

Rules Committee Members

Charles "Chuck" Anastos, Chair

Chad Davis

Sonya Odell

Jennifer Walker

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Rules Committee Meeting Agenda

William P. Hobby State Office Building

333 Guadalupe Street

Tower II, Conference Room 350-L

Austin, Texas

Tuesday, August 16, 2016

1:30 PM to conclusion

1. Call to Order
2. Roll Call
3. Public Comments
4. Approval of minutes of the May 25, 2016 meeting of the Rules Committee (*Action*)
5. Draft Rule for Proposal (*Action*)
Amendments to Rule 7.10, relating to approval of surcharge to fund the Architect Registration Examination Financial Assistance Fund and changes to online payment fees charged by texas.gov
6. Draft Rule for Proposal (*Action*)
Amendments to Rules 5.31 and 5.51, relating to qualification for interior design registration by architects who pass the Architect Registration Examination
7. Discussion Item
Relating to Compliance with the Professional Services Procurement Act by Landscape Architects.
8. Consideration of General Counsel's Recommendation Regarding Rule Reviews for Chapters 1 and 3 of the Board's Rules (*Action*)
 - a. Revise Rules 1.5 and 3.5 relating to definitions of "actual signature," "authorship" (repeal), "Architectural Barriers Act," and "E-mail Directory" (repeal).
 - b. Revise Rule 1.5 relating to definition of "EPH" and "Architect's Registration Law."
 - c. Revise Rule 3.5 relating to definition of "Landscape Architect's Registration Law."
 - d. Repeal Rules 1.24 and 3.24 relating to Fees.
 - e. Revise Rule 1.148 to replace obsolete reference to "Section 10 of the Act."
 - f. Propose for readoption all other rules in 22 Tex. Admin. Code Chapters 1 and 3
9. Adjourn

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of May 25, 2016 Rules Committee Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower II, Conference Room 350-L
Austin, TX 78701

AGENDA ITEMS

DESCRIPTIONS

- | | |
|---|--|
| 1.
Call to Order | Mr. Anastos called the meeting of the Rules Committee to order at 1:35 p.m. |
| 2.
Roll Call | Mr. Anastos called the roll and declared a quorum of the Committee was present.
<u>Present Committee Members:</u>
Charles (Chuck) Anastos, Chair
Michael (Chad) Davis
Sonya Odell
Jennifer Walker
<u>TBAE Staff Present:</u>
Julie Hildebrand, Executive Director
Lance Brenton, General Counsel
Jack Stamps, Managing Investigator
Mike Alvarado, Registration Manager
Glenn Garry, Communications Manager
Katherine Crain, Legal Assistant
<u>Public Members Present:</u>
Debra Dockery
Donna Vining
David Lancaster |
| Excused and Unexcused absences | None. |
| 3.
Public Comment | None. |
| 4.
Approval of minutes of the February 23, 2016 meeting of the Rules Committee | A MOTION WAS MADE AND SECONDED (Davis/Odell) TO APPROVE THE MINUTES FROM THE FEBRUARY 23, 2016 RULES COMMITTEE MEETING. THE MOTION PASSED UNANIMOUSLY. |
| 5.
Discussion of contemplated changes regarding administrative penalties, warnings, and other sanctions. | Mr. Brenton presented information on the proposed rules as described on page 4 of the Board materials and Staff's recommendation that the Board approve the draft amendments for approval in the register

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.174, 3.174, 5.184, 1.177, 3.177, 5.187, 1.232, 3.232, AND 5.242 FOR PROPOSAL AND PUBLICATION IN |

Rules 1.174, 3.174, 5.184, 1.177, 3.177, 5.187, 1.232, 3.232, and 5.242.

THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS FO THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

6. Discussion of comments received regarding proposed amendments to Rule 1.22, relating to educational requirements for eligibility for architectural registration by reciprocity

Mr. Brenton presented information on the proposed rule as described on page 50 of the Board materials, including the comments on the proposed rule, and Staff’s recommendation to withdraw the previous rulemaking action, and to propose the alternative rule on page 52. There was a lengthy discussion by the committee members and the audience on this proposed rule change.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO MOVE TO WITHDRAW THE PREVIOUSLY PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §1.22, AND MOVE TO APPROVE THE ALTERNATIVE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §1.22 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

7. Discussion of potential need for rulemaking resulting from 2016 Annual Meeting of NCARB

Ms. Hildebrand explained that the following resolutions will be heard at the June NCARB meeting and will be up for adoption at that time. Most of them will not require any rule changes for TBAE.

The Committee discussed the following resolutions:

- Mutual Recognition Arrangement with Australia and New Zealand;
- Revision of the Alternatives to the Education and Experience Requirements for Certification;
- Exam Equivalency for ARE 5.0;
- Five-Year Rolling Cock and Rolling Clock Extension Policy Updates;
- Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option;
- Addition of Architect Emeritus Status to Legislative Guidelines and Model Law;
- Addition of Reference to Military-Trained Applicants to Legislative Guidelines and Model Law;
- Updating the Name of the Intern Development Program;
- Updating Name of Internship Committee; and
- Changes to Program Requirements for the Intern Development Program.

Ms. Hildebrand pointed out to the Committee that the resolution regarding access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option would require a legislative change for Texas and Mr. Lancaster stated that his organization would like to be engaged in the discussions. Mr. Anastos stated that it would be unwise to make

legislative changes right now to the Board's enabling laws. Ms. Hildebrand emphasized that the Board was voting to change the model law for NCARB, but were not voting to accept the integrated path to licensure in Texas.

NO ACTION WAS TAKEN BY THE COMMITTEE.

The Committee took a break at 3:12 p.m. and reconvened at 3:23 p.m.

**8.
Discussion of
qualification for interior
design registration by
architects who pass the
Architect Registration
Examination. Rules
5.31 and 5.51.**

Mr. Brenton presented provided information to the Board as described on page 68 of the materials.

Ms. Vining gave a presentation on the history of the legislation to the Committee.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ASK STAFF TO DEVELOP LANGUAGE TO EXCLUDE THE ARE AS A QUALIFYING EXAM FOR INTERIOR DESIGN EFFECTIVE DECEMBER, 31 2018. THE MOTION PASSED UNANIMOUSLY.

**9.
Discussion of
application of
International
Residential Code to
unincorporated areas
10.
Adjourn**

Mr. Brenton presented information on this topic as described on page 123 of the materials. No recommended action or draft amendments were considered.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADJOURN THE MEETING AT 4:19 P.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

CHARLES "CHUCK" ANASTOS, Chair of Rules Committee
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

**Consideration of Draft Amendments to 22 Tex. Admin. Code §7.10 Relating to
Funding for Architect Registration Examination Financial Assistance Fund (AREFAF)
and Changes to the Fees Charged by Texas.gov**

Background

Staff is presenting two changes to Rule 7.10. First, staff has drafted changes to the fee schedule in response to the Board's directive at the May Board meeting to reinstitute a surcharge to fund the Architect Registration Examination Financial Assistance Fund (AREFAF). Additionally, it is necessary to amend the rule to reflect upcoming changes to the fees charged by Texas.gov for certain online payments.

AREFAF Fee

The AREFAF scholarship fund was created in 1999 by the 76th Texas Legislature to promote professional needs of the state, increase the number of architects, encourage economic development, and support architectural applicants. From 2000 to 2003, the fund was seeded with a surcharge of \$10 collected from architect registrants on top of their renewal fees. At its present rate, and without Board action, the AREFAF scholarship fund will be depleted by 2019 (changes in economic conditions, interest rates, demand, or eligibility requirements could affect the rate of depletion). As a statutorily mandated scholarship, allowing the fund to drop to a zero balance would be contrary to the law. Therefore, at the May Board meeting, staff was directed to draft a rule that would institute a \$3 surcharge to architect registration renewals to be deposited in the scholarship fund.

The draft amendment institutes a \$3 surcharge on renewals for residents with active and inactive architect registrations. The draft amendments do not include a surcharge for nonresidents or emeritus architect registrants. This recommendation is based on the Board's enabling legislation. Copies of the relevant statutes are attached to this summary. Section 1051.651 states that an active architecture renewal fee for a resident should be the sum of 1) a reasonable and necessary amount to cover administrative costs and 2) a reasonable and necessary amount for the administration of the examination fee scholarship program under Section 1051.653. Conversely, the statute states that the fee for non-resident active renewals shall be set in an amount determined by the board, without referencing the scholarship fee as outlined in the subsection relating to residents. For this reason, it is staff's opinion that the legislature did not intend for nonresidents to be subject to the scholarship fee.

Similarly, under 1051.355, the renewal fee for a registrant on inactive status is identified as a reasonable and necessary amount to cover the costs of administering this section and the additional amount required under Section 1051.651(b)(1)(B) for the examination fee scholarship program. Section 1051.651(b)(1)(B) is the provision that implements the scholarship fee, and since this subsection does not apply to nonresidents on active status, it is staff's opinion that the fee is not meant to apply to nonresidents on inactive status. Finally, since renewal fee for an emeritus

architect described under 1051.357 refers to “an amount reasonable and necessary to recover the costs to administer this section,” and does not refer to the scholarship fund, it is staff’s recommendation that no fee be charged to emeritus architects.

Changes to Texas.gov Fees

Board fees can be paid by check or through the web. Online payment services are provided by Texas.gov, a third-party provider under contract with the Texas Department of Information Resources. The cost of providing and maintaining these services is covered by an additional charge on payments processed through the Internet. These charges apply to payments made by credit card and through the Automated Clearing House Network (commonly referred to as “ACH”). An ACH payment makes an immediate draw upon the payer’s bank account.

Initially, up until September 1, 2015, the formula for determining the amount of the additional charge was 2.25% of the sum of the fee and 25 cents, plus 25 cents. This fee applied to credit card charges and ACH transfers. On September 1, 2015, Texas.gov amended the charge for ACH transfers to a flat fee of \$1.00 (the cost of credit cards transactions remained the same). Because the fee schedule in Rule 7.10 included separate columns calculating the cost of paying each individual fee by both ACH and credit card, the Board was required to engage in rulemaking to implement the decision by Texas.gov.

Now, Texas.gov is again changing the fee structure, decreasing the ACH flat fee from \$1 to \$0.25, and rulemaking is again required. In order to reduce the need for rulemaking if Texas.gov implements further changes to these service charges, it is staff’s recommendation that the Board eliminates specific identification of the amount of these service charges and calculations of the total charge for each fee with or without electronic payment, and instead makes reference to convenience fees set and charged by Texas.gov. This would result in a greater simplification of the Board’s rules. Staff has reviewed the practice of other occupational licensing agencies, and it appears that the general practice is to not reference specific fee amounts charged by Texas.gov for online payment.

Draft Amendments

A copy of Rule 7.10 with draft amendments is attached to this summary. The amendments delete the fee schedule columns that previously included the exact additional fee for online payments. Rather, subsection (d) is added, which states, “Applicants and registrants who submit payments online through Texas.gov will be subject to convenience fees set by the Department of Information Resources, that are in addition to the fees listed in subsection (b)¹.”

Additionally, the amendments implement a \$3 AREFAF surcharge by adding subsection (c), which reads, “As authorized under Texas Occupations Code §§ 1051.651 and 1051.355, the fee schedule in subsection (b) includes a \$3 fee to be collected from each Texas resident who renews an active or inactive registration as an architect, to fund the examination fee scholarship program

¹ Subsection (b) is the fee schedule

under Texas Occupations Code § 1051.653.” This surcharge is reflected in the fee schedule for active and inactive architect renewals for residents.

In addition to the draft amendments, you will find the following supporting documents for your consideration:

- Chart – AREFAF Fund Projections by Fiscal Year
- Statutory Provisions Related to the Scholarship Fund

Staff’s Recommendation

Move to approve the draft amendments to 22 Tex. Admin. Code §7.10 for publication and proposal in the Texas register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

1 RULE §7.10 General Fees

2 (a) FAILURE TO TIMELY PAY A REGISTRATION RENEWAL WILL RESULT IN THE AUTOMATIC
 3 CANCELLATION OF REGISTRATION BY OPERATION OF LAW.

4 (b) The following fees shall apply to services provided by the Board in addition to any fee established
 5 elsewhere by the rules and regulations of the Board or by Texas law. ~~Payment of fees through the~~
 6 ~~Internet is an online service provided by Texas.gov, the official Web site of the State of Texas. The~~
 7 ~~following additional payments for the online service are not retained by the Board:~~

8 ~~(1) A person who uses the online service to pay fees with a credit card must pay an additional \$.25 plus~~
 9 ~~2.25% of the sum of the fee and \$.25.~~

10 ~~(2) A person who uses online services to pay fees by utilizing the Automated Clearing House Network~~
 11 ~~("ACH" sometimes referred to as an "electronic check" or a "direct bank draft") must pay \$1.00 per~~
 12 ~~transaction instead of the fee referenced in paragraph (1) of this subsection.~~

Figure: 22 TAC §7.10(b)(2)

Description	Architects	Landscape Architects	Registered Interior Designers	Total Fee Using Credit Card Payment	Total Fee Using ACH
Exam Application	\$100	\$100	\$100	\$102.51	\$101
Examination	***	**	*	-	-
Registration by Examination- Resident	\$155	\$155	\$155	\$158.74	\$156
Registration by Examination-- Nonresident	\$180	\$180	\$180	\$184.31	\$181
Reciprocal Application	\$150	\$150	\$150	\$153.63	\$151
Reciprocal Registration	\$200	\$200	\$200	\$204.76	\$201
Active Renewal-- Resident	\$105 108	\$105	\$105	\$107.62	\$106
Active Renewal-- Nonresident	\$200	\$200	\$200	\$204.76	\$201

Active Renewal 1-90 days late--Resident	\$157 <u>160.50</u>	\$157.50	\$157.50	\$161.30	\$158.50
Active Renewal > than 90 days late--Resident	\$210 <u>213</u>	\$210	\$210	\$214.98	\$211
Active Renewal 1-90 days late--Nonresident	\$300	\$300	\$300	\$307.01	\$301
Active Renewal > than 90 days late--Nonresident	\$400	\$400	\$400	\$409.26	\$401
Emeritus Renewal--Resident	\$10	\$10	\$10	\$10.48	\$11
Emeritus Renewal--Nonresident	\$10	\$10	\$10	\$10.48	\$11
Emeritus Renewal 1-90 days late--Resident	\$15	\$15	\$15	\$15.59	\$16
Emeritus Renewal > than 90 days late--Resident	\$20	\$20	\$20	\$20.71	\$21
Emeritus Renewal 1-90 days late--Nonresident	\$15	\$15	\$15	\$15.59	\$16
Emeritus Renewal > than 90 days late--Nonresident	\$20	\$20	\$20	\$20.71	\$21
Inactive Renewal--Resident	\$25 <u>28</u>	\$25	\$25	\$25.82	\$26

Inactive Renewal-- Nonresident	\$125	\$125	\$125	\$128.07	\$126
Inactive Renewal 1- 90 days late--Resident	\$ 3740 .50	\$37.50	\$37.50	\$38.60	\$38.50
Inactive Renewal > than 90 days late--Resident	\$ 5053	\$50	\$50	\$51.38	\$51
Inactive Renewal 1- 90 days late--Nonresident	\$187.50	\$187.50	\$187.50	\$191.97	\$188.50
Inactive Renewal > than 90 days late-- Nonresident	\$250	\$250	\$250	\$255.88	\$251
Reciprocal Reinstatement	\$610	\$610	\$610	\$623.98	\$611
Change in Status-- Resident	\$65	\$65	\$65	\$66.72	\$66
Change in Status-- Nonresident	\$95	\$95	\$95	\$97.39	\$96
Reinstatement-- Resident	\$685	\$685	\$685	\$700.67	\$686
Reinstatement-- Nonresident	\$775	\$775	\$775	\$792.69	\$776
Certificate of Standing-- Resident	\$30	\$30	\$30	\$30.93	\$31
Certificate of Standing-- Nonresident	\$40	\$40	\$40	\$41.16	\$41
Replacement or Duplicate	\$40	\$40	\$40	\$41.16	\$41

Wall Certificate-- Resident					
Replacement of Duplicate Wall Certificate-- Nonresident	\$90	\$90	\$90	\$92.28	\$91
Duplicate Pocket Card	\$5	\$5	\$5	\$5.37	\$6
Reopen Fee for closed candidate files	\$25	\$25	\$25	\$25.82	\$26
Annual Business Registration Fee****	\$45	\$45	\$45	\$46.27	\$46
Business Registration Renewal 1-90 days late****	\$67.50	\$67.50	\$67.50	\$69.27	\$68.50
Business Registration Renewal >than 90 days late****	\$90	\$90	\$90	\$92.28	\$91
Examination-- Record Maintenance	\$25	\$25	\$25	\$25.82	\$26
Returned Check Fee	\$25	\$25	\$25	\$25.82	\$26

1 *Examination fees are set by the Board examination provider, the National Council for Interior Design
2 Qualification ("NCIDQ"). Contact the Board or the examination provider for the amount of the fee, and
3 the date and location where each section of the examination is to be given.

