those without. Best practices include following the *Accessibility for Ontarians with Disabilities Act (AODA)*, the *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 both be considered, and, where necessary, the standards must be adapted based on site-specific conditions.

4.3 Type 3 – Greenfield and Industrial Landscapes

Scope: Landscape projects of this type primarily involve soft landscape planning and design in a rural, greenfield, or industrial context. The sites typically require grading, layout, planting, and associated facilities that support pedestrian uses with minimal vehicular infrastructure. Work in this category requires coordination, collaboration, and reporting while working with or directing a multi-disciplinary team of consultants.

The following kinds of projects fall within the greenfield and industrial landscape category:

- Agricultural estates
- Camping site planning and design
- Commercial and industrial site design
- Land development planning
- Community design
- Landscape design
- Landscape master planning
- Multi-family housing – high-rise, mid-rise, low-rise
- Parks and recreation planning
- Site planning and site plan approvals

4.3.1 Agricultural Estates

Agricultural estates or agricultural real estate, involves a parcel or parcels of land, building or structures on the parcel or parcels used for the production of one or more agricultural commodities or products including a principal single-family residence that is located in a rural area. Crops may include grapes for wine, fruit or other cash crops. Estates may be retrofitted from one crop to another or planned as new agricultural estate facilities. Public access may be provided for visitor education centres and guest facilities related to the primary crop.

4.0 Project Types and Areas of Practice and Services

4.3.2 Camping Site Planning and Design

Camping site planning and design includes both tent style camping and recreational vehicles (RV) and may be for new facilities or enhancements and upgrades to older facilities. Scope may include planning and design for roads and site access, infrastructure, sewer, water, hydro, internet, washrooms and showers, cabins, other recreation site amenities and facilities. Sites may include accessibility for users to waterfront or marina facilities, picnic facilities or other natural amenities and features.

4.3.3 Commercial and Industrial Site Design

Commercial and industrial site design projects include both the development of new (greenfield) sites and the retrofit of existing commercial or industrial sites. Work in this area generally involves leading or participating in site planning and the site plan approvals process, along with the design of site features and elements such as vehicular loading and circulation, parking, pedestrian areas, amenity spaces, and roof gardens.

4.3.4 Land Development Planning

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

4.3.5 Community Design

Building upon land development planning, community design further considers both cultural and natural heritage and the site’s environmental assets and surroundings while promoting sustainable and socially inclusive land development. Landscape architects working in this area will have the knowledge required for land development planning as well as expertise in built form, active transportation systems, and all other elements that contribute to the creation of the complete community.

4.3.6 Landscape Design

Landscape design is the traditional core of the profession of landscape architecture. It is concerned with design for a wide range of public and private sector projects. It is concerned with design for a wide range of public and private sector projects. Scope typically includes the determination and the placement of elements in a built landscape with consideration to function, safety, appropriateness, aesthetics and

4.0 Project Types and Areas of Practice and Services

stewardship of the environment. It may include public consultation, community engagement, municipal approvals, and either full or partial services for un-enclosed or enclosed spaces.

4.3.7 Landscape Master Planning

In landscape master planning, landscape architects deal with the full range of planning and management of land and water including natural resource analysis and the creation and protection of habitats, wetlands, and other natural environmental features. Built elements and natural features are carefully studied to determine the optimal and appropriate placement to minimize impacts of transportation routes, building sites and open space recreation features.

4.3.8 Multi-Family Housing – High-Rise, Mid-Rise, Low-Rise

Multi-family housing includes all types of buildings and complexes that allow multiple families to live independently from one another, from high-rise towers to mid-rise buildings to low-rise townhouses. This type of project excludes single-family housing. Work may include leading or participating in site planning and the site plan approvals process, along with the design of site features and elements such as circulation, parking, pedestrian areas, amenity spaces, roof gardens, and recreational spaces.

4.3.9 Parks and Recreation Planning

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

4.3.10 Site Planning and Site Plan Approvals (SPA)

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 creation of areas for human use. Sensitive site planning design minimizes environmental impacts and capital costs while creating well-planned public spaces. Work may also involve leading or participating in the site plan approval (SPA) process including assisting the client to obtain approvals for a project subject to the SPA process.

5.0 Roles of the Landscape Architect

The landscape architect may serve in any of a wide variety of roles within a project. The most common roles are prime consultant, subconsultant, joint venture consultant, peer reviewer, and advisor.

5.1 Prime Consultant

The prime consultant is the consulting firm or design professional commissioned by the client to plan, design, and prepare all related and detailed documents and to be in charge of the overall consulting team from project initiation to final acceptance. The prime consultant is normally retained directly by the client to provide services in accordance with an agreement. The agreement describes the scope of services, deliverables, fees, and reimbursable expenses. The agreement will outline the basic services as well as additional services, if any.

In undertaking to perform the agreed services, the prime consultant is responsible for assembling a team of professionals, as required, to complete the agreed scope of work. The prime consultant is also responsible for engaging, managing, and coordinating the team of subconsultants as part of the overall agreement. The firm or individual in this role outlines the services required from the subconsultants and ensures that they perform these services in the best interest of the client and the public. The responsibility of the prime consultant also includes coordinating all disciplines, providing quality assurance, and producing documentation to control and integrate the services of the subconsultants.

5.2 Subconsultant

The prime consultant retains subconsultants to perform specialty services for projects that require multi-disciplinary design and implementation skills. Subconsultants are retained with fees paid by the prime consultant. A subconsultant will sign an agreement with the prime consultant with respect to services and fees. The subconsultant agrees to observe and perform all covenants and obligations of the prime consultant contained in the written agreement between the client and prime consultant.

5.3 Joint Venture Consultant

Two or more consulting firms or design professionals may choose to enter into a joint venture (JV) business arrangement for the limited purpose of completing a specific project or task. Each party agrees to provide one or more competencies needed to perform the required services for the client. Such an arrangement establishes a formal and legally binding agreement between the parties to pool their resources together as one legal entity for the agreed-upon project.

In a JV, the parties agree to share profits and losses as well as risk and all associated costs to complete the project or task. The JV is its own entity, separate and apart from the

5.0 Roles of the Landscape Architect

participants' other business interests. Each party must be acknowledged for the relevant service(s) it provides, unless the JV agreement states otherwise.

Insurance must be acquired specifically for the project and for the JV entity. Landscape architects are encouraged to confirm all details with their insurer prior to entering into a JV relationship. The type, coverage duration, and insurance value should also be mutually agreed to with the client.

5.4 Peer Reviewer

A landscape architect may serve as a peer reviewer in a project, that is, one who reviews and comments on the work of others. This may include reviewing the work of another consultant, the owner, the client, the client's staff, or others to provide an objective third-party assessment. It may involve specialty work, such as ensuring compliance with applicable codes or other requirements in order to meet upper-tier documents or guidelines. Daily and hourly rates for this work would be similar to those charged by an expert witness.

5.5 Advisor

A client may retain a landscape architect to provide specialty design, planning, or advisory services or to review, comment on, or assist in reviewing and commenting on the planning, designs, approvals, or other aspects of a project. In this role, the landscape architect consultant is not responsible for, and does not undertake, the preparation of detailed documents for construction purposes. The advisory role may involve specialty consulting design work, such as code or compliance review, to meet the requirements of upper-tier documents or guidelines. Daily or hourly rates for this work would be similar to those of an expert witness or peer reviewer.



Image: Gordonridge Community Multi-Sport Court, ERA Architects Inc.

6.0 Retaining a Landscape Architect

The first step in retaining a landscape architect is for the client to prepare a detailed terms of reference (ToR) document that sets out the requirements of the project. Meaningful engagement of services requires a comprehensive ToR.

This section begins by outlining the typical components of the ToR, which forms part of the solicitation documentation, such as a request for proposals (RFP). Section 6.1 also includes a description of a draft agreement and a description of the process for evaluating proposals. Evaluation criteria are normally included in the ToR for public calls. OALA recommends including a draft agreement and proposal evaluation criteria in the solicitation documentation. They may be included as sections within an RFP that are separate from the ToR, but it is desirable to include them in the ToR itself.

The client has a variety of procurement options for retaining a landscape architect. OALA provides a list of recommended options in this section.

At the start of the search for a preferred landscape architect, the client may wish to establish a short list of candidates who are known to have the appropriate qualifications for the project. This section provides OALA's recommendations on the steps to take to establish such as short list.

