

STATUTORY INSTRUMENT

NO. 106

OF 1999

CHAPTER 442

OF

THE LAWS OF ZAMBIA

SECOND SCHEDULE
(Regulation 4)
CONDITIONS OF ENGAGEMENT OF AN ARCHITECT
PART 1
GENERAL

1. (1) An architect shall give such periodic inspection as may be necessary to ensure that works for which the architect is commissioned are executed in accordance with the contract.	Inspection and supervision
(2) In case where constant supervision of work is required, a clerk of works shall be employed for that purpose	
(3) The clerk of works shall be- (a) nominated or approved by the architect (b) under the direction and control of the architect; and (c) appointed and paid by the client	
(4) Where frequent or constant inspection by the architect is necessary a resident architect maybe appointed by the architect on a part time or full time basis and payment shall be on the basis of time	
2. An architect shall not make any material deviation, alteration or addition to, or omission from, an approved design without the prior knowledge and consent of the client and shall inform the client if the total authorized expenditure is likely to be exceeded, or be less, or if the contract period is likely to be varied	Consent for alteration of approved design
3. An architect may give orders on behalf of the client if the orders are necessary due to constructional requirements and the architect shall immediately notify the client of the orders made and of any materials increase or decrease in the contract sum arising there from	Orders by architect
4. An architect shall on request by the client, on completion of the work, prepare small scale drawings of the work, showing the main lines of drainage and other essential services as executed and the copyright in all drawings and in work executed from them shall vest in the architect	Preparation of small scale drawings
5. (1) The employment of a consultant shall be at the discretion of an architect as agreed with the client	Employment of consultants
(2) A consultant shall be nominated or approved by the architect or and appointed and paid by the client who will determine the extent of the consultant's services in accordance with the scale of fees applicable to the consultant.	
(3) A consultant shall be responsible for the competence, general inspection and performance of the consultant's expertise	
6. A contract of engagement between an architect and a client may be terminated at any time by either party: Provided that thirty days written notice is given by one party to the party.	Termination of contract
7. The fees and charges payable to an architect under this part shall not exceed the fees and charges in the Scale of Professional Fees set out in Part II of this Schedule unless a higher charge is agreed between the architect and the client when the architect is commissioned	Scale of fees

PART II SCALE OF PROFESSIONAL FEES

8. (1) The fees set out in sub-paragraph (3) are in all cases exclusive of services referred to in sub-paragraph (5) which shall be paid for by the client in addition to the architects fees for professional services	Fees and charges
(2) For taking instructions from a client, preparing sketch designs making approximate estimates of costs, submitting an application for approval under the Public Health (Building) Regulations and the Town Country Planning (Application for Planning Permission) Regulations. Preparing working drawings and specifications and such other particulars as maybe required for the purpose of obtaining tenders, advising on tenders and the preparation of contracts, nominating and instructing consultants and clerk of works, preparing for the use of a contractor, two copies of all drawings, specifications and other particulars and all further details as maybe necessary for the proper carrying out of works, giving general inspection as defined in paragraph 1 of part 1,	Cap. 295 Cap. 283

issuing certificate for payment, certifying accounts and preparing such drawings as maybe required under paragraph 4 of part I: the charge shall be a percentage of the total cost of all executed works, as set out in this part.

(3) The fees and charges payable under this part varies depending on-

(a) The complexity as follows:

- (i) buildings are classified into three classes, as set out in the Notes to this schedule, for the purposes of fee calculation and the class of each building shall be agreed by the client and architect prior to commissioning and:
- (ii) the building types most likely to fall into each class as set out in the Notes to the Schedule

(b) the size as follows:

building works are divided into three categories namely:

- (i) small works
- (ii) medium works or
- (iii) large works

(4) The maximum fees shall be as follows :

- Class A- Category (i) 8.25 per centum
- (ii) 7.50 per centum
- (iii) 6.50 per centum
- Class B- Category (i) 7.00 per centum
- (ii) 6.00 per centum
- (iii) 5.25 per centum
- Class C- Category (i) 6.50 per centum
- (ii) 5.50 per centum
- (iii) 5.00 per centum

Provided that:

- (i) when new works are executed wholly or in part with old materials, or where materials, labour or carriage is provided by the client, the percentage fee chargeable shall be calculated as if the works had been executed wholly by the contractor supplying all labour and new materials
- (ii) in addition to the percentage fee on the total cost of the works, an architect shall be entitled to charge in respect of the cost of works included in tenders but subsequently omitted, two third of the fee which would have been payable had such works been executed:
- (iii) where the client is the contractor, a statement provided by the contractor of the ascertained gross cost of works maybe used in calculating the total construction cost of the works and in the absence of such a statement the architects own estimate shall be used, and in both a statement of the ascertained gross and in an architects estimate there shall be included an allowance for the contractors profit and overheads.