4 **Examination fees are set by the Board's examination provider, the Council of Landscape Architectural
5 Registration Boards ("CLARB"). Contact the Board or the examination provider for the amount of the
6 fee, and the date and location where each section of the examination is to be given.

1 ***Examination fees are set by the Board’s examination provider, the National Council of Architectural
2 Registration Boards (“NCARB”). Contact the Board or the examination provider for the amount of the
3 fee, and the date and location where each section of the examination will be given.

4 ****Notwithstanding the amounts shown in each column, a multidisciplinary firm which renders or
5 offers two or more of the regulated professions of architecture, landscape architecture, and interior
6 design is required to pay only a single fee in the same manner as a firm which offers or renders services
7 within a single profession.

8
9 (c) As authorized under Texas Occupations Code §§ 1051.651 and 1051.355, the fee schedule in
10 subsection (b) includes a \$3 fee to be collected from each Texas resident who renews an active or
11 inactive registration as an architect, to fund the examination fee scholarship program under Texas
12 Occupations Code § 1051.653.

13 (d) Applicants and registrants who submit payments online through Texas.gov will be subject to
14 convenience fees set by the Department of Information Resources, that are in addition to the fees listed
15 in subsection (b).

16 ~~(e)~~ (e) The Board cannot accept cash as payment for any fee.

17 ~~(d)~~ (f) An official postmark from the U.S. Postal Service or other delivery service receipt may be
18 presented to the Board to demonstrate the timely payment of any fee.

19 ~~(e)~~ (g) If a check is submitted to the Board to pay a fee and the bank upon which the check is drawn
20 refuses to pay the check due to insufficient funds, errors in routing, or bank account number, the fee
21 shall be considered unpaid and any applicable late fees or other penalties accrue. The Board shall
22 impose a processing fee for any check that is returned unpaid by the bank upon which the check is
23 drawn.

24 ~~(f)~~ (h) Payment of fees for a military service member, military veteran, or military spouse.

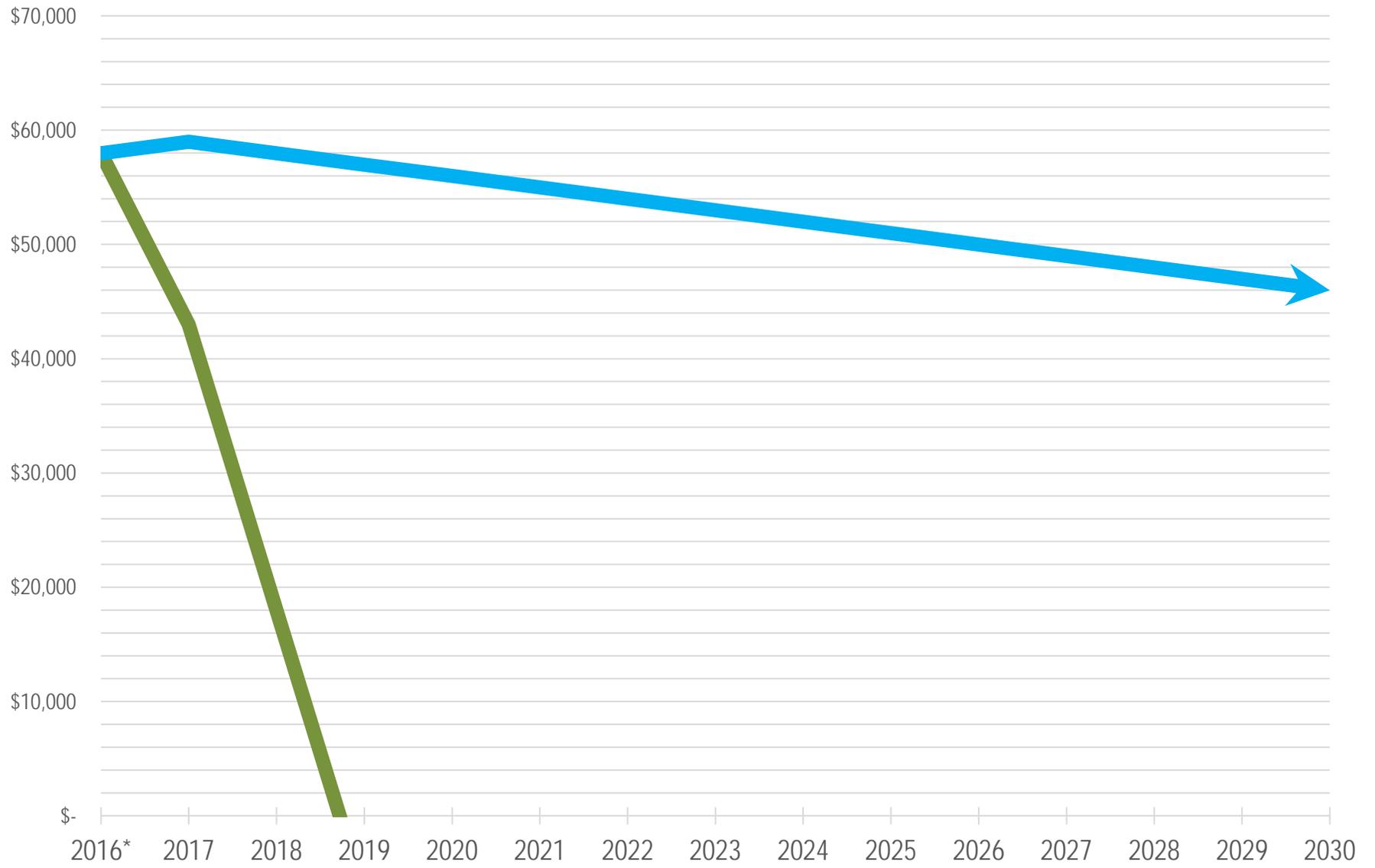
25 (1) In this subsection, the terms "military service member," "military veteran," and "military spouse"
26 shall have the meanings defined in §§1.29, 3.29, and 5.39 of the Board Rules.

27 (2) A military service member who is a registrant in Good Standing or was in Good Standing at the time
28 the Registrant entered into military service shall be exempt from the payment of any fee during any
29 period of active duty service. The exemption under this subsection shall continue through the remainder
30 of the fiscal year during which the Registrant's active duty status expires.

31 (3) A military service member or military veteran whose military service, training, or education
32 substantially meets all requirements of a license shall be exempt from payment of license application
33 and examination fees paid to the state.

34 (4) A military service member, military veteran or military spouse who holds a current license issued by
35 another jurisdiction that has licensing requirements that are substantially equivalent to the
36 requirements for registration in this state shall be exempt from payment of license application and
37 examination fees paid to the state.

AREFAF fund projections by Fiscal Year



* As of December 31, 2016.

➔ No surcharge ➔ \$3 surcharge

1 **Statutory Provisions Related to the Scholarship Fund**
2
3

4 **Sec. 1051.355. INACTIVE STATUS.** (a) The board by rule
5 shall establish a procedure by which a person who is registered
6 under this subtitle may place the person's certificate of
7 registration on inactive status. The person must apply for
8 inactive status, on a form prescribed by the board, before the
9 person's certificate of registration expires.

10 (b) A person whose certificate of registration is on
11 inactive status must pay an annual renewal fee on a date and in
12 a manner prescribed by board rule. The board shall prescribe
13 the renewal fee under this subsection in an amount equal to the
14 sum of:

15 (1) the amount determined by the board as reasonable
16 and necessary to cover the costs of administering this section;
17 and

18 (2) except as provided by Subsection (e), the
19 additional amount required under Section [1051.651](#)(b)(1)(B) for
20 the examination fee scholarship program.

21 (c) A person whose certificate of registration is on
22 inactive status may not perform any activity regulated under
23 this subtitle.

24 (d) The board shall remove the person's certificate of
25 registration from inactive status if the person:

26 (1) requests in writing that the board remove the
27 person's certificate of registration from inactive status;

28 (2) pays an administrative fee; and

29 (3) complies with education or other requirements
30 established by board rule.

31 (e) The additional amount of the renewal fee described by
32 Subsection (b)(2) does not apply to a person registered under
33 Chapter [1052](#) or [1053](#).
34

1 **Sec. 1051.357. EMERITUS STATUS.** (a) The board by rule
2 shall establish a procedure by which an architect may place the
3 architect's certificate of registration on emeritus status. The
4 architect must apply for emeritus status, on a form prescribed
5 by the board, before the architect's certificate of registration
6 expires.

7 (b) An architect is eligible for emeritus status if the
8 architect:

9 (1) has been an architect for 20 years or more; and

10 (2) is 65 years of age or older.

11 (c) An architect whose certificate of registration is on
12 emeritus status:

13 (1) may engage in the practice of architecture as
14 defined by Sections [1051.001](#)(7)(D), (E), (F), (G), and (H);

15 (2) may prepare plans and specifications described by
16 Sections [1051.606](#)(a)(3) and (4);

17 (3) may use the title "Emeritus Architect" or
18 "Architect Emeritus";

19 (4) must pay a renewal fee on a date and in a manner
20 prescribed by board rule; and

21 (5) is exempt from continuing education requirements
22 under this chapter.

23 (d) The board shall change an architect's certificate of
24 registration from emeritus status to active status if the
25 architect:

26 (1) requests in writing that the board remove the
27 architect's certificate of registration from emeritus status;

28 (2) pays an administrative fee; and

29 (3) complies with education or other requirements
30 established by board rule.

31 (e) The renewal fee charged under Subsection (c) may not
32 exceed an amount reasonable and necessary to recover the costs
33 to administer this section.

34

1 **Sec. 1051.651. FEES.** (a) The board may set a fee for a
2 board action involving an administrative expense in an amount
3 that is reasonable and necessary to cover the cost of
4 administering this chapter, unless the amount of the fee is set
5 by this chapter or by the General Appropriations Act.

6 (b) The board shall set the required renewal fee for:

7 (1) a resident of this state in an amount that is
8 equal to the sum of:

9 (A) the amount determined by the board as
10 reasonable and necessary to cover administrative costs; and

11 (B) an amount determined annually by the board
12 as reasonable and necessary for the administration of the
13 examination fee scholarship program under Section [1051.653](#); and

14 (2) nonresidents in an amount determined by the
15 board.

16 (c) The board may accept payment of a fee by electronic
17 means. The board may charge a fee to process the payment made
18 by electronic means. The board shall set the processing fee in
19 an amount that is reasonably related to the expense incurred by
20 the board in processing the payment made by electronic means,
21 not to exceed five percent of the amount of the fee for which
22 the payment is made.

23 (d) A fee set by the board under this section may not be
24 used for the purpose of earning additional revenue for the
25 board.
26

27 **Sec. 1051.653. EXAMINATION FEE SCHOLARSHIPS.** (a) The
28 board shall administer scholarships to applicants for
29 examination under this article in a manner the board determines
30 best serves the public purpose of:

31 (1) promoting the professional needs of the state;

32 (2) increasing the number of highly trained and
33 educated architects available to serve the residents of the
34 state;

1 (3) improving the state's business environment and
2 encouraging economic development; and

3 (4) identifying, recognizing, and supporting
4 outstanding applicants who plan to pursue careers in
5 architecture.

6 (b) In determining what best serves the public purpose of
7 the scholarships as described by Subsection (a), the board shall
8 consider at least the financial need of each person who applies
9 for a scholarship under this section.

10 (c) The amount of the scholarship is the lesser of:

11 (1) \$500; or

12 (2) the amount of the required examination fee.

13 (d) Scholarships under this section are funded by the
14 amount added to each renewal fee under Section [1051.651](#)(b). The
15 board may not use more than 15 percent of the amount
16 appropriated to the board for scholarships under this section to
17 pay the costs of administering the scholarships.
18

**Consideration of Draft Rules Relating to Qualification
for Interior Design Registration Through the A.R.E.**

22 Tex. Admin. Code §§5.31 and 5.51

Current Rule/Background

Recently, Donna Vining requested that the Board revisit the provision in Rules 5.31 and 5.51 that allows applicants to qualify for interior design registration based upon passage of the ARE. The provision was originally included in the rules in response to the 2013 legislation that will eventually eliminate examination grandfathering for registered interior designers. The statute, Tex. Occ. Code 1051.351, as amended in 2013, states the following: “a person who holds a certificate of registration issued under Chapter 1053 without examination may not renew the certificate on or after September 1, 2017, unless, before September 1, 2017, the person has passed the registration examination adopted by the board under Section 1053.154 *and in effect on January 1, 2014*. This subsection expires January 1, 2019.” (Emphasis added).

This is slightly different from the first version the legislature considered, which stated that the person would be required to pass the examination adopted by the Board in effect on *September 1, 2013*. Under the rules in effect at that time, this would have been limited to the NCIDQ. There is no disagreement that, by moving the deadline to January 1, 2014, the legislature intended for the Board to engage in rulemaking to identify the ARE as an acceptable examination, and allow architects to retain RID registration without having to take the NCIDQ. The question is whether the legislature intended for the ARE to be an acceptable test only for architects who had already been registered as interior designers, or whether it would be a permanently acceptable examination for RID registration.

The bill was sent to the governor on May 20, 2013 and signed on June 14. Draft amendments were considered by the Board on June 14. Subsequently, the proposed rule was considered for adoption at the August Board meeting. According to comment provided by Ms. Vining at this meeting, the legislature’s decision to move the deadline from September to January was meant only to allow pre-existing RIDs to retain licensure based upon passing the ARE, and that the legislators did not intend for the ARE to become a permanently acceptable examination for RID registration. Some Board members at that time stated their intention to vote for adoption of the rule so that it would be in effect for the January 1, 2014 deadline, but then revisit the rule at a later date to determine whether it should be a permanent change. Ms. Vining has now requested that the rule be amended to eliminate the ARE as an acceptable examination for prospective registration as an interior designer.

Draft Amendments

The rules committee addressed this matter at the May meeting. Ms. Vining and David Lancaster were in attendance. Pursuant to the discussion of the committee, draft amendments have been prepared that would allow architects to continue to qualify for interior design registration based on

passage of the ARE until December 31, 2018. After that, the NCIDQ examination will be the only recognized examination for RID eligibility. This change would not affect the continued RID registration for architects who have already been registered based on passage of the ARE.

Attachments

Draft amendments to Rules 5.31 and 5.51 are attached to this summary. To aid in your consideration of these rules, Staff has included the following documentation for your review: excerpts from the minutes of the August 2013 Board meeting at which these rules were adopted, descriptions of the testing subjects for the NCIDQ examination and the ARE, and a roster of RIDs who have been registered through the ARE since the adoption of this rule.

Staff's Recommendation:

Staff recommends that the Board move to approve draft amendments to 22 Tex. Admin. Code §§5.31 and 5.51 for proposal and publication in the Texas register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

1 **RULE §5.31 Registration by Examination**

2 (a) In order to obtain Interior Design registration by examination in Texas, an Applicant shall
3 demonstrate that the Applicant has a combined total of at least six years of approved Interior Design
4 education and experience and shall successfully complete the Interior Design registration examination
5 or a predecessor or other examination deemed equivalent by NCIDQ as more fully described in
6 Subchapter C of this chapter.

7 **(b)** Alternatively, prior to December 31, 2018, an Applicant may obtain Interior Design registration by
8 examination by successfully completing the Architectural Registration Examination or another
9 examination deemed equivalent by NCARB after fulfilling the prerequisites of §1.21 and §1.41 of this
10 title relating to Board approval to take the Architectural Registration Examination for architectural
11 registration by examination. This subsection is repealed effective January 1, 2019.

