Innovative vs. Qualified The Experience of Competitions in Contemporary Greece

Abstract

The practice of competitions in contemporary Greece as a mode of developing public procurement buildings has been a particular issue of controversy. And while one may anticipate the – all too common in the international experience – issue of specifying for a design competition and validating the choice of the jury in undisputed terms, it is the validity of opting for a design competition itself that proves to be a great issue of controversy in the Greek experience. The latter offers a case study on how public authorities understand the notion of building development, leaning primarily towards quantitative and construction demands, rather than qualitative principles and solution novelties. It is argued that this controversy is rooted in, and developed from, a strict axiomatic and authoritarian milieu, namely, every prescription which derives from an exacting proclamation text that is usually formulated in qualification terminology. This observation reveals also a notion of friction which underlies the – in extremis – understanding of the project either as a "technical" one or an "architectural" one. The cases of the competitions for the New Acropolis Museum and the extension of the building of the National Theater will serve respectively as an example on each of the two extremes.

These arguments are primarily investigated through the study of Greek legislation and particularly Law 3316, which implements the EU directive 2004/18/EC on the award of public work contracts. It will be shown that Law 3316 allows for a variety of types of competition and leaves equal room for interpretation when authorities are called upon deciding on a type of award process. It will also be shown that the question of "architectural quality" is identified only in the case of an Architectural Design Competition by a competent jury, while in all other cases it is reduced to a prescriptive factor of "aesthetics", weighing along with several other technical and economical issues on the judgment at hand. It is in this manner that the authors will focus on the Greek experience as an issue of administration, rather than raising questions of methodology on conducting a competition.

Finally, following especially the four competitions for New Acropolis Museum will show that both the provisions of the Law and the insistence on prescriptive norms for the conduct of competition have failed to achieve consensus, as public dispute proved inevitable every time. It will then be argued that in spite of issues of controversy, architectural creation is rather subject to a "fortunate coincidence" of the play of forces at hand, while the final verdict projects both in the present context of the competition as well as in the future past of society. Therefore, it is the authors' aim to argue that establishing qualitative criteria of architectural authenticity is more of a matter of a new understanding, than a ratification of the process through the ever expanding establishment of qualification criteria.

Keywords

competition policy [in Greece], legislation, qualification vs. quality, New Acropolis Museum, National Theatre.

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Innovative vs. Qualified
The Experience of Competitions in Contemporary Greece

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INTRODUCTION

The question of how and why a competition affirms the quality of a chosen proposal for a project, especially when the question comes to architecture since its impact lies on a variety of public scales, has been raised many times and has been an issue of research for many scholars around the world. It is fair to acknowledge that competition has been historically established as a method of choice for the erection of constructions of major public impact (e.g., see Kostoff, ed., 2000, or Lipstadt, ed., 1989). However one may find that literature on the subject has been scarce (Tostrup, 1999, p.15) and the case is not all too different in the Greek experience. Apart from a number of interventions in the form of articles, public letters in the press, and empirical contributions in round tables, there is little more other than the two following attempts to address the field of the practice of competitions in Greece (this assessment was cross – checked with Mr S. Theodosopoulos, representative of the Association des Architectes diplômés (SADAS – PEA) on the Commission – Study Group on the regulatory framework of architectural competitions; personal communication, May 4, 2009): one is the report of a research program conducted by the General Secretariat of Research and Technology (Filippedes, ed., 2000), which provides the single most elaborate overview available to date on the subject (and implements most of the scattered references worth mentioning, albeit it covers ground prior to the current legislation which we will be discussing later on), and the other is the report of a permanent committee on Architectural Competitions formed in 2003 by the SADAS – PEA which was adopted in April 2005, aiming to propose an upgraded regulatory framework for architectural competitions, in replacement to the existing (ministerial decree of 1976); this was made through the thorough investigation and a comparative analysis of data on the practice of Architectural Competitions in Greece and other members of the European Union until September 2004 (SADAS – PEA, 2006, p.p. 30-36).

However, State Law was to be reformed in respect to the Directive 2004/18/EC (OJ L134, 30/04/2004, p. 0114-0240), approved and adopted by the European Parliament and the Council of the European Union on the 31st of March 2004, which refers to "the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts". This directive was implemented in the Greek legislation with Law 3316/2005: therefrom we feel that this piece of legislation may serve as a case study for our argument, namely that building development of public scale in Greece is, and may in fact be, addressed to by the competent authorities in a factorial manner suitable to a "technical" issue, rather than as an – always ill defined and controversial – "architectural" issue, and that in this shift of scope may foster an issue of (mis)interpretation, that construction demands and architectural quality are two parts in opposition. This shift of scope may also be evident should one cross reference the aforementioned EU directive with Council Directive 85/384/EEC of June 1985 "on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services" (OJ L223, 21/08/1985, p.0015-0025), which provides for an understanding on the subject of architecture, especially in comparison to the notion of (architectural)"service" which is the issue of Directive 2004/18/EC.

