

PRO-BONO PUBLICO

A COMPILATION OF PRO-BONO SERVICE GUIDELINES FOR ARCHITECTS

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1.0 Premise

UIA (International Union of Architects), encourages all its members their firms and their allied technical consultants to engage in providing pro bono services as part of their contributions to the highest aspirations of the architecture profession and to reshape a better social structure for future. These guidelines have been compiled with the underlying intention of providing direction and recommendations for pro bono services for the esteemed members of the architectural fraternity across the globe.

The goal of UIA is to introduce, incorporate, and facilitate pro-bono services into architectural practice of member countries. This document hereinafter proposes a conceptual framework for Pro-Bono practice which our fellow architects might wish to engage with. These study notes delve into specific details about pro-bono work and represent possible learning outcomes of adapting this technique.

2.0 Introduction

Pro bono publico (for the public good); is a Latin phrase for professional work undertaken voluntarily and without payment ^[i]. The term has been colloquially shortened to 'Pro Bono' only. It includes, inter alia, providing certain professional services to those who are unable to afford them due to non-availability of financial resources.

3.0 Pro-Bono Architectural Services

As per AIA, pro-bono services are typically provided by a registered/licensed architect, or members of an architectural firm (including interns) for the sake of public good, but for which these individuals or entities receive no financial compensation. While architects, in their capacity as private citizens, may choose to volunteer for any kind of community service (related or unrelated to their profession). It is through pro-bono service that their contribution is most valuable to the community. ^[ii]

Architecture usually includes an array of complex building-services and involve various professionals to work on a single project. There are many groups that cannot afford to hire multiple professionals and hence can greatly benefit from obtaining architectural services without charge. These services can be broadly categorized into three types:

- Pro-bono services offered by a registered architect.
- Pro-bono with reimbursable expenses (disbursements) covered.
- Reduced/discounted fee services. (Not pro-bono).

4.0 'WHY' should architects do Pro-bono work? [iii]

4.1 To meet professional obligations to provide a public service.

Pro bono service is based on the idea that professionals have 'special knowledge'. Providing this knowledge to people who cannot pay for it is what distinguishes a profession from a mere business. ^[iv]

The AIA Ethical Standard (E.S.) 2.2 Public Interest Services states that "*Members should render public interest professional services including pro-bono services and encourage their employees to render such services, too*". ^[v]

4.2 To expand the role of the architectural profession in communities.

Architects get little chance to interact with general public. Any chance to serve our community can become an opportunity; which helps establishing a reverence for architecture in public opinion. Exposure to a variety of clients and projects helps professional grow and expand their creative horizon.

The valuable networking opportunities and a chance of future commissions is one of the strongest reasons why architects should consider pro-bono.

4.3 To assist the profession in addressing "social" aspects of sustainability.

While the environmental aspects of sustainability have been widely embraced by the profession, the concept of sustainable development is somewhat never explored. Almost every time the outcomes of sustainability are reduced to environmental outcomes. Sustainable development is an all-inclusive framework; where Social, Environmental and Economic aspects are interconnected & part-and-parcel to each other. By beginning to view sustainability more holistically, architects may find their it more interesting & challenging to do pro-bono.

5.0 Framework for Pro-bono Work [vi]

It is important to understand that a proper framework should be established before undertaking pro-bono. The architect should examine the quantum of work and degree of engagement in the project, and should take final decision after keeping all aspects in mind. It should be noted that the pro-bono work comes with similar risks & challenges as any other project. [vii]

- a. Clear identification of the client & establishing a firm foundation that the project falls in category of pro-bono.
- b. Identification of decision-makers of the project from a diverse pool of stakeholders.
- c. A documented term of agreement between the client and the architect to indicate the magnitude of engagement and responsibility held.
- d. Developing a detailed design brief in response to the requirements of the project for a wholesome outcome.
- e. Risks and liabilities undertaken on community service work & ensuring that the work is adequately covered by professional indemnity insurance, workers compensation and other standard practice insurances.
- f. Establishing an agreement on payment of expenses & reimbursements.
- g. Resourcefulness of the staff, sub-consultants, and other participants.
- h. A protocol between the architect and consultants hired for specialised advice to properly manage liabilities.

6.0 Management of work in the office

6.1 How should an office organize pro-bono project in its office-structure?

Any firm or practice should handle its pro bono undertakings like regular projects. It should set up a project number, assign the right staff members and qualified volunteers, and should go with systematic documentation throughout the project. Ensuring that there is not any unfair competition between paid work and unpaid work by architects is an important challenge of pro-bono.

6.2 Are your pro-bono clients equally important as full-paying clients?

The most important concept in providing pro-bono services is to consider end user(s) equivalent to client and should add them to your task-lists. The idea is to serve them as a paying client. While it may be true that most charitable organizations are led by boards of influential members, who in their everyday lives make decisions to hire architects for their private homes or businesses. Sometimes giving leads to getting something back.