12 **(c)** For purposes of this section, an Applicant has "approved Interior Design education" if:

13 (1) The Applicant graduated from:

14 (A) a program that has been granted professional status by the Council for Interior Design
15 Accreditation (CIDA) or the National Architectural Accreditation Board (NAAB);

16 (B) a program that was granted professional status by CIDA or NAAB not later than two years after the
17 Applicant's graduation;

18 (C) a program that was granted candidacy status by CIDA or NAAB and became accredited by CIDA or
19 NAAB not later than three years after the Applicant's graduation; or

20 (D) an Interior Design education program outside the United States where an evaluation by World
21 Education Services or another organization acceptable to the Board has concluded that the program is
22 substantially equivalent to a CIDA or NAAB accredited professional program;

23 (2) The Applicant has a doctorate, a master's degree, or a baccalaureate degree in Interior Design;

24 (3) The Applicant has:

25 (A) A baccalaureate degree in a field other than Interior Design; and

26 (B) An associate's degree or a two- or three-year certificate from an Interior Design program at an
27 institution accredited by an agency recognized by the Texas Higher Education Coordinating Board; or

28 (4) The Applicant has:

29 (A) A baccalaureate degree in a field other than Interior Design; and

30 (B) An associate's degree or a two- or three-year certificate from a foreign Interior Design program
31 approved or accredited by an agency acceptable to the Board.

32 **(d)** In addition to educational requirements, an applicant for Interior Design registration by
33 examination in Texas must also complete approved experience as more fully described in Subchapter J
34 of this chapter (relating to Table of Equivalents for Education and Experience in Interior Design).

1 (~~ee~~) The Board shall evaluate the education and experience required by subsection (a) of this section in
2 accordance with the Table of Equivalents for Education and Experience in Interior Design.

3 (~~fe~~) For purposes of this section, the term "approved Interior Design education" does not include
4 continuing education courses.

5 (~~ge~~) An Applicant for Interior Design registration by examination who enrolls in an Interior Design
6 educational program after September 1, 2006, must graduate from a program described in subsection
7 (~~ac~~)(1) of this section.

8 (~~fh~~) In accordance with federal law, the Board must verify proof of legal status in the United States. Each
9 Applicant shall provide evidence of legal status by submitting a certified copy of a United States birth
10 certificate or other documentation that satisfies the requirements of the Federal Personal Responsibility
11 and Work Opportunity Reconciliation Act of 1996. A list of acceptable documents may be obtained by
12 contacting the Board's office.

1 **RULE §5.51 Requirements**

2 (a) An Applicant for Interior Design registration by examination in Texas must successfully complete all
3 sections of the National Council for Interior Design Qualification (NCIDQ) examination or a predecessor
4 or other examination NCIDQ deems equivalent to the NCIDQ examination. ~~Alternatively, in lieu of~~
5 ~~successfully completing the NCIDQ examination, prior to December 31, 2018,~~ an applicant may obtain
6 Interior Design registration by examination by successfully ~~complete-completing~~ all sections of the
7 Architectural Registration Examination (ARE), or another examination NCARB deems equivalent to the
8 ARE, after fulfilling the requirements of §1.21 and §1.41 of this title relating to Board approval to take
9 the ARE for architectural registration by examination.

10 (b) The Board may approve an Applicant to take the NCIDQ examination only after the Applicant has
11 completed the educational requirements for Interior Design registration by examination in Texas, has
12 completed at least six (6) months of full-time experience working under the Direct Supervision of a
13 Registered Interior Designer, and has submitted the required application materials. In jurisdictions
14 where interior designers are not licensed, the supervision may be under a licensed architect or a
15 Registered Interior Designer who has passed the NCIDQ examination.

16 (c) An Applicant may take the NCIDQ examination at any official NCIDQ testing center but must satisfy
17 all Texas registration requirements in order to obtain Interior Design registration by examination in
18 Texas.

19 (d) Each Candidate must achieve a passing score in each division of the NCIDQ examination. Scores from
20 individual divisions may not be averaged to achieve a passing score.

21 (e) An examination fee may be refunded as follows:

22 (1) The application fee paid to the Board is not refundable or transferable.

23 (2) The Board, on behalf of a Candidate, may request a refund of a portion of the examination fee paid
24 to the national examination provider for scheduling all or a portion of the registration examination. A
25 charge for refund processing may be withheld by the national examination provider. Refunds of
26 examination fees are subject to the following conditions:

27 (A) A Candidate, because of extreme hardship, must have been precluded from scheduling or taking
28 the examination or a portion of the examination. For purposes of this subsection, extreme hardship is
29 defined as a serious illness or accident of the Candidate or a member of the Candidate's immediate
30 family or the death of an immediate family member. Immediate family members include the spouse,
31 child(ren), parent(s), and sibling(s) of the Candidate. Any other extreme hardship may be considered on
32 a case-by-case basis.

33 (B) A written request for a refund based on extreme hardship must be submitted not later than thirty
34 (30) days after the date the examination or portion of the examination was scheduled or intended to be
35 scheduled. Documentation of the extreme hardship that precluded the applicant from scheduling or
36 taking the examination must be submitted by the Candidate as follows:

37 (i) Illness: verification from a physician who treated the illness.

38 (ii) Accident: a copy of an official accident report.

- 1 (iii) Death: a copy of a death certificate or newspaper obituary.
- 2 (C) Approval of the request and refund of the fee or portion of the fee by the national examination
- 3 provider.
- 4 (3) An examination fee may not be transferred to a subsequent examination.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of August 22, 2013 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 225

Austin, TX 78701

9:00 a.m. until completion of business

1. Preliminary Matters

A. Call to Order

Chair called the meeting of the Texas Board of Architectural Examiners to order at 9:03 a.m.

B. Roll Call

Secretary/Treasurer Sonya Odell called the roll.

Present

Alfred Vidaurri	Chair
Chase Bearden	Vice-Chair
Sonya Odell	Secretary/Treasurer
Charles H. (Chuck) Anastos	Member
Bert Mijares, Jr.	Member
Michael (Chad) Davis	Member
William (Davey) Edwards	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Jackie Blackmore	Registration Coordinator
Christine Brister	Staff Services Officer
Ken Liles	Finance Manager
Julio Martinez	Network Specialist
Jack Stamps	Managing Investigator (in @ 10:30)
Katherine Crain	Legal Assistant

C. Excused absences

Debra Dockery (Excused) and Paula Ann Miller (Excused)

D. Determination of a quorum

A quorum was present.

E. Recognition of Guests

The Chair recognized the following guests: Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects, James Perry, Texas Society of Architects, Nancy Fuller, Office of the Attorney General and Kelly Barnett.

F. Chair's Opening Remarks

The Presiding Chair thanked everyone including the Board and staff for joining the meeting. He explained that he had been in leadership training and had read books by Jim Collins entitled *Good and Great* and *Great by Choice*. The concept in the second book is about leadership that goes above and beyond by at least ten times the industry average based on performance. He stated that these leaders are not the most creative, ambitious or charismatic. Their leadership was based upon one principle: control vs. no-control. They have a basic understanding on difference between things they can control and things they cannot control. They focus their energy on the things they can control and do not allow their decisions to be dictated by things outside of their control. The Chair noted that consistency of action, values, goals and performance defines leadership. He noted that the Board has tough, great work ahead of it and the members of the Board have it within their control to choose how to lead.

G. Public Comments

The Chair opened the floor for public comment and recognized Donna Vining, Kelly Barnett and David Lancaster.

Donna Vining, Executive Director for Texas Association for Interior Design, began her public comment by complimenting TBAE Executive Director and agency staff for coming to their aid during the legislative session by responding promptly to the association's public information requests. Ms. Vining addressed proposed amendments to Rules 5.31 and 5.51 which were on the agenda for the meeting. Ms. Vining stated it was her understanding that amendments to the agency Sunset bill was to accomplish two things – allow grandfathered registered interior designers one additional year to pass the registration examination in order to remain registered after 2017 and allow the ARE to substitute for the NCIDQ examination only for architects who are currently grandfathered registered interior designers and not to allow subsequent applicants to use the ARE in order to become registered interior designers.

Kelly Barnett, interior designer, read a statement to the Board. She noted it is TBAE's responsibility to the public to protect the health, safety and welfare. She stated the public assumes all registered interior designers listed on the agency Web site have passed the NCIDQ examination and have met current educational requirements. She stated the Web site must be changed immediately to specify which registered interior designers became registered through a grandfather provision. Furthermore, she read excerpts of a deposition of the Executive Director in a lawsuit filed against the agency by the Institute for Justice in which it was stated the agency had the ability to specify which registered interior designers became registered through a grandfather provision.

David Lancaster of Texas Society of Architects thanked the Board for the opportunity to make a public comment. He stated that he wanted to offer a reaction to Ms. Vining's comments. Entering into the Sunset process, TSA's understanding was that the Sunset Commission understood that passage of the ARE was at least equivalent to passage of the NCIDQ. Mr. Lancaster stated it was believed the original Sunset bill took this equivalency into account and excluded dual licensed architects/interior designers from the requirement that registered interior designers who had not passed the NCIDQ examination must do so in order to remain registered after 2017. However, TSA learned that the Sunset bill as originally written did not take into account the fact that architects who are also registered interior designers had passed the ARE. He said TSA raised the issue with the bill's sponsors in the Senate and House, informing them the language imposed a redundant and unnecessary examination requirement upon dual licensees who had already passed an architectural examination which is at least as rigorous as the NCIDQ. Mr. Lancaster stated TSA's representatives informed the legislators that the cleanest solution would be to allow registration beyond 2017 for registered interior designers who had passed either the ARE or the NCIDQ. According to Mr. Lancaster, TSA pointed out to the bill sponsors that this solution would be preferable in that it would have the most limited impact on interior design registration requirements. Only those architects who are currently registered as interior designers would be able to rely upon passage of the ARE to maintain interior design registration. He stated that TSA also told the sponsors an alternative would be to amend the bill to require passage of the examination specified by Board rule for interior design registration in effect on January 1, 2014 instead of September 1, 2013, as in the original bill. The amendment would give TBAE time to amend its rule to allow the ARE to count for interior design registration. Mr. Lancaster reported it was made clear to the bill sponsors that this change would allow all architects to become registered as registered interior designers upon passage of the ARE and its effect would not be limited to dual licensees as with the first option. Mr. Lancaster said the bill sponsors opted for the second version so that the Board would make the decision on whether to allow the ARE to count for interior design registration. Mr. Lancaster noted Ms. Vining's comments were to the effect that legislative intent was to limit the effect of the provision to architects who are grandfathered interior designers. He observed this is not the case.

The Chair introduced the two new board members, Chad Davis and Davey Edwards, and gave them their official TBAE pins.

Mr. Davis asked if the IRM function was currently being fulfilled by an outside contractor. The Executive Director stated she was currently carrying out that job with the assistance of the three members of the agency's IT division.

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO ADOPT THE RECOMMENDED FISCAL YEAR 2014 BUDGET. THE MOTION PASSED UNANIMOUSLY.

4. General Counsel Report

A. Proposed Rules for Adoption:

The Chair recognized the General Counsel to describe proposed amendments to Rules 5.31 and 5.51 to modify exam requirements for registration as a registered interior designer; striking obsolete language. The General Counsel stated the effect of the proposed amendments would be to recognize that an applicant may become registered as an interior designer by passing the Architectural Registration Examination. If the amendments are adopted and in effect by January 1, 2014, registered interior designers who are also architects will have met examination requirements for registration as a registered interior designer and therefore, will not be required to pass the National Council for Interior Design Qualification examination in order to maintain registration after September 1, 2017 pursuant to the Sunset Bill. He stated the Board proposed the amendments at its last meeting and they were published for public comment. He said that he received two public comments in writing favoring adoption, including comment from the Texas Society of Architects. The General Counsel noted copies of public comment are before the Board for consideration. Referring to comment made during the public comment portion of the meeting, he noted that the Texas Association of Interior Designers is opposed to the proposed amendments.

The Chair asked if anyone on the Board wished to make a motion regarding the proposed amendments so that the motion will be before the Board for discussion. A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ~~ADOPT AMENDMENTS TO RULES 5.31 AND 5.51 AS PROPOSED.~~

The Chair recognized Ms. Odell to comment on the Motion. Ms. Odell noted the Legislature rescinded grandfather status only for registered interior designers, not architects or landscape architects. The intent in the legislative amendment was to address only dual licensees – who are architects and registered interior designers – to allow them to maintain registration as interior designers and not to open up interior design registration to architects who are not grandfathered. She also noted that the legislation disenfranchises older registered interior designers who are

50 to 70 years old and are historically underutilized businesses that will lose their registrations and their businesses. She stated there will be two opportunities in the next two sessions before 2017 for the Legislature to change the examination requirement.

Mr. Anastos stated he also opposes the measure and expressed his hope the Legislature will reconsider and change it next session. Mr. Edwards suggested that the measure be tabled and referred to the Rules Committee for more extensive review.

The General Counsel noted that the Board may refer the proposed amendments to the Rules Committee. However, if the amendment is not in effect by January 1, 2014, it will not have any effect upon the examination requirement to the extent it applies to architects who are registered as interior designers. ~~The Board may reevaluate the rule at a later time to determine if allowing architectural candidates to become registered as interior designers has any adverse impact.~~ He also noted that the rules have been proposed and if they are substantially amended in a manner which substantively changes their original intent, they will have to be republished for public comment.

A MOTION WAS MADE (Anastos/Mijares) TO TABLE THE MOTION UNTIL LATER IN THE MEETING. THE MOTION PASSED UNANIMOUSLY.

The Board recessed at 10:48 a.m. and reconvened in open session at 11:08 a.m.

The Board convened in closed session at 11:09 a.m. to confer with legal counsel from the Office of the Attorney General regarding a settlement offer of pending litigation in the case *TBAE V. Powell, et al*, pursuant to Section 551.071, Texas Government Code.

The Board reconvened in an open meeting at 12:20 p.m.

The Chair announced that the Board decided to consider the mediation of the case at its next meeting, scheduled to be held on October 24, 2013. The Chair instructed staff to prepare documentation regarding the mediation conference and brief the Board at that meeting.

The Board took a break for lunch at 12:22 p.m. and reconvened at 1:00 p.m.

By unanimous consent, the Chair took the Motion to adopt proposed amendments to rules 5.31 and 5.51 from the table and the Board resumed consideration of the Motion. At the Chair's direction, the staff distributed copies of House Bill 1717, (the agency's Sunset bill) for the Board to review before

NCIDQ Examination

2016 Fundamentals Exam (IDFX) Distribution of 100 Scored Questions

INTERIOR DESIGN FUNDAMENTALS EXAM (IDFX) – PAGE 1

2016 CONTENT AREA	DISTRIBUTION
1. Programming and Site Analysis	15 Items – 15%
For example: <ul style="list-style-type: none"> • Research methods (interviewing, surveying, case studies, benchmarking/precedent) • Analysis tools (e.g., spreadsheets, site photographs, matrices, bubble diagrams) • Project context (e.g., space use, culture, client preference) • Site context (e.g., location, views, solar orientation) • Existing conditions • Sustainable attributes (e.g., indoor air quality, energy conservation, renewable resources) 	
2. Human Behavior and the Designed Environment	10 Items – 10%
For example: <ul style="list-style-type: none"> • Influences (environmental, social, psychological, cultural, aesthetic, global) • Human factors (e.g., ergonomics, anthropometrics, proxemics) • Sensory considerations (e.g., acoustics, lighting, visual stimuli, color theory, scent, tactile) • Universal Design • Special population considerations (e.g., Aging in Place, pediatric, special needs) 	
3. Building Systems and Construction	15 Items – 15%
For example: <ul style="list-style-type: none"> • Building construction types (e.g., wood, steel, concrete) • Building components (e.g., doors, windows, studs) • Mechanical systems • Electrical systems • Lighting systems (e.g., zoning, sensors, daylighting) • Plumbing systems • Structural systems • Fire protection systems • Low voltage systems (e.g., data and communication, security, A/V) • Acoustical systems 	

INTERIOR DESIGN FUNDAMENTALS EXAM (IDFX) – PAGE 2

2016 CONTENT AREA	DISTRIBUTION
4. Furniture, Finishes, Equipment and Lighting	15 Items – 15%
<p>For example:</p> <ul style="list-style-type: none"> • Life safety (e.g., flammability, toxicity, slip resistance) • Textiles • Acoustics • Wall treatments • Floor coverings • Ceiling treatments • Window treatments • Lighting (e.g., light sources, fixtures, calculations, distribution color rendering) • Furniture and equipment (e.g., types, uses, space needs) 	
5. Construction Drawings and Specifications	20 Items – 20%
<p>For example:</p> <ul style="list-style-type: none"> • Demolition plan • Floor plan (e.g., partitions, construction, dimensions, enlarged) • Reflected ceiling plan • Lighting plan • Power and communication plan • Furniture plan • Finish plan • Elevations, sections, and details (e.g., partition types, millwork) • Schedules • Specifications (e.g., prescriptive, performance, and proprietary) 	
6. Technical Drawing Conventions	15 Items – 15%
<p>For example:</p> <ul style="list-style-type: none"> • Measuring conventions (e.g., scale, unit of measure, dimensioning) • Construction drawing standards (e.g., line weights, hatching, symbols) 	
7. Design Communication	10 Items – 10%
<p>For example:</p> <ul style="list-style-type: none"> • Functional parti diagrams • Models (e.g., physical, virtual) • Rendering (e.g., 2-D, perspective) • Material and finish presentations (e.g., boards, binders, digital) • Bubble diagrams • Adjacency matrices • Charts (e.g., flow chart, Gantt chart) • Stacking/zoning diagrams • Block plans/square footage allocations • Floor plans • Mock-ups and prototypes 	