This section also provides guidance to landscape architects on the preparation and submission of a written proposal of services and fees.

The section concludes with suggestions to clients on the process for selecting a consultant based on the proposal submissions, and also addresses the process for notifying candidates of the final decision.

6.1 Terms of Reference (ToR) and Proposal Evaluation

The client prepares the terms of reference (ToR) based on the specific project objectives, the project scope, and an assessment of the required resources and applicable budgets. This information should be written and endorsed by the authorized client representative. The ToR should be included as part of project documentation such as the request for proposals (RFP) and other types of solicitation documents, and generally form part of the final agreement.

In addition to the ToR, the client should outline the instructions and terms and conditions for bidding or proposal submissions—including details on how proposals will be evaluated—and provide a sample client-consultant agreement if possible. This documentation, provided in the solicitation document along with the ToR, will ensure each party is aware of the process at the outset before drafting or agreeing to contractual requirements.

6.0 Retaining a Landscape Architect

At a minimum, the ToR will generally cover the following:

- context and background;
- base information and available reports and studies;
- project objectives and scope of work;
- approach and methodology;
- design services required and project deliverables;
- team members' qualifications requirements;
- consulting firm experience and qualifications;
- schedule, budget, submission date, and other requirements; and
- meetings.

This section discusses each of the above components of the ToR as well as the following additional information that are desirable to be included as part of the solicitation documentation:

- sample client-consultant agreement;
- proposal evaluation criteria; and
- proposal evaluation process and selection timing.

6.1.1 Context and Background

The ToR will typically provide the following context and background information:

- a clear description of the project, including its historical background and current context and status as appropriate;
- the client's objectives, such as based on the client's needs or motivation; and
- specific information relevant to the project, such as a description of the community for which the project is to be undertaken or a list of related policy and regulatory documents.

6.1.2 Base Information and Available Reports and Studies

The following information, with the specifics depending on the project, is often provided in the ToR:

- relevant information to be made available during the bidding process;
- relevant information to be made available to the selected consultant;
- available reports, designs, master plans, or studies;
- available base mapping, legal surveys, and topographic surveys;
- available existing underground and above-ground utilities;
- available geotechnical surveys and reports; and
- available tree inventories and surveys, where required, and other environmental reports.

6.0 Retaining a Landscape Architect

6.1.3 Project Objectives and Scope of Work

The specifics of the objectives and scope vary based on the nature of the project and typically include:

- the objectives that the consultant is required to achieve;
- the intended results or required outcomes and their eventual use; and
- a project summary, such as in terms of deliverables, resources, and constraints.

6.1.4 Approach and Methodology

The client may ask the consultant to propose a specific approach and methodology to be used in carrying out the project. This can be included as requirements in the ToR as follows:

- consultant approach and methodology to meet the project's objectives; and
- involvement of client staff, including a description of the expected relationship between the staff and the consultant.

6.1.5 Design Services Required and Project Deliverables

The ToR should include an outline of the design services that the client requires from the consultant team. In addition, the ToR should identify the project's required outcomes and deliverables. See Section 7.0 Stages of Services.

6.1.6 Team Members' Experience and Qualification Requirements

The ToR should set out the qualifications required of the consulting team members. These qualifications generally include education in specific disciplines or areas of study, training or certification, the number of years of experience in specific positions or areas of practice, and related project experience.

6.1.7 Consulting Firm Experience and Qualifications

Along with qualification requirements for project team members in various capacities and disciplines, the ToR should set out requirements for the consulting firm, such as resources, availability, and related specific project experience.

6.1.8 Schedule, Budget, Submission Date, and Other Requirements

Both the client and consultants will benefit from ToR that outline clear expectations relating to the project schedule, budgeting, proposal submission, and any other requirements. Typical information include:

- the project time frame and rationale for the schedule, including flexibility for the consultant to modify the schedule if necessary;

6.0 Retaining a Landscape Architect

- the construction budget, either a firm figure or an estimated range, specifying whether it includes contingencies and taxes such as Ontario's Harmonized Sales Tax (HST);
- client costs and allowances, contingencies, or special requirements, as applicable;
- direction as to whether a cost estimate is to be prepared by the consultant, whether a cost consultant is required, and what types of costs and estimates and what degree of complexity are required;
- the approved budgets for studies;
- the budgets for consultant fees and reimbursable expenses (disbursements), when known, are items that are desirable to disclose where applicable;
- the due date and time for proposal submission, the format of submission (hard copy, soft copy, electronic submission, or a combination), and if applicable, the number of copies.

Clients should ensure that the available budget fits the work program. See *Part Two: OALA Fee Guide for Landscape Architectural Services* for guidelines on developing reasonable budgets for consulting services.

6.1.9 Meetings

Meetings are an essential aspect of a project that contributes to the client's and consultant's ability to respectively receive and provide optimal service. They allow participants to be informed about each other's perspectives and to present information, seek consensus, and obtain approvals during the course of the project.

Meetings may be face-to-face or virtual. The ToR should outline expectations about the number and nature of the meetings required. However, it is advisable for the client and selected consultant to mutually agree on the total number and manage these interactions accordingly, as unexpected meetings or an excessive number of meetings may become expensive for all parties.

The project normally bears the costs associated with meetings, such as staff time, travel, accommodation, food, and miscellaneous expenses. The client should be sensitive to this fact and clearly identify the number of meetings the landscape architect consultant and the subconsultants are required to attend. The ToR should also indicate if an allowance is to be provided to the consultant to cover meeting costs in excess of the stipulated fees.

6.0 Retaining a Landscape Architect

6.1.10 Sample Client-Consultant Agreement

If possible, it is helpful for the client to provide a draft or sample client-consultant agreement as part of the ToR, for review by all parties before any proposals are prepared and submitted. This is to clarify expectations, limit misunderstandings, and reduce subsequent conflicts.

6.1.11 Proposal Evaluation Criteria

A proposal is not a tender but rather an offer to complete certain work for an agreed fee and expenses. Clients are advised not to regard lowest cost as the primary criterion for consultant selection. 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.

When using the proposal method to seek the services of a landscape architect, such as a request for proposals (RFP), the client should include a set of criteria with a simple scoring or weighted scoring schedule to indicate how the proposals will be evaluated. Consultants can then prepare comprehensive proposals that address the issues identified in the proposal call, and the client will be better able to compare and evaluate the submissions. A proposal call is a client's request for potential solutions to a problem or series of problems, and the proposal is a consultant's response to address and solve those problems.

Table 1 provides a typical set of proposal evaluation criteria set out within a weighted scoring schedule.

Table 1: Typical Proposal Evaluation Criteria With Weighted Scoring

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	15% – 20%	15 – 20
5	Qualifications, experience, and resources of the firm	20% – 25%	20 – 25
6	Proposed fees	15% – 25%	15 – 25
TOTAL (weighting and scoring to total 100)		100%	100

6.0 Retaining a Landscape Architect

After receiving the proposals and scoring them, a client may request an interview with one or more of the consultants to seek clarification or ask questions about the materials submitted. This may be a separate and additional scoring factor noted in the evaluation process. Note that many public agencies do not have such an interview step and will make their decisions based solely on the information submitted.

6.1.12 Proposal Evaluation Process and Methodologies

To arrive at the preferred consultant who will be offered the commission, the client must properly evaluate and score the proposal submissions according to pre-set and published criteria and requirements set out in the request for proposals (RFP) or other solicitation document. This review should be done by a team of individuals with a range of experience and backgrounds who are familiar with the project and will evaluate each proposal from different perspectives.

Normally, and ideally, the timing for consultant selection is provided in the solicitation document.

The evaluation team may request or require clarification from the consultants regarding their submitted proposals. However, the consultants are not permitted to provide any new information and may only respond to direct questions. This process is normally referred to as the “due diligence phase.”

Several common proposal evaluation methodologies are summarized in Table 2:

- fixed price;
- price per point;
- combination of technical and price scores (also known as total evaluation score or weighted score evaluation); and
- lowest-priced bid meeting technical benchmark score.



Image: Seneca's Centre for Innovation, Technology and Entrepreneurship, Quinn Design Associates Inc.

