

North Carolina Board of Architecture & Registered Interior Designers

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*The purpose of this guidance is to help the regulated public comply with the Board's laws and rules. Please be advised that the guidance below is subject to change. If you disagree with the guidance, you may have the right to request a declaratory ruling from, or hearing before, the Board pursuant to Chapter 150B of the N.C. General Statutes. Moreover, an occupational licensing board does not have the authority to order an unlicensed person or entity to discontinue its practices. Only a court may determine whether an unlicensed person or entity has violated or is violating any law and, if appropriate, impose a remedy or penalty for the violation.*

#### Construction Administration Guidelines

*§83A-1(7) Practice of architecture. – Performing or offering to perform or holding oneself out as legally qualified to perform professional services in connection with the design, construction, enlargement or alteration of buildings, including consultations, investigations, evaluations, preliminary studies, the preparation of plans, specifications and contract documents, **administration of construction contracts** and related services or combination of services in connection with the design and construction of buildings, regardless of whether these services are performed in person or as the directing head of an office or organization*

The administration of construction contracts as set forth in Chapter 83A-1(7) means the administration of the portion of the construction contract described and documented in the contract documents, including, but not necessarily limited to, the following services:

1. visiting the construction site at intervals appropriate to the contractor's operations to determine that the work is proceeding generally in accordance with the technical submissions submitted to the owner and/or the building official at the time the building permit was issued; and

2. processing shop drawings, samples, and other submittals required of the contractor by the terms of construction contract documents; and

3. notifying an owner and any building official of any code violations; changes which affect code compliance; the use of any materials, assemblies, components, or equipment prohibited by a code; major or substantial changes between such technical submissions and the work in progress; or any deviation from the technical submissions which the architect identifies as constituting a hazard to the public, which the architect observes in the course of performing the architect's duties.

There are Construction Administration activities that are not the Practice of Architecture. These include activities that do not interpret or revise the Architect's sealed and signed Technical Submissions. Examples include, but are not limited to:

- Administration, review, and oversight of construction-related activities, such as those responsibilities defined in the contracts between contractor and owner.
- Contractor pay applications.
- Change order costs. Schedule adherence.
- Site access requirements.
- Site safety.

On a project where the architect of record has not been engaged, or is no longer engaged, to perform construction administration services, as defined above, the architect of record may wish to consider reporting in writing that the architect has not been engaged or is no longer engaged to perform construction administration services, to the following parties:

- the building official; and
- the owner; and
- the client; and
- the contractor.

*Commentary - To assure a project which is required by law to be designed by an architect is constructed in accordance with the plans and specifications, ideally the architect of record should provide construction administration services as part of the protection of the life, health and property of the individuals using the built environment. Where the architect of record was*

*not originally contracted or is no longer engaged to perform construction administration, a best practice is for the architect to give the notice outlined above to assure that all parties to the construction project are aware that construction administration is not being performed by the architect of record. This specifically provides the building official with notice so the building official may compel the owner to provide someone to perform those services if the building official so chooses.*

Adopted by the Board of Architecture and Registered Interior Designers on April 12, 2024