

10 BMA POINTS FOR A GOOD COMPETITION

A COMPETITION WITH BMA ?

The role of the Bouwmeester Maitre Architecte (BMA) or the Brussels Government Architect, is to promote the spatial quality of urban development projects in the Brussels-Capital Region, from an independent position. The design competition is BMA's most important tool. Competitions put assignments for architecture, urban planning or public space on the market openly and push up the quality of the projects.

Since 2009, BMA has developed an approach to competitions, which has continuously evolved over the years. Now we are taking a new step by clearly defining our minimum expectations for a good competition. For BMA, this will be the framework that guides us in deciding whether or not to support a competition.

Our motivation stems from a set of principles aiming for a harmonious collaboration with clients and ensuring that candidates are treated fairly. We are also committed to promoting the transparency and efficiency of competitions. The 10 points set out in this document reflect a fresh ambition, which we already share with a number of public and private clients.

This document is the result of a series of workshops organised by BMA during 2022. A public call brought together people from a wide range of backgrounds, including architects, public and private clients and various public authorities.

FOR WHICH COMPETITION ?

By 'competition', we refer mainly to public contracts that include a design component. These may be procedures with or without publication. For these contracts with a clear spatial design component, we put a firm emphasis on these 10 points.

We also provide support for special contracts, such as feasibility studies or the appointment of experts, which require little or no design, and therefore may justify a simplified procedure.

For competitions with private clients, we strive to work in the same spirit to ensure an equivalent level of quality, even though the Law on public procurement does not apply.

HOW TO USE ?

The 10 points are presented in a logical order that corresponds to the preparation for the competition. In this way, the client and BMA can examine, discuss and agree on all points in advance to facilitate smooth cooperation for drafting the specifications and during the competition itself. This preventive approach avoids unforeseen problems later on, saves time and improves quality.

Each point is explained, setting out the objectives and underlying reasons. Recommendations are then made. Where necessary, additional recommendations are proposed in the form of more detailed explanations or figures.

For certain points, we offer 'extras' for clients who wish to go beyond the minimum requirements. These 'extras' make the competition even more efficient, transparent and open.

This document is a concise guide that facilitates discussion between the client and BMA, enabling solutions to be found that address all concerns. In exceptional cases, there may be some limited flexibility with these recommendations, but those who wish to organize a competition in alignment with our ambition must always uphold the essence of the 10 points.

On BMA's website, you will find model specifications for different procedures, which comply with the 10 points and the Belgian Law on public procurement:

- Negotiated procedure without prior publication (with call for interest)
- Competitive negotiated procedure (for architecture or public space)
- Competition for private project

1.

A TWO-STAGE PROCEDURE

The contract must be awarded on the basis of a bid proposal, preferably a design sketch. Inviting all the candidates to develop an in-depth bid proposal implies a great deal of work for them, yet we are intent on keeping the competition open enough for interested candidates.

This is why we seek a middle and the procedure must be organised in two stages.

————— The first stage of a procedure with prior publication consists of an application based on skills, experience and motivation. For a procedure without prior publication, the call for interest serves as a first stage.

————— The second stage is done with 3 to 5 candidates selected after the first stage and includes a bid proposal. The bid usually consists of an intention note with a design sketch, but can also take other forms, such as a vision, a methodology, a detailed price bid (Design & Build) or an interview.

For some special assignments (e.g. curator, expert, feasibility study, ...) without a design component, the procedure can be done in one stage. In this case, the content of the bid must be very well defined in order to limit the workload.

2.

ALL THE INFORMATION AVAILABLE FROM THE START

The more complete the question, the more complete the answer. Consequently, the client must have carried out all the necessary preliminary studies before the candidates begin to develop their bids. For example: survey plan, asbestos inventory, soil studies (bearing capacity and pollution), heritage analysis, stability study, materials list, etc.

- For a procedure with prior publication, the complete specifications are published at the time of the call. This allows potential candidates to have a complete overview of the procedure before submitting their applications.
- Preliminary studies are preferably published at the same time as the specifications, but in any case they are given to the selected candidates before they begin to develop their bids.
- In the case of a call for interest, the specifications and preliminary studies are not published at the time of the call. These documents are sent to the invited teams before they start developing their bids.

3.