Finally, it is important to understand that an "Architectural Design Competition", being characteristic in the fact that its main requirement is an architectural proposal rather than a construction offer and that it is subject to the authority of a jury who is presumed competent in identifying "architectural value" – the term used in all its controversy to note the poverty of the term "aesthetics" used in a factorial manner in the legislation –, is merely one out of many other possible ways the Greek Law provides for developing public procurement buildings. Although there are no references of statistical data (this was also suggested at the conference held by the Technical Chamber of Greece, 19-21 April, 2005. See Vettas, 2005), it is common empirical knowledge that the majority of public contracts of the kind in Greece are awarded as "packages" consisting of both the architectural proposal and the construction offer combined, in terms where technical and economical factors prevail. Although strong empirical arguments have been made from time to time on either sides, in lack of statistics and other solid references we do not aim to argue for or against any of the ways of conduct; however we do consider noteworthy to examine the provisions of the law itself as a case study in terms of a critical review, as the phrasing and the terminology

themselves are indicative of this distinction of understanding that we mentioned a few lines earlier.

We shall then examine the examples of two public procurement buildings of landmark value in Athens: the extension of the building of the National Theatre, and the New Acropolis Museum. And while the former will serve us merely to present our case on the subtext of the law's provisions, the latter will serve us to inquire whether prescriptive measures in general are in fact enough to secure the success of a competition, especially when the matter concerns an architectural proposal. This is the all too common discourse over methodology, on judging quality issues etc. We will aim to argue that prescriptive measures cannot manage to achieve consensus on their own; rather we propose that in order to address the issue of opting for a competition, it is important to distinguish "quality" from "qualification criteria", and that this understanding is only possible if we can consider the practice of competition in: a) the context of its present time, i.e. the procedure and relevant issues for the selection of "a winner", and b) the context of the future past of the building itself, that is, the way it implements itself into society, memory, cultural identity, etc.

KEY CONCEPTS OF THE EU DIRECTIVE

> The award of contracts concluded in the Member States on behalf of the State, regional or local authorities and other bodies governed by public law entities, is subject to the respect of the principles of the Treaty and in particular to the principle of freedom of movement of goods, the principle of freedom of establishment and the principle of freedom to provide services and to the principles deriving therefrom, such as the principle of equal treatment, the principle of non-discrimination, the principle of mutual recognition, the principle of proportionality and the principle of transparency.

> [...] for public contracts above a certain value, it is advisable to draw up provisions of Community coordination of national procedures for the award of such contracts which are based on these principles so as to ensure the effects of them and to guarantee the opening-up of public procurement to competition. These coordinating provisions should therefore be interpreted in accordance with both the aforementioned rules and principles and other rules of the Treaty (Directive 2004/18/EC, Recital 2, OJ L134, 30/04/2004 p.114).

The Directive 2004/18/EC deals directly with the subject of public contracts, i.e. it basically addresses the issue of conduct for public procurement. On the Europa site, Summaries of legislation (Europa, "Public works contracts, public supply contracts and public service contracts", 2009), we read:

> The European Union is updating the rules concerning procurement procedures for public works contracts, public supply contracts and public service contracts. This revision is based on the fundamental principles of the internal market and basically strives for simplification, harmonisation and modernisation. [...]

Quite clearly the idea is to form a common platform of public procurement conduct, in order to ensure the fundamental concepts of the internal market of the EU. On the evolution of the aim, again we read directly on the Directive 2004/18/EC:

> On the occasion of new amendments [...], the Directives should, in the interests of clarity, be recast. This Directive is based on Court of Justice case-law, in particular case-law on award criteria, which clarifies the possibilities for the contracting authorities to meet the needs of the public concerned, including in the environmental and/or social area, provided that such criteria are linked to the subject-matter of the contract, do not confer an unrestricted freedom of choice on the contracting authority, are expressly mentioned and comply with the fundamental principles mentioned in recital 2 (Op.cit., recital 1, p.114).

Extending our scope on the issue of public procurement, in view of the internal market of the EU, on the *Consolidated Version of the Treaty Establishing the European Community*, Article 4, we read:

> Article 4
> 1. For the purposes set out in Article 2, the activities of the Member States and the Community shall include, as provided in this Treaty and in accordance with the timetable set out therein, the adoption of an economic policy which is based on the close coordination of Member States' economic policies, on the internal market and on the definition of common objectives, and conducted in accordance with the principle of an open market economy with free competition (OJ, C 321 E, 29.12.2006, p.45).

This complies with the freedom concerning the movement of persons, services, goods and capital, and the freedom of establishment (Charter of Fundamental Rights of the European Union, Preamble, OJ C303, 14/12/2007, p.2), combined with the provisions of the *Treaty Establishing the European Community,* Article 47, recital 1:

> In order to make it easier for persons to take up and pursue activities as self-employed persons, the Council shall, acting in accordance with the procedure referred to in Article 251, issue directives for the mutual recognition of diplomas, certificates and other evidence of formal qualifications (OJ, C 321 E, 29.12.2006, p.54).

The latter has been an issue addressed to in a general manner with Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 "establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalization and transitional measures and supplementing the general systems for the recognition of qualifications". This directive was repealed and replaced by Directive 2005/36/EC as of 20 October 2007 (Europa, "Mechanism for the recognition of diplomas in craft trades, commerce and certain services", 2009). For Architects in particular, the matter was addressed to with Council Directive 85/384/EEC of 10 June 1985 "on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services" (OJ, L223, 21/8/1985). This directive was repealed and replaced by Directive 2005/36/EC as of 20 October 2007 (Europa, "Architecture: mutual recognition of qualifications in architecture", 2009).