2/27/2015

NCIDQ Examination

2016 Professional Exam (IDPX) Distribution of 150 Scored Questions

INTERIOR DESIGN PROFESSIONAL EXAM (IDPX) - PAGE 1

2016 CONTENT AREA	DISTRIBUTION
1. Project Coordination	15 Items – 10%
For example: <ul style="list-style-type: none"> • Critical path (i.e., design milestones, sequencing) • Project team dynamics • Project budgeting/tracking during design phases • Architects • Engineers (e.g., electrical, structural, mechanical, civil) • Specialty consultants (e.g., landscape, lighting A/V, acoustical, food service, graphics/signage) • Contractors/construction managers • Real estate professionals (e.g., realtor, landlord, leasing agent, developer, property owner) 	
2. Codes and Standards	27 Items – 18%
For example: <ul style="list-style-type: none"> • Universal/accessible design • Life safety (e.g., egress, fire separation) • Zoning and building use • Environmental regulations (e.g., indoor air quality, energy conservation, renewable resources, water conservation) • Square footage standards (e.g., code, BOMA, lease) 	
3. Building Systems and Integration	24 Items – 16%
For example: <ul style="list-style-type: none"> • Building construction types (e.g., wood, steel, concrete) • Building components (e.g., doors, windows, wall assemblies) • Mechanical systems • Electrical systems • Lighting systems (e.g., zoning, sensors, daylighting) • Plumbing systems • Structural systems • Fire protection systems • Low voltage systems (e.g., data and communication, security, A/V) • Acoustical systems • Sequencing of work (e.g., plumbing before drywall) • Permit requirements 	

INTERIOR DESIGN PROFESSIONAL EXAM (IDPX) – PAGE 2

2016 CONTENT AREA	DISTRIBUTION
4. Product and Material Coordination	21 Items – 14%
<p>For example:</p> <ul style="list-style-type: none"> • Cost estimating • Product components (e.g., types, assembly, methods) • Material detail drawings (e.g., custom products) • Lead time (e.g., manufacturing time, delivery) • Installation • Life safety (e.g., flammability, toxicity, slip resistance) • Technical specifications • Maintenance documents (e.g., warranties, manuals) • Existing FF&E inventory documentation • Procurement procedures (e.g., purchase orders, prepayment requirements) 	
5. Contract Documents	24 Items – 16%
<p>For example:</p> <ul style="list-style-type: none"> • Cover sheet (e.g., General Conditions and Notes, drawing index) • Code required plans (e.g., egress, accessibility, specialty codes) • Elevations, sections and details (e.g., partition types, millwork) • Consultant drawings (e.g., MEP, structural, security, specialty consultants) • Specification types (e.g., prescriptive, performance, and proprietary) • Specification formats (e.g., divisions) 	
6. Contract Administration	27 Items – 18%
<p>For example:</p> <ul style="list-style-type: none"> • Project management (e.g., schedule, budget, quality control) • Forms (e.g., transmittals, change orders, bid/tender, addenda, bulletin, purchase orders) • Punch list/deficiency lists • Site visits and field reports • Project meetings/meeting management/meeting protocol and minutes • Shop drawings and submittals • Construction mock-ups • Value engineering • Project accounting (e.g., payment schedules, invoices) • Contractor pay applications • Project close-out • Post-occupancy evaluation 	

INTERIOR DESIGN PROFESSIONAL EXAM (IDPX) – PAGE 3

2016 CONTENT AREA	DISTRIBUTION
7. Professional and Business Practices	12 Items – 8%
For example: <ul style="list-style-type: none">• Scope of practice• Proposals e.g., time and fee estimation, RFP process, project scope)• Budgeting principles and practices (project specific)• Contracts• Phases of a project• Business licenses (e.g., sales and use tax, resale certificates)• Accounting principles (office/business)• Legal considerations (e.g., liabilities and forms of business)• Insurance• Professional licensure, certification, registration• Economic factors	

2/27/2015

NCIDQ Examination

2014 Practicum Exam Exercise Descriptions

PART A - 4 HOURS TOTAL

EXERCISE	WEIGHT
<p><u>Space Planning</u></p> <p>3 hours – ¼” [1:50] scale – 1 sheet – 2,200-2,600 sq. ft. [204.4-241.5 m²]</p> <p>Design a plan solution meeting all program requirements for 15-20 spaces, including adjacencies, accessibility, egress and specified power/voice/data requirements. This exercise will be either commercial or residential.</p>	23%
<p><u>Lighting Design</u></p> <p>1 hour – ¼” [1:50] scale – 2 sheets – 550-850 sq. ft. [51.1-78.9 m²]</p> <p>Design lighting and switching solutions for an area of work using cut sheets provided; complete a lighting schedule; and calculate energy use. This exercise will be either commercial or residential.</p>	11%

PART B - 2 HOURS TOTAL

EXERCISE	WEIGHT
<p><u>Egress</u></p> <p>1 hour – 1/8” [1:100] scale – 1 sheet – 10,000-13,500 sq. ft. [929.0-1254.2 m²]</p> <p>Taking an upper floor in a multi-story building with 1 existing tenant, subdivide the remaining floor area for 4 additional spaces and determine occupancy load for each; create a common egress corridor; show common path of travel from existing suite and travel distance to exit stairs; and calculate occupant load for each exit stair. This exercise will be either commercial or residential.</p>	18%
<p><u>Life Safety</u></p> <p>0.5 hour – 1/8” [1:100] scale – 1 sheet – 3,000-5,000 sq. ft. [278.7-464.5 m²]</p> <p>Indicate specified life safety equipment in a tenant suite, elevator lobby, public restrooms [washrooms] and public corridors; complete a door/frame/hardware schedule for specified doors; and complete a partition schedule for specified partitions. This exercise will be commercial.</p>	18%
<p><u>Restroom [Washroom]</u></p> <p>0.5 hour – ¼” [1:50] scale – 1 sheet</p> <p>Draw and dimension specified plumbing fixtures and accessories in a public restroom [washroom] for men; and complete a fixture and accessory schedule indicating proper mounting heights. This exercise will be commercial.</p>	9%

INTERIOR DESIGN PRACTICUM EXAM (PRAC) EXERCISE DESCRIPTIONS

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PART C - 2 HOURS TOTAL

EXERCISE	WEIGHT
<p><u>Systems Integration</u></p> <p>1 hour – 1/8” [1:100] scale – 2 sheets – 1,500-5,000 sq. ft. [139.4-464.5 m²]</p> <p>Evaluate plans provided to understand and describe eight (8) identified conflicts between lighting, mechanical, electrical, plumbing and structural systems and recommend solutions to those conflicts. This exercise will be commercial.</p>	12%
<p><u>Millwork</u></p> <p>1 hour – 1/4” [1:50] and 3/4” [1:20] scale – 1 sheet</p> <p>Draw a plan view of a required millwork solution; draw elevation(s) and draw a section at an element that requires accessibility. This exercise will be either commercial or residential.</p>	9%

INTERIOR DESIGN PRACTICUM EXAM (PRAC) EXERCISE DESCRIPTIONS

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NCIDQ EXAMINATION BUILDING CODE REQUIREMENTS

Code requirements listed below are for the purpose of the NCIDQ Examination only.

Your exam exercises will be graded for compliance with these code requirements. Use the following codes to develop your design solution for the **TOTAL** space as necessary to protect the health, safety, and welfare of the public.

1.0 DEFINITIONS

- 1.1 Common Path of Egress Travel – The portion of the exit access [access to an exit] that must be traversed **BEFORE** two separate and distinct paths of travel to two exits are available. Common path of egress travel shall be included within the permitted travel distance.
- 1.2 Travel Distance – The distance measured from the most remote point within a story to the entrance to an exit along the natural and unobstructed path of egress travel.

2.0 FIRE-RESISTANT RATED CONSTRUCTION

- 2.1 Demising partitions between tenant spaces **MUST** be 1-hour fire rated.
- 2.2 Partitions along a public corridor **MUST** be 1-hour fire rated.
- 2.3 Partitions that demise an Assembly Occupancy of 750 sq. ft. [70 m²] or greater **MUST** be 1-hour fire rated.
- 2.4 Door assemblies in a 1-hour fire rated partition **MUST** have a minimum fire protection rating of 20 minutes and be self-closing.
- 2.5 Storage rooms exceeding 100 sq. ft. [9.3 m²] **MUST** be 1-hour rated.
- 2.6 Glazing in fire rated partitions, doors or sidelights may not exceed 240 sq. in. [1548 cm²].

3.0 FIRE PROTECTION SYSTEM

- 3.1 There **MUST** be an audio/visual fire signal device located in each restroom, hallway, lobby, and general assembly area.
- 3.2 An audio/visual fire signal device **MUST** be visible from any location in the room or space and **MUST** be mounted between 6'-8" to 7'-6" [2 m to 2.3 m] AFF.
- 3.3 The minimum number of fire extinguishers **MUST** be calculated based on one (1) fire extinguisher per 3000 sq. ft. [280 m²].
- 3.4 Fire extinguishers **MUST** be located no more than 75' [23 m] from the furthest occupant.
- 3.5 Smoke and Heat Detector coverage **MUST** include all rooms, corridors and storage areas.

4.0 MEANS OF EGRESS

- 4.1 General Means of Egress
 - 4.1.1 The means of egress **MUST** have a ceiling height of not less than 7'-6" [2.3 m].
 - 4.1.2 Protruding objects are permitted to extend below the minimum ceiling height provided a minimum headroom of 6'-8" [2 m] shall be provided along the path of egress, including any corridor, aisle or passageway.
 - 4.1.3 Protruding objects **MUST NOT** reduce the minimum clear width of accessible routes.

4.1.4 **ALL** objects located on a wall between 27" [685 mm] and 80" [2115 mm] AFF **MUST NOT** protrude more than 4" [100 mm] into an egress path of travel.

4.2 Exit Signs

4.2.1 Exit signs with a directional indicator (illuminated) showing the direction of travel shall be placed in every location where the direction of travel to reach the nearest exit is not apparent.

4.3 Illumination

4.3.1 Emergency illumination shall be provided for a minimum of 1½ hours in the event of failure of normal lighting. Emergency lighting facilities shall be arranged to provide initial illumination along the path of egress.

4.4 Travel Distance

4.4.1 **ALL** paths of travel **MUST** be accessible (barrier-free) and provide at minimum a 60" [1500 mm] turning circle at changes of travel direction.

4.4.2 The path of egress travel **MUST NOT** pass through a secondary space that is subject to closure by doors or that contains storage materials or has items that project into the path of travel.

4.4.3 The common path of egress travel distance **MUST NOT** exceed 100'-0" [30.5 m].

4.4.4 The travel distance to an exit **MUST** be measured on the floor along the centerline of the natural path of travel, starting from the most remote point to the centerline of the exit.

4.4.5 The travel distance **MUST NOT** exceed 250'-0" [76.2 m] measured along the path of travel.

4.5 Exit Access Doors, Doorways, Door Hardware and Windows

4.5.1 The height of doors **MUST NOT** be less than 7'-0" [2.1 m].

4.5.2 **ALL** door openings shall be a **MINIMUM** of 36" [900 mm] wide with an 18" [450 mm] clear space on the pull side of the door and a 12" [300 mm] clear space on the push side of the door.

4.5.3 Where a pair of doors is provided, one of the doors **MUST** be not less than 36" [900 mm] wide.

4.5.4 Locks, if provided, **MUST NOT** require the use of a key, special knowledge, or effort for operation from the egress side.

4.5.5 Doors opening from occupied spaces into the path of egress travel shall not project more than 7" [180 mm] into the required width.

4.5.6 Exit access doorways **MUST** open in the direction of exit travel.

4.5.7 Exit access doorways **MUST** be placed at a distance that is equal to or greater than:

4.5.7.1 When the building is **NOT** sprinklered, one-half the length of the maximum overall diagonal dimension of the area being served, measured in a straight line between exit doors or exit access doorways.

4.5.7.2 When the building is sprinklered, one-third the length of the maximum overall diagonal dimension of the area being served, measured in a straight line between exit doors or exit access doorways.

4.5.8 Two (2) exit access doorways **MUST** be provided from any space where the Occupancy Load exceeds 49 in Occupancy Groups A (Assembly), B (Business) and M (Mercantile) or exceeds 29 in Occupancy Group S (Storage).

4.6 Corridors

4.6.1 The **MINIMUM** interior corridor width **MUST** be 44" [1100 mm].

4.6.2 Dead end corridors **MUST NOT** exceed 20'-0" [6 m] in length.

5.0 ACCESSIBILITY

5.1 Service (reception/transaction) counters over 8'-0" [2.4 m] in length **MUST** have an accessible height service counter, a minimum of 36" [900mm] in length.

5.2 **ALL** accessible (barrier-free) countertops, sinks, reception/transaction surfaces, and other horizontal work surfaces **MUST NOT** exceed 34" [865 mm] AFF with a 27"H [685 mm] clear knee space below.

5.3 **ALL** accessible (barrier-free) counters **MUST** have clear knee space of at least 30"W x 17"D [760 mm x 430 mm].

5.4 **ALL** exposed hot water pipes and drains **MUST** be insulated or otherwise protect wheelchair users from burns on the legs.

5.5 **ALL** accessible (barrier-free) wall-mounted controls **MUST** be located between 15" [380 mm] and 44" [1100 mm] AFF for a Forward Reach and between 9" [230 mm] and 48" [1200 mm] AFF for a Side Reach.

5.6 **ALL** accessible (barrier-free) lower cabinets **MUST** have a 6" D maximum x 9" H minimum [150mm x 230 mm] toe-kick.

5.7 **ALL** accessible (barrier-free) upper cabinets or shelves located above a work surface **MUST NOT** exceed 44" [1100 mm] AFF.

5.8 Restrooms [Washrooms]

5.8.1 **ALL** accessible toilets **MUST** have an unobstructed 60" [1500 mm] turning circle.

5.8.2 Centerline of accessible toilets **MUST** be 16"-18" [400 mm - 450 mm] from side wall or partition.

5.8.3 Clearance around accessible toilets **MUST** be 60" [1500 mm] along the rear wall and 56" [1420 mm] along the side wall.

5.8.4 Accessible toilets **MUST** be mounted at 17"-19" [430 mm – 480 mm] AFF to the top of the toilet seat.

5.8.5 **ALL** grab bars at toilets **MUST** be 36" [900 mm] long at the rear and 42" [1060 mm] long at the side, mounted between 33" [840 mm] and 36" [900 mm] AFF.

5.8.6 **ALL** accessible showers **MUST** have horizontal grab bars on three (3) sides mounted at a height between 33" [840 mm] and 36" [900 mm] AFF.

5.8.7 Accessible showers **MUST** be a minimum of 30" [760 mm] x 60" [1500 mm].

5.8.8 Accessible urinals **MUST** have an elongated rim at a maximum height of 17" [430 mm] AFF.

5.8.9 A clear floor space of 30" [760 mm] x 48" [1200 mm] **MUST** be provided in front of accessible lavatories, urinals, showers, and bathtubs.

5.8.10 Accessible mirrors **MUST** be mounted with the edge of the reflective surface no higher than 40" [1000 mm] AFF.

6.0 STRUCTURAL

6.1 Core drills **MUST NOT** be within 18" [450 mm] of any structural element.

7.0 ELECTRICAL

- 7.1 **ALL** electrical receptacles **MUST** be 18" [450 mm] AFF unless otherwise noted.
- 7.2 **ALL** electrical receptacles located within 36" [900 mm] of a water source **MUST** be GFI.
- 7.3 Clearance of 36" [900 mm] deep **MUST** be provided in front of power panels.