TIME FOR EVERYONE

More haste, less speed. There must be enough time to do a good job, and that applies to everyone, both to the client and the candidates, but also to third parties such as the members of the Jury, the public bodies involved and the participation and communication to citizens.

The deadlines required must therefore be set and communicated in advance to allow good planning. This will vary depending on the complexity, size of the assignment, ambitions and holiday periods. It is only fair that any delay on the part of the client cannot simply result in shorter deadlines for the candidates.

————— For the competition, in the case of a public contract, some minimum legal deadlines apply first of all. In addition, the estimated time schedule of the entire competition process must be announced when the call for applications is launched: in particular, key dates such as the invitation for the next stage, the site visit and information session, the submission of bids, the jury, the award decision and the start of the contract.

————— For the assignment itself, the client must include in the specifications a proposal of the estimated time schedule. Candidates may, where appropriate, suggest an adapted time schedule when submitting their bids. The final time schedule will be agreed at the latest at the start of the contract.

ESTIMATED DURATION OF THE ENTIRE PROCEDURE

BMA RECOMMENDATION

Negotiated procedure without prior publication (A)

3 months (from sending the newsletter)

Competitive negotiated procedure (B)

6 to 9 months (from publication of the contract notice)

TIME FOR THE CLIENT

BMA RECOMMENDATION

Analysis of expressions of interest (A)

2 to 3 days

Analysis of applications (B)

2 to 3 weeks

Selection report (B)

3 weeks

Review of the selection report by BMA (B)

1 week

Analysis of bids before the jury

1 to 2 weeks (from sending the bids to jury members)

Award report

2 weeks

Review of the award report by jury members

1 week

TIME FOR THE CANDIDATES

BMA RECOMMENDATION

Sending an expression of interest (A)

7 days

Sending an application (B)

min. 45 max. 60 days

Drafting a bid proposal

min. 45 max. 90 days (from site visit)

Preparation of oral presentation

1 to 2 weeks (from sending the bids to jury members)

4. FIXED FEES

To ensure that the laureate is chosen on the basis of the various quality dimensions of the bid, the client must set a reasonable fee, which the candidates accept by participating. Competition is then done on the basis of what the candidates offer for the same fee amount, and the award criteria deal with the various dimensions of quality of the proposal.

————— For contracts with a mainly design component (architecture, public space, landscape, etc.), the fee is fixed.

————— For other contracts with less or no design component (spatial planning, expertise, programming, feasibility study, etc.), the fee may constitute a maximum of 30% of the award criteria and the indicative amount is stated in the specifications.

For contracts with a mainly design component, the fee is determined according to a percentage of the cost of works and subsequently set at a lumpsum, on the basis of the estimate made at the time of the tender documents for the works or on the basis of the cost of works at the time of the award of the works.

BMA applies the following minima as a fee for a full design contract:

TYPE OF PROJECT	€ 1-2 M	€ 2-5 M	€ 5-10 M	€ 10-25 M	COMPLEXITY*
Architecture New construction	13%	12,5%	12%	11%	0,5 to 2% extra
Architecture Major renovation	15%	14%	13%	12%	0,5 to 2% extra
Architecture Light renovation	12%	11,5%	11%	10%	0,5 to 2% extra
Public space	9,5%	8,5%	7,5%	7%	0,5 to 2% extra

* Complexity is linked to the skills required, the innovative nature and/or the specific nature of the assignment.

EXTRA: CONDITIONS FOR CONDITIONAL CONTRACT STAGES

Conditional contract stages give the impression that a project is uncertain. For candidates, an assignment is attractive if it offers certainty, and it is also best for the client to show that it is serious. Therefore, there is an absolute preference for a contract without conditional stages.

If, however, for subsidy-related or other reasons, it proves essential to provide the project in phases, the uncertainty must be limited and compensated for.

The fixed contract stage extends at least as far as planning permission. The breakdown of fees must compensate for any loss of subsequent contract stages.

The conditional contract stages related to a possible extension of the contract do not pose a problem.

ASSIGNMENT PHASE	IN CASE OF FULL CONTRACT	IN CASE OF CONTRACT WITH CONDITIONAL CONTRACT STAGES
Preliminary design + permit application	Between 40% and 50%	Between 50% and 60%
Tender for the works + execution	Between 50% and 60%	Between 40% and 50%

5.

