

Landscape Institute

Appointing a Chartered Landscape Architect **GUIDELINES FOR BEST VALUE**

The Landscape Institute
33 Great Portland Street
London
W1W 8QG

Tel: +44 (0)20 7299 4500
Fax: +44 (0)20 7299 4501
Email: mail@landscapeinstitute.org
Web: www.landscapeinstitute.org

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Figure I: Summary of Selection Process

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FOREWORD: 'COMMISSIONING A LANDSCAPE CONSULTANT'

- 1.1 Landscape consultants are able to offer a wide range of general and specialist services, sometimes working as members of multidisciplinary teams, but commonly acting as the sole advisor to their client.
- 1.2 The commissioning process involves identifying a practice able to satisfy the client's requirements, or making a selection from a number of such practices, determining a fee or remuneration basis agreeable to both parties, and finally completing a formal agreement or contract for the work. There are various ways in which a Landscape Consultant may be selected and commissioned and the following are examples, each suited to particular circumstances.
- **Direct Appointment** with a known practice
 - **Negotiation** with one or more practices to agree on a fee basis
 - **Quality – based selection** between a number of practices
 - **'Two-envelope'** system
 - **Competitive Fee Tendering** to select on the basis of fee alone
 - **Design Competition** to produce design ideas from which to select a practice.
- Additionally, The Public Services Contracts Regulations 1993 which implement European Union rules for projects exceeding a threshold value must be observed.

GUIDANCE FROM THE LANDSCAPE INSTITUTE

The Landscape Institute has produced a series of publications dealing with the various aspects of appointing a Chartered Landscape Architect, listed below.

Engaging a Landscape Consultant: Guidance for Clients on Fees is a guide designed to improve the working relationship between Clients and Chartered Landscape Architects by providing information about how fees may be calculated, charged and paid. An invaluable guide to agreeing fees by negotiation that are fair to both parties. There are no standard fee scales, although methods of calculating fees on a time basis, on a percentage of the project value basis, or as a lump sum are common. Practices are able to describe the fairest means of achieving a fee agreement and can estimate the sums involved in order to give the client an order of cost.

Directory of Registered Landscape Practices lists practices meeting particular professional criteria. If guidance is required in selecting practices from the Directory, the Landscape Institute is always happy to assist and a procedure for nominating a short list of practices for interview is operated by the Director-General through the Nomination Panel.

The Landscape Consultant's Appointment is a booklet intended to help clients to identify the landscape services which they require. Included in it are a description of the work of landscape consultants, a specimen Memorandum of Agreement and specimen Schedules of Services and Fees. It is strongly recommended that clients read this booklet and use it as the basis of the Agreement with their chosen consultant whichever method of selection is used because any agreement between client and consultant must clearly set out the full scope of the commission in respect of the services to be provided, the division of responsibilities and any limitation of liability, the payment of fees including rates and methods of calculation, and the provision for termination. The most successful relationships between Client and Consultant are those that proceed in an atmosphere of trust and goodwill. Consequently the sharing of salient information at the outset is an important aspect of achieving a successful commission.

Guide to Procedure for Competitive Tendering gives advice on using competitive fee tendering to select a landscape practice, including Form of Tender, Schedule of Services and Fees and Memorandum of Agreement.

1. Introduction: Best Value in selection and appointment

1.1 Landscape Architecture is a specialist and often complex task requiring a proper understanding of the site and the Client's needs. This document sets out 'Best Practice' guidelines to assist public and private sector Client bodies to prepare selection procedures which are **open, fair, efficient, economical to implement**, and which **achieve best value** for the Client. The guidelines can also be used to review existing procedures and, where necessary, to revise them to ensure best value. It is vital to choose a suitable professional for the job **at the outset** if best value for money is to be achieved. Although professional fees form only a small part of the whole-life cost of a project, the results of the professional's services can be far more significant, altering the construction/ running costs by far more than the fees charged.

1.2 Good selection procedures - whether or not they lie within a Best Value¹ framework - should define the project and services required, and lead to the appointment of the Chartered Landscape Architect best able to meet those requirements. Where a competitive tender process is chosen (or is required by Standing Orders) the process should achieve that aim with the minimum cost and effort both by the Client and by competing Chartered Landscape Architects, so that the complexity of the tendering procedure is matched to the scale of the potential commission. Best Value requires that the transaction costs associated with procurement should form part of the assessment of procedure options. Thus, the costs of preparing for tendering should not outweigh any potential savings achieved by this method of procurement. It should be remembered that design services are not a commodity with a measured 'Bill of Quantities' from which the work can be revalued on completion.

