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Re: Parafield Gardens Recreation Centre Redevelopment and Para Hills East and Para Hills Knights Soccer Clubs

Procurement Process and Concept Design Submissions

Dear Monica and Cassandra,

We write further to our correspondence of 19 December 2025 and subsequent email exchange regarding the procurement process for the **Parafield Gardens Recreation Centre Redevelopment**.

We acknowledge Council's Addendum confirming that intellectual property submitted by unsuccessful tenderers will remain their property. That clarification is welcome and addresses one important concern.

However, we also write to advise that multiple shortlisted practices for the **Para Hills East and Para Hills Knights Soccer Club** projects have informed us that they are being required to submit project-

specific concept design material as part of the consultant selection process. The request is detailed and prescriptive, requiring the preparation of substantial supplementary design material on a non-remunerated basis.

In both instances while described as “high level,” such material necessarily involves professional design judgement, intellectual investment, and exposure to professional liability. It is not generic capability information. Concept sketches illustrating layouts, elevations, massing or spatial configuration constitute architectural services.

The Core Issue: Compensation and Procurement Integrity

The Australian Institute of Architects and the Association of Consulting Architects share a consistent position on this matter.

We do not contend that early conceptual thinking is never appropriate in procurement. However:

1. Project-specific design work constitutes professional services and should not be procured without payment.
2. Design content should not form part of competitive evaluation scoring unless it has been formally commissioned.
3. Where design submissions are required from multiple shortlisted consultants, stipulated payments should be provided.

Where design responses are required from shortlisted firms without compensation, the process effectively operates as a limited design competition, but without the remuneration, formal rules, or clarity ordinarily associated with that procurement model.

This creates avoidable risks for both Council and practitioners, including:

- De facto acquisition of professional value without consideration
- Distortion of market conditions, particularly impacting small and medium practices
- Exposure to professional liability and potential reliance prior to formal appointment
- Ambiguity regarding duty of care and insurability where services are provided outside contract
- Evaluation bias toward visual impression rather than demonstrated capability, risk management and delivery competence

Importantly, even “high-level” concept material can influence subsequent project direction. In the absence of proper briefing, stakeholder engagement and technical coordination, such material cannot be robustly tested yet may shape decision-making.

Compliance with AS 4121-1994 Code of ethics and procedures for the selection of consultants

Australian Standard AS 4121-1994 Code of ethics and procedures for the selection of consultants discusses the roles of both the Principal, in these cases the City of Salisbury, and the Consultant, in these cases the Architects. Within Clause 4: Ethics of the standard it notes in 4(n) that “The Principal shall not require Consultants to provide professional services without payment.”

Clause 6: Obligations of the Principal also goes on to state that “The Principal should have regard to the costs to the industry... For instance, the Principal shall avoid the requirement for repeated rounds of requests for proposals” It also goes on to say in 6.1.2.(j) that the Principal shall “not require any professional services prior to the selection of a Consultant, unless the Principal offers to pay for such services.”

Project and Political Risk

Concept design is not a superficial exercise. It must reconcile planning controls, budget, operational requirements, servicing, risk and long-term performance within a clear and accountable process. Without a developed brief and defined governance framework, any concept prepared at this stage would be speculative and incapable of reliably informing decisions.

This approach carries material risk. Advancing partially informed design work can create false certainty, expose decision-makers to political scrutiny, and undermine confidence in the procurement process. In the absence of clear operational parameters and stakeholder engagement and alignment, there is a high likelihood of scope drift, redesign, cost escalation and program delay.

A disciplined, staged process, grounded in a collaboratively developed brief and transparent controls, is the appropriate means of protecting public funds, maintaining probity, and delivering projects that are both credible and achievable.

Consistency Across Projects

We note that Council is currently procuring multiple design services commissions of comparable scale and complexity. Establishing clear and consistent procurement settings across these projects provides certainty to the market, supports strong competition, and enhances confidence in process integrity.

Clarity at this stage is particularly important given the substantial value and public significance of the project.

Recommended Resolution Pathways

Noting that a shortlist has been established, we respectfully suggest one of the following practical approaches:

Option A – Remove the Concept Design Requirement

Proceed to evaluate shortlisted practices based on capability, methodology, relevant experience, programme and fee.

Option B – Introduce Stipulated Payments

Provide a fixed stipend to each shortlisted practice to compensate for preparation of concept material.

Option C – Appoint First, Design Second

Select the preferred consultant based on capability and then procure concept design as a paid service under formal contract, enabling proper briefing, stakeholder consultation and risk management. It is entirely appropriate as part of the appointment process to consider undertaking interviews with shortlisted candidates.

Each of these approaches aligns with recognised consultant selection principles, supports probity, and protects long-term value for money.

Constructive Way Forward

Our intention is not to constrain Council's discretion, but to support procurement frameworks that are fair, transparent, and sustainable for both public clients and the profession.

We remain committed to constructive engagement and would welcome the opportunity to discuss an appropriate resolution for this project. We also remain open to broader dialogue with Council and LGA Procurement regarding procurement guidance and education initiatives that could provide clarity across the sector.

We appreciate Council's willingness to engage on this issue and look forward to your response.

Yours sincerely,



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Australian Institute of Architects



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Graeme Martin
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