8.0 OCCUPANCY LOAD TABLE

FUNCTION OF SPACE	FLOOR AREA IN SQ. FT. [m ²] PER OCCUPANT
Accessory storage areas, mechanical equipment room	300 [28 m ²] gross
Assembly without fixed seats Concentrated (chairs only—not fixed) Standing space Unconcentrated (tables and chairs)	7 [.7 m ²] net 5 [.5 m ²] net 15 [1.4 m ²] net
Business areas	100 [9.3 m ²] gross
Education Classroom area Shops and other vocational room areas	20 [1.9 m ²] net 50 [4.6 m ²] net
Exercise rooms	50 [4.6 m ²] gross
Kitchens, commercial	200 [18.6 m ²] gross
Mercantile Areas on other floors Basement and grade floor areas Storage, stock, shipping areas	60 [5.6 m ²] gross 30 [2.8 m ²] gross 300 [28 m ²] gross
Residential	200 [18.6 m ²] gross

PROGRAMMING, PLANNING & PRACTICE

KNOWLEDGE / SKILLS

The division has been broken down into a listing of knowledge and skills for each major content area.

1. PROGRAMMING & ANALYSIS

(27-33 percent of scored items)

- A.** Assess client needs and requirements to develop a master plan and program. Document design objectives including site characteristics, spatial and functional relationships, and building systems considerations. Establish preliminary project scope, phasing, budget, and schedule.

1. Architectural Programming

Ascertain and translate client and user needs into descriptive criteria to inform subsequent phases of design.

2. Interpreting Existing Site/Environmental Conditions and Data

Collect and assess site characteristics and related information and data needed to inform the subsequent design.

3. Adaptive Reuse of Buildings and/or Materials

Research and evaluate existing sites, buildings, and materials for new or associated uses.

4. Space Planning and Facility Planning/Management

Ascertain and translate client and user needs into functional characteristics and relationships for management and facility planning of interior and exterior spaces.

5. Fixtures, Furniture, Equipment, and Finishes

Assess and inventory client and user needs with respect to functional and spatial requirements for furniture, fixtures, and equipment.

2. ENVIRONMENTAL SOCIAL & ECONOMIC ISSUES

(17-23 percent of scored items)

- A.** Obtain and review site and building surveys. Assess physical, environmental, social, and economic issues and project impact. Develop project concepts utilizing sustainable principles, alternative energy systems, and new material technologies. Apply basic design principles and historic precedent.

1. Regional Impact on Project

Research and analyze the regional impact of built, environmental, and planned conditions as they affect or are affected by the proposed project.

2. Community-Based Awareness

Assess pertinent planning, social, demographic, and economic issues within a local community and incorporate their impact on the proposed project.

3. Hazardous Conditions and Materials

Assess the potential for hazardous conditions and their impact on the proposed project.

4. Design Principles

Apply design principles and historic precedents to test, develop, and refine project design concepts.

5. Alternative Energy Systems, New Technologies, and Sustainable Design

Assess and incorporate innovative environmental, energy-related sustainable design concepts on the program, scope and budget into the proposed project.

PROGRAMMING, PLANNING & PRACTICE

KNOWLEDGE / SKILLS

3. CODES & REGULATIONS

(11-17 percent of scored items)

- A. Identify, analyze, and incorporate building codes, specialty codes, zoning, and other regulatory requirements. Manage regulatory approval process.

1. Government and Regulatory Requirements and Permit Processes

Identify and manage the prescribed planning, zoning, and building code requirements of the proposed project design.

2. Adaptive Reuse of Buildings and/or Materials

Identify and incorporate planning, zoning, and building code requirements relative to repurposed buildings and reused materials for the proposed project.

3. Specialty Codes and Regulations including Accessibility Laws, Codes and Guidelines

Identify and incorporate relevant specialty codes into the proposed project design.

4. PROJECT & PRACTICE MANAGEMENT

(33-39 percent of scored items)

- A. Develop scope of services and project delivery method. Assess project budget and financing. Identify project team members including consultants. Document project meetings. Manage project schedule and design process. Assist with construction procurement. Manage legal issues relating to practice including fees, insurance, and professional services contracts.

1. Project Delivery & Procurement Methods

Determine the delivery and construction procurement method based on client requirements.

2. Project Budget Management

Determine fiscal requirements and apply appropriate methodology and techniques to manage project budgets.

3. Project Schedule Management

Establish and manage the professional service schedules for the project.

4. Contracts for Professional Services and Contract Negotiation

Determine, negotiate, execute, and manage the professional services agreements for the project.

6. Risk Management and Legal Issues Pertaining to Practice and Contracts

Assess and manage risk and legal issues related to the business and practice of architecture.

SITE PLANNING & DESIGN

KNOWLEDGE / SKILLS

The division has been broken down into a listing of knowledge and skills directly related to each major content area

1. PRINCIPLES

(22-30 percent of scored items)

- A.** Review and assess sites. Incorporate the implication of human behavior, historic precedent, and design theory in the selection of systems, materials, and methods related to site design and construction.

1. Site Planning

Use physical, contextual, and regulatory characteristics, in combination with programmatic requirements, to evaluate project sites.

2. Site Design and Design Principles

Use site evaluation data and programmatic requirements to develop and evaluate alternative site designs.

3. Implications of Design Decisions

Use architectural, engineering, and construction principles and procedures to evaluate site design.

4. Adaptive Reuse of Buildings and/or Materials

Apply principles for adaptive reuse of facilities and materials to site design.

5. Architectural History and Theory

Analyze and evaluate the project site with respect to its regional, local, and site-specific historical context.

2. ENVIRONMENTAL ISSUES

(24-32 percent of scored items)

- A.** Interpret site and environmental conditions. Assess and apply systems, materials, and construction methods. Incorporate principles of sustainability. Assess design impact on human behavior.

1. Interpreting Existing Site/Environmental Conditions and Data

Assess site layout and proposed materials and systems with respect to environmental context.

2. Design Impact on Human Behavior

Assess site layout and proposed materials and systems with respect to human behavior, safety, and security.

3. Hazardous Conditions and Materials

Assess the site with respect to the presence of hazardous conditions and materials, and identify mitigation options.

4. Sustainable Design

Identify and apply sustainable strategies and technologies to site layout and selection of materials and systems.

5. Alternative Energy Systems and New Material Technologies

Identify and apply alternative energy systems and new material technologies to site layout and selection of materials and systems.

SITE PLANNING & DESIGN

KNOWLEDGE / SKILLS

3. CODES & REGULATIONS

(18-26 percent of scored items)

- A. Incorporate building codes, specialty codes, zoning and other regulatory requirements in site design and construction.

1. Government and Regulatory Requirements and Permit Processes

Identify and apply relevant land use, building codes, and regulations into the site design, and assist in permitting.

2. Accessibility Laws, Codes and Guidelines

Identify and apply relevant specialty codes and regulations into the site design, and assist in permitting.

4. MATERIALS & TECHNOLOGY

(16-20 percent of scored items)

- A. Analyze the implication of design decisions in the selection of systems, materials, and methods incorporated in site design and construction.

1. Construction Details and Constructability

Incorporate appropriate materials into site details, systems, and assemblies.

2. Construction Materials

Evaluate and select appropriate site products, materials, and systems based on programmatic, performance, and sustainability requirements.

3. Fixtures, Furniture, Equipment, and Finishes

Evaluate and select appropriate site fixtures, furniture, equipment, and finishes based on programmatic and performance requirements.

4. Thermal and Moisture Protection

Manage the impact of temperature, water, and climatic conditions on site design.

5. Natural and Artificial Lighting

Apply principles of natural and artificial lighting in site design.

6. Implications of Design Decisions

Use architectural, engineering, and construction principles and procedures to evaluate site materials, assemblies, and systems.

5. PROJECT & PRACTICE MANAGEMENT

(4-8 percent of scored items)

- A. Assess and administer site design, including construction sequencing, scheduling, cost, and risk management.

1. Construction Sequencing

Determine site phasing based upon prioritized programmatic requirements and anticipated construction sequencing.

2. Cost Estimating, Value Engineering, and Life-cycle Costing

Analyze site development costs relative to programmatic and budgetary requirements.

BUILDING DESIGN & CONSTRUCTION SYSTEMS

Overview

KNOWLEDGE/SKILLS

Knowledge/
Skills

Sample Multiple-
Choice Questions

Accessibility/Ramp
Vignette

Stair Design
Vignette

Roof Plan Vignette

References

The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. PRINCIPLES

(27-33 percent of scored items)

- A. Incorporate the implications of human behavior, historic precedent, and design theory in the selection of systems, materials, and methods related to building design and construction.

1. Building Design

Analyze and evaluate those tasks, procedures, and methodologies influencing building design during schematic design and design development, including building systems and materials.

2. Design Principles and Design Impact on Human Behavior

Analyze and evaluate design principles that influence human behavior in the built environment.

3. Building Systems and their Integration

Analyze, evaluate, and integrate appropriate building systems considering design and engineering principles.

4. Implications of Design Decisions

Evaluate how decisions made in schematic design and design development, relating to orientation, area, materials, cost, code, sustainability, and/or phasing, impact later phases of design, construction, and building use.

5. Space Planning and Facility Planning/Management

Utilize principles of space planning and facility planning/management.

6. Fixtures, Furniture, Equipment, and Finishes

Evaluate and select fixtures, furniture, equipment, and finishes and determine the impact on building design.

7. Adaptive Reuse of Buildings and/or Materials

Evaluate constraints, issues, methodologies, programmatic concerns and cost impacts associated with adaptive reuse of buildings and materials.

8. Architectural History and Theory

Apply architectural history, precedent, and theory to building design.

2. ENVIRONMENTAL ISSUES

(6-9 percent of scored items)

- A. Consider the principles of sustainable design including adaptive re-use, thermal and moisture protection, and hazardous material mitigation.

1. Hazardous Conditions and Materials

Survey and reconcile hazardous conditions and materials relating to building and site.

2. Indoor Air Quality

Determine and assess factors that affect indoor air quality.

3. Sustainable Design

Evaluate and apply principles of sustainability relating to building materials and construction.

4. Natural and Artificial Lighting

Evaluate and apply natural and artificial lighting principles and their application to design and construction.

5. Alternative Energy Systems and New Material Technologies

Select and evaluate emerging and alternative systems and new material technologies.

BUILDING DESIGN & CONSTRUCTION SYSTEMS

Overview

Knowledge/
Skills

Sample Multiple-
Choice Questions

Accessibility/Ramp
Vignette

Stair Design
Vignette

Roof Plan Vignette

References

KNOWLEDGE/SKILLS

3. CODES & REGULATIONS

(10-13 percent of scored items)

- A. Incorporate building and specialty codes, zoning, and other regulatory requirements in building design and construction systems.

1. Government and Regulatory Requirements and Permit Processes

Demonstrate comprehension of building codes and planning requirements and assess their effect on building design.

2. Specialty Codes and Regulations including Accessibility Laws, Codes, and Guidelines

Demonstrate comprehension of specialty codes and guidelines, such as accessible design, seismic code, life safety, and fair housing requirements, and assess their effect on building design.

4. MATERIALS & TECHNOLOGY

(43-49 percent of scored items)

Analyze the implication of design decisions in the selection of systems, materials, and methods incorporated in building design and construction.

A. MASONRY

Identify the properties and characteristics of masonry structures and finish materials.

1. Building Systems and their Integration

Analyze characteristics of masonry systems and materials and their appropriate integration into building design.

2. Implications of Design Decisions

Evaluate the selection of masonry components to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability

Demonstrate comprehension of masonry details and their application in building design and construction.

4. Construction Materials

Determine the appropriate use of masonry in building design and construction.

5. Product Selection and Availability

Evaluate and prioritize the selection of masonry systems, materials, and availability.

6. Cost Estimating, Value Engineering, and Life-Cycle Costing

Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to masonry.

7. Thermal and Moisture Protection

Assess the use of masonry components in thermal and moisture protection.

BUILDING DESIGN & CONSTRUCTION SYSTEMS

Overview

Knowledge/
Skills

Sample Multiple-
Choice Questions

Accessibility/Ramp
Vignette

Stair Design
Vignette

Roof Plan Vignette

References

KNOWLEDGE/SKILLS

B. METALS

Identify the properties and characteristics of structural and miscellaneous metals.

1. Building Systems and their Integration

Analyze characteristics of metal systems and materials and their appropriate integration into building design.

2. Implications of Design Decisions

Evaluate the selection of metal components to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability

Demonstrate comprehension of metal details and their application in building design and construction.

4. Construction Materials

Determine the appropriate use of metal in building design and construction.

5. Product Selection and Availability

Evaluate and prioritize the selection of metal systems, materials, and availability.

6. Cost Estimating, Value Engineering, and Life-Cycle Costing

Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to metal.

7. Thermal and Moisture Protection

Assess the use of metal components in thermal and moisture protection.

C. WOOD

Identify the properties and characteristics of wood structures, rough carpentry, finish carpentry, and millwork assemblies.

1. Building Systems and their Integration

Analyze characteristics of wood systems and materials and their appropriate integration into building design.

2. Implications of Design Decisions

Evaluate the selection of wood components to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability

Demonstrate comprehension of wood details and their application in building design and construction.

4. Construction Materials

Determine the appropriate use of wood in building design and construction.

5. Product Selection and Availability

Evaluate and prioritize the selection of wood systems, materials, and availability.

6. Cost Estimating, Value Engineering, and Life-Cycle Costing

Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to wood.

7. Thermal and Moisture Protection

Assess the use of wood components in thermal and moisture protection.

BUILDING DESIGN & CONSTRUCTION SYSTEMS

Overview

KNOWLEDGE/SKILLS

Knowledge/
Skills

Sample Multiple-
Choice Questions

Accessibility/Ramp
Vignette

Stair Design
Vignette

Roof Plan Vignette

References

D. CONCRETE

Identify the properties and characteristics of concrete structures and finishes.

1. Building Systems and their Integration

Analyze characteristics of concrete systems and materials and their appropriate integration into building design.

2. Implications of Design Decisions

Evaluate the selection of concrete components to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability

Demonstrate comprehension of concrete details and their application in building design and construction.

4. Construction Materials

Determine the appropriate use of concrete in building design and construction.

5. Product Selection and Availability

Evaluate and prioritize the selection of concrete systems, materials, and availability.

6. Cost Estimating, Value Engineering, and Life-Cycle Costing

Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to concrete.

7. Thermal and Moisture Protection

Assess the use of concrete components in thermal and moisture protection.

E. OTHER

Identify the properties and characteristics of miscellaneous systems, assemblies, membranes, cladding, coatings, and finish materials (e.g., plastics, composites, glass, tensile, pneumatics, EIFS, etc.).

1. Building Systems and their Integration

Analyze the relationship of building systems and materials (other than masonry, metal, concrete, and wood) and their appropriate selection and integration into building design.

2. Implications of Design Decisions

Evaluate the selection of building components (other than masonry, metal, concrete, and wood) to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability

Demonstrate comprehension of the relationship of building systems and materials (other than masonry, metal, concrete, and wood) details and their application in building design and construction.

4. Construction Materials

Determine the appropriate use of building systems and materials (other than masonry, metal, concrete, and wood) in building design and construction.

5. Product Selection and Availability

Evaluate and prioritize the selection of building systems and materials (other than masonry, metal, concrete, and wood) and availability.

6. Cost Estimating, Value Engineering, and Life-Cycle Costing

Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to building systems and materials (other than masonry, metal, concrete, and wood).

7. Thermal and Moisture Protection

Assess the use of building systems and materials (other than masonry, metal, concrete, and wood) in thermal and moisture protection.

BUILDING DESIGN & CONSTRUCTION SYSTEMS

Overview

KNOWLEDGE/SKILLS

Knowledge/
Skills

Sample Multiple-
Choice Questions

Accessibility/Ramp
Vignette

Stair Design
Vignette

Roof Plan Vignette

References

F. SPECIALTIES

Analyze and select accessories, equipment, and fittings.

1. Building Systems and their Integration

Analyze the relationship of accessories, equipment, and fittings and their appropriate selection and integration into building design.

2. Implications of Design Decisions

Evaluate the selection of accessories, equipment, and fittings to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability

Demonstrate comprehension of the relationship of accessories, equipment, and fittings in details and their application in building design and construction.

4. Construction Materials

Determine the appropriate use of accessories, equipment, and fittings in building design and construction.

5. Product Selection and Availability

Evaluate and prioritize the selection of accessories, equipment, and fittings and their availability.

6. Cost Estimating, Value Engineering, and Life-Cycle Costing

Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to accessories, equipment, and fittings.

7. Thermal and Moisture Protection

Assess the use of accessories, equipment, and fittings in thermal and moisture protection.