Direct appointment

1.3 Generally, consultants are willing to discuss a potential appointment with a prospective client without obligation. Effort is concentrated on making progress with the project, and both parties benefit from considering the location and type of project that might be involved, the budget for the proposed works and the involvement of other professional advisers that may be working on the client's behalf.

1.4 Contact can be made simply by a telephone discussion followed by a written description and a meeting. There is some merit in approaching local consultancies if the project is within easy reach of their offices. The comprehensive skills of a national practice can also often be available locally.

1.5 The client may examine examples of previous work and/or the individuality of design approaches shown by practices in order to consider their suitability. Many clients build an established working relationship with one or more practices to their mutual benefit.

Negotiation

1.6 For large or extended commissions, clients may wish to negotiate with one or more practices to obtain the most favourable fee agreement appropriate to the commission. Discussion of the client's particular requirements will enable consultants to tailor the brief and fee basis to mutual advantage.

Term Appointments, Framework Agreements and Partnering Arrangements

1.7 These arrangements offer benefits including reduced administration, improved efficiency and economy, established communication, flexibility and consistency of service. Government and industry initiatives encourage the use of these longer term

¹ See DETR Best Value website www.local-regions.detr.gov.uk/bestvalue/htm and www.wales-bestvalue.org

arrangements as an alternative to single project tendering, particularly where a series of smaller and/or similar projects is anticipated.

Design competitions

- 1.8 Design competitions operated in accordance with the Landscape Institute's guidance² are an effective way for the Client to obtain a wide range of initial ideas for a project at a conceptual stage.

Design and build contracts

- 1.9 Design and Build Contracts encourage co-operation between designers and contractors, and allow the skills of both to be integrated in the design and implementation phases. However, such contracts will only achieve a good quality environmental or landscape outcome if the relevant component is clearly defined in the brief and forms part of the assessment of tenders.

² See the LI's Landscape Competitions: Guidance Notes for Promoters

2. Developing the project

- 2.1 The initial development of a project is a vital stage. It is helpful to engage a Chartered Landscape Architect at this early stage, to formulate and appraise options, consider the project's feasibility and advise on implementation. An **outline programme** for the conceptual stages, design process, procurement and implementation should then be developed **before** the selection process is decided. It is essential to consider matters such as the project's objectives, timescale, complexity, broad budget, need for EIA and planning permission, physical resources available and also whether a Client will participate directly in the design process or will use in-house expertise.
- 2.2 Clients often assemble or have access to useful background information on the site and on the project requirements. It is recommended that this information be collated and reviewed as the project is developed. It should then be provided, in a summarised form, to each potential project team to assist the Chartered Landscape Architects and so save time and money.
- 2.3 Clients must allow themselves adequate time to select the right Chartered Landscape Architect. The selection procedures should identify the **key qualities** of the service required and **clearly present the selection criteria**. Procedural guidelines for preparing a draft, project-specific, selection process are given in Section 4. Where appropriate, this process should be approved by the authorising body (e.g. Senior Officer, Council Committee, grant-aiding body) before the full brief is drafted. Any constraints such as fixed Standing Orders for the selection process or selection criteria (e.g. lowest price must be selected) should be made clear from the outset.

3. Preparing the brief

- 3.1 The brief is the key document that sets out the Client's intentions for the commission, the services to be provided by the Chartered Landscape Architect and the contractual basis for the commission³. The brief provides the basis against which the consultant's services will be judged and should explain clearly what they are expected to do. A clear and comprehensive brief helps avoid qualified bids or unexpected claims for extra fees as the work progresses, and will reduce time spent dealing with queries from competing consultants during the selection process. The brief should avoid open-ended and unquantifiable requirements unless the remuneration is also open-ended.
- 3.2 The Landscape Institute⁴ recommends that the brief should cover a description of the proposed project (including location and programme); all relevant information (including previous studies, survey information etc) and the Client's requirements with regard to:
- ◆ the project (objectives and output from the commission)
 - ◆ consultancy services within the commission
 - ◆ relationship with separately appointed members of the team.
- 3.3 For large or complex projects it may be advisable to seek professional assistance with the drafting of the brief, particularly where a number of disciplines are to be appointed or the work includes research/site investigation. When inviting expressions of interest in tendering, informal comments on a draft brief and indicative budget can be sought from potential consultants, to identify any ambiguity, impractical requirements or open-ended items.