(5) In addition to the fees charged the architect shall be reimbursed for all reasonable expenses and disbursements incurred in connection with the contract including the following:

- (a) the cost of all printing and other reproductions of drawings, documents, photographs and other records:
- (b) hotel and traveling expenses
- (c) kilometer allowance at the rate of K 1,250 per kilometer
- (d) all payments made on behalf of the client, such as expenses incurred in advertising for tenders and resident site staff, the time and reasonable expenses of interviewers and reasonable expenses of interviewers
- (e) fees and other charges for specialized professional advice, including legal advice, incurred by the architect with the specific authority of the client
- (f) the cost of postage, telephone charges, telex messages, cables, telegrams, facsimile, air freight and courier services

- (g) additional charges by an architect for time spent in traveling in connection with works which charges shall be assessed in accordance with the rates set out in paragraph 17
- (h) all fees in respect of applications made under any law in force

(6) The architect shall maintain records of all expenses and disbursements referred to under sub-paragraph (5) and shall upon request by the client make the records available

9. The fees and charges payable under this part maybe varied as follows:

Variation of
fees charges

- (a) in the case of extensive works of a simple character which involve continuous duplication of units, the percentage fee may be reduced by a maximum of one sixth; those portions of the same work identical in design and specification occurring in two or more buildings or structures:
- (b) in the case of two or more buildings wholly identical in design and construction, or having identical superstructures, commissioned by the same client, on the same site-
 - (i) the first building shall be assessed in accordance with paragraph 8 where full services are performed and where full services are performed and where partial services only are performed in accordance with the provisions of paragraph 10;
 - (ii) on each repetition up to and including the tenth, the charge shall not exceed one-half per centum of the cost of that building or superstructure and for each subsequent repetition the cost shall not exceed one-eighth per centum of the cost therefore, plus a charge for inspection, when required which shall be one-third of the percentage fee payable under paragraph 8:

Provided that all buildings or substructures of buildings, and work done in connection with shall be charged in accordance with paragraph 8 or in accordance with the provisions of paragraph 17, as the case maybe:

- © in the case of works to existing buildings a higher percentage fee not exceeding twice the amount payable under paragraph 8 shall be chargeable depending upon the intricacy of the work involved
- (d) where extensions to existing buildings are substantially independent, percentage fees applicable for new works apply, but the fee for those sections of the works that link existing buildings to the new works shall be charged separately at the higher rate agreed in sub paragraph (ii) of paragraph (b);

Provided that special fees appropriate to the circumstances and not exceeding twice the percentage fee may be charged in respect of works involving special services in relation to fittings, furnishings. Decorations, exhibitions and garden or landscape design

10. In cases where an architect performs only partial services on behalf of a client, which expression shall be deemed to include the abandonment, deferment, substitution or omission of any project of works or part thereof, or if the services of an architect are terminated, the charges in respect of the services performed by the architect shall be as follows:

Partial
Services

- (a) for taking instructions from a client and preparing preliminary sketch designs to illustrate the possibilities of a site or the cost of scheme, the charges shall based on time in accordance with the provisions of paragraph 17, but shall not exceed one-twelfth of the percentage fee payable under the other provisions of this part calculated on the architects estimated cost of such works
- (b) for taking instructions from a client, preparing sketch designs sufficient to indicate the architects interpretation of the clients instructions, and making an approximate estimate of cost, the charge shall be based on time in accordance with paragraph 17, but shall not exceed one sixth of the percentage fee payable under the other provisions of this part calculated cost of such works;

- © for taking instructions from a client, preparing sketch designs sufficient to indicate the architects interpretation of the clients instructions, making an approximate estimate of cost and preparing drawings and particulars sufficient to enable applications for approval under the Public Health (buildings) Regulations and the Town and Country Planning (Application for Planning Permission) Regulations, the charge shall not exceed one third of the percentage fee payable under this part calculated on the architects estimated cost of such works

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- (d) for taking instructions from a client, preparing sketch designs making an approximate estimate of cost, preparing working drawings, specifications and such other particulars as may be required for the purpose of obtaining tenders, the charge shall not exceed two thirds of the percentage fee payable under this part calculated on the lowest bonafide tender received or if no such tender is received, on the architects final estimate of the cost of such works;

