

REGULATIONS FOR LICENSING OF ARCHITECTURE AND TOWN PLANNING CONTRACTORS

1. Definitions:

In these Regulations the following terms and references shall have the meaning hereinafter respectively assigned to them, unless such terms and references are not repugnant to or are not inconsistent with any meaning assigned to them in the Pakistan Council of Architects and Town Planners Ordinance (Ordinance IX of 1983) or the Bye – laws framed there under. Any or all other terms and references used in these regulations if defined in the Ordinance and the Bye-laws named above, shall respectively have the same meaning as assigned therein.

PART – XVII LICENSING OF CONTRACTORS

Bye-law 157 added as “In these bye-laws, unless there is anything repugnant in the subject or context, –

- (a) “architectural work” includes soil investigation, building construction, renovation, interior works, provision of landscaping services including tree planting, turfing, horticulture etc. of residential, commercial, institutional, industrial and educational buildings.
- (b) “town planning work” includes soil investigation, infrastructure development works inclusive of construction of roads, pavements and related works, laying of sewerage pipelines, disposal works, sewerage treatment works and allied works. Installation of water supply pipelines, pumping stations, tube wells, water treatment works etc. provision of landscaping services including tree planting, turfing, horticulture etc. in new land sub divisions.
- (c) “client/employer” means any person, corporate body, public organization or any other agency who wishes to have an architectural/town planning works constructed through a contractor;
- (d) “completion date” shall mean the date on which the construction of project is completed as per construction contract;
- (e) “construction” of any architectural/town planning work shall also mean to include surveys, sub-soil and other investigations and execution of all activities required to achieve the desired final shape of an architectural/town planning work and all other works incidental thereto;
- (f) “contractor” means any person, partnership, corporate body or other legal entity incorporated under the laws of Pakistan and registered or licensed as such by the Council;
- (g) “sub-contractor” means the contractor who is undertaking a portion of the work sublet by the contractor;
- (h) “Registration” means a registration granted by the Council under these bye-laws.
- (i) “maintenance” includes all activities executed after the completion date of construction and during the maintenance period as specified in the construction contract or during a period of twelve months after the completion date of construction;

- (j) "operation" means the supervision and management of running, operation and execution of all activities required to efficiently operate a project after it is constructed by a contractor in order to achieve the aims and objectives of the project;
- (k) "project or work" means an architectural/town planning work constructed and maintained by a contractor either through a contract with a client or employer;

Bye-law 158 added as "No architectural/town planning work shall be constructed except by a contractor registered as such by the Council".

Bye-law 159 added as "All construction and management and supervision of operations of architectural/town planning works shall be entrusted to contractors registered as such by the Council".

Bye-law 160 added as "Any person/firm who constructs an architectural/town planning work in Pakistan without any valid registration of specified category from the Council shall, be liable to pay to the Council a sum of Rs. 50,000/- per annum".

Bye-law 161 added as "The registration issued to the contractor shall specifically mention the type of work that the contractor can undertake according to disciplines".

Bye-law 162 added as "The contractor enlisted in a particular field or discipline shall be allowed to undertake work of other disciplines up to twenty-five *per cent* of the amount of limit of category in which he is entitled".

Bye-law 163 added as "A registration granted by the Council shall entitle the contractor to perform a work for client or employer. However, the client or employer may prescribe his own requirements over and above the requirements prescribed by the Council, particularly in respect of financial soundness, plant and equipment capability, previous experience, business management capabilities and specific expertise which in the opinion of a client or employer, is essential for the execution of the work. The contractor shall be eligible to apply for prequalification even if he is not enlisted or registered with the client or employer. The grant of registration by the Council shall not absolve the contractor from application of any building control laws and other codes that are applicable to the works".

Bye-law 164 added as "Application for enlistment or renewal of contractors in any category shall contain the following documents, namely:

- (a) A financial certificate in favour of the firm from any scheduled bank;
- (b) A list of works executed by the company or Chief Executive in previous years indicating value of projects, name of employers and certificates of satisfactory completion by the respective employers;
- (c) List of works in progress indicating cost of work and copy of letter of intent or agreement of each project;
- (d) List of technical and other staff members;
- (e) List of plants and equipment.

Bye-law 165 added as “On receipt of an application for issue of contractor’s registration and after satisfying itself on making any inquiries that it may deem necessary, the Council may issue a registration certificate to the applicant as contractor, as the case may be, in any one of the categories as specified in Table 'A'

Table A: CONTRACTOR’S CATEGORIES

Category	Cost of Works (Million PKR)
AC-1	No limit
AC-2	Up to 400
AC-3	Up to 250
AC-4	Up to 100

Note:- Construction cost of a project shall exclude cost of land, plant and machinery cost of land, plant and machinery permanently installed in the works.