³ The Landscape Institute recommends the use of The Landscape Consultant's Appointment.

⁴ 'Guide to Procedure for Competitive Tendering' published by the Landscape Institute.

4. Methods of Selection

There are various alternative methods of selecting a Chartered Landscape Architect:

Direct Appointment

- 4.1 Appropriate following a discussion about the project and the appropriate fee. Such discussion maximises each party's understanding and can lead to an established working relationship to mutual benefit. Direct appointment is often the least costly method of appointment.

Design competitions and technical proposal competitions

- 4.2 These assist the Client to discover the range of options that may be available for major projects. The Landscape Institute recommends its own established procedure which covers the preparation, judging and remuneration of competitions.

Quality Based Selection

- 4.3 This overcomes the difficulty of specifying the project and services, and avoids the negative influence that price tendering has on the quality of the work undertaken. A Chartered Landscape Architect is selected on the basis of relevant qualities and the experience required for the project. The project and services are then defined jointly, drawing on the Consultant's expertise, and finally the fees for the agreed services are concluded by negotiation with reference to published guidance⁵ and other benchmarks⁶.

Two-envelope system

- 4.4 This system combines quality selection with price competition. Each shortlisted tenderer submits a technical (or design) proposal and a separate sealed fee tender based on a full brief. Once all the technical proposals have been evaluated and ranked, the fee envelopes are endorsed with the ranking. The fee envelope of the first choice tenderer is opened and the commission is awarded unless the fee exceeds the acceptable limit, in which case the second-ranked fee envelope is opened. When the commission is awarded, remaining fee envelopes are returned unopened.

Competitive fee tendering

- 4.5 This relies on the Client's ability to select a number of appropriate Consultants to tender, and to specify the project and services required exactly, so that all tenderers price the same work. The Landscape Institute's guide sets out the recommended process in detail. As detailed information must be provided to tenderers, and the service provided must be carefully monitored, this method is not suited to projects with small budgets or where the Client cannot devote sufficient professional staff time to the process.

Tendering

- 4.6 All tendering requires the investment of time and resources, both for the Client and competing Chartered Landscape Architects. Unless the process selects the best Consultant for the project with the least effort from all parties, it will not give the best value for money. If the consultant is selected on the basis of quality as in section 4.3 then best value can be achieved in a more straightforward way.

Inefficient tendering:

- ◆ wastes the Client's staff time and money
- ◆ adds to tenderers' operating costs, increasing overall prices
- ◆ wastes all parties' effort and time which could better be spent working on the project
- ◆ may deter well-qualified Chartered Landscape Architects from bidding for the project.

⁵ Appointing a Landscape Consultant: Guidance for Clients on Fees

⁶ This method is explained in detail in the Construction Industry Council's publication 'A Guide to Quality Based Selection of Consultants: A Key to Design Quality'.

5. Selection procedures

Required Knowledge

- 5.1 To select the most suitable Chartered Landscape Architect for a project, the Client needs to know:
- ◆ the nature and size of the project
 - ◆ the professional services required
 - ◆ the skills, resources and qualities which will contribute to the project's success
 - ◆ the degree to which interested Chartered Landscape Architects possess those skills, resources and qualities.
- 5.2 Before commencing a potentially expensive selection process, tenderers need to know:
- ◆ the nature and size of the project
 - ◆ the stages and requirements of the selection process
 - ◆ the criteria for selection
 - ◆ the probability of success.

Where the Client does not have in-house landscape expertise, it is advisable to engage independent professional assistance for the preparation of the background information and brief. A feasibility study is often a valuable initial step, well worth the time charge or lump sum fee.

Key principles

- 5.3 The Landscape Institute recommends that the selection procedure embody the following principles, to ensure that selection procedures are logical and fair, and that the effort involved does not outweigh the benefits to either party. Each stage in the process should aid the selection of the most suitable Consultant.

Scoring systems

- 5.4 Scoring systems which give due weight to each selection criterion should be established at the outset and made available to all Chartered Landscape Architects expressing interest. This may be a difficult process for some clients, but guidance has been published by the Landscape Institute.
- The marks available under each category should be stated, and the Client should ensure that the necessary assessment skills are available either in-house or externally. Marks for price should be awarded relative to a realistic estimate of the financial resources required for the project, rather than relative to the lowest tender received as this can distort the scoring mechanism.
- The Institute has available a publication 'Engaging a Landscape Consultant: Guidance for Clients on Fees' which may help the Client assess a realistic fee structure in relation to the scale and complexity of the project and the staff resources required.