6.3 How much Pro-bono work should a firm do?

There is no fixed answer to this question. However, it is widely agreed that the amount of pro bono work in any organization can be as low as 1% [viii] and can be as high as 50% of the running projects. The number could be different for different kinds of projects. For example, in a smaller firm, with small scale projects; the percentage of pro bono work could be significantly higher than a large-scale firm with big projects in hand. But, as a minimum, many mid-sized architectural firms are emphasized to do one pro bono project after every ten paid projects.

7.0 Clientele, taxation & Reimbursements:

7.1 How does one determine right clientele for pro-bono?

Pro bono services are not offered to general people for free, or as a social service intended to raise awareness only. From a tax standpoint, pro bono services must be donated to charitable organizations or to any cause. The IRS (Internal Revenue Service, USA) treats pro bono services and volunteer services differently.

7.2 What types of projects are covered under pro-bono?

Pro-bono covers any & all types of projects & users. Anyone can take these services regardless of type, usage or function. There is no categorical distinction between the end users. The Pro-bono services can be offered to the school you attended or to the local cricket ground you had played in your childhood. It can either be a mosque or a church you attend regularly. It can also be done for a specific cause i.e. a hospital, or any public artwork or installation in the city.

7.3 Are reimbursements & taxations part of pro-bono work?

Pro bono services are usually offered 'at cost'. For example, a professional consultant may donate his time and expertise but ask for payment to cover travelling expenses. Volunteers for charitable organizations may also be able to deduct travel expenses, but with more restrictions and at a lower percentage rate than for other paid projects. The costs and expenditures of pro-bono project are not independent of local/international taxes. The taxes are levied & waivers is subject to local/international law.

7.4 How do architects make sure that a project can be undertaken as pro-bono?

Following is a checklist which can be very helpful in determining the nature of the clients & establishing either it falls in realm of pro-bono or not.

- Is the requesting organization a viable not-for-profit operation?
- Is the need for a design, construction services legit?
- What is the time frame for the project? Is this reasonable given the "free" nature of the work?
- Are life safety issues involved?
- Are there any jurisdiction pertaining to subject project?
- Are tax write-offs available
- Will the project be properly stewarded?
- Are there competing interests?

8.0 Contract, letter of agreement & invoicing

8.1 Why is agreement mandatory for pro-bono work?

As with any project undertaken by an architect or a firm, it is critical that a legally enforceable Owner-Architect Agreement or Letter of Agreement be executed at the outset of undertaking a pro-bono project. Any agreement from your member country can be modified into a pro-bono agreement with additional clauses mentioned in next section. It is the responsibility of the architect to take on the role as an educator in these circumstances and take the pro bono client through the process in a step-by-step manner.

8.2 What clauses and sections should be made part of agreement? [ix]

Following clauses & sections are recommended to be included in contract / pro-bono letter of agreement. However, due to unique nature of each project, this list can be modified & retrofitted.

a. Organization & Client's name:	b. Rate:100% pro-bono (also mention estimated market rates)
c. Payment schedule (for reimbursements & taxes)	d. Project scope:
e. Project deliverables:	f. Project timeline:
g. Payment logistics (if any)	h. Reproduction of work & intellectual property rights:
i. Representations and warranties:	j. Limitation of warranty:
k. Indemnification:	l. Limitation of liability:
m. Term of termination	n. Force majeure
o. Governing law and dispute resolution	p. Acceptance of agreement:
q. Client's signature:	r. Name & date:
s. Project team's signature:	

8.3 How to make proper invoices for a pro-bono project?

Every pro bono project must be carried out with the utmost care for accounting, invoicing, or any other financial matters. It is recommended that the architects should generate discounted invoices of each stage, after adding up reimbursements & local/foreign taxes (if any). By doing this, every stakeholder of the project will be able to determine the financial value that the architect has sacrificed for the project, for which they would have been charged otherwise.

9.0 Ethical issues around pro-bono

9.1 What are long-term gains for architects in pro-bono work?

Although there are ethical issues associated with the legitimacy of clients and projects in fee-paying work, these issues are heightened when a fee is not charged. This is because the architect does not receive any financial compensation for their efforts. In pro-bono project the architect's interest is more directly invested in seeing the project developed, built and occupied by the community.

9.2 Can an architect accept commissions made as a result of pro-bono?

The purpose of pro-bono is not to turn community service into a paid work opportunity. However, a number of pro-bono projects do lead to future paid-work commissions. In most cases these engagements are for separate projects which do have the funds to pay an architect's fee, or they arise indirectly out of connections made through community service projects. In these instances, future engagements are clearly acceptable and indeed are one of the many benefits to architects providing community service.

9.3 How much time does a pro-bono project demand?

If pro-bono work is to be undertaken at all it needs to be undertaken with the same due diligence as a fee-paying project – particularly as it carries the same risks and liabilities. For this reason, an architect who agrees to perform pro-bono services must ensure that they have adequate funding to cover the full cost of their services. If these costs are not budgeted and an architect undertakes a pro-bono project, the

commitment may be more than the architect can sustain and the service may have to be terminated.

