

# Open Call

## **A selection procedure for designers of public building assignments**

A town hall, a school, a care facility, a museum, a residential area, a bridge, a green or urban landscape: they have to be built, the budget has been approved, but how do you find a designer with who you can build in tandem? In 2000, in order to assist all public principals in Flanders, the Flemish Government Architect developed the Open Call, a procedure by which to select designers for assignments in the field of architecture, urban planning, landscape design, public space and infrastructure. The public projects for which a designer is being sought via the Open Call are grouped and published twice a year at the European level. Designers are invited nationally and internationally to apply for one or more projects.

To this day the Open Call remains a unique and innovative selection and negotiation method. The format of a project definition, with which not one but several design teams then set to work, their reflection on the assignment and the ensuing discussion help the public principal to make a balanced choice for the designer that has its preference.

The Open Call is a step-by-step approach to a visionary building culture, where building is a means to achieve social objectives, not a goal in itself nor purely a means to alleviate a need rapidly. In practice, the Open Call creates clear added value on a number of crucial points.

### *A responsible principal with a vision*

A public principal bears a particular cultural responsibility since they build with an eye to their social task. They have both a mission and a vision and accomplish them in part through the way in which they build. A growing number of principals realize that a building assignment is more than meeting spatial and housing needs. They want their building project to help them be useful, recognizable and accessible. That is why, before they start building, an exemplary principal formulates their ambitions and expectations in a project definition. This document forms for the principal the framework on which to base, after the project presentations by the designers, the choice for a proposal that bears witness to their vision.

### *Research by design and variety*

The Open Call enables designers to give concrete expression to their vision of and approach to a specific building assignment. Their approach can be implemented in various ways, ranging from a reflection on the project definition or a sketch with a vision statement to a more detailed design with a model. In this it is important that the designers attempt to

represent the project definition. A design is *not* non-negotiable, but a research by design that enables the principal to react and to adjust. The different design proposals challenge the principal in a positive way.

#### *Collaboration between principal and designer*

An intensive collaboration with the chosen designer is key to a socially balanced end result. The Open Call gives the principal the chance to enter into a conversation with the designers about the spatial approach that might have been developed in a rough draft and to test the process-readiness of the design team. A good dialogue between the principal and the designer is a condition for quality building.

#### *Monitoring the process*

The Open Call is an intensive and instructive process for all parties. At the conclusion of the collaboration protocol with the Flemish Government Architect, the principal commits to hiring a project manager, who helps to supervise the process from start to finish. The project manager helps to ensure that the project is developed consistently with the project definition and the vision of the designer.

#### *Quality guarantee*

For each Open Call, the Flemish Government Architect puts not only their own expertise and that of an experienced team at the disposal of the principal, but also contributes an independent expert, chosen on the basis of a specific, project-related expertise. The external expert sits on the allocation committee and can, by extension, act as an adviser to the principal throughout the entire project (from the drafting of the project definition to the building application). Their assignment involves not only monitoring the quality already attained, but also supervising the permanent improvement of the design on the basis of the principal's ambitions and expectations.

#### *Sustainability as guiding principle*

The core of sustainability is changeability – changeability but with a preservation of value and preferably even an increase of value. History teaches us that it is possible to create buildings and public environments that are cherished and used over and over again. Sustainability can certainly not be reduced to energy-efficiency performances and should be conceived as broadly as possible: as a combination of social, cultural, economic and ecological factors. Within this context, attention must at least be paid to the 'recyclability' of spatial interventions (i.e. their adaptability to future, as yet unknown programmes), the efficient use of space, the creation of open space, the continuity of ecological networks and landscaping structures, collectivity, systems theory, accessibility, waste management, health, the judicious use of energy, water and materials, and ecological mobility.

## **The Open Call in 10 steps**

All public and semi-public principals in Flanders can take advantage of the Open Call to find a designer for a landscaping, urban planning, infrastructure or architecture assignment. To do so, the principals contact the Team Flemish Government Architect at the earliest stages of their project. The ambitions, possibilities and preconditions of the assignment are discussed with the Flemish Government Architect. If the Open Call proves to be the appropriate formula for the building assignment, the following ten steps are reviewed together:

### **1 Government Architect and principal conclude a collaboration protocol**

The protocol contains all the agreements that are crucial for the success of the selection procedure: the level of ambition of the assignment, the budget and the means available, the schedule of the procedure and the remuneration provided for the designers. Based on the collaboration protocol, the principal gives a mandate to the Flemish Government Architect to include the project in the next publication of the Open Call and declares their agreement with the Open Call and the project-related agreements.