6.0 Retaining a Landscape Architect

Table 2: Proposal Evaluation Methodologies

Type	RFP Evaluation Methodology	Description	RFP Award to Be Made To	Calculation
A	Fixed price	<p>The client establishes a fixed dollar amount for the award, and the bids consist only of proposals for that fixed dollar value.</p> <p>The RFP uses a one-step, single-envelope evaluation process.</p> <p>The client evaluates the proposals against the criteria and weightings set out in the RFP.</p>	The highest-scoring consultant	None
B	Price per point	<p>The RFP uses a two-step, two-envelope evaluation process.</p> <p>The client first evaluates the proposals against the criteria and weightings set out in the RFP.</p> <p>For those proposals that successfully meet the benchmark score stipulated in the RFP, the client opens the price bids received and calculates the price per point for each bid that meets the benchmark score.</p>	The consultant with the lowest price per point	$\frac{\text{Total Contract Price}(\$)}{\text{Total Points Scored}} = \text{Price per Point}$
C	<p>Combination of technical and price scores</p> <p>also known as</p> <p>Total evaluation score</p> <p>or</p> <p>Weighted score evaluation</p>	<p>The RFP uses a two-step, two-envelope evaluation process.</p> <p>The client first evaluates the proposals against the criteria and weightings set out in the RFP.</p> <p>For those proposals that successfully meet the benchmark score stipulated in the RFP, the client opens the price bids received and scores the prices based on a predetermined calculation set out in the RFP.</p> <p>The price weighting should be a maximum of 15%–25% of the technical weighting. A total evaluation score is 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 at 75%–85% of the score.</p> <p>Envelope Two is reserved for pricing. This is weighed at maximum 15%–25% of the total score.</p>
D	Lowest-priced bid meeting technical benchmark score	<p>The RFP uses a two-step, two-envelope evaluation process. The client first evaluates the proposals against the criteria and weightings set out in the RFP.</p> <p>For those proposals that successfully meet the benchmark score stipulated in the RFP, the client will open the price bids received.</p>	The consultant who 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.

6.0 Retaining a Landscape Architect

6.2 Procurement Options

Various procurement options are available to clients for engaging a landscape architect. This section provides the following common options recommended by OALA:

- direct appointment or sole-source procurement;
- letter of agreement;
- limited-source procurement;
- request for quotations (RFQ);
- request for proposals (RFP) (two-stage or fixed-fee);
- consultant roster or standing offer;
- alternative financing and procurement (AFP) (planning, design, and compliance services or competitor bid team services); and
- design competitions.

6.2.1 Direct Appointment or Sole-Source Procurement

The client may choose to retain a specific consultant for a project or use the same consultant on an ongoing basis for a particular project where additional work is required. In such a direct appointment, also known as sole-source procurement, the consultant is hired directly without competition. This option may be appropriate in the following situations:

- when a highly specialized consultant is required and there is only one consultant with the right qualifications who is available;
- when a qualified consultant is known and available and time or budget constraints make an extensive search impractical;
- when the contract is extremely small and a local consultant is available who has the necessary skills and a solid record of satisfactory work for the client, or who provides additional local knowledge that is important to the project, or whose fees and expenses for the size of the project are within the budget whereas those of other consultants are likely to be cost-prohibitive;
- when 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;
- when more work is needed on a project previously completed by a consultant where the benefits of retaining the same consultant are clear, such as in terms of continuity of design philosophy and service, reduced time and costs for the consultant to become familiar with the background studies, and familiarity with the site's characteristics (may be referred to as a "follow-on" and must be indicated in the original solicitation call);
- when the client is a private company and has the ability to negotiate directly with and appoint or sole-source a particular consultant or team.

6.0 Retaining a Landscape Architect

6.2.2 Letter of Agreement

The client may choose to provide a letter of agreement when retaining one or more consultants for a project or when retaining the same consultant(s) on an ongoing basis for a range of projects. The latter is more common in private-sector work where a client has the ability to negotiate directly with a consulting team. The letter of agreement will spell out the terms and conditions, the project scope, and the fees or hourly rates. This is a streamlined process and works well when the parties have cultivated a streamlined working relationship.

6.2.3 Limited-Source Procurement

In limited-source procurement, the client identifies and requests proposals from three to five suitably qualified consultants. The consultants, or consulting firms, are either familiar to the client or have been strongly recommended for the type of work the project requires.

This approach is useful when the client has neither the time nor the staff to be able to fairly evaluate detailed proposals from more than five consultants, or when the scale of the project meets the qualified client thresholds for those specific consultants. This is also more efficient from the consultants' point of view. Consultants are more likely to respond to a request for proposals (RFP) if the process makes efficient use of their time and resources thus giving them a greater chance of success.

For a limited-source procurement, the following steps are generally involved:

- The client approaches the consultants about the assignment either verbally or in writing and determines their interest and availability.
- The client, if necessary, further checks the consultants' references.
- The client requests written proposals from the consultants.
- The client evaluates the proposals and draws up a short list of consultants for follow-up, requesting an interview if required.
- 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 the limited source and two-stage proposal call.

6.0 Retaining a Landscape Architect

6.2.4 Request for Quotations (RFQ)

The request for quotations (RFQ) is an invitation to consultants to bid on a project where the assignment is not complex or when all aspects of the project are well-defined, including the scope of work, services and experience required, methodology, staff resources, and fees and reimbursable expenses. In this case, fees are the sole determining factor for consultant selection.

An RFQ may be open, allowing any potential consultant to view it and submit a bid, or it may be closed, issued to specific, invited respondents only. A client may choose to initiate this process as a closed RFQ when a consultant has already been identified as pre-qualified from a consultant roster or a standing offer. The process is generally very simple and cost-effective for both parties.

6.2.5 Request for Proposals (RFP)

The request for proposals (RFP) process is a client-initiated invitation to bid. It may be a closed, by-invitation proposal call or an open proposal call, seeking landscape architectural services for a project to complete a scope of work; define the experience, methodology, and staff resources required; and propose the expected fees and reimbursable expenses.

An RFP may take the form of a two-stage proposal call or a fixed-fee proposal call.

6.2.5.1 Two-Stage Proposal Call

For a two-stage RFP, the client follows a formal, pre-qualification process to identify a limited number of suitable consultants, then requests and evaluates their proposals for a defined scope of work, specific experience, methodology, and staff resources. Short-listed proponents are usually invited to a subsequent closed solicitation where they respond to a second-stage RFP.

This process is appropriate for larger-budget projects (See *Part Two: OALA Fee Guide for Landscape Architectural Services* for additional information) or for projects that require specialized services for which it may be difficult to determine an appropriate initial list of suitable consultants. Interviews are less common for this type of solicitation.

6.2.5.2 Fixed-Fee Proposal Call

For a fixed-fee RFP, the client may either publicly advertise the RFP or follow a formal, pre-qualification process to identify a limited number of suitable consultants.

6.0 Retaining a Landscape Architect

This type of RFP is appropriate for design schemes that are simple, clearly defined, and easily understood by all parties. The client invites the selected consultants to submit proposals in which they are to outline the scope of services they will provide and indicate the fixed fee they will charge. The client then selects and retains the firm that makes the most appropriate submission. The selection is generally based on a combination of qualifications and ability to complete the project.

6.2.6 Consultant Roster or Standing Offer

A consultant roster or standing offer may be used in either the private sector or the public sector. It involves a process in which the client solicits qualified consultants or consulting firms to submit detailed qualifications information in a number of different categories of work so that a short list can be made in advance of any specific project. This would typically include educational background, areas of expertise, team members' experience, types of projects and scope of work for which they have experience, and possibly hourly rates. The consultants are then evaluated, scored, ranked, and rated. Once the short list is established, the selected consultants may be asked to submit a request for standing offer (RFSO).

6.2.7 Alternative Financing and Procurement (AFP)

The alternative financing and procurement (AFP) model is generally used for large, complex public projects and is an approach for delivering public facilities and infrastructure using private financing. Examples include health-care, education, and justice facilities and road, rail, and transportation infrastructure.

The AFP model brings together private and public sector expertise in a unique business structure that allows the owner to transfer to the proponents the risk of project cost increases and scheduling delays typically associated with traditional project delivery. AFP projects are sometimes referred to as public-private partnerships (PPP), or P3 projects. AFP projects can be delivered through different delivery models, including:

- Design-Build (DB)
- Design-Build-Finance (DBF): and
- Design-Build-Finance Maintain (DBFM).

The principal issuer of these types of contracts in Ontario is Infrastructure Ontario (IO). Other issuers include Build Toronto, the Ministry of Transportation of Ontario (MTO), the federal government, and Ontario's municipal governments.

