

Chapter III

The Building Project

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III.1. Definition

The purpose of a building project is to design and build a building according to the rules of the art, to meet the different technical and aesthetic requirements for which the building is intended (housing, industry, education, etc.). The construction of a building requires the intervention of several people, before, during and after the completion of the work.

III.2. The different stakeholders in the act of building

In a building project, there are several stakeholders who all have the goal of perfectly completing a building, while guaranteeing the comfort and safety of the property and people who use the structure.

In Algeria, the stakeholders in a building project are divided as follows:

1. The project owner.
2. The project manager.
3. Technical control of construction.
4. The study laboratory.
5. The implementing company (Entrepreneur).
6. Subcontractors.

III.2.1. The project owner

The project owner is the public legal entity or contracting authority on whose behalf the work is carried out, to whom the work is assigned, and who, among all the parties involved, alone has the power to make final decisions. Overall, the project owner's responsibilities are as follows:

- 1- Define and develop the operation program ,
- 2- Plan financing and include the operation in the budget,
- 3- Enter into contracts and amendments,
- 4- Lead the investment and ensure the operation is carried out,
- 5- Pronounce provisional or final acceptance of works, on the proposal of the project manager.

In Algeria, the project owner is represented by public administrations, for example:

- The Public Equipment Directorate (DEP),
- The Housing Department (DL),
- The Local Affairs Department (DAL),
- The Directorate of Agricultural Services (DSA),
- The Real Estate Promotion and Management Office (OPGI),
- The National Real Estate Promotion Company (ENPI)...etc.

Remarks

- a- The project owner may delegate another body for the performance of its duties. It is not the recipient and final owner of the work. It acts in the name and on behalf of the project owner, assumes the various responsibilities of the project owner, including the decision-making power, and bears the responsibilities arising therefrom until the final acceptance of the work which is then handed over to its recipient and owner, the chosen organization will be called " *Delegated Project Owner* ".

- b- Any natural or legal person who constructs a building (individual or collective) on their own behalf is considered the project owner of their own project.

III.2.2. Project manager

The project manager is a natural person or a legal entity under public or private law who, for his technical competence, is charged by the project owner or the delegated project owner with carrying out studies, participating in the evaluation of offers, supervising and controlling the execution of the works, ensuring their payment and proposing their acceptance and payment.

In building projects, the project manager can be:

- An Architectural Design Office,
- A civil engineering design office,
- A Multidisciplinary Design Office (civil engineering, architecture, heating, electricity, hydraulics, etc.).

The tasks assigned to the project manager are:

1. Verification of the location on the ground of roads, buildings, sanitation and drainage works, and various installations,
2. The preparation and approval of calculation notes and project execution plans,
3. Permanent monitoring of the execution of the work itself, in accordance with the approved plans, including, if necessary, any modifications made by the project owner to the basic project,
4. Geotechnical inspections and other tests, to verify the conformity of the quality of materials and their implementation to the standards and specifications prescribed in the market,
5. The establishment of measurements and estimates or contradictory reports, and the verification of provisional monthly statements (DMP) or the final general statement (DGD),
6. The drafting and notification of service orders and any written notes necessary for the proper execution of the work and its control,
7. Drafting of periodic progress reports,
8. Visits prior to provisional and final acceptance of the works,
9. Any other tasks assigned by the project owner.

III.2.3. Technical control of construction (CTC)

The technical construction controller is a public body of an economic nature.

The technical control mission entrusted to the CTC by the Project Owner must ensure the best possible prevention of technical hazards likely to be encountered. To this end, all project execution plans must be approved by the CTC engineers. The technical control missions can be summed up in the following tasks:

- 1- The Risk Standardization Control (NR mission) which concerns the solidity of the works and the equipment elements which are inseparably part of the viability, foundation, framework, enclosure and roof works.
- 2- Monitoring compliance with various building regulations and codes.