5. PROJECT & PRACTICE MANAGEMENT

(4-7 percent of scored items)

A. Determine the impact of construction sequencing, scheduling, cost, and risk management on selection of systems, materials, and methods.

1. Construction Sequencing

Evaluate the selection of systems, materials, and methods and their impact on construction sequencing.

2. Cost Estimating, Value Engineering, and Life-Cycle Costing

Demonstrate comprehension of cost estimating, value engineering, and lifecycle costing methods and principles.

3. Project Schedule Management

Demonstrate comprehension and use of project scheduling, staffing projections, contracts, and project management principles.

4. Risk Management

Apply risk management principles and demonstrate methods of conflict resolution.

SCHEMATIC DESIGN

OVERVIEW

DIVISION STATEMENT

Apply knowledge and skills required for the schematic design of buildings and interior space planning.

Vignettes

INTERIOR LAYOUT

Design an interior space plan and furniture arrangement responding to program, code, and accessibility requirements.

BUILDING LAYOUT

Develop a schematic design for a two-story building addressing program, code, site, and environmental requirements.

STRUCTURAL SYSTEMS

KNOWLEDGE / SKILLS

The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. GENERAL STRUCTURES

(50-54 percent of scored items)

A. Principles

Apply general structural principles to building design and construction.

1. Building Design

Analyze and investigate the structural loads and conditions that affect building design through use of engineering principles and functional requirements.

2. Building Systems and their Integration

Determine appropriate building structural systems and components.

3. Implications of Design Decisions

Evaluate the impact of structural design decisions on other building design issues.

B. Materials & Technology

Analyze the implications of design decisions in the selection of systems, materials, and construction details related to general structural design.

1. Construction Details and Constructability

Analyze the impact of structural decisions on the construction process.

2. Construction Materials

Apply knowledge of the properties of materials that affect their structural characteristics.

C. Codes & Regulations

Incorporate building codes, specialty codes, and other regulatory requirements in the design of general structural systems.

1. Government and Regulatory Requirements

Assess and apply building codes and other regulations that affect structural systems.

STRUCTURAL SYSTEMS

KNOWLEDGE / SKILLS

2. SEISMIC FORCES

(18-22 percent of scored items)

A. Principles

Apply seismic forces principles to building design and construction.

1. Building Design

Analyze and investigate seismic loads and conditions that affect building design through use of engineering principles and functional requirements.

2. Building Systems and their Integration

Determine appropriate seismic load resisting systems and components.

3. Implications of Design Decisions

Evaluate the impact of seismic load design decisions on other building design issues.

B. Materials & Technology

Analyze the implications of design decisions in the selection of systems, materials, and construction details related to seismic forces design.

1. Construction Details and Constructability

Analyze construction details and non-structural elements relative to their resistance to seismic forces.

2. Construction Materials

Consider construction materials relative to their resistance to seismic forces.

C. Codes & Regulations

Incorporate building codes, specialty codes, and other regulatory requirements related to seismic forces.

1. Government and Regulatory Requirements

Assess and apply building codes and regulations with respect to the design of structures for resistance to seismic forces.

3. WIND FORCES

(18-22 percent of scored items)

A. Principles

Apply lateral forces principles to the design and construction of buildings to resist wind forces.

1. Building Design

Analyze and investigate wind loads and conditions that affect building design through use of engineering principles and functional requirements.

2. Building Systems and their Integration

Determine appropriate wind load resisting systems and components.

3. Implications of Design Decisions

Evaluate the impact of wind load design decisions on other building design issues.

B. Materials & Technology

Analyze the implications of design decisions in the selection of systems, materials, and construction details related to wind forces.

1. Construction Details and Constructability

Analyze construction details and non-structural elements relative to their resistance to wind forces.

2. Construction Materials

Consider construction materials relative to their resistance to wind forces.

C. Codes & Regulations

Incorporate building codes and other regulatory requirements related to wind forces.

1. Government and Regulatory Requirements

Assess and apply building codes and regulations with respect to the design of structures for resistance to wind forces.

STRUCTURAL SYSTEMS

KNOWLEDGE / SKILLS

4. LATERAL FORCES

(7-9 percent of scored items)

A. Principles

Apply lateral forces principles to the design and construction of buildings.

1. Building Design

Analyze and investigate lateral loads and conditions that affect building design through use of engineering principles and functional requirements.

2. Building Systems and their Integration

Determine appropriate lateral load resisting systems and components.

3. Implications of Design Decisions

Evaluate the impact of lateral load design decisions on other building design issues.

B. Materials & Technology

Analyze the implications of design decisions in the selection of systems, materials, and construction details related to lateral forces.

1. Construction Details and Constructability

Analyze construction details and non-structural elements relative to their resistance to lateral forces.

2. Construction Materials

Consider construction materials relative to their resistance to lateral forces.

BUILDING SYSTEMS

KNOWLEDGE / SKILLS

The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. CODES & REGULATIONS

(6-9 percent of scored items)

- A. Incorporate building codes, specialty codes, and other regulatory requirements in the design of mechanical, electrical, plumbing, conveying, and other specialty systems.

1. Government and Regulatory Requirements and Permit Processes

Interpret codes, protocols, and procedures of government regulations to determine their impact on building design, and construction.

2. ENVIRONMENTAL ISSUES

(9-11 percent of scored items)

- A. Apply sustainable design principles to the selection, design, and construction of building systems.

1. Building Design

Utilize sustainable and environmental principles in building design as it relates to basic engineering systems.

2. Building Systems and their Integration

Analyze and evaluate the implications of sustainable design decisions in relation to project goals.

3. Implications of Design Decisions

Evaluate and determine environmental and sustainability parameters most appropriate for building design.

4. Construction Details

Utilize sustainable and environmental design details and recognize their effect on constructability, aesthetics, and technical properties.

5. Sustainable Design

Utilize sustainable design principles in building design as it relates to basic engineering systems.

6. Alternative Energy Systems and New Technologies

Evaluate sustainable strategies to utilize alternative energy systems and evolving technologies in building design.

7. Adaptive Reuse of Buildings and/or Materials

Evaluate sustainable strategies for adaptive reuse of components, systems and/or materials in building design.

3. PLUMBING

(10-15 percent of scored items)

A. PRINCIPLES

Analyze and design plumbing systems.

1. Building Design

Apply basic engineering principles and technologies for plumbing systems in building design.

2. Implications of Design Decisions

Analyze and evaluate the implications of plumbing system design decisions in relation project goals, cost, schedule, and quality.

BUILDING SYSTEMS

Overview

KNOWLEDGE / SKILLS

Knowledge/
Skills

Sample Multiple-
Choice Questions

Mechanical &
Electrical Plan Vignette

References

- B. MATERIALS & TECHNOLOGY**
Evaluate and select materials and construction details related to plumbing systems.
- 1. Building Systems and their Integration**
Evaluate and determine plumbing system parameters most appropriate for building design.
 - 2. Construction Details and Constructability**
Utilize plumbing system details and recognize their effect on constructability, aesthetics, and technical properties.
- 4. HVAC**
(18-23 percent of scored items)
- A. PRINCIPLES**
Analyze and design heating, ventilating, and air conditioning systems.
- 1. Building Design**
Apply basic engineering principles and technologies for HVAC systems in building design.
 - 2. Implications of Design Decisions**
Analyze and evaluate the implications of HVAC system design decisions in relation to project goals, cost, schedule, and quality.
 - 3. Indoor Air Quality**
Analyze and evaluate the implications of HVAC system design decisions in relation to indoor air quality.
- B. MATERIALS & TECHNOLOGY**
Evaluate and select materials and construction details related to heating, ventilating, and air conditioning systems.
- 1. Building Systems and their Integration**
Evaluate and determine HVAC system parameters most appropriate for building design.
 - 2. Construction Details and Constructability**
Utilize HVAC system details and recognize their effect on constructability, aesthetics, and technical properties.
 - 3. Thermal and Moisture Protection**
Analyze and evaluate the implications of thermal and moisture protection principles in relation to HVAC system design.
- 5. ELECTRICAL**
(10-15 percent of scored items)
- A. PRINCIPLES**
Analyze and design electrical systems.
- 1. Building Design**
Apply basic engineering principles and technologies for electrical systems in building design.
 - 2. Implications of Design Decisions**
Analyze and evaluate the implications of electrical system design decisions in relation to project goals, cost, schedule, and quality.
- B. MATERIALS & TECHNOLOGY**
Evaluate and select materials and construction details related to electrical systems.
- 1. Building Systems and their Integration**
Evaluate and determine electrical system parameters most appropriate for building design.
 - 2. Construction Details and Constructability**
Evaluate and determine electrical system parameters most appropriate for building design.

BUILDING SYSTEMS

KNOWLEDGE / SKILLS

6. LIGHTING

(15-20 percent of scored items)

A. PRINCIPLES

Analyze and design natural and artificial lighting systems.

1. Building Design

Apply basic engineering principles and technologies for lighting systems in building design.

2. Implications of Design Decisions

Analyze and evaluate the implications of lighting system design decisions in relation to project goals, cost, schedule, and quality.

3. Natural and Artificial Lighting

Evaluate and determine design principles and theories related to sustainable strategies, daylighting, solar control, energy consumption, and artificial lighting.

B. MATERIALS & TECHNOLOGY

Evaluate and select materials and construction details related to natural and artificial lighting systems.

1. Building Systems and their Integration

Evaluate and determine lighting system parameters most appropriate for building design.

2. Construction Details and Constructability

Utilize lighting system details and recognize their effect on constructability, aesthetics, and technical properties.

3. Natural and Artificial Lighting

Utilize lighting components and details to recognize their effect on constructability, aesthetics, and technical properties.

7. SPECIALTIES

(18-23 percent of scored items)

A. ACOUSTICS

Evaluate, select, and design acoustical systems.

1. Building Design

Apply basic engineering principles and technologies for acoustic systems in building design.

2. Building Systems and their Integration

Evaluate and determine acoustic system parameters most appropriate for building design.

3. Implications of Design Decisions

Analyze and evaluate the implications of acoustic system design decisions in relation to project goals.

4. Construction Details and Constructability

Utilize acoustical components and details to recognize their effect on constructability, aesthetics, and technical properties.

B. COMMUNICATIONS & SECURITY

Evaluate, select, and design communications and security systems.

1. Building Design

Apply basic engineering principles and technologies for communications and security systems in building design.

2. Building Systems and their Integration

Evaluate and determine communications and security systems parameters most appropriate for building design.

3. Implications of Design Decisions

Analyze and evaluate the implications of communication and security system design decisions in relation to project goals.

BUILDING SYSTEMS

KNOWLEDGE / SKILLS

- 4. Construction Details and Constructability**
Utilize communications and security system details and recognize their effect on constructability, aesthetics, and technical properties.
- C. CONVEYING SYSTEMS**
Evaluate, select, and design elevators, escalators, moving walkways, and other conveying systems.
 - 1. Building Design**
Apply basic engineering principles and technologies for conveying systems in building design.
 - 2. Building Systems and their Integration**
Evaluate and determine conveying system parameters most appropriate for building design.
 - 3. Implications of Design Decisions**
Analyze and evaluate the implications of conveying system design decisions in relation to project goals.
 - 4. Construction Details and Constructability**
Utilize conveying system details and recognize their effect on constructability, aesthetics, and technical properties.
- D. FIRE DETECTION AND SUPPRESSION**
Evaluate, select, and design fire detection and suppression systems.
 - 1. Building Design**
Apply basic engineering principles and technologies for fire detection and suppression systems in building design.
 - 2. Building Systems and their Integration**
Evaluate and determine fire detection and suppression system parameters most appropriate for building design.
 - 3. Implications of Design Decisions**
Analyze and evaluate the implications of fire detection and suppression system design decisions in relation to project goals.
 - 4. Construction Details and Constructability**
Utilize fire detection and suppression system details and recognize their effect on constructability, aesthetics, and technical properties.

CONSTRUCTION DOCUMENTS & SERVICES

KNOWLEDGE / SKILLS

The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. CODES & REGULATIONS

(9-11 percent of scored items)

- A. Incorporate building codes, specialty codes, zoning, and other regulatory requirements in construction documents and services.

1. Government and Regulatory Requirements and Permit Processes

Review governmental and regulatory requirements and incorporate provisions in the construction documents for required permit submittals and to achieve code compliance.

2. Specialty Codes and Regulations including Accessibility Laws, Codes, and Guidelines

Incorporate applicable specialty codes and regulations into the construction documents.

2. ENVIRONMENTAL ISSUES

(6-9 percent of scored items)

- A. Incorporate sustainable design principles, universal design, adaptive reuse concepts, alternative energy systems, new material technologies, and hazardous material mitigation in construction documents.

1. Hazardous Conditions and Materials

Assess the presence of hazardous materials on the site and in the building during construction and recommend mitigation procedures.

2. Sustainable Design

Incorporate sustainable design principles into the construction documents.

3. CONSTRUCTION DRAWINGS & PROJECT MANUAL

(48-53 percent of scored items)

- A. Prepare and coordinate construction drawings including building systems, product selection, and constructibility. Prepare, coordinate, and review general and supplementary conditions and technical specifications.

1. Site Design

Prepare and coordinate construction documents pertaining to the site.

2. Building Design

Prepare and coordinate construction documents pertaining to the building, and review and revise documents for constructability and budget compliance.

3. Building Systems and their Integration

Coordinate building system components and resolve conflicts in construction documents.

4. Specifications

Prepare specifications and coordinate them with construction drawings.

4. PROJECT & PRACTICE MANAGEMENT

(30-35 percent of scored items)

A. COST

Prepare estimates of probable construction cost. Consider cost implications on design decisions.

CONSTRUCTION DOCUMENTS & SERVICES

Overview

KNOWLEDGE / SKILLS

Knowledge/
Skills

Sample Multiple-Choice Questions

Building Section Vignette

References

1. Cost Estimating, Value Engineering, and Lifecycle Costing

Update cost estimates for the project during construction document phase; adjust construction documents to align with budget and reflect lifecycle cost goals and value engineering results.

B. SCHEDULING & COORDINATION

Prepare and manage project schedule and coordinate all contract documents including those of consultants.

1. Construction Sequencing

Advise on the sequencing of construction and monitor its impact on project delivery.

2. Project Schedule Management

Prepare and monitor a project schedule during both the construction documents phase and construction.

C. PROJECT DELIVERY

Establish project delivery method. Provide contract administration documentation and services.

1. Project Delivery Methods

Evaluate and finalize appropriate project delivery method.

2. Construction Procurement Processes

Prepare procurement documentation and manage procurement process.

3. Product and Material Substitutions

Evaluate proposed material substitutions for compliance with the construction documents.

4. Construction Records Management

Document, prepare and maintain project records during the construction phase.

5. Shop Drawing Review

Review and process shop drawings/submittals to ensure compliance with construction documents.

6. Site Observation / Construction Contract Compliance

Observe construction and perform construction administration to ensure compliance with construction documents and agreements.

7. Change Order Process

Determine and apply proper procedures for executing changes in the work.

8. Construction Conflict Resolution

Resolve conflicts between members of the project team during construction.

9. Post-Occupancy Studies

Assist in preparing a post-occupancy study and evaluate the results.

D. CONTRACTS & LEGAL ISSUES

Review and administer professional services and construction contracts. Consider issues pertaining to practice including risk management and professional and business ethics.

1. Contracts for Construction

Manage terms of professional service contracts and prepare construction contracts between owner and contractors.

2. Legal Issues Pertaining to Practice and Contracts

Apply relevant laws and regulations governing the practice of architecture.

3. Risk Management

Assess professional and general liability and apply risk management procedures related to architectural practice.

4. Professional and Business Ethics

Apply professional and business ethics to architectural practice.