Contracts for AFP projects are won through competitive bidding. AFP solicitation documents, such as RFPs, may be published on MERX or via the bidding system of

6.0 Retaining a Landscape Architect

another public procurement agency, opening the project to qualified consortia teams for bidding. The analysis and awarding of a successful proponent is very complex and is not covered here. Further information can be found on the IO website.

The following abbreviations are commonly used in the context of AFP projects in Ontario:

P3/PPP:	public-private partnership
AFP:	alternative financing and procurement
PSOS:	project-specific output specifications
PDC:	planning, design, and compliance
SPA:	site plan agreement
IO:	Infrastructure Ontario
DB:	Design-Build
DBF:	Design-Build-Finance
DBFM:	Design-Build-Finance-Maintain
SD:	schematic design
DD:	design development
CD:	contract documentation
LEED:	Leadership in Energy and Environmental Design
LID:	Low-Impact Development

Landscape architects provide two main types of services for an AFP project: PDC services and competitor bid-team services. The two types of services are outlined in the two sections below.

6.2.7.1 Planning, Design, and Compliance (PDC) Services

A landscape architect may be invited to join a team of consultants to compete with other multi-disciplinary teams to win the contract for providing planning, design, and compliance (PDC) services for an AFP project. RFPs are published on the MERX or other public agency bidding system and are open to all consultants for bidding. Proposals are submitted and are reviewed and the winning team is awarded the contract to prepare the PDC documents.

As a member of a PDC team, the landscape architect's duties include, but are not limited to:

- attending meetings with client representatives and assisting in the development of the project program;
- developing preliminary designs for the agreed program;
- creating illustrative landscape plans for submission to local municipalities for site plan approval, ensuring conformance with municipal requirements, including addressing comments on site plan agreements (SPAs) between the project and the municipality as

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- required, included as part of the master SPA at defined milestones (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, LID, Green Globe, or other standards;
- attending bid proponents' design presentation meetings (for DB, DBF, or DBFM delivery models);
- assisting in the preparation of the RFP documentation;
- supporting the evaluation of bid proponents and proposal submissions;
- assisting in the preparation of SD, DD, and CD documents as well as during the review and approvals process of each of those design documentation phases;
- ensuring the construction work's compliance at defined milestones (50%, 75%, 100% DD and 50%, 75%, 100% CD); and
- providing approval on final documents through to the end of the construction period.

Proponents bidding on work to provide PDC services for an AFP project usually do so on a lump sum basis based on established billing rates and services.

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

6.2.7.2 Competitor Bid Team

A landscape architect may also participate in a competitor bid team process within an AFP project. Such a process can take on any of the three AFP project delivery models—DB, DBF, and DBFM—and will typically be led by a contractor builder representing a team of professionals in various design-related disciplines, including landscape architecture.

The competitor bid team process is generally a three-step process in which a pre-qualification step is first conducted (via an RFQ) to determine a short list of DB teams to be approved to bid on the project. Once a bid is submitted, it is evaluated for its compliance and financial viability by the RFQ issuer, such as Infrastructure Ontario. This evaluation phase results in identifying the highest-ranking bidder as the preferred proponent. The process then moves on to its third stage, which is the design phase.

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Participating as a member of a competitor bid team involves financial risk for the landscape architect, particularly during the bidding process. The landscape architect must undertake a great deal of work in pursuing the bid call, as 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.

As a member of a competitor bid team, the landscape architect's duties include, but are not limited to:

- developing plans and documents in response to the team's RFP documents;
- developing alternative design solutions to meet the intent of the PDC team's PSOS specifications and to demonstrate exemplar design;
- working with large design teams and coordinating design elements in a compressed time frame;
- ensuring site development plans meet the requirements for the local municipality's site plan approval and standards as well as requirements for other government-related approvals;
- preparing a design plan submission to a minimum 50% DD;
- completing design specifications to meet PSOS documents;
- attending and presenting at two, three, or more design presentation meetings;
- once the preferred proponent is selected, continuing in the role and providing additional services to complete the project, typically having been paid interim compensation at this stage and having an agreement in place confirming subsequent fees and scope at an above-normal percentage basis for services that will include 50%, 75%, and 100% DD drawings;
- assisting with LEED and LID documentation related to accreditation, if applicable;
- preparing construction documentation to meet 50%, 75% and 100% CD;
- attending meetings throughout the DD and CD stages;
- providing administration services related to quality control, communications, and coordination with other design disciplines; and
- providing construction administration services, including project monitoring and site reviews, through to project completion.

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

- pursuit fees and submission of bid documents (PDC);
- design development (DD) and financial or commercial close;
- award of contract disclosure;
- contract documentation (CD) drawings; and
- construction administration.

These milestones are particular to each project and should be reviewed in detail against the service and fee contract established with the constructor (DB) proponent. Landscape architects will generally find that payment stages relate to the constructor's contractual obligations and are not relative to the level of effort and timing required to complete tasks. Payments may be delayed due to payment or completion milestones unrelated to the work completed. The consultant is advised to give this due consideration as it impacts cash flow and is a commercial business risk.

Landscape architects participating in AFP projects are encouraged to become familiar with the most recent edition of the Canadian Construction Documents Committee (CCDC) industry standard *CCDC 15 Design Services Contract between Design-Builder and Consultant* when proposing fees for services for Design-Build projects. The current edition, CCDC 15 – 2013, has the consensus agreement of the following industry organizations: the Canadian Construction Association (CCA), Construction Specifications Canada (CSC), the Association of Consulting Engineering Companies Canada (ACEC), and the Royal Architectural Institute of Canada (RAIC).

6.2.8 Design Competitions

Landscape architectural design competitions can have a variety of different objectives. They are often used to select a qualified landscape architect or design team for a particular project. They are also held to inspire unique or leading-edge design solutions or to publicly reward and recognize creativity, innovation, and research. Other objectives are to generate public awareness of and interest in a particular project, to serve as a form of public relations by engaging the community and allowing selection of the winner by an independent panel, or to provide a more open and level field of competition for all design firms.

Competitions may be open to all potential competitors or be limited to invited participants only. Or they may focus on ideas rather than involve projects that will eventually be implemented. P3 competitions may include a wide range of partnering scenarios from the public and private sectors.

6.0 Retaining a Landscape Architect

Design competitions generally include prizes, awards, or honorariums for the work completed. They can also serve as a very specialized method of consultant selection, where the reward is a contract to carry out a particular project. More information is available in *Part Four: OALA Guide to Design Competitions*.

6.3 Pre-Qualifying a Short List of Consultants

To begin the search for a preferred landscape architect, the client may wish to create a short list of candidates known to have the suitable qualifications for the project. The client will want to ensure that the list of consultants invited to submit a proposal includes all those who have the appropriate qualifications for the project. The OALA membership directory on the OALA website, at www.oala.ca, is a useful resource for identifying consultants who have expertise in the areas of practice required by the project.

Depending on the project, a client may choose to use an informal process to establish a short list of consultants to draw from. The client may also choose to issue a request for expression of interest from consultants or follow another more formal procedure.

6.3.1 Informal Pre-Qualification

In an informal pre-qualification process, the client compiles an informal list of consultants for the project based on personal and business referrals, knowledge of consultants who have done previous work for the client, the Association's membership directory, or other sources.

6.3.2 Submission of an Expression of Interest

A request for an expression of interest (EOI) and qualifications may either be publicly advertised or directly circulated to specific 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, the client will be able to prepare a short list of qualified consultants. These consultants are then asked to submit full written proposals relative to the scale of the project.

6.3.3 Formal Pre-Qualification

Some clients have a formal procedure for establishing a short list of available consultants, or they may 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 a client has a special project for which unusual or specific qualifications are required, the list may be supplemented by referrals, advertisements, or other appropriate mechanisms to obtain the consultant team with the necessary skills and experience.

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6.4 Proposal Outline and Submission

Given that a written proposal of services and fees will form the basis of a subsequent contractual agreement, OALA recommends that landscape architects prepare a comprehensive written proposal capturing the conditions of engagement in a format that includes a task breakdown such as provided in the list below. The proposal submission should directly respond to the rated criteria set out in the client's solicitation document. A proposal submission containing information that does not respond directly to the solicitation document will generally not be considered or scored.