Price

- 5.5 Price is commonly a significant factor in the selection of a Chartered Landscape Architect even though it is very difficult to reach an acceptable 'trade off' between quality and price. It is simplistic and misleading to assume that all Chartered Landscape Architects passing the initial quality selection will then produce an equal quality of service if forced to compete on price.

Number of stages

- 5.6 The number of stages in the selection process should be kept to the minimum necessary to select the best Chartered Landscape Architect for the project. In many cases it is sufficient to present a detailed brief to three local landscape practices chosen from those considered capable of providing the services required, and to request each to respond, as a single stage. A three stage selection process could be more appropriate for a major or very complex project and this is examined in more detail in Section 6.

6. Three stage selection process

6.1 Stage one – Compilation of the Select List

The **first notification** of a project inviting expressions of interest should

- i. give an outline of the project
- ii. state key criteria for selection, such as the timetable and special roles to be fulfilled. This is needed only where the project exceeds size/value thresholds⁷ requiring advertisement (e.g. a notice in the EU Official Journal), or the work is specialised and existing approved lists of consultants are not adequate
- iii. describe the project and selection process in sufficient detail to show the bidding effort required, so that tenderers may determine their suitability, and to prevent an excessive number of expressions of interest being submitted for processing
- iv. state the precise information required from interested Chartered Landscape Architects. This information should be only that which is needed to select those fully suited to the project, such as directly related project experience and staff information. At this stage Chartered Landscape Architects should not be asked to provide general practice information such as method, cost information or estimates of the resources needed.
- v. A shortlist of Chartered Landscape Architects should be selected, on the basis of their skills and experience, from those considered capable of providing the services required. All Landscape Architects on the select list should be competent to undertake the work and the Client must be satisfied to appoint any of those on the compiled list. The number chosen to proceed to the second stage should be limited to three or four, to minimise the Client's efforts in giving all proposals due consideration.

6.2 Stage two – Preparation and Evaluation of the Tender Submissions

- vi. The selected Chartered Landscape Architects should be provided with the finalised (or more detailed) brief and invited to respond with further information, for example by setting out their approach to the project, their proposed staff team and a working method. Only information which the Client can evaluate and use to select between the bidders should be requested.
- vii. The Client should always be available during this stage to answer questions and provide clarification of the brief, in order to avoid qualified tenders which cannot be compared one with another.
- viii. If price is also a criterion for selection, the 'two envelope' method of tendering (see 4.4) is recommended, or the price should be negotiated with the favoured Chartered Landscape Architect.
- ix. Where the Client requires clarification of a bid, or wishes to obtain further information from tenderers, this should be requested in a letter to all tenderers, stating a date for the return of replies.

6.3 Stage three – Final Selection by Interview

- x. Where it is necessary to select between two, or at most three, Chartered Landscape Architects on the basis of personality or potential working relationship, the cost of arranging, attending and evaluating interviews may be justified. Each bidder's Project Landscape Architect should be present. In all cases tenderers should only be invited to interview where there is a reasonable expectation of their being appointed. Where the project budget is