- (e) where the works or any part thereof are abandoned or deferred or if any part thereof is omitted or substituted on the instructions of the client during the preparation of the working drawings, the charge shall be a propata percentage of the work actually completed but shall not exceed two thirds of the percentage fee payable under this part calculated on the architects estimate of the cost of the works described in the clients original instructions;

- (f) for preparing preliminary sketch plans or finalizing sketch plans prepared by an architect or engineer from the Government or a local authority the charges shall be as provided in sub paragraph © or (e), as the case may be, according to the extent of the works commissioned less-

- (i) in the case where preliminary sketch plans are provided, one twelfth of the percentage fee otherwise payable and;
- (ii) in the case where sketch plans are not prepared, one sixth of the percentage fee otherwise payable

- (g) for general inspection of building works, issuing a certificate of payment, certifying accounts and administering the contract, the charge shall not exceed one third of the percentage fee payable under this part on the cost of such works as estimated by the architect however a higher agreed fee which shall not exceed twice the fee payable under this part shall be chargeable for the inspection of works of which the architect is not the author

11 Charges assessed on the basis of time in accordance with paragraph 17 shall be payable in respect of the following additional services not included in the fees and charges under this part

Services not included in fees and charges under this part

- (a) advising as to selection and suitability of sites, negotiating as to sites or building, surveying sites or buildings and taking levels and making surveys, measurements and plans of existing buildings
- (b) preparing special drawings in addition to the working drawings for the use of the client and preparing drawings for negotiations with landlords, adjoining owners, public authorities, licensing authorities and others.
- © amending working drawings, specifications or other particulars or preparing new working drawings, specifications or other particulars to give effect to alterations on a client's instructions

- (d) negotiations arising from applications for licenses, or approval under the Public Health (Building) Regulations and the Town and Country Planning (Permission) Regulations or negotiations in connection with party walls, right of light, other easements, reservations or restrictions

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- (e) works arising out of the delay by clients in providing information or;

- (f) changes in design due to causes beyond the architects control;

12. (1) An architect shall- (a) on completion of sketch designs be entitled to receive from the client one sixth of the total fee payable and such reasonable expenses and disbursements as the architect may incur; (b) on completion of drawings and particulars sufficient enable an application to be made for approval under Public Health (Buildings) Regulations and the Town and Country Planning (Applications for Planning permission) Regulation, be entitled to receive from the one third of the total fee payable and such reasonable expenses and disbursements as the architect may incur less the amount of any payment already received by architect under the provisions of sub paragraph (a) © during the preparation of working drawings and other particulars, be entitled to receive from the installment consistent with the amount of work completed by the architect, and such reasonable expenses and disbursements as the architect may incur, less amount of any payments already received by the architect and such reasonable expenses and disbursements as the architect may incur less amount of any payments already received by the architect under the provisions of sub-paragraphs (a) and (b) (d) on completion of working drawings and other particulars be entitled to receive from the client two thirds of the total fee payable and such reasonable expenses, disbursements as the architects may incur less the amount of any payments already received by the architects under the provisions sub- paragraphs (a), (b) and (c) (e) be paid the remaining one third of the total fee payable by the client to the architect in installments as the building works progress consistent with the value of such building works as certified by the architect from time to further reasonable expenses and disbursements incurred by the architect shall be payable by the client as expenses and disbursements arise	Mode and time of payment Cap.295 Cap.293
(2) An architect shall, where for any reason an architect forms partial service, on completion of such partial service entitled to payment of the fees specified in paragraph 10 and reasonable expenses and disbursements as the architect may	
(3) An architect's fees charged in accordance with the provision of this paragraph shall be due for payment by a client on preparation of the fee note by the architect and interest at the rate per centum over and above the current Bank of Zambia overdraft shall be payable by the client on all amounts overdue at the end of thirty days from the date of invoice	
(4) An architect shall charge any applicable tax in account with any law in force	
13. (1) An architect shall from making inspections prepare reports or giving advice on the conditions of premises be entitled to assess charges on the basis of time in accordance with paragraph	
(2) An architect shall for preparing architectural design briefs or preparing project feasibility studies assess charges based on time and agreed by the architect and the client to which shall be added any reasonable expenses and disbursements incurred by the architect	
14. An architect engaged for the purpose of making architectural valuations, for whatever purpose, shall charge a based on time in accordance with paragraph 17 to which shall be added any reasonable expenses and disbursements incurred by the architect	Maximum fee for valuation
15 (1) The fees payable to an architect engaged for the purpose of preparing a schedule for a landlord, or assessing a dilapidation and settling the amount required to attend to the dilapidation shall be based on time, in accordance with paragraph 17 to which shall be added any reasonable expenses and disbursements incurred by the architect	
16, (1) The fees payable to an architect engaged for the purpose of assessing plans in an architects competition shall not exceed one fifth per centum upon the estimated cost of the proposed building, in addition to which the architect may charge reasonable traveling and subsistence expenses incurred by the architect	Architect acting as assessor in architectural ompetition