III.2.4. The study laboratory

The study laboratory is a physical or moral engineering company of an economic nature, which is authorized to carry out investigations and studies on a project after the request of the project owner, the project manager, or the company. The missions that can be entrusted to the laboratory in the field of construction are:

- Carrying out geotechnical studies,
- The expertise and quality control of materials used in a project,
- Analysis of construction materials,
- Design of concrete formulations,
- Monitoring and control of construction sites,
- Expertise of buildings already built.

III.2.5. The Contractor

The contractor is the natural or legal person responsible for the execution of the contract. Upon notification of the validated contract to the contractor, the latter shall designate a natural person who represents him vis-à-vis the project owner or delegated project owner and the project manager for all matters relating to the execution of the contract; this person, responsible for the conduct of the works, must have sufficient powers to take, without delay, the decisions necessary for their execution.

The contractor is required to immediately notify the project manager of any significant changes in the operation of his business occurring during the contract and which relate in particular to:

- To those with the power to engage his business,
- In the shape of his business,
- To the company name or denomination of the company,
- At the address of his company headquarters,
- To the share capital of his company, and more generally to all significant changes in the operation of his company.

III.2.6. Subcontractors

The subcontractor is the natural or legal person that the contractor is authorized by the project owner to use to subcontract the execution of certain works that are not within its field of activity or, being its specialty, that it cannot or does not wish to carry out itself, for economic reasons, workload or insufficient resources. The contractor must inform the project manager of the name of the natural person qualified to represent the subcontractor and the address chosen by the latter near the site.

The authorization to subcontract does not in any way reduce the obligations of the contractor holding the contract, who remains responsible for the entire execution of said contract vis-à-vis the project owner.

However, if the contractor has, without authorization, subcontracted all or part of the contract, the project owner may terminate the contract and have it carried out by a new contractor.

III.3. The procedure for launching a building project

A building project must imperatively go through a legal and clear route, in particular for the choice of the various stakeholders (in accordance with the public procurement code), this task is entrusted to the competent services of the project owner.

After registering the project, the project owner prepares the budget needed to finance the various study and implementation tasks, what is called; the Project Authorization (PA), and he must launch calls for tender to choose the project manager and the contractor.

III.3.1. The choice of the project manager

The project owner must launch a call for tenders or architectural competition, as the case may be, to choose the architectural design that meets the requirements of the project, so the project owner prepares specifications explaining the needs and the criteria for choosing the design office (project manager).

After the selection of the design office (provisional award), an appeal period is granted to the other bidders, once the appeal period has expired (final award), the project owner must conclude a contract with the project manager, and communicate to him a service order to carry out the various contractual tasks. The design office must provide, within the contractual deadlines, all the tasks entrusted to it in the study mission, namely:

- The graphic parts of the project, presented by the different plans of the project (architectural plans, civil engineering plans, implementation plans, plans of secondary trades “CES”...etc.),
- Written documents, presenting the following documents; the quantitative and estimated quote (administrative estimate), the specifications for choosing the contractors, and any document required in the contract.

Remarks

- a- The project owner must request a study laboratory to carry out a geotechnical study of the project site, and transmit the results to the project manager to finalize the execution plans.
- b- The project owner must also request the CTC to check the various execution plans.
- c- In addition to the study mission entrusted to the project manager, the latter is often called upon to carry out a monitoring mission; if this is not the case, the project owner must launch, in parallel with the study mission, a call for tender (or consultation) for the monitoring mission, in which the selected design office must ensure permanent monitoring of the work on site, and it must provide technical solutions during the execution of the project.

I II.3.2. The choice of the contractor

The project owner, with the assistance of the project manager, must launch a call for tenders to choose the contractor; this is done in two stages:

- Technical component (technical offer): the contractor must have qualifications and skills that meet the clauses of the specifications in its technical part,
- Financial component (financial offer): the contractor's financial offer must be reasonable and comparable with the administrative estimate; the contractor must be the lowest bidder or the highest bidder, as the case may be.

The successful (chosen) contractor must meet the requirements of both parts (technical and financial).