### **2 The principal appoints a project manager**

The principal appoints a project manager to monitor the entire process, whether someone from among their own team or an external collaborator. The project manager functions as the contact person, ensures a smooth communication between all the parties involved, watches over the ambitions of the principal and strives to complete the project within the agreed deadline. Their ultimate task is the successful completion of the process.

### **3 The Government Architect announces the assignment**

Twice a year, usually in January and in July, the Flemish Government Architect issues an Open Call with new assignments. The list of assignments is published in the *Bulletin der Aanbestedingen* and in the *Official Journal of the European Union*. Candidate designers will find, on the website of the Flemish Government Architect, an information brochure which lists for each project, among other things, the project definition, location photos, schedule, building budget, the design fee, and the authorized remuneration range. Each published project receives a serial number, which consists of the number of the edition of the Open Call and the project number.

### **4 A project file is created**

The project manager creates a project file that brings together all the pieces that the designers need to draw up a proposal: the specifications, the project definition and a number of practical preconditions. The project definition is a crucial part of the project file and will form the frame of reference for every decision throughout the entire process. It is in the project file that the principal formulates their ambitions and expectations.

## **5 The principal selects the design teams together with the Government Architect**

Once the assignments have been announced in the Open Call, design teams from Belgium and abroad can apply for one or more design assignments. To do so they apply via the website of the Flemish Government Architect. For each project, the Flemish Government Architect draws up a shortlist with candidate designers, from which the principal, after broad consultation, selects at least three design teams for the continuation of the procedure.

## **6 The principal informs the designers**

The design teams are given all the necessary information about the assignment during the briefings organized by the principal. At the first briefing, the project is explained to the selected teams, the project file is handed over, work agreements are made, and a visit is organized to the project site. The design teams can ask questions about the project, the study assignment and the site. At a second briefing, the principal is again available to answer any additional questions the designers may have.

## **7 The design teams prepare a proposal**

After the briefings, the design teams prepare a proposal that, depending on the agreements in the collaboration protocol, can vary from a reflection on the project definition or a sketch with a vision statement to a more detailed design with a model. The design teams submit their tender to the Flemish Government Architect at the agreed date with their project proposal.

## **8 The designers present their vision to the allocation committee**

The tenders are submitted to the allocation committee, which consists of the Flemish Government Architect, the representatives of the principal, one external expert put forward by the Flemish Government Architect, and the project-related advisers. The Flemish Government Architect generally presides the committee instead of the principal. The designers clarify their proposals orally and answer the questions of the allocation committee.

## **9 The preferred bidder is designated and the assignment is allocated**

After the presentations, the allocation committee designates the preferred bidder in mutual consultation. This is the designer who, on the basis of the allocation criteria, is best placed and will be invited by the principal for the final contract negotiation. Once that negotiation has been completed, the principal can allocate the assignment definitively to the chosen design team.

## **10 Quality monitoring**

After the assignment has been allocated, the chosen design team prepares the final design in consultation with the principal. That design can still evolve significantly with regard to the proposal presented initially. It is therefore also useful that the principal can fall back during

this phase on the insights and advice of the external expert that was put forward by the Flemish Government Architect. They are familiar with the parties involved, with the project and its background and with the vision of the principal, and, together with the project manager, monitor the quality, this composing the final phase of the Open Call.

## **RULES AND REGULATIONS OF THE OPEN CALL**

### **0 Legal basis**

The design assignments of the Open Call are allocated to the chosen designer via the competitive procedure with negotiation, as referred to in article 38, §1, 1°, b) of the law of 17 June 2016 governing public procurements.

### **1 Mandate**

The collaboration between the public principal and the Flemish Government Architect<sup>1</sup> begins with the conclusion of a collaboration protocol. The protocol comprises all the agreements that are crucial for the success of the selection procedure, such as the description of the assignment and the level of ambition of the assignment, the budget and the financing, the division of tasks between the principal and the Team Flemish Government Architect, the relevant partners, the indicative schedule of the procedure, the number of design teams to be selected, the remuneration for the designers, the selection and allocation criteria, and the composition of the allocation committee. On the basis of this collaboration protocol, the principal gives mandate to the Flemish Government Architect to include the project in the following publication of the Open Call and declares their agreement with the rules and regulations governing the Open Call, the specifications and the project-related agreements.

