

BOARD OF ARCHITECTS MALAYSIA

(P.O. Box 12695, 50786 Kuala Lumpur)

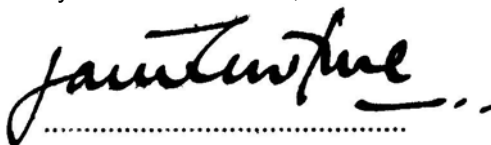
GENERAL CIRCULAR NO. 1/1999

VIOLATIONS OF THE CODE OF PROFESSIONAL CONDUCT as a result of ECONOMIC PRESSURE

1. It has come to the Board's notice that there are a number of end-users who are capitalising on the current economic situation by exploiting Architects, which if left unchecked, will seriously damage the long-term future of the entire profession.
2. The modus operandi of such end-user's intent on taking advantage of the situation comprises a number of steps including -
 - Inviting Architects to submit design proposals totally free of charge and without compensating the Architect for his effort.
 - Reserving the right to negotiate fees and conditions of engagement with the Architect/s after their design has been selected.
 - Stipulating a mode of payment of fees only upon successful sales and deferring the bulk of the fees to the end.
 - Imposing conditions such as the provision of performance bond and liquidated and ascertained damages for delays allegedly caused by the Architect without any corresponding provisions for extension of time.
3. All Architects are hereby advised that if specific complaint is received, the Board will not hesitate to take specific action against those who have deviated from complying with the Scale of Fees as legislated under the Architects (Scale of Minimum Fees) Rules 1986. It is now known that there are in fact current invitations issued to Architects for some projects incorporating some or all of the unacceptable conditions as listed under para 2 above. Whoever accepts a commission from the known developers will be deemed to have violated the relevant provisions in the Code of Professional Conduct. In such cases, the Board will require the Architect/s concerned to show cause why disciplinary action should not be taken against them for violating the Code.
4. **The Board hopes that such disciplinary measures will not be necessary and urges all Architects who have been invited for such illegal competitions to decline the invitations and to report the sponsors to the Board so that the Board can communicate directly with the lay parties to advise them of the provisions of the law.**

The cooperation of all Architects is very much desired in the interest of the profession.

By order of the Board,



(ZAINAB bt. MOHAMED)

Registrar
27 April 1999.