Additionally, should a proposal submission be selected that does not provide for or consider all of the rated criteria set out in the solicitation document, the proponent remains obligated to fulfil all of the rated criteria. Most public agencies will insist that proponents, regardless of the content of their proposal submission, must meet the expectations of the solicitation document.

For larger, more complex projects, it is recommended that a written terms of reference (TOR) be provided that includes an outline indicating how the response is to be prepared and submitted. Note that where a client has issued a ToR with such an outline, proponents are advised to follow the format and outline requirements, as it is normally a criterion by which a proposal is scored and ranked during proposal evaluation.

For a small project or engagement, or where a pre-established client-consultant relationship exists, the client may choose to summarize the project verbally or in writing for the consultant to better define the work plan and scope.

A written proposal outline may include the following components, which are provided for guidance only and should be adapted to suit the specific requirements of each project and client:

1. Cover letter (*project name and address, client and consultant names and addresses*)
2. Project overview or understanding of the project (*client's vision and background*)
3. Consultant corporate profile and background (*overview of corporate entity, history*)
4. Experience (*relevant to the proposed project*)
5. Expertise, qualifications (*relevant to the project*)
6. Key team members (*who will actually do work, what they will do, CVs as needed or description paragraphs*)
7. Methodology and 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*)

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10. Assumptions *(any items you assumed in preparing for and executing the work)*
11. Client responsibilities *(items such as legal, topographic, or other background info)*
12. Coordination with consultants appointed by client *(what is involved in coordinating)*
13. Schedule and meetings *(expressed in words, graphics, or both for major milestones)*
14. Fees and conditions of payment *(milestone payments, by task, months, percentage (%) completed)*
15. Contract terms *(any specific items or clauses to be included in final agreement)*
16. Confirmation of acceptance *(written confirmation)*
17. Reference projects *(similar to this project, with relevant and related scope and scale)*
18. Draft agreement *(optional, provided by the client if it is a public agency, and provided by either the client or consultant as mutually agreed if the client is in the private sector)*



Image: Peace Garden at Nathan Phillips Square, PLANT Architects

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6.5 Consultant Selection

Once the project's objectives have been clearly identified, evaluation will become a straightforward process. The evaluation is generally carried out by a group of individuals with a broad range of interests in the project. All those involved must review the same material and attend any interviews that may be scheduled. The reviewers should also use a pre-established point scoring system, in which each criterion is assigned a maximum number of points and/or a weighted multiplier. Moreover, reviewers should evaluate strictly against the rated criteria, rather than simply comparing proposals with one another.

Regardless of the scoring criteria, providing the consultants with the criteria in advance will generally yield much better results for both parties. Minimum criteria include:

- the consultant's understanding of the project;
- similar relevant and related work experience;
- evidence that the project team members (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;
- appropriateness of the proposed work program to achieve the project's objectives;
- special features of the work program that show an innovative or creative approach to the project;
- consulting fees (it is recommended that consulting fees do not exceed 15-25%);
- schedules and deadlines; and
- management and organization of the project.

OALA recommends that clients place the primary emphasis on professional and technical merit rather than fees. The ratio between technical criteria weighting and financial criteria weighting generally ranges from an 85/15 split to a 75/25 split. This ratio can vary from project to project. Normally the technical-to-fee split is included in the solicitation document and understood by all parties in advance.

If all of the proposals are in a similar fee range, cost will play a relatively small role in the scoring criteria relative to the total score. It is important to focus on each consultant's ideas, approach, and ability to communicate, and treat the fees as a separate scoring issue.

If certain proposals are significantly lower in fees than the others, the client will need to carefully analyze them to determine whether the ToR has 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 the proposal submission requires them to carry out certain tasks that the other proposals stated would be allocated to or provided by the consultants.

Similarly, the client will need to carefully review proposals that are significantly higher in fees, to determine the added value, if any, they offer that would account for the additional or higher fees.

In most cases, however, even where additional or higher fees may be justified by “value-added” pieces, a proponent’s score may suffer due to the fee proposal not being aligned with the requirements of the request for submission. Best practice is to propose a fee schedule that aligns with the tasks being requested. Value-add items can be negotiated after a consultant is selected as the preferred proponent.

Clients may request fee proposals from proponents at different stages of the selection process. For smaller projects, the client may ask proponents to include a fee breakdown with the first written proposal submission. For larger projects, clients will generally request fee proposals after proponents submit their initial proposal submissions, to be provided under separate cover (electronically or by hard copy) in a separate envelope. This order of submission allows the client to objectively assess each consultant’s qualifications, experience, and design approach—sometimes referred to as the technical review—prior to assessing the fee structure.

The proposed fee structure is then assessed in conjunction with evaluations rendered during the technical evaluation of the initial proposal submission. It’s not unusual for the fee structure to be assessed following the technical review of the initial proposal.

6.6 Notification

Proposal preparation requires a considerable amount of time from the proponents, to assemble an appropriate team, develop a project-specific methodology and work program, estimate staff time and fees, and produce the written submission. As a professional courtesy, after the preferred proponent has been selected, clients should notify all participants of the selection process as soon as possible.

It is also helpful to provide verbal debriefings to proponents upon request, to give them an opportunity to learn how their proposals scored in relation to the criteria. This process then assists proponents in preparing better responses in the future. Clients, whether in the public or private sector, are encouraged to debrief proponents following proposal submissions to provide clear and useful comments for the benefit of both parties.

The awarding of a project by a client, including the terms, conditions, fees, and expenses as mutually agreed, must be set out in a written agreement and signed by the authorized signing officers of the parties. The initial proposal submission forms part of the written agreement that both parties sign and execute.

7.0 Stages of Services

OALA has identified six potential stages of services within a project that may be included in the scope of required landscape architectural services. Each stage is associated with specific types of services. Professional consultant fees and expenses are based on the level of services required and provided.

The six stages of services are:

- Stage I – Consulting and Advisory Services
- Stage II – Pre-Design Services and Concept Master Planning
- Stage III – Schematic Design, Design Development, and Contract Documentation
- Stage IV – Services Before and During Construction
- Stage V – Project Management Services
- Stage VI – Post-Construction Services

7.1 Stage I – Consulting and Advisory Services

Consulting and advisory services are generally sought by clients who intend to establish and analyze facts, issues, and specific parameters. Services captured by Stage I may, but need not, be arranged in connection with a specific project. These services are not part of a fixed-fee contract but rather are billed on a fee-for-service basis.

- **General consulting and advisory services**

This Stage I category of services may include such assignments as:

- general consultation and advice;
- public and stakeholder engagement;
- environmental studies;
- site analyses;
- appraisals;
- report preparation;
- research;
- management and/or administrative services;
- establishment of terms of reference;
- consultant coordination;
- peer review;
- project management; and
- administrative services.

- **Expert testimony and specialty services**

This Stage I category generally requires senior expert involvement, providing expert witness, opinion, and testimony services with or without support staff to tribunals or other environmental, planning, or court bodies, such as the Ontario Land Tribunal (OLT), environmental tribunals or assessment bodies, the Niagara Escarpment Commission (NEC), the Office of Consolidated Hearings, Ontario's

7.0 Stages of Services

Divisional Court, and Ontario's Superior Court of Justice. Witnesses must be qualified in advance by the relevant body to give evidence on a particular subject matter or case. See also Section 4.1.5 Expert Witness / Expert Testimony.

- **Other services**

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

7.2 Stage II – Pre-Design Services and Concept Master Planning

Pre-design services and concept master planning involve the assembly of relevant background materials, analyses, synthesis, and preparation of conceptual plans for proposed work. Preliminary reviews and research of this nature may be required to support decision-making by clients and stakeholders, and this work may also further assist in capital project planning and preparation of resultant budgets.

- **Pre-design services**

This Stage II category of services may relate to development of the design concept and include such assignments as:

- research;
- environmental assessments (EA/Class EA);
- environmental impact studies (EIS);
- historical studies;
- feasibility studies and reports;
- planning or preliminary planning approvals;
- development plans;
- conceptual designs;
- master plans;
- site plan consultation;
- preliminary cost budget estimates;
- permit applications;
- consultant coordination;
- attendance at client meetings; and
- public and stakeholder engagement.

- **Concept master planning (CMP) and master planning (MP)**

This Stage II category of services, referred to as conceptual planning studies, includes a range of work that involves determining 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.