OPEN ACCESS CONDITIONS

Candidates must have a certain level of experience relevant to the contract. On the other hand, the entry requirements should not be too demanding, because we want that enough new and different candidates deserve a chance. Therefore, the references requested should not be completely identical or similar to the assignment, but must be defined in a broader and more open manner.

- There is no minimum turnover requirement.
- The type, programme and context of a requested reference are more general than the subject of the assignment.
- The amount of a requested reference is between 30% and 50% of the cost of the contract.
- References date back to the past 5 years.
- Only one reference needs to have reached the provisional acceptance stage.
- References relating to projects undertaken at another design office as a project lead are accepted, as the skills required belong also to the candidates as individuals.

EXTRA: PROVIDING THE SKILLS REQUIRED IN TWO STAGES

To complete the assignment successfully, it is clear that a whole range of different skills need to be represented in the team. But is it really necessary to know all the members of the team from the start of the application phase?

For greater efficiency, the skills required can be checked in two stages:

- For the application stage, only essential skills are required. These are the skills that are central to the assignment (e.g. architecture, design of public space, engineering).

- For the bidding stage, other skills are also required (e.g. engineering, health and safety coordination, EPB, acoustics).

This means that the workload is reduced for everyone. The client has much less to analyse during the application stage. Candidates do not need to enlist all the other experts as quickly as possible, which also makes the call for applications simpler and more accessible. Finally, the time required for the application and analysis can be shorter.

6.

AN EFFICIENT SELECTION METHOD

A call is successful if many candidates apply. After all, nobody wants their project to be unattractive. But the workload during the first step of the selection stage must also remain within certain limits, both for the client and for the candidates. We are therefore proposing a compact and efficient selection method, which requires applications to be well structured.

- The selection of the candidates for the next stage is based on an analysis of the relevance of the references in relation to the required capacities. The principle is to analyse 1 reference for 1 capacity, no more and no less, and it is up to the candidate to indicate which reference will be used to demonstrate which capacity. This creates an unambiguous framework for analysis.
- The client formulates 3 capacities to be demonstrated in relation to the design dimensions of the assignment, for example 1 on urbanity, 1 on livability and 1 on sustainability.
- It is possible to add a 4th capacity which relates to a specialist discipline outside the designer's main activity, for example participation, hydrology, circularity, inclusion, etc. This option should only be used when it is highly relevant.
- A separate additional capacity is used to assess the relevance of the quality approach note. This is a note in which the candidates explain their motivation for applying for this assignment, their good understanding of the content and its challenges and how they will ensure the envisaged level of quality.

EXTRA: TOWARDS STANDARDISED APPLICATIONS

Putting together an application requires an effort by many candidates. Especially if the method is slightly different each time, this means not only extra work but also a risk of errors. This is why we want to move towards a simple, standardised format for applications. In this way, candidates can easily re-use their documents and the client can also develop an efficient analysis.

- This is particularly being taken full advantage of in the case of an ESPD (European Single Procurement Document). This involves a declaration on honour which is sufficient for the application stage. Diplomas, certificates and attestations are not required at the application stage but may be requested (if desired) by the client at a later stage.
- The application file consists of the same standard documents: a references note, a quality approach note, and (if applicable) a note on the composition of the applicant's team.
- Templates and forms to fill in are provided in order to analyse the information in a uniform manner (for example, a table summarising the key data from the references).

7.

AN EXTERNAL EXPERT ON THE JURY

The assessment by the jury is an important part of the competition procedure and its composition must be both relevant to the content of the assignment and ensure independence. The jury is made up of the client and users, BMA, representatives of the public authorities concerned and at least one external expert.

The expert contributes to the jury debate by providing relevant expertise from an external and independent position. The choice of the expert and the members of the jury in general must match the ambitions of the project, the award criteria and the skills required of the applicants.

Remuneration of the expert

The external expert will be remunerated by the client for taking part in the jury. BMA recommends a fee of €400 excl. VAT per half-day. This is calculated on the basis of the length of time spent on the Jury, including all preparation beforehand and proofreading of documents after the jury.

Travel within Belgium is also included in this amount.

