



Practice Advisory

Practice Advisory brings to members' attention topics that have an impact on either management of the practice or management of the project. In addition to excerpting the new [Practice Tip 39.1, Best Practices for Review of RFP Language and Supplementary Conditions to OAA 600 and Other Client-Architect Contracts](#), it shares other information relevant to members. (Time-sensitive news can also be found in the regular [OAA News](#) e-newsletter.)



Best Practices for Review of RFP Language and Supplementary Conditions to OAA 600 and Other Client-Architect Contracts—Excerpt 3

What You Should Know, What to Look For, and What to Be Wary Of:

The OAA continues to review RFPs and contracts with the intent of identifying requirements and/or provisions that:

- may be uninsurable;
- require an architect or Licensed Technologist OAA to contract out of their professional obligations as set out in the Architects Act and Regulation 27;
- are a contravention of either piece of legislation; or
- unreasonably increase their obligations beyond those at law.

The following does not constitute legal advice. It is one in a series of excerpts from [Practice Tip 39.1](#) that should assist practices in making a 'go/no go' decision with respect to responding to an RFP or in contract negotiations. Members should familiarize themselves with all of [39.1](#) and refer to it when reviewing RFPs, and bid and contract documents.

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Is Shop Drawing Review Necessary?

The OAA's Practice Advisory Services (PAS) team was recently asked by a member if it was necessary for an architect to do shop drawing review. The architect wanted to find a way to cut her costs to reduce her fees. A few days later, a client called PAS to complain that their architect was insisting on reviewing shop drawings when the client didn't want that service.

Must an architect do shop drawing review or not?

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CCDC

A new CCDC 2?

Based on the latest information the OAA has heard, a new edition of the flagship CCDC 2 Stipulated Price Contract is anticipated in the second quarter of 2020. As with the

introduction of the current CCDC2-2008, it is anticipated that a series of seminars will be held across the country to familiarize the industry with the changes and new provisions.

Members should pay close attention to the new edition as it will require changes to the Instructions to Bidders, and to Division 00 and Division 01 of the specifications now in use with CCDC2 contracts. It will also require changes to client/architect agreements to ensure coordination between the two contracts.



OGCA on Supreme Court of Canada Ruling

The Ontario General Contractors Association (OGCA) published an article in its December 17, 2019 edition of *OGCA News* in relation to a Supreme Court of Canada ruling. It is as applicable to OAA members as it is to contractors. Many of the architectural service RFPs reviewed by the OAA contain reprisal clauses. In essence, reprisal clauses allow clients to punish architects or contractors for exercising their legal rights.

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Ontario



National Code Consultation

A recent issue of *Ontario CodeNews* announced a national construction codes consultation, running until Friday, March 13. As the announcement notes, in light of the intent to harmonize the national codes and the Ontario Building Code, OAA members should pay attention to what is being proposed as it is likely to find its way into the Ontario code relatively quickly. This consultation is the only opportunity for members to bring up any concerns about the proposed changes, many of which relate to accessibility, energy efficiency, earthquake and structural design, plumbing, large farm buildings, and a referenced document table. [Click here](#) to review the proposed changes and submit a response.



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