7.0 Stages of Services

Services may include:

- collection and analysis of relevant planning, economic, social, and environmental data;
- inventory and site analysis;
- overall program development;
- development of alternative concepts;
- development of illustrative plans and renderings;
- development of creative solutions and ideas;
- public or community engagement;
- project facilitation;
- evaluation of concepts;
- guidelines and planning documents;
- planning and preparation of Official Plan amendments (OPAs) or zoning bylaw amendments (ZBAs);
- phasing strategies for long-term development;
- consultant coordination;
- attendance at client meetings; and
- preparation of estimates of capital and/or operating costs and other financial considerations.

7.3 Stage III – Schematic Design, Design Development, and Contract Documentation

This stage of services includes schematic and design development (detailed design development) and the preparation of construction and contract documents based on the design content determined and approved under Stage I and Stage II.

- **Schematic design (SD) and design development (DD) phases**

Services within this Stage III category may include site analysis, constraints analysis, budget estimates, team meetings, and consultant coordination. Public engagement, where required, is sometimes included during this stage or as part of an ongoing process, starting with concept master planning. Site plan approval applications, specialty permits and approvals, and documentation for certification such as LID, LEED, Crime Prevention Through Environmental Design (CPTED), and others are generally completed during this stage.

Also included is the preparation of drawings for preliminary underground servicing, preliminary grading, drainage, layout, planting plans, and other preliminary details to clearly communicate the design. Project outline specifications are prepared for initial team and discipline coordination. Team and client meetings throughout this stage are required.

7.0 Stages of Services

- **Contract documentation (CD) phase**

Upon completion and client approval of the SD and DD phases, the landscape architect and team will prepare more detailed documents during the contract documentation (CD) phase. These documents include, but are not limited to, layout plans, grading plans indicating existing and proposed grades, planting plans, and construction details, including written project specifications. Lighting plans, underground utilities plans, irrigation plans, and drawings from other consultants may also be required and would generally be additional services. These plans must meet all applicable codes and bylaws and are subject to review and approval by regulatory agencies. Phasing plans, signage plans, permit applications, and arborist reports are generally additional services as well.

Drawings prepared under the landscape architect's direction must be sealed (stamped) by the landscape architect. Drawings not prepared under the landscape architect's direction may not be sealed (stamped) or used for approvals or construction purposes.

Upon completion of the construction documents, approval will be required by all applicable regulatory agencies. These documents can then be provided to contractors to allow them to prepare and submit formal price bids (quotes or tenders) to perform the work. In the same manner that the approved drawings represent the design of the product that will be constructed, the construction documents and specifications for the project describe the quality and quantity of the features to be constructed.

The construction documents also describe the complexity and extent of the development to be constructed, as well as, the contemplated time schedule for completing the work. The numbers 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 construction documents for future phases of the project. The details and extent of phasing is subject to mutual agreement between the client and applicable consultant and may be an additional service.

The type and number of working drawings required will vary widely from project to project. In general, working drawings will be required for all of the following plans and documentation, among many others:

- **Existing conditions plan:** This plan shows all existing site features, conditions, legal boundaries and data, above- or below-grade utilities, and above-grade features and topography.
- **Tree conservation plan:** This plan shows all plants to be retained and protected or removed, as well as, protective hoarding or fencing and

7.0 Stages of Services

associated details. Any rare or endangered plants and protection must be shown while complying with provincial requirements.

- **Demolition plan:** This plan shows all materials and areas to be retained and/or demolished, materials to be removed and disposed of off-site, and materials to be reused and/or protected.
- **Layout and materials plan:** This plan locates accurately by dimensions all buildings, walks, roads, parking areas, planting areas, and other landscape site elements, materials, and details that form part of the design. This layout information is generally uploaded to total station survey software, producing an accurate layout of all project elements. Drawings prepared electronically for construction must be accurate and suitable for construction purposes.
- **Grading plan:** This plan establishes grades for all site elements, buildings, roads, retaining walls, outside steps, ramps, and surface drainage structures. It may include subsurface drainage facilities and utility lines with their connections to existing utilities. A high degree of coordination with other engineering specialty consultants is required.
- **Planting plan:** This plan locates and identifies the plants to be used and any existing plants to be preserved/protected. It also includes a plant list specifying the quantities, sizes, and varieties of all plants in the planting plan. The list may appear in the plan or in a separate document.
- **Irrigation plan:** This plan identifies all irrigation system requirements. It may be completed by a subconsultant and may be an additional service contract item.
- **Construction details:** This documentation provides plans and identifies sections and elevations of the individual and all proposed elements of the site, such as roads, walls, steps, gutters, catch basins, drains, paving patterns, fences, and irrigation systems.
- **Cost estimates:** Cost estimates of all proposed contract elements are required to determine the probable magnitude of the project prior to going for tender. For many projects, this work is completed by specialty cost consultants or as otherwise agreed to by the parties.
- **Written specifications:** Written specifications will identify all materials and products to be used, the locations where they are required, and explicit and concise performance standards to be met and installation requirements to meet acceptance. They may also define and organize separate portions of the work that can logically be executed by other trades or via separate contracts. In addition, they may set forth an itemized price schedule. In a unit price contract, the specifications define the units of measurement and units of payment.

- **Tender documents:** 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, and the terms, payments, and all other information necessary to create a complete and valid contract.

These documents may rely on the expertise of and precedents set by the Canadian Construction Documents Committee (CCDC). Most municipal, city, and other public agencies have their own documents that they may require. Many landscape architects use their own standard tender form and may also have specific documents they will include. The consultant should always confirm and obtain the most current version of each document that is available and not use a prior version.

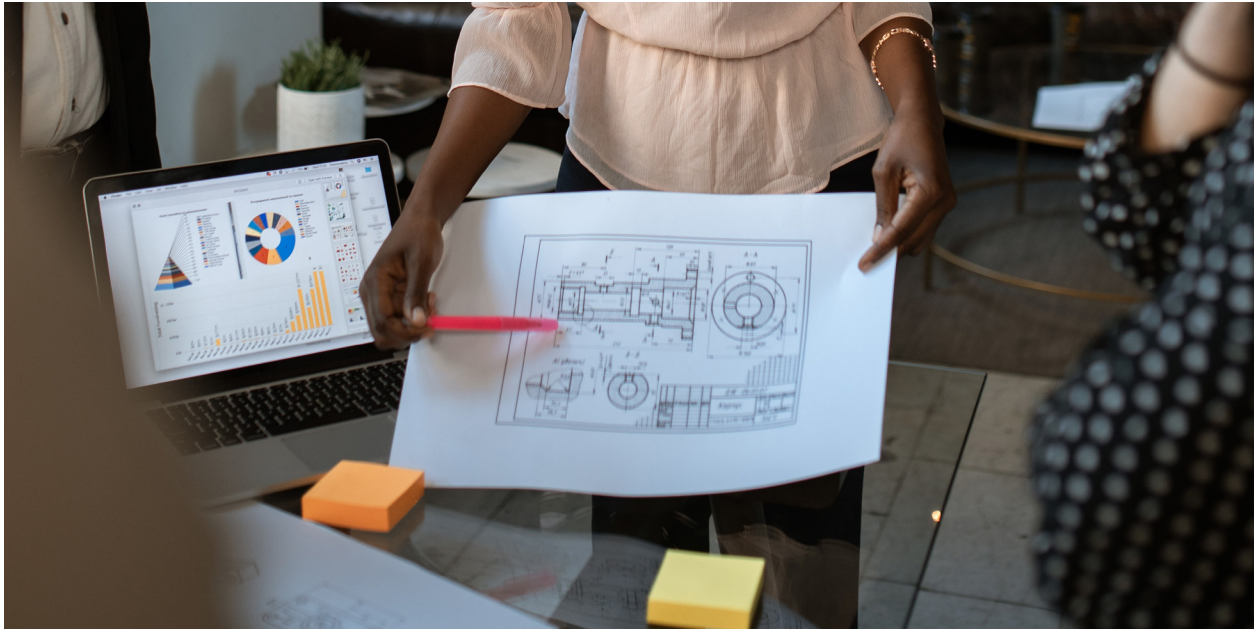
Pre-qualification of contractors may be required depending on the complexity of the project and client requirements. The consultant may be responsible for assisting the client in the tendering process, including the tender review, tender analysis, and recommendation for award. The consultant may also be responsible for reviewing contractor documentation to confirm compliance with the contract documents and to ensure the bid submission is complete and bona fide. During the tender period, landscape architects may also be called on to answer and respond to queries, issue addenda, and/or consolidate documents to issue for construction.