Bye-law 166 added as “The applicant shall be required to submit information and other relevant documents for evaluation or assessment of their credentials as and when required by the Enrolment Committee”.

Bye-law 167 added as “The owners of firm or company shall be responsible to submit authenticated information and documents along with application for registration, renewal or up gradation of their registration”.

Bye-law 168 added as “Registration of a contractor shall, entitle him to construct a project, the total construction and capital cost of which does not exceed the construction and capital cost limited by category of his registration. Number of projects that the contractor can apply, tender for shall be unlimited as long as construction and capital cost of each such project falls within the registration's category”.

Bye-law 169 added as “No contractor's registration shall be granted by the Council to such persons, firm and companies who:

- (a) are declared bankrupt and are not rehabilitated;
- (b) have acted in a manner such that their previous registration has been cancelled for any reason whatsoever until the Council is satisfied that the causes of previous cancellation of registration have been removed;
- (c) have been dismissed at any time from employment for corruption, fraud or moral turpitude;
- (d) have committed professional misconduct: and;
- (e) fail to pay the prescribed registration fees or the charges for violations in accordance with these bye-laws: Provided that the persons who are directors of such companies, which are under liquidation, shall not be affected by the provisions of this bye-law unless such persons, as individuals, are declared to be bankrupt.

Bye-law 170 added as “Two or more contractors can apply jointly to construct a project of a category higher than the category of their individual registration provided that the cost of such project does not exceed the sum total of the limit of costs of projects permitted by the categories of the individual registration. No separate registration for such joint venture shall be required under these bye-laws provided that the joint venture fulfills all other requirements of these bye-laws concerning such a project”.

Bye-law 171 added as “Every contractor shall uphold the honor and dignity of the construction profession, and shall be fair and honest in his business dealings. His practices and activities shall be guided by the principles of justice and equity”.

Bye-law 172 added as “A contractor shall refrain from acting maliciously or recklessly in an attempt to injure the professional reputation, prospects or business of other contractors, directly or indirectly”.

Bye-law 173 added as “A contractor shall provide quality service and be faithful in the performance of the undertaking”.

Bye-law 174 added as “No contractor shall attempt to supplant a fellow contractor who is in the employ of the client or employer or to prevent a contractor from undertaking that which the, client or employer has engaged him to do”.

Bye-law 175 added as “A contractor shall hold himself dedicated to the proposition that the construction profession shall be rid of individual whose reputation, conduct and practices are inimical to the profession”.

Bye-law 176 added as “Contractor shall promote and ensure the optimum utilization of human and material resources of Pakistan for achieving self-reliance and promote indigenous materials and equipment”.

Bye-law 177 added as “A contractor shall advise his client or employer honestly about the technical and financial viability of project entrusted to him”.

Bye-law 178 added as “A contractor shall ensure the safety of men and materials associated with the work”.

Bye-law 179 added as “A contractor shall undertake project assignments only when he possesses adequate equipment and experienced staff”.

Bye-law 180 added as “A contractor shall not disclose confidential information concerning national security and technical details of the project to any unauthorized person or entity”.

Bye-law 181 added as “The client or employer shall adopt an equitable method of selection of a contractor for a particular project and will ensure that the following basic requirements are met namely:

- (a) An Architectural/Town Planning work falling under a certain category must be entrusted only to those contractors who are registered by the Council in accordance with these bye-laws, either in the same category or in a higher category.

(b) The various vital elements to be covered are:

- (i) net worth of the applicant as on the date of application.
- (ii) current availability of applicant's construction equipment or tools required for the project;
- (iii) Professional experience of construction of the type of proposed Project including professional personnel of required experience in full time employment of the applicant less the personnel committed on projects in hand.
- (iv) Previous performances of the applicant on other projects and similar projects.
- (v) Previous performances of the applicant on other projects and similar projects.

(c) A provision is made in the proposed contract with the constructor or operator for the settlement of any difference by arbitration under the Arbitration Act 1940, before recourse to any other legal action.

(d) Selection is done through open and fair competition and no preference is given to any contractor for reason of his being in the public or private sector.

Bye-law 182 added as “Two or more contractors partially or wholly owned or directed by common individuals, regardless of the extent of their shares or interest shall not be eligible to bid or compete for the same project. Only one such contractor shall be eligible to bid for a project. However, such contractors may form a joint venture to bid as one venture”.

Bye-law 183 added as “For initial registration, change in category, and annual renewals, the applicant for the contractor's registration shall submit application to the Council on the prescribed form. The application for renewal be submitted to the Council after the 5th day of November of the year based on the contractor's status as on the date of submission of application”.