(2) Where more than one architect is engaged as an assessor in connection with the same project the fees shall be agreed between the architect and the promoters

17. Where charges by an architect are to be assessed on the basis of time, the following rates shall apply: Charges for time

		Fee Units
(a) Partner/ Director	per hour	833
(b) Senior Architect	“	625
© Architect	“	486
(d) Graduate	“	347
(e) Senior Technician	“	278
(f) Technician	“	222

18. The fee payable to an architect required to attend at court for the purpose of giving evidence or who is required to settle proofs, attend at conferences with council, attendant at court or town planning inquires or before other tribunals or generally to render services in connection with litigation shall be based on time in accordance with paragraph 17 increased by twenty per centum to which shall be added any reasonable expenses and disbursements incurred by the architect Litigation

19. The fees of an architect engaged to act as arbitrator shall be based on time, in accordance with paragraph 17, increased by sixty per centum to which shall be added any reasonable expenses and disbursements incurred by the architect Arbitration

20. The fee payable to an architect engaged for the purpose of – Fees for approving plans, inspecting buildings etc

(a) examining plans on behalf of a local authority for compliance with the Public Health (Building) Regulations and the Town and Country Planning (Application for Planning Permission) Regulations shall not exceed one eighth per centum of the architect's valuation of the proposed works, to which shall be added any reasonable expenses and disbursements incurred by the architect.

(b) inspecting buildings during progress for compliance with the Public Health (Building) Regulations and the Town and Country Planning (Application for Planning Permission) Regulations, shall be based on time in accordance with paragraph 17 to which shall be added any reasonable expenses and disbursements incurred by the architect. Cap. 295
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21. Where the architect renders services not provided for under this part and which in the opinion of the council, should be charged, charges shall be based on time in accordance with paragraph 17. Services not provided for under this part

22. The fees payable to an architect engaged in estate and property management shall be based on time in accordance with paragraph 17 Fees for property management

NOTES:

1. BUILDING COMPLEXITY

Guidelines for classification of buildings:

Buildings are divided into three classes for purposes of calculating fees:

CLASS A

Complex building requires highly detailed design with a comparatively large amount of scientific, mechanical and electrical equipment and other facilities requiring specialized detail coordinating such as:

- (a) theatres
- (b) opera houses
- (c) research establishments
- (d) courts
- (e) embassies
- (f) houses or flats for individual clients

- (g) university laboratories
- (h) medical schools
- (i) dental surgeries
- (j) communications buildings
- (k) television and broadcasting stations
- (l) breweries
- (m) art galleries and
- (n) purpose built factories

CLASS B

Building of average complexity such as:

- (a) purpose built offices
- (b) police stations
- (c) prisons
- (d) hotels
- (e) shopping centers or stores
- (f) schools
- (g) churches
- (h) civic buildings
- (i) residential flats
- (j) estate housing schemes
- (k) libraries
- (l) banks
- (m) motor garages or showrooms
- (n) ambulance and fire stations
- (o) bus stations and
- (p) clinics

CLASS C

Works of the simplest utilitarian character without copy of design or detail and requiring a minimum of finishes such as:

- (a) storage shades
- (b) warehouse
- (c) barns and stables
- (d) single storey car parks
- (e) dormitories or hostels
- (f) community halls and
- (g) speculative factories and warehouses

2. SIZES

There are three categories of the size of projects whose value may be reviewed at such times as may be considered necessary by the council

The sizes are as follows:

- | | |
|--|------------------|
| (a) Category (i) small works not exceeding | 50, 000, 000.00 |
| (b) Category (ii) medium sized works exceeding | 50,000, 000.00 |
| but not exceeding | 500, 000, 000.00 |
| © Category (iii) large works exceeding | 500, 000, 000.00 |

G.M
Minister of Works

Lusaka
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