Depending on the specificity of the design assignment, it is possible to depart from the rules and regulations of the Open Call, on condition of remaining with the framework of the applicable legislation. These departures are only effective after a decision by consensus between the Flemish Government Architect and the public principal. They are included and motivated in the collaboration protocol prior to the announcement. The departures are mentioned in the announcement so that designers are aware of the applicable rules from the start.

### **2 Announcement**

The announcement of the design assignment(s) happens via the *Bulletin der Aanbestedingen* and at the European level via the *Official Journal of the European Union*. Announcements occur periodically and group a list of projects in order to limit as much as possible the administrative burden for candidates and the authorities.

This announcement includes:

---

<sup>1</sup> If necessary, the Flemish Government Architect can be replaced by a member of their team during the procedure.

- a description of the object of the assignment (nature of the building, location, size, etc.). If necessary, reference is here also made to the 'follow-up' assignments that tie in with the actual design assignment
- the selection criteria
- the allocation criteria
- the number of designers to be selected
- the possible departures from the rules and regulations of the Open Call

potentially completed with:

- the maximum project budget
- the remuneration for tenderers who are submitting a tender
- the fee range in which the actual assignment will be remunerated
- photos of the location
- an indicative schedule.

All the information is grouped per project on the website of the Flemish Government Architect. The Dutch-language version of this information is considered the only correct version.

After the announcement, the public principal decides at what moment they launch their project.

### **3 Participation application**

Architects, urban planners and design teams from Belgium and abroad can apply in a simple manner for one or more projects featured on the published list. The official language for all contacts (orally and in writing) is Dutch. If certain pieces are submitted in another language (of an EU member state), a translation into Dutch can be requested.

The candidates provide the following information via the website:

- 1 the projects for which they are applying
- 2 the parties with which they are applying
- 3 the motivation text (see the quality selection in point 4 of this document)
- 4 the three relevant references per project (see the quality selection in point 4 of this document)

and submit the following documents:

- 1 a European Single Procurement Document (ESPD) for the assignments equal to or above the European threshold value
- 2 the portfolio (see the quality selection in point 4 of this document).

The candidates must indicate in their participation application whether they themselves have the necessary specialized technical expertise (e.g. stability) and whether they are willing to collaborate with a consultancy for that purpose. In that case, the candidates must explain how they envisage this and who they would potentially work with (if necessary, through the submission of a list of consultancies with which collaboration is being envisaged).

The candidate must add to the application for all unincorporated participants to the combination and for the subcontractors or other entities whose capacities they will use, a European Single Procurement Document for the assignments equal to or above the European threshold value. If a candidate makes use of the capacities of a third party to meet the selection conditions, the necessary agreements with this party must be added at once to the participation application.

One and the same office may not appear in more than one unincorporated combination. One and the same office can collaborate with several candidates through subcontracts.

The participation application is limited to the chosen projects from the list of assignments. The list of projects for which candidates are applying is obligatory for the candidates and binding for the selection by the principal. The digital information brochure enables the designers to make a motivated choice of projects.

#### **4 Selection: grounds for exclusion and quality selection**

##### Grounds for exclusion

Candidates cannot be subject to one of the grounds of exclusion defined in articles 67 through 69 of the Law on public procurements in connection with fiscal and social debts and the facultative grounds for exclusion. If a compulsory or facultative ground for exclusion applies to the tenderer, the candidate may prove that the corrective measures that they have taken are sufficient to demonstrate their trustworthiness despite the applicable ground for exclusion. If the public principal considers that proof to be sufficient, the relevant candidate is not excluded from the ranking procedure. This provision is applicable individually to the participants who submit a tender as a combination, as well as to entities whose capacities the candidate uses with an eye to meeting the demands regarding the quality selection.

With assignments equal to or above the European threshold value, the obligatory grounds for exclusion are also applicable to people who are members of the tenderer's managerial, executive or supervisory organ or who have any representative, decision-making or supervisory competence therein.