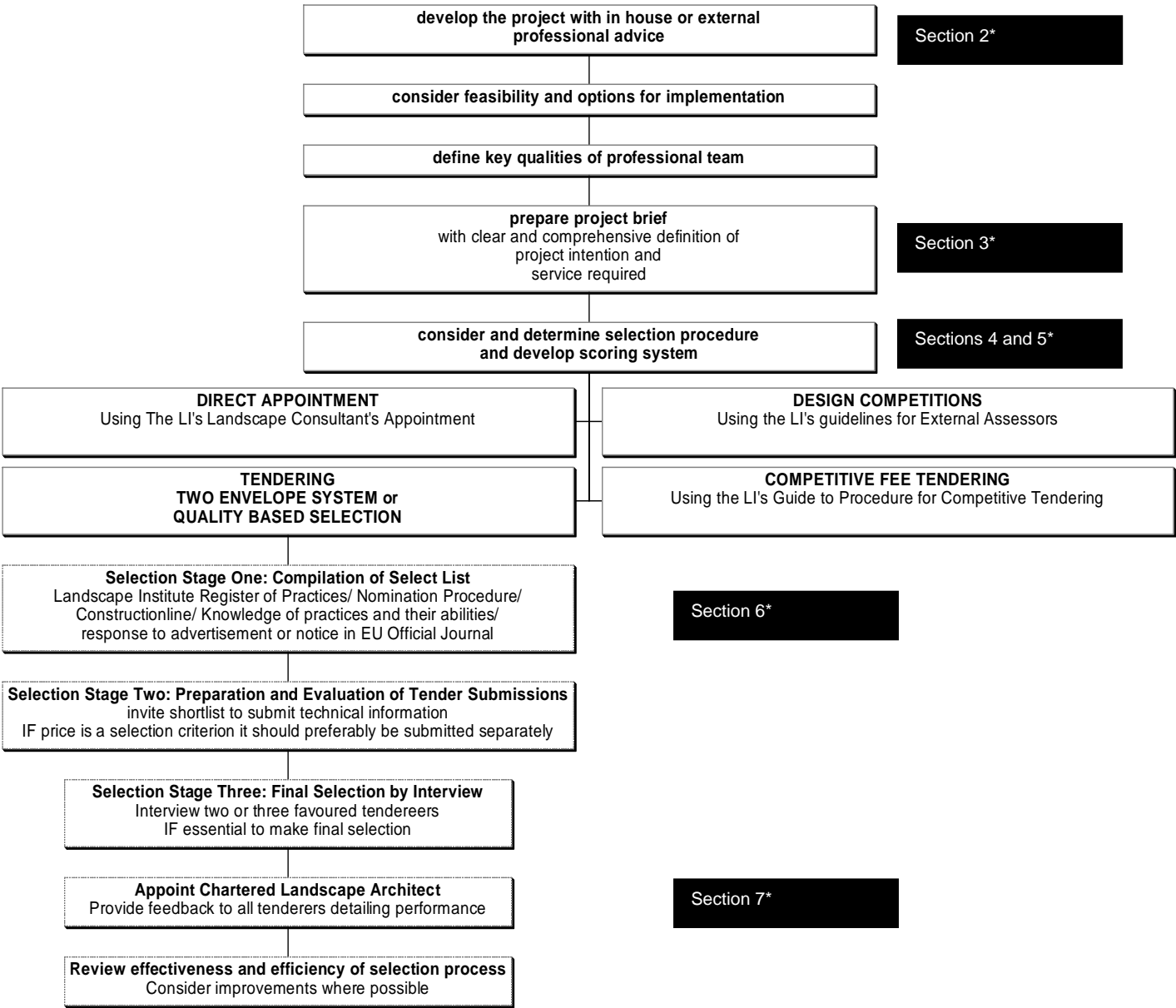
⁷ The EC Directive is implemented in the UK by The Public Services Contracts Regulations 1993. Related guidance from the Treasury Procurement Group is available through the website www.hm-treasury.gov.uk

- fixed, only those whose prices fall within the budget should be invited to interview unless negotiation of the project content and cost is possible.
- xi. Interviewees should be given clear instructions as to the scope of the interview, its format and duration, so that they may prepare properly. Time should be allowed to set up a presentation, which may involve projectors, screens and other equipment. The Client should make clear to interviewees what facilities will be available. The names and roles of the interviewers should be provided.
 - xii. Interviews should not be conducted until the written submissions have been fully studied and relevant questions prepared, and should not involve merely going over information given in written tenders. Time should be allowed for additional questions, and for the interviewees to ask questions.
 - xiii. Where the Client wishes the Chartered Landscape Architect to prepare outline proposals or to produce initial design ideas for discussion at an interview, the Client should consider offering each a payment towards the time and effort involved. This will allow the Chartered Landscape Architect to expend greater effort on the Client's behalf and to produce more valuable material for discussion. Tenders should be treated as confidential and not discussed with other bidders, especially where original ideas or novel methods have been presented.

7. Feedback

It is essential, to maintain openness and to assist unsuccessful tenderers in future bidding, that all tenderers are given the maximum feedback on their bids. As a minimum, each tenderer should be given their own score for each main selection criterion, and the totals scored by all the other tenderers, together with the name of the successful tenderer. Where price is the main criterion, the tenderers' names in alphabetical order and the prices in ascending order should be given. It is good practice also to offer a "debriefing" to each tenderer, confined to a discussion of that tenderer's submission.

Figure 1. Summary of Selection Process



* Cross references to full document text.