9.4 **Can pro-bono work be done in our personal time & with volunteers?**

if pro-bono services are provided by an architect as a normal part of their (paid) working day, the challenge to an architect's income is not that big an issue. However, models which rely on architects volunteering their personal time outside of their regular work-day do not directly address the issue of financial strain on individual volunteers or adequately ensure participant's commitment for project. For these reasons, organisations with volunteers always struggle with regards to meeting resource requirements, which can eventually put project into a precarious condition.

10.0 Existing practices:

Many reputable architectural practices engage in pro-bono work. The methods & processes of doing non-profit projects are similar to the guidelines furnished in this document. Recently, many small-scale offices are also joining hands with various pro-bono initiatives in order to provide their experience & knowledge to the community.

Perkins+Will's "Social Responsibility Initiative" is a brainchild of community service. They have also joined hands with 1-Percent initiative to do more pro bono.

MASS Design Group has made this statement part of their design ethos "Anyone might develop the essence of a project or propose a project worthy of pro-bono services. We celebrate our team and encourage them to seek out opportunities."

Lehrer's Architects have also been doing community service work since long. Their approach is probably typical of much pro-bono work undertaken by architects prior to the 1% program's "outing" of pro-bono - given by professionals who are active within their community and keen to volunteer their time professionally as well as personally, but also very quiet about their activities.

Frederic Schwartz Architects is a high-profile design practice but also provides community service as he sees the need. As the sole director of his office he is able to take on any project he wants – including advocacy, pro-bono or reduced fee projects - should he feel the cause is right.

Community Design Centres

Community Design Centres provide technical assistance to low / moderate income group who otherwise have little to no access to such services. This service is not-for-profit, registered and run by a board of directors who operate under a strict code of conduct. These centres have sprung up in response to particular events, however their nature is found to be ever evolving keeping in mind external factors such as personnel and funding.

Individuals providing pro-bono in a voluntary capacity

Architecture for Humanity is a large organisation with volunteers both from local and international platforms. It functions in a similar way to Community Design Centres by taking up community projects at an international level as well. Disaster mitigation and reconstruction, poverty alleviation, addressing climate change through sustainable design are amongst some of the establishment's focuses.

Hybrid models

The Hester Street Collaborative concentrates on public welfare through improvements of parks, schools, other public spaces and housing development. The model provides design education and workshops to schools, involving the community at large to create a sense of ownership to an otherwise purely architectural project.

Assorted Projects

Many architects provide free-of-cost services without realizing that the project falls into realm of pro-bono. This includes any religious projects done for communities (mosques or temples) or projects done for local schools or vocational training centres.

11.0 Bibliography & References:

- <https://www.thebalancecareers.com/are-pro-bono-services-the-same-as-volunteer-services-3515203>
- <https://www.aia.org/pages/11646-pro-bono-services-guidelines-and-resources>
- <https://www.architectmagazine.com/tag/pro-bono>
- <https://entearchitect.com/2016/11/08/architecture-pro-bono-services/>
- <https://theoneplus.org/?p=aia>
- <https://www.archdaily.com/600682/pro-bono-architecture-and-designing-for-the-public-interest>
- <http://www.aiacc.org/2018/01/02/public-interest-pro-bono-service-architecture-law/>
- <http://www.ideas.swagroup.com/tag/pro-bono-landscape-architecture/>
- <http://www.ideas.swagroup.com/were-joining-the-1-percent-program/>
- <http://theaiatrust.com/filecabinet/Pro-Bono-Services.pdf>
- https://www.architects.nsw.gov.au/download/BHTS/BrighamCallantha-Enabling_Good_Deeds_in_Design_BHTS_2008.pdf
- <https://www.australiandesignreview.com/architecture/the-side-effects-of-pro-bono-architecture/>
- <https://www.aia.org/pages/3296-code-of-ethics-and-professional-conduct>

12.0 End Notes:

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- ⁱ https://wn.com/pro_bono/Bono
 - ⁱⁱ American Institute of Architects, Institute Guidelines to Assist AIA Members, Firms and Components in Undertaking Pro Bono Service Activities, American Institute of Architects website
 - ⁱⁱⁱ Enabling Good Deeds in Design, Brigham, Callantha. 2008 Byera Hadley Travelling Scholarship Architect
 - ^{iv} Beach, V, 'Practice Matters', Architectural Record, October 2008
 - ^v American Institute of Architects, 2007 Code of Ethics & Professional Conduct, American Institute of Architects website, publish date 20/11/08
 - ^{vi} checklist by Richard L. Hayes, PhD, CAE, AIA; originally published in AIArchitect, December 1999, p. 17
 - ^{vii} Thomas Fisher, Public-Interest Architecture: A Needed and Inevitable Change
 - ^{viii} Public Architecture, The 1% Second Annual Firm Survey, Public Architecture website
 - ^{ix} <http://givehalf.co/worksheet/pro-bono-agreements/>