All in all, a certain number of key issues concerning public procurement and professional practice are noteworthy:

Public procurement contracts address three types of commissions: "works", "supplies", and "services". "Definitions and General Principles" of the Directive 2004/18/EC, Article 1, recital 2, reads:

> (a) "Public contracts" are contracts for pecuniary interest concluded in writing between one or more economic operators and one or more contracting authorities and having as their object the execution of works, the supply of products or the provision of services within the meaning of this Directive.
> (b) "Public works contracts" are public contracts having as their ob-

> ject either the execution, or both the design and execution, of works related to one of the activities within the meaning of Annex I or a work, or the realization, by whatever means, of a work corresponding to the requirements specified by the contracting authority.
> A 'work' means the outcome of building or civil engineering works taken as a whole which is sufficient of itself to fulfill an economic or technical function.
> (c) 'Public supply contracts' are public contracts other than those referred to in (b) having as their object the purchase, lease, rental or hire purchase, with or without option to buy, of products. A public contract having as its object the supply of products and which also covers, as an incidental matter, siting and installation operations shall be considered to be a 'public supply contract'.
> (d) 'Public service contracts' are public contracts other than public works or supply contracts having as their object the provision of services referred to in Annex II. A public contract having as its object both products and services within the meaning of Annex II shall be considered to be a 'public service contract' if the value of the services in question exceeds that of the products covered by the contract.
> (30.4.2004 EN Official Journal of the European Union L 134/127).
> A public contract having as its object services within the meaning of Annex II and including activities within the meaning of Annex I that are only incidental to the principal object of the contract shall be considered to be a public service contract (OJ L134, 30/04/2004 p.126).

Annexes I & II of the Directive 2004/18/EC, distinguish respectively between an "activity" and a "service": Architectural services are subject to the latter (Category No 12, CPC ref. No. 867, Annex IIA, op.cit, p.163), whereas "Construction" and its subsidiary provisions are subject to the former (CPV code Division 45, op.cit., Annex I, p.157).

A number of remarks can be made on the subject:

The Directive aims to guarantee public benefit concerning the end product that will derive from the contract.

However, in the case of the production of space, Architecture is not an issue on its own, but rather a constitute part of the product "building". In other words, not every building is architecture. Therefrom, an issue is raised on what kind of building *is* architecture. Subsequently, an issue whether the identity of the environment is a matter of architecture, is also raised.

Competition guarantees and applies fundamental freedoms of the EU on

the matter at hand (public contracts), and ensures the selection of the "better" offer to the benefit of the public. However this raises a matter of qualification criteria: the advantageous nature of the awarded offer in comparison to others, rises in terms of a required "quality", may it be an economic one, a technical one, or any other one specified by the authority that awards the contract. Competition is therefore subject to a prescriptive procedure (specifications etc), as well as an award procedure, such as the performance of a specific competition event according to rules, validated by the decision of a jury, etc.

Should the matter turn then to architecture, it is important to consider that the Directive provides a framework for transposition on a national level, on behalf of the Member States. On November 20th, 2004, the Architects Council of Europe (ACE) has adopted a paper developed in view of the "European Public Procurement Legislation and Architectural Services", concerning "Recommendations and Guidelines for Transposition to National Law" (ACE, 2005); in the introduction ACE proposes that "Member States should use this opportunity to amend national public procurement legislation to the maximum benefit of the citizens, economic operators and contracting authorities.", and states that she "supports this goal, especially in the area of procurement of architectural services, as an important objective." (Op. Cit., p.3)

Part II of the paper however, raises significant questions focusing on the particularities concerning the architectural profession. Right away ACE suggests that the EU directive should be considered as a framework rather than an all-in-one solution to every problem:

> The Procurement directives offer a set of new instruments and procedures, some of which are not suitable for the procurement of architectural services. The Procurement Directives offer a framework for procuring a wide range of services, supplies, goods and works. Some of the procedures are not necessarily required or useful for the procurement of architectural services, but on the other hand, the directives allow a transposition on a national level, which takes into account the specific nature of architectural services. Therefore, the ACE recommends careful consideration of the following comments on the suitability of the new procedures and instruments for the procurement of architectural services (Op. Cit., p.4).

The ACE focuses her proposals on four areas: the first considers new procedures, namely the competitive dialogue and electronic auctions, the second,

new instruments, namely Framework Agreements and Dynamic purchasing systems, the third, the Architectural Design Contest, and the fourth, other areas, namely the need for a clear distinction between design and execution of works.

On the issue of the competitive dialogue, ACE considers the definition given in the Directive "not suitable for the procurement of architectural services". She also raises questions on the protection of author's rights, considering that

> The Directive describes several situations where it would be impossible for the contracting authority to "objectively" define the means of satisfying its needs, or of assessing what the market can offer, in the way of technical solutions and/or financial legal solutions. "Objectively" means that this does not depend on the individual capacity of the contracting authority, and that even by a definition of purely performance or functional requirements (Art 23 paragraphs 3b, c and d) no useful solution can be expected (see Article 1, paragraph II(c)). This situation may arise, in particular, with the implementation of important integrated transport infrastructure projects, large computer networks or projects involving complex and structured financing, the financial and legal make up of which cannot be defined in advance ("particularly complex projects"). These considerations show that the competitive dialogue is tailored for projects – e.g. certain public private partnership models – which cannot be handled in a standard procedure (Op. Cit., p.4).