### Aptitude to practise a professional activity

For architecture assignments, the candidates must show that they are registered with the professional order of architects (or a similar professional association in the European Union).

### Technical and professional aptitude

The technical and professional aptitude is then evaluated by means of the following selection criteria:

1. the general design-based aptitude with regard to the project assignment;
2. the professional aptitude;
3. the relevant experience.

These selection criteria are demonstrated by means of the motivation text, the three relevant references per project and the portfolio of the candidates. The portfolio, which must comprise at least three projects in their own name, whether of a similar nature or not, must make it possible to assess the conceptual ability. The projects can concern both built and non-built designs.

The general design-based aptitude with regard to the project assignment (the first criterion) concerns the designer's know-how and capacity to achieve, by means of their design, objectives that not only relate to the specific assignment in itself, but to the public principalship in a broad sense. Candidates must demonstrate that, by taking into account the context of the spatial assignment, they can guarantee the public function of the design to the maximum. It is therefore their insight into the assignment's social dimension that is assessed.

The professional aptitude (the second criterion) concerns the designer's know-how and reliability with relation to all aspects of the process: from the design to the monitoring of the realization and the maintenance of spatial projects. The professional aptitude can be demonstrated by means of degrees and certificates, recognitions by third parties such as architecture prizes, mentions in national and international magazines and trade literature, or academic activities.

The relevant experience (the third criterion) concerns the candidate's specific references. The experience can be demonstrated by referring to earlier designs or built projects, and to research, internships or collaborations that have taken place in the past. A designer can mention all the experiences that are potentially relevant for the assignment. Per assignment, the designer gives three relevant references with their application.

After the conclusion of the period of participation application, the Flemish Government Architect announces, per project, the list of the designers who have submitted a

participation application. Inclusion on the list does not guarantee an assignment, but a chance to be invited to submit a tender for the project. The Flemish Government Architect can also draw on this list of candidates for projects for which, because of their limited scope, no publication is necessary.

## **5 Selection of the designers**

In consultation with the public principal, the Flemish Government Architect determines the number of candidates to be selected, with a minimum of three. The size and complexity of the assignment are important parameters in this regard. The selection occurs on the basis of the assessment of the motivation note, the three relevant references per project, and the portfolio of the candidates to the selection criteria.

The Flemish Government Architect prepares the selection by drawing up a design shortlist that can be completed by the public principal from the list of receivable candidates. The public principal then chooses the previously determined number (minimum three) of selected candidates. The Flemish Government Architect advises the public principal on the final selection.

The selection report, drafted by the public principal, motivates the choice of the selected candidates on the basis of a mutual comparison of the candidates. This selection report is communicated to all candidates in a transparent manner (with mention of the possibilities of appeal).

## **6 Invitation to submit a tender**

The selected candidates are invited by the public principal to submit a tender. The letter of invitation or the project file mentions the dates of the complete briefings, the last date for submission, the composition of the allocation committee, the provided remuneration, the number and the form of the documents to be submitted, the date and manner of presentation and the allocation criteria.

The selected candidates are briefed by the public principal. This can happen by means of one or more joint meetings, at which the assignment is explained and the project file is handed over. Besides the programme of demands, the project file also comprises the project definition, which provides insight into the ambitions and expectations of the public principal, as well as the model agreement for the final study assignment.

The project definition describes not so much which architecture the public principal has in mind, but clarifies the level of ambition and the meaning of the project for the users, the city

and society. Among other things, the project definition formulates the ecological, societal and cultural demands, the aspects in which the public principal wants to be exemplary in the realization of their public building assignment. In this way, the project definition provides the quality demands and as such forms the assessment framework for the quality monitoring, from the allocation to a designer up to and including the execution of the project.

A programme of demands describes the hard facts, the spatial need and the functional requirements which the project must meet. The public principal also defines the maximum project budget, including study costs, which the designers must observe, as well as the authorized remuneration range.

The briefing is also an opportunity to visit the site and the building site. The briefings are consultation moments between the public principal and designers and make it possible to further explore the assignment in an open dialogue and to answer questions.

## **7 Tender submission**

The degree of elaboration of the requested research by design will in part depend on the nature and the scope of the assignment and will be shared in advance with the selected candidates. The research by design will therefore be able to vary, for instance, from a reflection on the project definition or a sketch with a vision statement to a more detailed design with a model. The public principal can, in consultation with the Flemish Government Architect, agree on the level of elaboration and the maximum scope of the project proposal.