Bye-law 184 added as “However, if required, the applicant shall pay a late payment fee at the rate specified by the Executive Committee from time to time. The Council, after scrutinizing the application and obtaining any further information or clarifications from the applicant as it may deem necessary, may issue or renew the registration for the following year or refuse the same if the information supplied by the applicant, in the opinion of the Council, does not meet the requirements for grant or renewal of license under these bye-laws. A new application may be scrutinized by the Council within 30 days of receipt and the applicant will be informed of any shortcomings or discrepancies of the documents submitted by him. Registration shall be issued or refused within 30 days of receipt of supplementary information from the applicant. In the event of no response from the applicant within 30 days the application will stand automatically rejected”.

Bye-law 185 added as “The application fee for registration, change of category of registration, or renewal of registration is as follows, or fixed by the Executive Committee from time to time which should accompany the application: -

Table B: CONTRACTOR’S FEES

Category	Application Fee	Registration Fee	Renewal Fee Annual
AC-1	PKR 15,000/=	PKR 50,000/=	25,000
AC-2	PKR 12,000/=	PKR 30,000/=	15,000
AC-3	PKR 10,000/=	PKR 20,000/=	10,000
AC-4	PKR 8,000/=	PKR 12,000/=	6,000

Bye-law 186 added as “For initial registration, change in category, and renewal, the applicant for the contractor’s license shall submit application to the Council in the prescribed form. The application for renewal shall be submitted to the Council by the 5th day of November of the year based on the constructor’s or operator’s status as on the 31st day of October of the same year. The license shall stand expired on 31st day of December each year. If the renewal is not submitted by 31st day of March, a surcharge of 2% will be levied”.

Bye-law 187 added as “No consideration shall be given to any application unless the registration fee is paid with the application. The above fee is inclusive of scrutiny fee of half the amount. In the event of rejection of application, half of application fee will be refunded”.

Bye-law 188 added as “The contractor shall inform the Council of any events taking place after grant of a registration to him or renewal thereof, which render him ineligible in accordance with these bye-laws. On receipt of such information the Council may decide to reduce the category of registration or suspend or cancel the registration as it may deem fit”.

Bye-law 189 added as “Submission of information to the Council by an applicant for registration or by a contractor which is found to be false or intentionally misrepresented shall be considered as misconduct and such applicant or registration and/or the person representing such applicant or contractor shall be liable to be punished in accordance with the provisions of these bye-laws”.

Bye-law 190 added as “Any infringement of these bye-laws by a contractor shall render him liable to punitive action by the Council as it may deem fit. Such action may amount to suspension for a specific period or cancellation of registration altogether”.

Bye-law 191 added as “If at any time it is brought to the notice of the Council that any person/firm is infringing upon or is helping in the infringement of these bye-laws, the Council, before taking any action against the person/firm in accordance with the provisions of these bye-laws, may appoint an investigator or investigators being professional from the relevant discipline, of not less than 10 years standing to investigate the matter by physically inspecting any record or by any other means and to report to the Council facts of the case. Any person who obstructs such investigation by an investigator appointed by the Council as aforesaid, shall be considered to abet or help in the infringement of these bye-laws”.

Bye-law 192 added as “In the case of violation of any provision of these bye-laws or providing wrong information the Council shall have the power to cancel the registration granted by it”.

Bye-law 193 added as “Any department or organization black listing any contractor shall inform the Council indicating reasons or grounds for such blacklisting”.

Bye-law 194 added as “PCATP reserves the right to initiate Black listing of a Contractor/ or his firm for gross misconduct, misappropriation and corrupt practices”.

**INSTRUCTIONS FOR FILLING IN APPLICATION FORM
FOR RENEWAL OF CONTRACTOR LICENSE**

1. Before filling in the application form, please see clause 158 to 194 of Licensing of Contractor of the PCATP amended bye-laws 2018 Part-XVII.
2. The annual application fee for all Constructor category license, Financial Limits and evidence of payment accompany the application form.
3. For renewal, all applicant for the contractor's license shall submit application to the Council by 1st day of January of the year based on the contractor's status as on the 30th day of November of the same year. The license shall stand expired on the 31st day of December each year.
4. A licensee shall inform the Council of any events taking place after grant of a license to him or renewal thereof, which render him ineligible for continuation of license in accordance with the clauses of aforesaid bye-laws. On receipt of such information, the Council may decide to reduce the category of license or suspend or cancel the license as it may deem fit.

(Table-A)

Financial limits and applicable fee for Contractors

Sr.#	Category	Limit of Construction Cost of Project	Minimum Requirement of Architects	Fee (Rupees)
1	AC-1	NO LIMIT	One Architect with 15 years of Experience + RA with 10 years experience	50,000
2	AC-2	Up to 400 M	One Architect with 10 years of Experience + RA with 5 years experience	30,000
3	AC-3	Up to 250 M	One Architect with 8 years of Experience + RA with 2 years experience	20,000
4	AC-4	Up to 100 M	One RA with 1 year experience	12,000

AC = Architectural Contractor.

RA = Resident Architect with minimum 6 CPD points in the relevant field.