On the matter of the introduction of new instruments, ACE focuses mainly on Framework Agreements, assessing them basically as "not suitable for architectural services":

> The purpose of framework agreements is to establish the terms governing contracts to be awarded during a given period with regard to price and, where appropriate, the quantity envisaged (see Article 1 paragraph 5). Every single project should be open to competition, as every building deserves a specific quality approach. The awarding decision must be based on qualitative criteria. Architectural services are not measured by price and quantity. Secondly, framework agreements – even with the time limit of four years – restrict access to single contracts. (Op. Cit., p.4).

On the matter of the Architectural Design Competition, ACE focuses on the award of the contract to the winner of the competition, and proposes the use of the negotiated procedure:

> The ACE recommends the transposition of the directives in such a way that, in the case of a design contest, the contract is awarded to one of the winners (successful candidates) of the design contest by using the negotiated procedure without publication of a contract notice (Art. 31 paragraph 3). If the contracting authority chooses the negotiated procedure under Article 30 paragraph 1c, an architectural design contest should be integrated to obtain the best results for the design of works. The combination of the above instruments (design contest and negotiated procedure) is the best way to guarantee a high degree of quality and economically beneficial results which cannot be achieved by using the open or restricted procedure (see also above under II.4) Design contests should, in all cases, be remunerated by an adequate and fair prize allocation (payment) (Op. Cit., p.4-5).

Finally the ACE addresses the issue of a clear distinction between design and execution of works:

> The ACE recommends a clear separation between design and execution of works. The European legislator has decided not to prescribe such a separation, but has clarified that the decision to award contracts separately or jointly must be determined by qualitative economic criteria, which may be defined by national law [Directive 2004/18/EC, Recital 9, OJ L134, 30/04/2004 p.115]. Member States are recommended to determine such criteria on the basis of existing studies of the qualitative and economic results of separate or joint contracts. The ACE specifically draws attention to existing studies undertaken by courts of auditors which reveal the economic risks of design and build projects.

Summing up this overview of EU provisions, reviewed in scope of the practice of architecture and building construction, we should note firstly that the Directive 2004/18/EC attempts to define a number of subjects for public contracting, and to categorize them in framework types such as "activity" or "service". ACE commented on the matter that architecture (in the terms of architectural services) should be clearly dissociated with the notion of "construction", however she proposed that it should be clear that the former is indispensable to the latter.

Secondly, it is important to notice that the general principle of competition gives rise to the matter of establishing suitable and fair criteria for the indisputable evaluation of offers. However this has been a very difficult task for architecture, a claim the academic study of architectural competitions alone may give us adequate arguments to support.

Finally, we may support a position, that this attempt to define a framework in the best regulated manner possible is based on a qualification terminology, rather than a quality scope. This is evident in the paper ACE has produced and adopted, where one notices the need to specify quality issues on the practice of architecture, rather than exacting "architectural factors" in the activity of construction.

Still, we should take into consideration that architecture is all but unappreciated in the legislatory framework of the EU. In Directive 85/34/EEC "on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services" (OJ L223, 21/08/1985, p.0015-0025) it is stated:

> [...] Whereas architecture, the quality of buildings, the way they blend in with their surroundings, respect for the natural and urban environment and the collective and individual cultural heritage are matters of public concern; Whereas [...] the holders of recognized diplomas, certificates and other evidence of formal qualifications are able to understand and give practical expression to the needs of individuals, social groups and communities as regards spatial planning, the design, organization and construction of buildings, the conservation and enhancement of the architectural heritage and preservation of the natural balance.

THE IMPLEMENTATION OF THE DIRECTIVE IN GREECE

The Greek State incorporated the EU Directive into Law 3316/2005 on the "Commission and Execution of public contracts for Studies and supply of similar services, and other provisions" (Official Gazette of the Greek Government 42, 22/02/2005, p. 453-491). This law adjusts the commission and execution of all public contracts, regardless of value, for studies and supply of similar services of engineers and other liberal professions [...] who are subject to "Annex IIA" of Directive 2004/18/EC and to "Annex XVIIA" of Directive 2004/17/EC" (which we haven't covered in this paper since it doesn't concern architectural services) (op.cit., Article 2, recital 1, p.454). In

short, it covers the area of "Services", as defined in Directive 2004/18/EC, regarding construction studies of all possible sorts. Chapter B ("Procedures on Commissioning contracts for Studies and Services"), Articles 4 – 11 (op. cit. p.456-467), describes the framework within which these commissions are made.

In that sense it appeared that, for the larger part of the Greek technical community, the law was primarily addressing the matter of public procurement contracting, and especially one of the major issues public commissions had suffered until that point: the experience of the "mathematical equation", a calculation method introduced by Law 2576/1998, which would usually result higher than normal discount prices and therefore unreliable construction offers. It is indicative that a number of presentations at the conference held by the Technical Chamber of Greece, 19-21 April, 2005, on Public procurement Construction, (e.g., Vettas, 2005), raised issues concerning for the most part technical and economical aspects.