	RID by ARE	Reg. No	Initial Reg Date		Arch No.	Arch Initial Reg Date
1	Clayton Parnell Little	11535	12/18/2014		15170	9/8/1995
2	Chris Noack	11550	1/23/2015		15390	3/21/1996
3	Daniel Jay Roe	11561	2/19/2015		12976	9/12/1989
4	Curtis Richard Fish	11590	7/2/2015		24926	6/29/2015
5	John Griswold Webb III	11629	11/4/2015		14811	9/8/1994
6	Thomas R. Bartholomew	11631	11/20/2015		5124	2/1/1974
7	Tiffany Robinson Long	11645	1/9/2016		21526	7/24/2009
8	Morgan Michelle Williams	11646	1/11/2016		23444	11/28/2012
9	Ulrich Christian Dangel	11671	3/9/2016		24632	1/28/2015
10	James L. Faulkner	11673	3/15/2016		13549	5/7/1991
11	John Allyn Montgomery	11684	5/10/2016		11692	9/9/1999
12	Jonathan Strain	11709	6/29/2016		22625	6/16/2011

Discussion of PSPA as Applied to Landscape Architects

Background

The Professional Services Procurement Act (PSPA) regulates the procurement of professional services by governmental entities in Texas. The Act, Government Code 2254, applies to the procurement of architectural and landscape architectural professional services, along with seven other professions. Under Sec. 2254.003 of the PSPA, a governmental entity is forbidden from selecting “a provider of professional services . . . on the basis of competitive bids submitted for the contract or for the services.” Rather, the governmental entity is required to “make the selection and award: (1) on the basis of demonstrated competence and qualifications to perform the services; and (2) for a fair and reasonable price.” This provision applies to the procurement of professional services for all nine of the identified professions, including architects and landscape architects.

Additionally, under Section 2254.004, the Act goes on to identify a specific process that applies to the procurement of architectural, engineering, or land surveying services. When selecting a provider of these services, the governmental entity is required to “(1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and (2) then attempt to negotiate with that provider a contract at a fair and reasonable price.” Given that this section applies only to the procurement of architectural, engineering, or land surveying services, the implication is that this process is more strict than what would be required to satisfy the prohibition on competitive bidding in Section 2254.003, which applies to these three professions, as well as landscape architecture and five other professions.

Board Mandate

Under Occupations Code Sec. 1051.203, the board is directed to “adopt rules to prevent a person regulated by the board from submitting a competitive bid to, or soliciting a competitive bid on behalf of, a governmental entity that is prohibited [under the PSPA] from making a selection or awarding a contract on the basis of competitive bids.” As discussed above, governmental entities are prohibited from making a selection or awarding a contract for both architectural and landscape architectural services on the basis of competitive bids. Therefore, it would appear that the Board is required to adopt rules prohibiting registrants of both professions from engaging in competitive bidding in government procurement for services.

The Board currently has such a rule for architects, but not for landscape architects. Rule § 1.147 states:

“An Architect shall neither submit a competitive bid to nor solicit a competitive bid on behalf of any governmental entity that is prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids. For purposes of this section, the term “competitive bid” means information which specifies the fee charged by an Architect for a professional service, including information from which such fee may be extrapolated or indirectly determined. An Architect may disclose to a governmental entity

the fee for a professional service, including information found in a fee schedule, only after the governmental entity has selected the Architect on the basis of demonstrated competence and qualifications pursuant to the Professional Services Procurement Act.”

This rule was adopted in 2014, amended from a previous version of the Rule that had an identical counterpart for landscape architects. Those rules read as follows:

“A[n] [Landscape] Architect shall neither submit a competitive bid to nor solicit a competitive bid on behalf of any governmental entity that is prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids. A[n] [Landscape] Architect may submit information related to the monetary fee of a professional service, including information found in a fee schedule, only after the governmental entity has selected the [Landscape] Architect on the basis of demonstrated competence and qualifications pursuant to the Professional Services Procurement Act.”

When the rule for architects was amended in 2014, the Board repealed the rule for landscape architects. The report provided to the Board at the time of adoption/repeal is attached to this summary. The report notes the different treatment of professional services involving architecture and landscape architecture, observing that the two-step process in 2254.004 does not apply to landscape architects. Presumably, since the previous rule implemented the same two step process for architects and landscape architects (prohibition on the submission of information relating to the monetary fee until after selection on demonstrated competence), the rules committee recommended repeal for landscape architects.

Discussion

Noting that the PSPA 2254.003 prohibition on competitive bidding does apply to landscape architects, and that the apparent obligation for the Board to adopt rules prohibiting landscape architects from submitting competitive bids in violation of the PSPA, Mr. Davis has asked that this matter be placed on the agenda for further discussion by the rules committee. As a starting point, the following language is provided:

DRAFT RULE §3.147 Professional Services Procurement Act

If a Landscape Architect seeks to provide professional services to a governmental entity that is prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids, the landscape architect must provide the governmental entity with sufficient information to demonstrate the landscape architect’s competence and qualifications to perform the services. A landscape architect is not prohibited from providing the entity with information regarding costs of services or fees in addition to information regarding competence and qualifications.

This draft language would allow a landscape architect to submit information relating to costs of professional services to a governmental agency, and require sufficient information to be provided that would demonstrate the landscape architect's competence and qualifications to perform the services. Arguably, this would serve to allow the governmental entity to make the selection and award: (1) on the basis of demonstrated competence and qualifications to perform the services; and (2) for a fair and reasonable price.

Topics for Consideration

- Under 2254.003, governmental entities are forbidden from selecting professional services on the basis of competitive bids for nine professions.
 - Of these, only three agencies are directed to adopt rules prohibiting registrants from submitting or receiving competitive bids:
 - Texas Board of Architectural Examiners, Texas Board of Professional Engineers, and Texas Board of Professional Land Surveying
 - These happen to be the agencies that regulate the three professions that are subject to the two-step bidding process under 2254.004
- If the prohibition on competitive bids stops short of requiring a two-step process in which no fee information may be disclosed until selection, what is and is not a “competitive bid” under Govt. Code 2254.003?
 - No further guidance in Chapter 2254
 - It may be advisable to request an attorney general's opinion on the issue, so that in engaging in rulemaking, the Board doesn't adopt a rule that is more permissive than what is prohibited under 2254.003.

1 PROPOSED RULE §3.147 Professional Services Procurement Act

2 If a Landscape Architect seeks to provide professional services to a governmental entity that is
3 prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government
4 Code, from making a selection or awarding a contract on the basis of competitive bids, the landscape
5 architect must provide the governmental entity with sufficient information to demonstrate the
6 landscape architect's competence and qualifications to perform the services. A landscape architect is
7 not prohibited from providing the entity with information regarding costs of services or fees in addition
8 to information regarding competence and qualifications.

1 **Sec. 1051.203. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING.** (a) The board may not
2 adopt rules restricting advertising or competitive bidding by a certificate holder except to prohibit false,
3 misleading, or deceptive practices.

4 (b) In its rules to prohibit false, misleading, or deceptive practices, the board may not include a rule
5 that:

6 (1) restricts the use of any advertising medium;

7 (2) restricts the use of a certificate holder's personal appearance or voice in an advertisement;

8 (3) relates to the size or duration of an advertisement by the certificate holder; or

9 (4) restricts the certificate holder's advertisement under a trade name.

10 (c) The board shall adopt rules to prevent a person regulated by the board from submitting a
11 competitive bid to, or soliciting a competitive bid on behalf of, a governmental entity that is prohibited
12 by Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on
13 the basis of competitive bids.

14

Summary of Draft Amendments
Regarding
Professional Services Procurement Act

Current Law

Section 1051.203, Texas Occupations Code, generally prohibits the Board from regulating commercial speech, except to restrict false, misleading or deceptive practices. The law prohibits the Board from adopting rules which restrict competitive bidding. However, a portion of the law requires the Board to adopt rules to prohibit its registrants from submitting a competitive bid to a governmental entity and from soliciting a competitive bid on behalf of a governmental entity, if the Professional Services Procurement Act (the Act) bars the governmental entity from awarding a contract on the basis of competitive bidding.

The Professional Services Procurement Act lists both architecture and landscape architecture as “professional services”. Governmental entities may not select a provider of either professional service on the basis of competitive bids. However, the Act implements that prohibition differently for architectural services than it does for landscape architectural services.

The Act specifies a two-step process for the procurement of architectural services (along with engineering and land surveying services). A governmental entity must first select the most highly qualified provider of architectural services on the basis of demonstrated competence and qualifications and then attempt to negotiate a fair and reasonable price with the selected provider. For the selection of a provider of landscape architectural services (along with all other professional services), the Act requires a governmental entity to make the selection and award on the basis of demonstrated competence and qualifications to perform the services for a fair and reasonable price. There is no specified sequence of selection followed by negotiation for awarding a contract to a landscape architect.

The Board has adopted rules restricting architects and landscape architects from submitting a competitive bid to, or soliciting a competitive on behalf of, a governmental entity in accordance with the Act. The rules also bar architects and landscape architects from providing information relating to fees for a professional service until after selection on the basis of competence and qualifications.

Proposed Amendments

The proposed rule defines the term “competitive bid” for purposes of implementing the Act. As defined, a competitive bid includes information which discloses a fee for architectural services. The definition includes information from which the fee may be extrapolated or indirectly determined.

The draft amendments make the rules more closely align with the rules of the Texas Board of Professional Engineers and the Texas Board of Professional Land Surveying. The amendments also clarify the current restriction on the disclosure of any information “related to the monetary cost of a professional service” which is broad enough and vague enough to be construed in an inconsistent or overbroad manner.

Upon the recommendation of the Rules Committee, the Board proposed the repeal of Rule 3.147 which imposes the fee disclosure restriction upon providers of landscape architectural services.

The proposed amendment to Rule 1.147, applying to architects, and the repeal of Rule 3.147, regarding landscape architects, were published in the September 19, 2014, edition of the *Texas Register*. To date, the agency has received no public comment regarding either proposed change.

Board Notebook
October 2014

§ 1.147. Professional Services Procurement Act

1 An Architect shall neither submit a competitive bid to nor solicit a competitive bid on behalf of
2 any governmental entity that is prohibited by the Professional Services Procurement Act,
3 Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract
4 on the basis of competitive bids. For purposes of this Section, the term “competitive bid” means
5 information which specifies the fee charged by an Architect for a professional service, including
6 information from which such fee may be extrapolated or indirectly determined. An Architect
7 may disclose to a governmental entity [~~submit information related to~~] the fee for [~~monetary cost~~
8 ~~of~~] a professional service, including information found in a fee schedule, only after the
9 governmental entity has selected the Architect on the basis of demonstrated competence and
10 qualifications pursuant to the Professional Services Procurement Act.
11

REPEAL §3.147 Professional Services Procurement Act

12 A Landscape Architect shall neither submit a competitive bid to nor solicit a competitive bid on
13 behalf of any governmental entity that is prohibited by the Professional Services Procurement
14 Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a
15 contract on the basis of competitive bids. A Landscape Architect may submit information related
16 to the monetary cost of a professional service, including information found in a fee schedule,
17 only after the governmental entity has selected the Landscape Architect on the basis of
18 demonstrated competence and qualifications pursuant to the Professional Services Procurement
19 Act.

Consideration of Review of Agency's Rules

22 Tex. Admin. Code Chapters 1 and 3

Background

Under Texas Government Code §2001.039, each state agency is required to review its rules every four years to determine whether each rule should be re-adopted, amended, or repealed. During this process, the state agency must assess whether the reasons for initially adopting the rule continue to exist. The Board most recently adopted Rule reviews in October, 2012.

Rule Review

On July 8, 2016, Staff published a notice of intent to review Chapters 1 and 3 of the agency's rules, which invited the public to submit comments or any other response or suggestions. No comments were received from the public. Staff has reviewed each rule in Chapters 1 and 3, and identified a number of rules that require updating to better align with current laws, rules, or agency practice, as explained below:

Chapters 1 and 3

- Rules 1.5 and 3.5 – Terms Defined Herein
 - Repeal definition of “actual signature” and replace with identical definition of “signature.”
 - The term “actual signature” does not appear in the Board’s rules for any profession. “Signature” is the term that is used.
 - Repeal definition for “authorship”
 - The terms “authorship” or “author” do not appear in the Board’s rules.
 - Revise definition for “Architectural Barriers Act”
 - The current definitions reference Article 9102, Vernon’s Texas Civil Statutes, which was repealed in 2003
 - Repeal definition for “E-mail Directory”
 - This term does not appear in the Board’s rules for any profession
- Rules 1.24 and 3.24 – Fees
 - These rules have become obsolete and should be repealed
 - The rules state that the Board shall establish a schedule of fees, and that such fee schedule shall be published and copies made available at the Board’s office. This rule was adopted at a time, prior to 2005, when the Board did not adopt a fee schedule by rule. Under the current practice, in which the fee schedule is adopted and published under Rule 7.10, this rule is inaccurate and unnecessary.

Chapter 1 Only

- Rule 1.5
 - Correct typographical error: term “EPH” should be amended to “CEPH” (Continuing Education Program Hours)

- Revise definition for “Architect’s Registration Law”
 - The current definition references Article 249a, Vernon’s Texas Civil Statutes, which was repealed in 2001
- Rule 1.148
 - Replace an obsolete reference
 - The rule refers to “Section 10 of the Act,” which is a reference to Article 249a, which was repealed and replaced with Occupations Code Chapter 1051 in 2001. The draft amendment makes the appropriate reference to Section 1051.001.

Chapter 3 Only

- Rule 3.5
 - Revise definition for “Landscape Architect’s Registration Law”
 - The current definition references Article 249c, Vernon’s Texas Civil Statutes, which was repealed in 2001

Draft amendments to the foregoing rules have been prepared and attached for your review. Additionally, a copy of Texas Government Code §2001.039 is attached.

All other rules in Chapter 1 and 3 have been reviewed, and it is Staff’s opinion that the reasons for initial adoption of these rules continue to exist, and that such rules should be readopted.

Staff’s Recommendations

1. Move to approve the draft amendments to 22 Tex. Admin. Code §§ 1.5, 3.5, 1.24, 3.24, and 1.148 for publication and proposal in the Texas register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.
2. Move to readopt all other rules in 22 Texas Administrative Code Chapters 1 and 3, as authorized under Texas Government Code §2001.039(c).

Vernon's Texas Statutes and Codes Annotated
Government Code (Refs & Annos)
Title 10. General Government (Refs & Annos)
Subtitle A. Administrative Procedure and Practice
Chapter 2001. Administrative Procedure (Refs & Annos)
Subchapter B. Rulemaking

V.T.C.A., Government Code § 2001.039

§ 2001.039. Agency Review of Existing Rules

Currentness

- (a) A state agency shall review and consider for readoption each of its rules in accordance with this section.
- (b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.
- (c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.
- (d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.
- (e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

Credits

Added by [Acts 1999, 76th Leg., ch. 1499, § 1.11\(a\), eff. Sept. 1, 1999.](#)

Notes of Decisions (4)

V. T. C. A., Government Code § 2001.039, TX GOVT § 2001.039
Current through the end of the 2015 Regular Session of the 84th Legislature

RULE §1.5 Terms Defined Herein

The following words, terms, and acronyms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) The Act--The Architects' Registration Law.

~~(2) Actual Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.~~

(23) Administrative Procedure Act (APA)--Texas Government Code §§2001.001 et seq.

(34) APA--Administrative Procedure Act.

(45) Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.

(56) Architect--An individual who holds a valid Texas architectural registration certificate granted by the Board.

(67) Architect Registration Examination (ARE)--The standardized test that a Candidate must pass in order to obtain a valid Texas architectural registration certificate.

(78) Architect Registration Examination Financial Assistance Fund (AREFAF)--A program administered by the Board which provides monetary awards to Candidates and newly registered Architects who meet the program's criteria.

(89) Architects' Registration Law--~~Article 249a, Vernon's Texas Civil Statutes, and~~ Chapter 1051, Texas Occupations Code.

(910) Architectural Barriers Act--~~Article 9102, Vernon's Texas Civil Statutes and~~ Texas Government Code, Chapter 469.

(104) Architectural Intern--An individual enrolled in the Intern Development Program (IDP).

(112) ARE--Architect Registration Examination.

(123) AREFAF--Architect Registration Examination Financial Assistance Fund.

~~(14) Authorship--The state of having personally created something.~~

(135) Barrier-Free Design--The design of a building or a facility or the design of an alteration of a building or a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

(146) Board--Texas Board of Architectural Examiners.

(157) Cancel, Cancellation, or Cancelled--The termination of a Texas architectural registration certificate by operation of law two years after it expires without renewal by the certificate-holder.

(168) Candidate--An Applicant approved by the Board to take the ARE.

(179) CEPH--Continuing Education Program Hour(s).

(1820) Chair--The member of the Board who serves as the Board's presiding officer.

(1921) Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

(202) Consultant--An individual retained by an Architect who prepares or assists in the preparation of technical design documents issued by the Architect for use in connection with the Architect's Construction Documents.

(213) Contested Case--A proceeding, including a licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.

(224) Continuing Education Program Hour (CEPH)--At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

(235) Council Certification--Certification granted by NCARB to architects who have satisfied certain standards related to architectural education, training, and examination.