- **Regulatory approvals**

Most projects are subject to a variety of regulatory controls and permits or approvals that are required prior to being advanced to construction. Some examples are lands regulated by conservation authorities (CAs), the Niagara Escarpment Commission (NEC), or the National Capital Commission (NCC); projects subject to environmental assessments (EAs) or environmental impact studies (EIS); contaminated sites, culturally significant lands, heritage sites, designated wetlands, or provincially significant wetlands (PSWs); and construction that must conform to barrier-free design standards, municipal site plan controls, or building codes or that require building permits.

The landscape architect may be called upon to help advance the project by assisting the client with interactions with regulatory agencies and by preparing permit applications on behalf of the client.

7.0 Stages of Services



7.4 Stage IV – Services Before and During Construction

Contract administration services must be provided before and during construction to enable the landscape architect to issue a certificate of substantial performance and a certificate of total performance, and to certify that the design has been generally implemented in accordance with the approved plans and specifications. Normal duties of the landscape architect in a contract administration role may include:

- contract management;
- site visits, including conducting periodic site reviews and producing site visit reports;
- preparation of responses to requests for information (RFIs);
- preparation of site instructions, contemplated change notices (CCN), and change orders (COs);
- oversight of material testing, including reviewing testing results or having a subconsultant do the review;
- review and processing of progress claims for payment and certificates of payment;
- the certificate of substantial performance;
- the certificate of total performance;
- as-built drawings (normally an additional service);
- preparation of maintenance management procedures (normally an additional service);

7.0 Stages of Services

- warranty inspections (may also be required by a municipality or public agency); and
- final acceptance certification (may also be required by a municipality or public agency).

Details of these duties are provided below.

- **Contract management**

Work under this Stage IV service category generally includes the following services:

- **Pre-qualification of bidders:** The landscape architect may assist the client to pre-qualify potential bidders by requiring them to submit financial statements, experience statements, references, workload information, or other qualifications such as bonding and insurability.
- **Preparation of receipt and analysis of tenders:** The landscape architect may establish the time period for tenders, the location for the submission of tenders, as well as, whether subcontractors are to be listed, whether tenders are to be sealed or unsealed, whether the opening is to be public or private, and whether the award is to be made to a bidder other than the lowest bidder. The landscape architect may also make determinations regarding the informality of tenders, qualified tenders, analysis of tenders, review for submission errors, withdrawal of tenders, rejection of tenders, and forfeiture of bid bonds.
- **Awarding methods:** Upon receipt of tenders, the landscape architect will advise the client in writing to recommend the bidder to whom the work should be awarded, via a Letter of Agreement and Notice to Proceed or other formal contract documents. The landscape architect is responsible for preparing the formal contract documents using a standard form accepted by the client and/or by the specific construction trades, identifying the conditions and provisions required by both parties.

- **Site reviews and contract administration**

Work under this Stage IV service category generally includes the following services:

- **Periodic site reviews:** Site reviews are conducted periodically during the construction phase to ensure the proper execution of site works and compliance with the contract drawings and specifications. If daily resident inspection is required, this would be beyond the standard or normal project

7.0 Stages of Services

scope and would require additional fees as mutually agreed. It would fall under project management, as addressed in the bullet below.

- **Client’s agent services:** The landscape architect may be authorized by the client to act as the client’s agent to perform certain tasks, such as authorizing payment certificates to the contractor through the preparation of certificates of payment.
- **Subconsultant services:** Any subconsultants engaged by the landscape architect to provide certain technical services must submit documentation and approvals to the landscape architect.
- **Change confirmation:** Any verbal site instructions given in the field must be followed up by a written confirmation outlining the extent of the changes discussed and/or providing supporting sketches, details, or other documentation.
- **Contract change documentation:** Changes to a contract will require a numbered formal change order or change notice to be issued and included as part of the contract documents. The change order or change notice will include information about the changes to be made, such as to construction materials or construction operation, contract time periods, or contract amount. Increases or decreases to the contract value must be clearly documented. These values are then transferred to subsequent certificates of payment.
- **Project administration:** The landscape architect may be designated as a project administrator responsible for interpreting the contract documents and regulations, certifying progress payments and acceptance of work, and certifying completion of the contract. These services involve determining whether “substantial performance” and “total performance” have been satisfied.
- **Certification of “substantial performance”:** “Substantial performance of the work” is as defined in the construction lien legislation applicable to the location of the work. If such legislation is not in force or does not contain such a definition, then it is acceptable to use the general definition where “substantial performance” is considered to have been achieved when the work is ready for use or is being used for the purpose intended and when the value of outstanding work falls within the parameters established by the *Construction Lien Act* as so certified by the landscape architect.
- **Certification of “total performance”:** “Total performance” of the work means the work in its entirety, except those items arising from warranty provisions, has been performed to the requirements of the contract documents and as so certified by the landscape architect.

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7.5 Stage V – Project Management Services

If the landscape architect is providing services as a project manager who is required to attend to the project daily, such as to perform resident site reviews, then an additional fee is generally charged as agreed upon based on fees accumulated on an hourly basis. Alternatively, the client may choose to hire and pay a project manager, who would work under the direction of and report to the landscape architect.

Project management services are more complex and comprehensive than standard services. They 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. They may include, but are not limited to, assigning an individual who is part of a consulting firm as the project manager, full-time or part-time as required, to undertake comprehensive control and management from the start of a project to commissioning. The project manager will assist the client as required to complete the project and achieve the stated objectives. These services involve a separate fee and are subject to negotiation between the parties.

7.6 Stage VI – Post-Construction Services

Post-construction services include all final processes required to hand over the project to the owner. This includes completion of all deficiency list items, final inspections and a final walkthrough, and any training for the owner. Prior to the final inspections and walkthrough, all items on the deficiency list must be completed by the contractor. The time period between the end of physical construction and the project turnover to the owner is known as the post-construction phase.

Some of the post-construction services may be covered during Stage IV – Services Before and During Construction. The timing of completion of these steps or tasks in the process and their naming depend on the specific contract requirements, the scale of the project, project complexity, and the construction methods used. These tasks are completed jointly by the consulting team and constructor/contractor.

Duties of the landscape architect in a post-construction role may include:

- **As-built drawings and documentation (generally an additional service):** Upon project completion, “as-built” information is transferred to the original drawings and those drawings are recorded as “as-built” documents. This service is provided separately upon request and require additional fees as mutually agreed.
- **Preparation of maintenance management guidelines (generally an additional service):** The landscape architect should submit to the client all provided catalogues, manuals, and operating instructions to ensure proper servicing by the client’s operations and maintenance personnel, in order not to void

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guarantees and warranties, performance bonds, construction liens, etc. Preparation of maintenance guidelines is beyond standard or normal project scope and will require additional fees as mutually agreed.

- **Site commissioning:** The landscape architect will generally organize a project inspection with operations and maintenance personnel at the time of substantial performance to ensure a smooth project handover from the contractor to the owner or client. This meeting should include a demonstration and training session of project elements, such as mechanical, irrigation, and electrical systems and any special maintenance equipment and procedures. It may also include instructions for site management. An example where this is warranted would be a remediated site that requires ongoing monitoring and reporting to comply with regulations.
- **Warranty inspections (may also be required by a municipality or public agency):** Upon the completion of the warranty period, the landscape architect will typically organize a site review of the project with the contractor, client, and/or governing agencies; review the project for any warranty deficiencies; and issue a report. Any materials with an extended warranty should be noted. This may also be required by a municipality or public agency.
- **Record files and drawings:** Where required by a public or private sector client, documents and copyrights of work may need to be turned over. Where specific intellectual property (IP) of the consultant exists, those aspects should be clearly identified to clients. The consultants may not be required to provide these items. In the case of electronic data transfer, OALA members' electronic seals (stamps) should be removed and the documents noted as provided for record purposes only.
- **Final acceptance certification (may also be required by a municipality or public agency):** "Final acceptance of the work," or issuance of the "final acceptance certificate," generally means acceptance of the work as completed, including any deficiencies known to exist. The owner then takes control and ownership of the project, and the risk of loss is generally transferred from the contractor to the owner. The owner's contract rights against those of the contractor are far more limited after this certificate is issued.