However, law 3316, Article 5, recital 6, does provide for an Architectural Design Competition:

> When projects of great importance of the extended public sector, or projects of a wider social, architectural, urban and ecological significance are concerned, and their function, volume or any other specific features have an impact on the wider built or natural environment, such as important building projects, projects of a repeated type, monuments or projects of monumental scale, landscape design or refurbishment projects of a regional or historic character, or urbanism interventions of special significance, the selection of a contractor is performed through an Architectural Competition, or a Competition of Studies [the use of the term "studies" refers to the intentionally generalizing terminologyused in the Greek text. It is interesting to notice that the law distinguishes between an issue of Architecture and amore general issue of Study]. In these contests no economic offer is submitted, while the competition notice should at least state the number and the economic value of the awards, the composition of the jury, the possibility or not of rewarding studies beyond the number awarded by the competition rules, the evaluation for the fee considering the completion of the design awarded the contract including the necessary supplement studies, and the source of funding for the competition and the final study. [...] When the competition subordinates to the application of Directive 2004/18/EC and 2004/17/EC, the provisions concerning competitions are applied. When an International Competition is concerned,

> the rules of the Union International of Architects also apply." (Official Gazette of the Greek State, 42/A/22.2.2005, p.457)

This is the only time the matter at hand is subject to the *authority* of a jury, which is presupposed to be competent on the issue at hand (e.g. architecture). In all other cases the law describes "Studies" of several levels: "preparatory studies", "preliminary studies", "final or other studies". It is once again the notion of a prescriptive framework that prevails, and in the Greek example criteria are formed to establish an undisputable foundation for the selection of a candidate. An example of this factorial approach may be found in the provisions of Article 6:

> When the matter concerns the study of a complex project which may take alternatives, the preparatory and preliminary studies are awarded through the same contract notice (Op. Cit., article 5, recital 1, p.457).

Such being the case,
i. For the preparatory study "the commission is awarded to the condidate offering the most advantageous economic offer" (op. cit., article 6, recital 3, p.459), in view of
a. "the completeness and consistency of the assessment of the general and special object of the study, as it derives from the technical report
b. the efficiency of the team of professionals who will perform the study, as it derives from its composition, the partners and their proven colleagues, their proven ability to study alternatives beyond that which was proposed and awarded,
c. the completeness and reliability of the method, as proposed by the candidate,
d. the efficiency and reliability of the proposed timeframe, in combination with the composition of the study group and the involvement of the candidate in produced studies and provided services." (op. cit., article 6, recital 4, p.459)

ii. For the preliminary study the award criteria are:
a. "The quality of the technical offer, which is subsequently comprised of:
   i. the extend of studying an alternative
   ii. the particular characteristics of the proposed solution, which are the following:
   iii. the functional characteristics of the solution
   iv. the aesthetic value of the solution

   v. the easiness of construction
   vi. the cost of the project, including both the cost of the realization of the solution and the cost of operation and maintenance during its life cycle. Factors for this calculation are provided in the tender documents of the competition's proclamation text.
   vii. The time projection for the realization of the project
   viii. The environmental impact of the solution.
b. The economic offer of the participant for the completion of the further studies, including the necessary supplement studies and works (op. cit., article 6, recital 9, p.460)."

For the preliminary studies offer, the technical offer of the candidates [part a] is determined at 85% of the final evaluation whereas the economic offer of the candidate [part b] is determined at 15%. The aforementioned 85% is divided according to the proclamation text and this division is subject to no particular provision of the law. It is evident that the technical character of the project at hand is broken into ratified factors such as "functional", "aesthetic", "economically efficient", "easy and quick to build", and "environmental footprint", while a whole 15% is awarded to the cost of service offered by the participant, namely his or her fee.

This view of a project subject to public procurement becomes even more apparent in the case of the award of the "final or other studies" for a project. Again, the participants submit "a technical assessment of the project, an organizational chart of the study group, an elaborate report on how the applicant will perform the required works to complete the study, and finally a detailed timetable of the aforementioned works" (op.cit., Article 7, Recital 4, p.462), whereas the criteria for award of the contract consist of:

> the completeness and consistency of the assessment of the general and special object of the study, as it derives from the technical report, the organizational efficiency of the team of professionals who will perform the study, as it derives from its composition, the partners and their proven colleagues, their proven ability to study alternatives beyond that which was proposed and awarded,
> The economic offer.
> The weight of the aforementioned criterion (a) on the total of the evaluation is defined at 35%, criterion (b) at 40%, and criterion (c) at 25%. In the case of a closed procedure, the weight of criterion (a) is determined at 35%, criterion (b) at 35%, and criterion (c) at 30% (op. cit., Article 7, Recital 6, p.462-463).

Finally, in the case of a Combined Offer Competition (in view of Framework Agreements, as described in Directive 2004/18/EC, Article 1, recital 5, OJ L134, 30/4/2004, p.127 and Article 32, op.cit., p.137), the participants may submit an offer covering in partnership or consortium one, or more, of the types of studies covered in Article 2 ["engineering and other liberal professions' studies", i.e., architectural, mechanical, electrical, structural, etc.].