The designers who submit a tender receive a compensation. In part dependent on the scope of the assignment, the required design efforts and the degree of elaboration of the design proposal, the public principal, in consultation with the Flemish Government Architect, will determine the extent of the remuneration for the submission of the project proposal. The remuneration is to be paid by the public principal.

The public principal can withhold the remuneration in full or in part if they estimate that the file is incomplete, insufficiently detailed, or not amenable to assessment. The allocation committee advises the public principal on the attribution and the scope of the remuneration.

The submission of tenders happens via the Flemish Government Architect.

## **8 Composition of the allocation committee**

To assess the tenders, the public principal, as the contracting authority, is assisted by an allocation committee that possesses the necessary knowledge and experience. The allocation committee is composed of: the Flemish Government Architect, the representatives of the public principal, one external expert put forward by the Flemish Government Architect and, if necessary, project-related advisors. A remuneration of 375<sup>2</sup> euro per half day will be used as a guideline for the external expert. If a higher remuneration is allocated, the public principal will motivate this decision. The remuneration is to be paid by the public principal.

## **9 Assessment of the tenders and negotiations**

The negotiations can take place in successive phases, so that the number of tenders which must be negotiated is limited by application of the allocation criteria.

The allocation criteria are, in order of decreasing importance:

1. the quality of the concept and vision formation and the research by design in light of the ambitions and expectations of the public principal as formulated in the specifications:
  - 1.1 in a broad social framework
  - 1.2 applied more functionally to the practical requirements of the user
2. the process-orientedness and process-preparedness
3. the approach to sustainability
- 4 the remuneration
- 5 the estimate of the project cost
- 6 the team composition
- 7 the cost management in terms of remuneration
- 8 the control of the project cost
- 9 the deadline for completion.

The public principal determines, in consultation with the Flemish Government Architect, which of these allocation criteria are used with what weight. The public principal can complete and/or specify these criteria in light of the project definition. The various criteria and their weight are determined in the specifications, taking into account the following starting point (weights according to the list of criteria given above): 4/3/2/1/1/1/1/1/1. The weight of the subcriteria is 1.

The score for each of the allocation criteria and their subcriteria is expressed by means of the following ordinal scales: excellent (10/10), very good (9/10), good (8/10), amply sufficient (7/10), sufficient (6/10), almost sufficient (5/10), insufficient (4/10), very

---

<sup>2</sup> All remunerations in the rules and regulations of the Open Call are indexed on a regular basis according to the consumer price index. All amounts are excluding VAT.

insufficient (3/10), poor (2/10), very poor (1/10), unacceptable (0/10). The score of a criterion with subcriteria is the arithmetic average of the subscores.

In the first phase the tenderers present their tenders to the allocation committee. The committee members can ask questions. A deadline can be given to the tenderer to provide additional clarifications in writing if that has proven to be not feasible at the presentation.

In the following phases of the negotiations, the tenderers can, if necessary, also be formally invited to submit, on the basis of the remarks and questions of the allocation committee, an adapted tender. The public principal will set out the modalities in this invitation. The public principal can, at a later phase, determine an additional remuneration for tenderers who submit an adapted tender. This amount cannot exceed 100 per cent of the initial remuneration. The allocation committee advises the public principal on the allocation and the volume of the remuneration. If necessary, (final) (contract) negotiations are conducted with the 'preferred tenderer(s)', whether before or after the definitive rejection of the other tenderers.

## **10 Allocation of the design assignment**

The allocation committee advises the public principal with regard to the allocation. When designating the preferred bidder, the members of the allocation committee must seek a consensus.

The public principal can conclude the design assignment with the preferred bidder who is designated on the grounds of the allocation criteria as the best choice. This allocation decision is communicated in a transparent manner to all tenderers, with mention of the possibilities of appeal.

In the contract, the remuneration percentage is calculated on the project cost estimated by the designer, which cannot exceed the maximum project budget given by the public principal. The negotiations cannot give occasion to the attribution of a higher remuneration than that which was asked by the designer themselves in the tender. The same percentage is applied to the potential, unforeseen additional services after the allocation of the assignment, on condition that these unforeseen additional services are the result of an additional demand by the public principal or of unforeseen circumstances.