- If the expert comes from abroad, an allowance for travel and accommodation is provided.
- If the expert works for a public institution, no additional remuneration may be required.

When choosing an expert, BMA recommends that the client pays attention to the following aspects :

No language barrier	Sufficient capacity (in FR, NL, EN as appropriate) to understand bids and take part in discussions.
No link with candidates	Avoid professional links with candidates; avoid persons that have applied in the first stage.
No link with the subject of the assignment	Not having carried out a preliminary study (feasibility study, masterplan).
Architectural empathy	The ability to put aside personal architectural preferences.
Analytical skills	Ability to develop a reflection, an analysis and a conclusion.
Proactivity	Ability to take an active part in debates and question-and-answer sessions.
Gender balance	Choose an expert to ensure gender balance on the jury.

8.

AWARD CRITERIA THAT FOCUS ON THE ESSENTIALS

The evaluation of a project proposal during the second stage of a competition must remain cross-disciplinary and look at the whole picture. The assessment focuses on the essentials and does not get lost in numerous subordinate criteria dealing with partial aspects. First things first, with details to be adjusted later.

For architecture and public space assignments, there are 4 award criteria that enable the design proposal to be assessed in its entirety: urbanity, liveability, climate and environmental strategy and feasibility. The 4 award criteria are a fixed set, but when crossed with the ambitions of the assignment as set out in the specifications, their interpretation is specific to each assignment. Each of the 4 award criteria is of equal importance and has a weighting of 25%. In special cases, the weighting can be adjusted to min 20% and max 40%.

For other types of assignment, the number of award criteria is also limited and they are sufficiently synthetic. For example, there is 1 award criterion for vision in terms of content, 1 for methodology and 1 for feasibility. The weighting varies between min. 20% and max. 40%.

9.

REMUNERATION FOR BIDS

Drawing up a bid proposal with a design component is not a routine task, but requires thought and creativity tailored to the specific features of each assignment, site or programme. The workload for candidates can be heavy.

As a result, the client must provide an amount for the competition in the project budget so that the designers are properly financially compensated for the work they have done. The amount of the remuneration is linked to the size, format and content of the bid as requested by the client. The winner will receive the remuneration at the same time as the other candidates, but in the form of an advance on the fees.

- For a bid with a sketch design, the remuneration amounts to a minimum of €500 per A3 single-sided equivalent.
- For a bid without a sketch design but with a specific vision note or developed methodology, the remuneration is €300 per A3 single-sided equivalent.
- For a bid that consists only of a succinct methodology, the remuneration may be lower.

10.

A TRANSPARENT PROCEDURE

Anyone who invests time in taking part in a competition deserves an explanation of the outcome. That is why evaluation analysis reports should be sent to everyone.

- At the end of the application stage, the client sends all applicants the full selection report with the analysis of all the candidates.
- At the end of a call for interest or a private competition, all applicants are informed by BMA of the choice of candidates invited for the next competition stage.
- At the end of the bidding stage, the client sends all the selected or invited candidates the full award report with the analysis of all the bids.

To understand the award report, one needs to have an overview of the design proposals in each bid. Also for the purpose of explanations to the general public, all the projects within the bids are published on BMA's website.

EXTRA: OPEN PRESENTATIONS

Once the bid proposals have been submitted, the cards have been dealt. By opening up the presentations to all the participants, the different teams are able to put the jury's evaluation in context and better understand the reasons behind the choice of laureate. Also, this openness enables teams to learn from each other, thus generally raising the level of know-how. Openness has no impact on the professionalism of the jury.

Practically speaking, all teams are allowed to attend each other's oral presentation of the bids, but not the question-and-answer sessions or the deliberations of the jury. Any team may object to an open presentation by indicating this on the bidding form. In this case, no open presentation will take place.

EXTRA: A PUBLIC JURY

There are no secrets in any competition. In fact, everyone is welcome to observe how a jury works. For interested parties, civil society or the neighbourhood, it is useful to share the experience of the path towards a well-argued decision. The jury process can be complicated and must strive for consensus between stakeholders, showing that urban development is not a simple matter.

Practically speaking, oral presentations, question-and-answer sessions and the deliberations of the Jury can be followed as observers. A pre-registration system is set up and those present undertake to respect the confidentiality of the procedure until the award is communicated to the winner by the client.

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