> The contract is awarded to the candidate submitting the most advantageous economical offer, evaluated by the following criteria:
> a. the organizational efficiency of the team of professionals who will perform the study, or the team of the service provider, as it derives from its composition and its characteristics, considering primarily the partners and the proven colleagues of the candidate, the proven ability of the coordinator of the team in finding technical solutions and the additional staff that is provided for the execution of the contract beyond the provisions of the notice, as well as the efficiency and reliability of the method proposed.
> b. The economic offer.
> [...] the weight of the two criteria on the overall evaluation is determined at 75% and 25% respectively (Law 3316/2005, Article 8, recital 6., Official Gazette of the Greek State, 42/A/22.2.2005, p.465).

It is quite clear that one may trace in the reading of the law a significant distinction between:

A project subject to the authority of a jury presumed competent in recognising value particular to the character of the project (e.g. architecture)

Every other type of project, albeit still concerning "studies and supply of similar services of engineers and other liberal professions"

But as far as the subject of architecture is concerned, Article 5 (op.cit, p.457) indicates that the provisions of article 6 [combined award of preparatory and preliminary studies, which in turn presuppose the award of the final studies through the provisions of Article 7 or 8] apply, amongst others, in the case

Of complex projects which may take alternative solutions, (recital 1, op.cit., p.457)

Of building construction studies, and projects for the development or refurbishment of free public space (recital 3, op.cit., p.457)

The aforementioned distinction also suggests an understanding of two notions of quality: an ill-defined one, which is the subject of a design contest [in the terminology of the Directive 2004/18/EC], being characteristic in the fact that it presupposes the authority of a competent jury to be recognized, and a well-defined one, consisting of a number of defined factors, characteristic in the fact that it is measured in percentage grading.

In light of this reading, let us quote once more recital 6:

> When projects of great importance of the extended public sector, or projects of a wider social, architectural, urban and ecological significance are concerned, and their function, volume or any other specific features have an impact on the wider built or natural environment, such as important building projects, projects of a repeated type, monuments or projects of monumental scale, landscape design or refurbishment projects of a regional or historic character, or urbanism interventions of special significance, the selection of a contractor is performed through an Architectural Competition, or a Competition of Studies

It becomes evident that the opting for a design contest, lies in the realm of the subjective, whereas all other types of construction (development of the urban and rural environment, buildings included), remain subject to a ratified, factorial and basically economical transaction, where the offered price prevails as the main objective. Although this doesn't necessarily eliminate the possibility that a quality architectural design may apply in such a procedure, it is certainly clear that the requirement of it is simply not prescribed in the context of the requirements for the project.

On the 29th of July 1999 the Architects Council of Thessaloniki (SATh) issued a statement concerning the issues involved with the construction of the Thessaloniki Concert Hall, a building the design of which was awarded by the method of a Combined Offer Competition to the firm of Tzonos, Hoipel, Hoipel & Associates. According to Prof. Tzonos, who eventually resigned from the project due to extended friction with the construction developer and the project management team on the side of the proprietor, this type of competition

> [...] instead of securing the architectural quality as a precondition for the project [...] it turns it into a business transaction under the control of the project manager (Tzonos, 1999).

THE BUILDING OF THE NATIONAL THEATRE

The listed building on Agiou Konstantinou St. in Athens began being built in 1891 by architect Ernst Ziller, many of his buildings being now considered cultural heritage in Greece. In 1885 the works came temporarily to a

FIG. 1. Extension of the building of the National Theatre.

halt due to economic recession; finally the building was completed in 1901 and operated as host to the "Royal Theatre" until 1908 when it was renamed "National Theatre". During the period of 1930-1932 extensive refurbishment works were performed, while in 1941 the renovation of the circular revolving stage was completed.

Further refurbishments, extensions additions and repairs took place in 1960, in 1971-72 and in 1981, but the earthquake of 1991 put the operation of the Central Stage, to a cease in order to proceed with the full examination of the building's structural conditions, which was indeed questionable not only because of the earthquake but also due to the numerous alterations that had been performed in the past.

In 2004, the Ministry of Culture announced the call for Tenders for the "Renovation and Extension of the National Theatre" a public Inquiry including Design and Examination Works. The inquiry required from the participants to keep the neoclassical stone built building as a shell and to erect from within a new complex covering an area of 12.000 m2. Additionally, the theatre would extend to the empty lot behind the old building with a New Theatrical Stage, multi shaped with multiple arrangements. There would also be a full rearrangement and renovation of the Central Stage inside the old neo-classical building, with the installation of modern stage equipment etc. Altogether, the proposal should secure the smooth co-existence of the old neoclassical building with the new and modern complex. (Marinou, E, 2008)

As this Project was considered a "Special Technical Project" in view of the extensive structural refurbishment it called for, the auction was realized through a Combined Offer Competition, i.e. including both Design and Execution works and qualifying on the best economic offer. This created severe embarrassment of the Greek Architects as they seemed to fail once again to defend a well established point of view of the Architects' community (e.g. UIA. "Why an International Competition", or or the provisions of Greek Law 3316 for "projects of great importance of the extended public sector", Article 5, Recital 6) that an Architectural Design Competition should prevail as the preferred method of choice for projects of such impact.

The Project was finally awarded to the Construction Company "THOLOS S.A." who collaborated with "STUDIO 75 Architects" for the architectural design. As discussed previously, the basic criterion for this Public Competition was the "offered price" and the fulfilment of the technical and legal requirement specifications.