After the choice of the contractor (provisional award), an appeal period is granted to the other bidders, once the appeal period has expired (final award), the project owner must conclude a contract with the contractor, and communicate to him a service order to carry out the various contractual tasks. The contractor must carry out the work of carrying out the project, within the contractual deadlines.

For all the steps mentioned above, the project owner must conclude a contract, agreement or agreement with the parties involved in the building project; in this case, the project owner will be referred to as the “ **Contractor** ” and the other parties will be referred to as the “ **Co-contractors** ”.

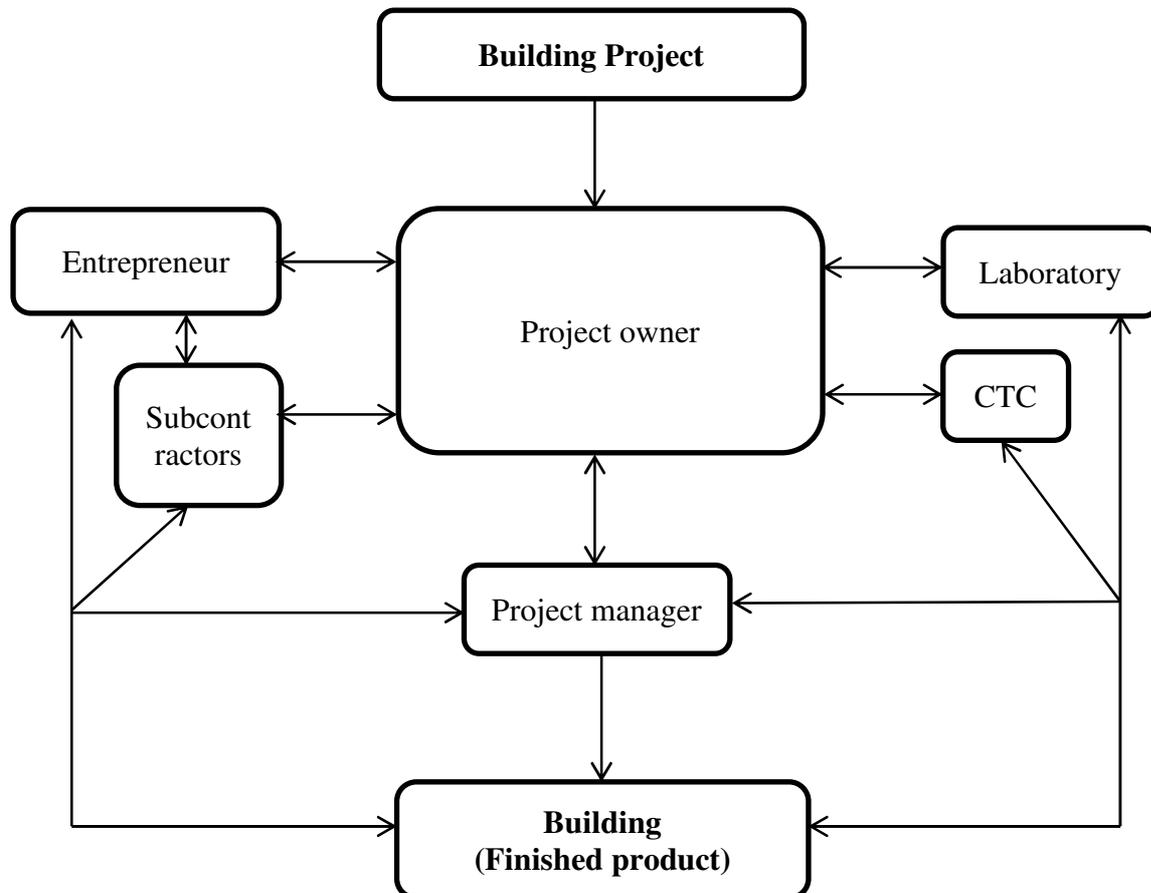


Figure III.1- Flowchart for implementing a building project