(246) Delinquent--A registration status signifying that an Architect:

(A) has failed to remit the applicable renewal fee to the Board; and

(B) is no longer authorized to Practice Architecture in Texas or use any of the terms restricted by the Architects' Registration Law.

~~(27) E-mail Directory--A listing of e-mail addresses:~~

~~—(A) used to advertise architectural services; and~~

~~—(B) posted on the Internet under circumstances where the Architects included in the list have control over the information included in the list.~~

(258) Emeritus Architect (or Architect Emeritus)--An honorary title that may be used by an Architect who has retired from the Practice of Architecture in Texas pursuant to Texas Occupations Code, §1051.357.

(269) Energy-Efficient Design--The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.

(2730) Feasibility Study--A report of a detailed investigation and analysis conducted to determine the advisability of a proposed architectural project from a technical architectural standpoint.

(2831) Good Standing--

(A) a registration status signifying that an Architect is not delinquent in the payment of any fees owed to the Board; or

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by an architectural registration board that would provide a ground for the denial of the application for architectural registration in Texas.

(~~2932~~) Governmental Entity--A Texas state agency or department; a district, authority, county, municipality, or other political subdivision of Texas; or a publicly owned Texas utility.

(~~303~~) Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

(~~314~~) IDP--The Intern Development Program as administered by NCARB.

(~~325~~) Inactive--A registration status signifying that an Architect may not Practice Architecture in the State of Texas.

(~~336~~) Intern Development Program (IDP)--A comprehensive internship program established, interpreted, and enforced by NCARB.

(~~347~~) Institutional Residential Facility--A building intended for occupancy on a 24-hour basis by persons who are receiving custodial care from the proprietors or operators of the building. Hospitals, dormitories, nursing homes and other assisted living facilities, and correctional facilities are examples of buildings that may be Institutional Residential Facilities.

(~~358~~) Licensed--Registered.

(~~369~~) Member Board--An architectural registration board that is part of the nonprofit federation of architectural registration boards known as NCARB.

(~~3740~~) NAAB--National Architectural Accrediting Board.

(~~3841~~) National Architectural Accrediting Board (NAAB)--An agency that accredits architectural degree programs in the United States.

(~~3942~~) National Council of Architectural Registration Boards (NCARB)--A nonprofit federation of architectural registration boards from fifty-five (55) states and territories of the United States.

(~~403~~) NCARB--National Council of Architectural Registration Boards.

(~~414~~) Nonregistrant--An individual who is not an Architect.

(~~425~~) Practice Architecture--Perform or do or offer or attempt to do or perform any service, work, act, or thing within the scope of the Practice of Architecture.

(~~436~~) Practicing Architecture--Performing or doing or offering or attempting to do or perform any service, work, act, or thing within the scope of the Practice of Architecture.

(~~447~~) Practice of Architecture--A service or creative work applying the art and science of developing design concepts, planning for functional relationships and intended uses, and establishing the form,

appearance, aesthetics, and construction details for the construction, enlargement, or alteration of a building or environs intended for human use or occupancy, the proper application of which requires education, training, and experience in those matters.

(A) The term includes:

(i) establishing and documenting the form, aesthetics, materials, and construction technology for a building, group of buildings, or environs intended to be constructed or altered;

(ii) preparing or supervising and controlling the preparation of the architectural plans and specifications that include all integrated building systems and construction details, unless otherwise permitted under Texas Occupations Code, §1051.606(a)(4); and

(iii) observing the construction, modification, or alteration of work to evaluate conformance with architectural plans and specifications described in clause (ii) of this subparagraph for any building, group of buildings, or environs requiring an architect.

(B) The term "practice of architecture" also includes the following activities which, pursuant to Texas Occupations Code §1051.701(a), may be performed by a person who is not registered as an Architect:

(i) programming for construction projects, including identification of economic, legal, and natural constraints and determination of the scope and spatial relationship of functional elements;

(ii) recommending and overseeing appropriate construction project delivery systems;

(iii) consulting, investigating, and analyzing the design, form, aesthetics, materials, and construction technology used for the construction, enlargement, or alteration of a building or environs and providing expert opinion and testimony as necessary;

(iv) research to expand the knowledge base of the profession of architecture, including publishing or presenting findings in professional forums; and

(v) teaching, administering, and developing pedagogical theory in academic settings offering architectural education.

(458) Principal--An architect who is responsible, either alone or with other architects, for an organization's Practice of Architecture.

(469) Prototypical--From or of an architectural design intentionally created not only to establish the architectural parameters of a building or facility to be constructed but also to serve as a functional model on which future variations of the basic architectural design would be based for use in additional locations.

(4750) Public Entity--A state, a city, a county, a city and county, a district, a department or agency of state or local government which has official or quasi-official status, an agency established by state or local government though not a department thereof but subject to some governmental control, or any other political subdivision or public corporation.

(4851) Registered--Licensed.

(4952) Registrant--Architect.

(503) Regulatory Approval--The approval of Construction Documents by the applicable Governmental Entity after a review of the architectural content of the Construction Documents as a prerequisite to construction or occupation of a building or a facility.

(514) Reinstatement--The procedure through which a Surrendered or revoked Texas architectural registration certificate is restored.

(525) Renewal--The procedure through which an Architect pays a periodic fee so that the Architect's registration certificate will continue to be effective.

(536) Responsible Charge--That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the applicable architectural standard of care.

(547) Revocation or Revoked--The termination of an architectural registration certificate by the Board.

(558) Rules and Regulations of the Board--22 Texas Administrative Code §§1.1 et seq.

(569) Rules of Procedure of SOAH--1 Texas Administrative Code §§155.1 et seq.

(5760) Secretary-Treasurer--The member of the Board responsible for signing the official copy of the minutes of each Board meeting and maintaining the record of Board members' attendance at Board meetings.

(58) Actual-Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.

(5961) SOAH--State Office of Administrative Hearings.

(602) Sole Practitioner--An Architect who is the only design professional to offer or render architectural services on behalf of a business entity.

(613) State Office of Administrative Hearings (SOAH)--A Governmental Entity created to serve as an independent forum for the conduct of adjudicative hearings involving the executive branch of Texas government.

(624) Supervision and Control--The amount of oversight by an architect overseeing the work of another whereby:

(A) the architect and the individual performing the work can document frequent and detailed communication with one another and the architect has both control over and detailed professional knowledge of the work; or

(B) the architect is in Responsible Charge of the work and the individual performing the work is employed by the architect or by the architect's employer.

(635) Supplemental Document--A document that modifies or adds to the technical architectural content of an existing Construction Document.

(646) Surrender--The act of relinquishing a Texas architectural registration certificate along with all privileges associated with the certificate.

(657) Sustainable Design--An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure developments during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

(668) TBAE--Texas Board of Architectural Examiners.

(679) TDLR--Texas Department of Licensing and Regulation.

(6870) Texas Department of Licensing and Regulation (TDLR)--A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.

(6971) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(7072) TGSLC--Texas Guaranteed Student Loan Corporation.

(713) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

REPEAL RULE §1.24 — Fees

~~The Board shall establish a schedule of fees for services provided by the Board, including fees related to application procedures. The fee schedule established by the Board shall be published, and copies shall be available from the Board's office.~~

RULE §1.148 Prevention of Unauthorized Practice

(a) An Architect shall not practice or offer to practice architecture in any governmental jurisdiction in which to do so would be in violation of a law regulating the practice of architecture in that jurisdiction.

(b) The revocation, suspension, refusal to renew, or denial of a registration to practice architecture in another jurisdiction shall be sufficient cause for the revocation, suspension, refusal to renew, or denial of a registration to practice architecture in the State of Texas.

(c) An Architect who fails to renew his/her certificate of registration prior to its annual expiration date shall not use the title "architect" and shall not "practice architecture" as defined by [Section 10 of the Act §1051.001 of the Texas Occupations Code](#) until after the Architect's certificate of registration has been properly renewed.

RULE §3.5 Terms Defined Herein

The following words, terms, and acronyms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) The Act--The Landscape Architects' Registration Law.

~~(2) Actual Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.~~

~~(23)~~ Administrative Procedure Act (APA)--Texas Government Code §§2001.001 et seq.

~~(34)~~ APA--Administrative Procedure Act.

~~(45)~~ Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.

~~(56)~~ Architectural Barriers Act--~~Article 9102, Vernon's Texas Civil Statutes and~~ Texas Government Code, Chapter 469.

~~(7) Authorship--The state of having personally created something.~~

~~(68)~~ Barrier-Free Design--The design of a facility or the design of an alteration of a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

~~(79)~~ Board--Texas Board of Architectural Examiners.

~~(810)~~ Cancel, Cancellation, or Cancelled--The termination of a Texas landscape architectural registration certificate by operation of law two years after it expires without renewal by the certificate-holder.

~~(911)~~ Candidate--An Applicant approved by the Board to take the LARE.

~~(102)~~ CEPH--Continuing Education Program Hour(s).

~~(113)~~ Chair--The member of the Board who serves as the Board's presiding officer.

~~(124)~~ CLARB--Council of Landscape Architectural Registration Boards.

~~(135)~~ Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

~~(146)~~ Consultant--An individual retained by a Landscape Architect who prepares or assists in the preparation of technical design documents issued by the Landscape Architect for use in connection with the Landscape Architect's Construction Documents.

~~(157)~~ Contested Case--A proceeding, including a licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.

(168) Continuing Education Program Hour (CEPH)--At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

(179) Council of Landscape Architectural Registration Boards (CLARB)--An international nonprofit organization whose members are landscape architectural licensing boards of the U.S. states and Canadian provinces that license landscape architects.

(1820) Delinquent--A registration status signifying that a Landscape Architect:

(A) has failed to remit the applicable renewal fee to the Board; and

(B) is no longer authorized to practice Landscape Architecture in Texas or use any of the terms restricted by the Landscape Architects' Registration Law.

(1924) Direct Supervision--The amount of oversight by an individual overseeing the work of another whereby the supervisor and the individual being supervised work in close proximity to one another and the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

~~(22) E-mail Directory--A listing of e-mail addresses:~~

~~—(A) used to advertise landscape architectural services; and~~

~~—(B) posted on the Internet under circumstances where the Landscape Architects included in the list have control over the information included in the list.~~

(203) Emeritus Landscape Architect (or Landscape Architect Emeritus)--An honorary title that may be used by a Landscape Architect who has retired from the practice of Landscape Architecture in Texas pursuant to §1052.155 of the Texas Occupations Code.

(214) Energy-Efficient Design--The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.

(225) Feasibility Study--A report of a detailed investigation and analysis conducted to determine the advisability of a proposed landscape architectural project from a technical landscape architectural standpoint.

(236) Good Standing--

(A) a registration status signifying that a Landscape Architect is not delinquent in the payment of any fees owed to the Board; or

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by a landscape architectural registration board that would provide a ground for the denial of the application for landscape architectural registration in Texas.

(247) Governmental Entity--A Texas state agency or department; a district, authority, county, municipality, or other political subdivision of Texas; or a publicly owned Texas utility.

(258) Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

(269) Inactive--A registration status signifying that a Landscape Architect may not practice Landscape Architecture in the State of Texas.

(2730) LAAB--Landscape Architectural Accreditation Board.

(2831) Landscape Architect--An individual who holds a valid Texas landscape architectural registration certificate granted by the Board.

(2932) Landscape Architect Registration Examination (LARE)--The standardized test that a Candidate must pass in order to obtain a valid Texas landscape architectural registration certificate.

(303) Landscape Architects' Registration Law--~~Article 249c, Vernon's Texas Civil Statutes, and~~ Chapter 1052, Texas Occupations Code.

(314) Landscape Architectural Accreditation Board (LAAB)--An agency that accredits landscape architectural degree programs in the United States.

(325) Landscape Architectural Intern--An individual participating in an internship to complete the experiential requirements for landscape architectural registration in Texas.

(336) Landscape Architecture--The art and science of landscape analysis, landscape planning, and landscape design, including the performance of professional services such as consultation, investigation, research, the preparation of general development and detailed site design plans, the preparation of studies, the preparation of specifications, and responsible supervision related to the development of landscape areas for:

(A) the planning, preservation, enhancement, and arrangement of land forms, natural systems, features, and plantings, including ground and water forms;

(B) the planning and design of vegetation, circulation, walks, and other landscape features to fulfill aesthetic and functional requirements;

(C) the formulation of graphic and written criteria to govern the planning and design of landscape construction development programs, including:

(i) the preparation, review, and analysis of master and site plans for landscape use and development;

(ii) the analysis of environmental, physical, and social considerations related to land use;

(iii) the preparation of drawings, construction documents, and specifications; and

(iv) construction observation;

(D) design coordination and review of technical submissions, plans, and construction documents prepared by individuals working under the direction of the Landscape Architect;

(E) the preparation of feasibility studies, statements of probable construction costs, and reports and site selection for landscape development and preservation;

(F) the integration, site analysis, and determination of the location of buildings, structures, and circulation and environmental systems;

(G) the analysis and design of:

(i) site landscape grading and drainage;

(ii) systems for landscape erosion and sediment control; and

(iii) pedestrian walkway systems;

(H) the planning and placement of uninhabitable landscape structures, plants, landscape lighting, and hard surface areas;

(I) the collaboration of Landscape Architects with other professionals in the design of roads, bridges, and structures regarding the functional, environmental, and aesthetic requirements of the areas in which they are to be placed; and

(J) field observation of landscape site construction, revegetation, and maintenance.

(~~347~~) LARE--Landscape Architect Registration Examination.

(~~358~~) Licensed--Registered.

(~~369~~) Member Board--A landscape architectural registration board that is part of CLARB.

(~~3740~~) Nonregistrant--An individual who is not a Landscape Architect.

(~~3841~~) Principal--A Landscape Architect who is responsible, either alone or with other Landscape Architects, for an organization's practice of Landscape Architecture.

(~~3942~~) Prototypical--From or of a landscape architectural design intentionally created not only to establish the landscape architectural parameters of a project but also to serve as a functional model on which future variations of the basic landscape architectural design would be based for use in additional locations.

(~~403~~) Registrant--Landscape Architect.

(~~414~~) Regulatory Approval--The approval of Construction Documents by the applicable Governmental Entity after a review of the landscape architectural content of the Construction Documents as a prerequisite to construction of a project.

(~~425~~) Reinstatement--The procedure through which a Surrendered or revoked Texas landscape architectural registration certificate is restored.

(~~436~~) Renewal--The procedure through which a Landscape Architect pays a periodic fee so that the Landscape Architect's registration certificate will continue to be effective.

(~~447~~) Responsible charge--That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered landscape architects applying the applicable landscape architectural standard of care.

(~~458~~) Revocation or Revoked--The termination of a landscape architectural certificate by the Board.

(469) Rules and Regulations of the Board--22 Texas Administrative Code §§3.1 et seq.

(4750) Rules of Procedure of SOAH--1 Texas Administrative Code §§155.1 et seq.

(4854) Secretary-Treasurer--The member of the Board responsible for signing the official copy of the minutes of each Board meeting and maintaining the record of Board members' attendance at Board meetings.

(49) Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.

(502) SOAH--State Office of Administrative Hearings.

(513) Sole Practitioner--A Landscape Architect who is the only design professional to offer or render landscape architectural services on behalf of a business entity.

(524) State Office of Administrative Hearings (SOAH)--A Governmental Entity created to serve as an independent forum for the conduct of adjudicative hearings involving the executive branch of Texas government.

(535) Supervision and Control--The amount of oversight by a landscape architect overseeing the work of another whereby:

(A) the landscape architect and the individual performing the work can document frequent and detailed communication with one another and the landscape architect has both control over and detailed professional knowledge of the work; or

(B) the landscape architect is in Responsible Charge of the work and the individual performing the work is employed by the landscape architect or by the landscape architect's employer.

(546) Supplemental Document--A document that modifies or adds to the technical landscape architectural content of an existing Construction Document.

(557) Surrender--The act of relinquishing a Texas landscape architectural registration certificate along with all privileges associated with the certificate.

(568) Sustainable Design--An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure development during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

(579) Table of Equivalents for Experience in Landscape Architecture--22 Texas Administrative Code §§3.191 and §3.192 of this chapter.

(5860) TBAE--Texas Board of Architectural Examiners.

(5961) TDLR--Texas Department of Licensing and Regulation.

(602) Texas Department of Licensing and Regulation (TDLR)--A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.

(613) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(624) TGSLC--Texas Guaranteed Student Loan Corporation.

(635) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

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~~The Board shall establish a schedule of fees for services provided by the Board, including fees related to application procedures. The fee schedule established by the Board shall be published, and copies shall be available from the Board's office.~~