In Greece, the Ministry of Public Works has issued a Ministerial Decree, which designates weighing factors for the criteria of the technical offers in a series of cases. Especially for construction works the following weighing factors are set forth (Ministerial Decree ΔΜΕΟ/α/οικ/1161 concerning the evaluation of the weighing criteria for technical tenders, article 2):

- For the operational characteristics of proposed solution: 5% up to 20%
- For the aesthetic quality of the solution : 5% to 20%
- For the easiness of the construction : 5% to 20%
- For the economical attractiveness of the solution : 15% to 35%
- For the duration of the execution of the works 15% to 35%
- For the environmental protection measures : 5% to 15%

With the help of this coding it is trusted that the proper weighing of the proposals (total 100%) will ensure the fair treatment of the Tenders, but it is still obvious that the aesthetic and general design requirements continue to weigh less. However, although the National Theatre would clearly fit the description of article 5, recital 6 of law 3316, the contract was not awarded through the process of an Architectural Design Competition. The consideration of the project by the competent authorities as a technical one (renovation and refurbishment, in view of severe structural damage) rather than an architectural one (the design and production of a complex of a high cultural impact and historic patrimony issues) allowed for primarily requiring technical skills and competence rather than design ingenuity. It is a fact that the

timely completion of the project was at hand, therefore a time – consuming process such as the one we will be discussing further on with the example of the New Acropolis Museum would be out of the question. However it is also important to take this opportunity to note a lasting debate concerning the practical difficulties of the Architectural Design Competitions:

Although architects tend to agree on the qualitative advantage regarding the final result (of course there are noteworthy oppositions, such as Frank Lloyd Wright's, see Bergdoll, 1989, note 2), at the same time design contests appear to be disadvantageous regarding the timely completion of the project itself, due to its time consuming procedures. The basic parameters that are considered to aggravate the procedures time-wise are:

a. The necessity of submitting concrete proposals regarding each part of the project, depending on the type of the competition (ideas, preliminary studies, step-by-step competition etc). For all the above, a proper time margin is needed from the competition announcement date up to the submission of the required parts of the proposal. However, even taking into account solely the elaboration of the building program by the competitors – a work that is very complicated and difcult – this "proper" time margin becomes considerably long.
b. The completion of the evaluation procedure in the different stages. Obviously, the time for the completion of the competition procedures is directly proportional with the number of the submitted proposals and the complexity of the project at hand.
c. The establishment of three different committees in view of the achievement of a coherent and transparent competition procedure: The Greek Law provides for an Advisory Committee for the Architectural competitions, a Committee for the elaboration of the Call of Tenders and Competitions Programming and finally the Jury. Each Committee plays an independent role and has specific responsibilities as regards of the two stages of the Competitions.

Taking all the above into consideration, it is evident that the idea of an Architectural Design Competition may rarely be of service when construction of an urgent nature time wise is concerned. However, when the discussion turns towards the architectural product itself and the expectations it needs to meet, the notion of competition is itself considered to, at least, provide by definition the necessary consensus on the selection of the "best" proposal. On the same note, it is also argued that the process of an Architectural Design Competition may also be considered as the more efficient way to obtain the best value for money solution both from the technical and quality point of view (see ACE, 2005, e.g., p.7 or p.10).

THE NEW ACROPOLIS MUSEUM

Apart from the time-consuming processes mentioned before, the story of the four competitions that took place in order to conclude on a design proposal for the New Acropolis Museum poses a different kind of question, in fact one that has been extensively studied and argued upon over the years: can architecture competitions actually achieve consensus by definition?

The example offered by the story of the erection of the New Acropolis Museum in Athens (for a retrospective reference see Filippopoulou – Michailidou, 1991; Pantermalis, 2009; also To Pontiki, 2007; Filippedes, ed., 2000) not only suggests the negative, but it may in fact be used as an argument against those who value the timely completion of the project as a crucial factor for the business of construction.

This project has been the issue of four Architectural Design Competitions, each one bringing forth issues and forces at play, at times novel, and at times repeating – yet sometimes with alternate manifestations. Following each story on its own, one may be inclined to focus on particularities, such as the prescriptive process, the play of politics or the interests hidden behind the project, or the dispute of what constitutes architecture of a national impact. This would justly infuse a conversation on methodology, or other practicalities concerning the organization of an Architectural Design Competition, as it may equally justify a more theoretical conversation on the parts of the process, e.g. the authority of the jury, the management of outside forces, or the prescription of architectural values into tender documents of a factorial nature.

On the other hand, a more general view will reveal that these issues and forces have applied always, although it may be in different terms, a case apparent not only in the comparative view of these four stories but in the history of competitions internationally (see, eg. Lipstadt, ed., 1989). Such being the case, it is the faith in the notion of competition itself that establishes the procedure as an institution, and therefore the question of the "Architectural Quality" rises not in the form of prescriptive measures but rather in terms of a "fortunate result" which is projected both in the focused time of the competition as well as in the historical and social context it refers to, or is embedded into.