8.0 Design Services Agreement

A design services agreement, or 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 sometimes also called agreements. An effective agreement is built around the terms and conditions from the request for proposals (RFPs), the accepted proposal from a consultant, the time frame for execution of the work, payment amounts, payment terms, and the project schedule. The agreement also spells out stipulations such as the project scope and the responsibilities of the consultant and the client, and includes dispute resolution clauses if any.

A written agreement or contract assists parties in clearly setting out the terms by recording the basic elements of a project, including who will be involved and retained, what is being completed, and when, where, why, and how certain aspects of a project will be completed. Once signed, the written agreement creates a binding legal relationship between the parties.

This section discusses the components of a standard written agreement for providing design services, and also covers the various considerations involved in preparing these agreements.

8.1 Standard Agreements

A clearly, carefully crafted agreement or contract can help the parties establish a good working relationship toward successful project completion. It can also protect the rights of the parties, impose obligations, and limit personal, business, and legal risks. A well-prepared contract often contemplates possible future events or circumstances, and it may also provide some measure of certainty between the parties if an unexpected issue arises.

To be legally binding, a contract must have the following three basic elements:

1. an **offer**, which refers to the written proposal a landscape architect presents to the client to provide certain services at a certain price;
2. **acceptance of the offer**, which refers to the client's agreement to the proposal as indicated by the client's signature on the proposal; and
3. **transfer of value or "consideration,"** which refers to the transfer of some form of benefit—usually money—from the client to the landscape architect in exchange for the agreed-upon services.

A disagreement between the contracting parties may ultimately require dispute resolution by a court. Should this occur, the court will look at the terms included in the contract. Therefore, it is highly advisable to include in the contract all terms and facts that are important to the arrangement and important to the parties. Ambiguities are more likely to contribute to uncertain outcomes. A court may resolve ambiguity by giving the benefit of the doubt to the party who did not draft the contract.

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It is important for both parties to verify that they can indeed achieve the objectives set out in the contract. In particular, it would be prudent for the landscape architect, as the service provider, to verify that the terms and conditions contained in a contract are correct and achievable, as well as, request that the client confirm the terms and conditions applicable to the client are correct and achievable.

Often the landscape architect will want to retain the copyright for the work produced, while the client may also want the ability to use the work done to complete a specific project. It is crucial that any contract carefully identify any intellectual property developed or used throughout the project, as well as, the rights any party may have to use or license the work developed or created. A contract with clearly articulated copyright provisions will help to avoid misunderstandings or unintentional violations of the other party's rights as it relates to ownership of intellectual property.

The parties should also carefully review any digital documents created for the project to ensure that liabilities are not incorrectly or inadvertently assumed by the landscape architect due to conditions requested or imposed by a client. In addition, before signing a contract, the landscape architect should always seek legal and insurance advice on contract terms that they do not understand or that are otherwise unclear. The landscape architect should also seek relevant professional advice if there is a disagreement between the parties as to the meaning behind certain contract terms.

Where the landscape architect is the prime consultant, the contract must be provided to any subconsultants retained by the landscape architect. In addition, any agreement between the landscape architect and subconsultants should mirror, in every substantive respect, the primary agreement between the landscape architect and the client. These are often referred to as back-to-back agreements.

While agreements have a commonality in form, they should be customized for every project, as every project is unique. OALA recommends preparing written agreements for each project to ensure clarity and predictability with respect to the services required, the timelines, and all other aspects relevant to completion of the project.

To begin drafting an agreement, the client may propose a standard agreement template, the consultant may propose their own standard template, or the landscape architect may use *Part Three of OALA's Engaging a Landscape Architect* series as a basis to guide preparation of an agreement. In any case, modifications to contractual clauses, as mutually agreed between the contracting parties, are normally required and necessary in order to reflect the needs of the project. OALA also strongly recommends consultation with a lawyer and an insurance agent advisor prior to either party signing an agreement. See *Part Three: OALA Guide to Standard Written Agreements* as a resource.

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8.2 Professional Liability Insurance

Landscape architects should ensure that they have adequate professional liability insurance for the types of projects they are undertaking. Proper insurance coverage can assist in reducing or offsetting the relative level of risk associated with the project type and protect the health and safety of the public.

Professional liability insurance may also provide protection to subconsultants retained by the landscape architect from claims due to errors and/or omissions that may have occurred during the preparation of contract documents.

Insurance, while not mandatory at this time (2023), is strongly recommended and considered a standard and best practice for most professionals conducting business in the design field. Many clients, particularly public agencies in most levels of government, as well as, some private companies and consultants have made it mandatory for the consultant they work with to carry professional liability insurance. The level of coverage and the fees associated with such coverage will vary with the requirements of the agreement and may depend on whether it is a public or private client, the complexity of the project, and the project's constructed dollar value.

Project-specific coverage may be a requirement of an agreement. Landscape architects are advised to contact their insurance broker to confirm whether the required coverage is available. They should also inquire about the associated terms, risks, and costs. Further, if an agreement requires insurance coverage that appears unusual or unclear, the landscape architect should ensure they are able to secure that coverage before entering into the agreement.

Where extended or unique coverage is requested or required by an agreement, or where the required coverage is above the basic insurance levels normally required, the landscape architect should obtain quotations from various insurance providers and notify the client in advance as to the costs associated with such coverage. This will give the client an opportunity to either agree to the additional costs or modify the requirements set out in the agreement. Clients' insurance coverage requests will vary relative to the anticipated constructed value of the project.

In some cases, the requested coverage may not be available and mutual agreement between the parties will be needed to reach a solution. Landscape architects should consider the commercial risk associated with these issues before accepting the terms of the agreement.

Several companies provide professional liability insurance. OALA recommends that its members carry this insurance in the best interest of all parties, including the public.

8.0 Design Services Agreement

8.3 Commercial General Liability Insurance

Commercial general liability (CGL) insurance is a type of insurance held by businesses. It is provided in the form of 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 insurance does not cover vehicle liability or professional liability.

8.4 Other Insurance

Other insurance may be required by a business, such as vehicle liability insurance and business interruption insurance. Landscape architects are encouraged to seek and review applicable legislation related to their specific operations, individual business needs, and insurance coverage that may be required for a specific project or best practices for their business operation.

8.5 Workplace Safety and Insurance Board (WSIB)

Depending on the size and nature of their practice, most OALA members will be required to obtain a certain amount of Workplace Safety and Insurance Board (WSIB) coverage. Landscape architects 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.

8.6 Professional Practice and Ethics Review Committee (PP+E) and Discipline Committee

In preparing design services agreements and entering into these contracts, landscape architects are advised to keep in mind the core values of OALA: public interest, ethics, excellence, sustainability, and accountability.

OALA is governed by a Council with a number of committees that support its work and that report directly to the Council's Executive Committee (ExCom). Among them are the Professional Practice and Ethics Review Committee and the Discipline Committee, which are responsible for reviewing matters of professional practice, ethics, and complaints against OALA members. These two committees also have responsibility for considering and recommending action, if appropriate, against a member of OALA as a result of their investigations into disciplinary matters or complaints.

8.7 OALA Code of Ethics and Standards of Professional Practice

In providing services for clients and working with other professionals and the public, OALA members must adhere to OALA's Code of Ethics and Standards of Professional Practice. Landscape architects are advised to refer to the most recent version of the code. Clients or members of the public who have a concern with any member of OALA may submit a formal request to the OALA Executive Director to investigate the matter.

8.0 Design Services Agreement

OALA administers the *Ontario Association of Landscape Architects Act, 1984* (An Act respecting The Ontario Association of Landscape Architects), Bill Pr37, which sets out OALA's professional responsibility for:

- regulating professional standards;
- accreditation for the profession;
- maintaining and improving the examining process; and
- 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 in the OALA Code of Ethics and Standards of Professional Practice.

OALA members are expected and encouraged to observe both the spirit and the letter of the code. The code expresses in general terms the most important standards of ethical and professional conduct that OALA members are expected to abide by.

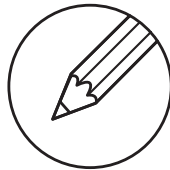
For a complete version of the OALA Code of Ethics and Standards of Professional Practice, see the OALA website at www.oala.ca.

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.



Engaging a Landscape Architect

Part One: OALA Guide to Landscape Architectural Services



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 to read and learn more about each publication.

Published by the
ONTARIO ASSOCIATION OF LANDSCAPE ARCHITECTS
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April 2023