1976 AND 1979:

Two National Architectural Design Competitions were concluded without success. The project had been officially approved by Prime Minister Constantinos Karamanlis himself, but all the efforts came finally to nothing, twice (To Pontiki, 2007): the first competition awarded only a 3rd, 4th and 5th

prize, as well as 5 honorable mentions, but no winner, while the second was concluded unfruitful. The persistence of the Ministry of Culture to locate the New Museum in the Makryiannis area posed a very difficult question to the competitors. Although situating the museum right across the Acropolis seemed a reasonable choice in terms of the contextual connection between the monument and the building, the site itself raised a series of issues, namely urban planning issues, traffic issues, environmental issues, the relation between the building's size and the Acropolis etc. Moreover, construction on the site was quite possible to stumble upon extensive archaeological findings which hadn't yet been revealed at the time, and even the Ministry of Culture had included in Feasibility Study a clause that stated that in the case that the archaeological excavations proved the existence of archaeological findings, this location would be abandoned.

The above restrictions, the poor and incomplete justification of the existing data, and by extension the building specifications, and the reactions of the Greek Architects Union and of distinguished independent Greek architects, forced the organizers of the Competition to refrain from awarding a first prize on each occasion, admitting thus their failure.

1989:

Ten years after the last attempt and with the late Melina Merkouri serving as Minister of Culture, the third in line Architectural Design Competition was announced on May 16th, 1989 by the Ministry of Culture. The struggle for validity drove the organizing authorities to conduct an International Design Competition, issued under the auspices of the Union of International Architects (UIA). The regulations set forth were very strict and without legal gaps and the Jury included well known names with word-wide reputation.

The Competition posed its key questions around:

a. The positioning of the Museum
b. The formation and arrangement of the surrounding area
c. The eventual inclusion of the existing Acropolis Museum and the Acropolis Studies Center in the operational scheme of the New Museum.
d. The organization of the spaces and the morphology of the New Museum.

It seemed again that the focus of this Competition would be the positioning of the new Museum: this time the Ministry of Culture presented the participants with three possible locations, namely the location in Makryianni area, already known from the previous two competitions, as well as two other locations at the sides of the Philopappou Hill, also near Acropolis. All three locations established the already formed belief that the new Museum had to maintain the relation between the archaeological exhibits and the Acropolis itself.

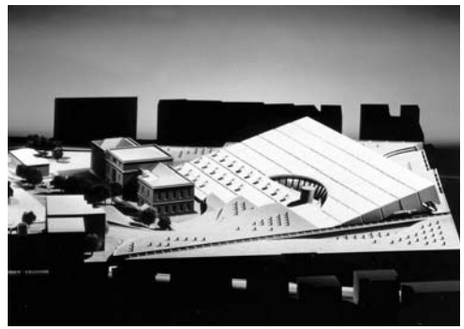

FIG. 2. M. Nicoletti & L. Pasarelli, Italy. Winning entry for the Competition for the New Acropolis Museum, 1999, Study model.

Initially, 1270 architectural offices from 52 countries expressed their interest to participate in the competition, out of which 156 were from Greece. Finally, 438 proposals from 26 Countries were submitted. The competition was held in two stages, and it concluded with the final awards in the 10th of November 1990.

The debate that was developed in Greece in the meantime regarding the three locations of the New Museum became fierce. Quite unexpectedly, the archaeologists preferred the site at Makryiannis area (in the view of many, in order to keep their headquarters at their current location), while the architects would accept any other site but the one at Makryianni, even one far away from Acropolis, maintaining their position on the site being problematic in the same terms described for the preceding two competitions. The debate was more or less official, but always very intensive and the matter was left to be resolved within the competition itself.

The decision of the Jury to award the 1st prize to Italian architects Nicoletti and Passareli lit up the fire anew.

Not only had the Italian architects proposed to situate the building in Makryianni area, but they furthermore proposed a design covering almost 45.000 m2 while the inquiry called for only 18.000 m2 to cover the needs of the new Museum; most of the participants that reached the final stage of the Competition proposed an average of 22.000 m2 and even the architect who elaborated the building program and was a member of the Jury voted for a modest proposal which included premises of 6.500 m2. However, nobody could protest officially because the program of the competition left a lot of room for freedom in keeping with the building program to the letter. It is worthy to mention that the years' long request of the Greek Architects to the Competent authorities of the Architectural Competitions was to maintain an already established policy in other types of competitions at the time, of keeping the deviations of the proposals in relation to prescribed building program in a range of 15%, in order to have comparable proposals.

Then, the progress from this Competition towards the realization of the awarded project was not at all smooth. After being awarded the contract, the Italian architects were asked to decrease the size of building up to 50%. This

resulted in a more than significant cost increase for the necessary studies. At the same time, the Greek Architects appeared to the Supreme Court asking for the abrogation of the Competition due to environmental and archaeological reasons. Four years later, in 1993 the Supreme Court declared the Competition abrogated according to the appeal.

In 1994 Minister of Culture Melina Merkouri died of cancer, with the vision of the return of the Parthenon Marbles from the British Museum to their Cradle vivid as ever, while also strategically and emotionally combined with the erection of the new Acropolis Museum. In view of this vision the State instituted a new Organization for Building the New Acropolis Museum (OANMA), which afterwards directly entitled the Italian architects to proceed with regulating the project in order to move on towards the realization of the project.

However in 1995 the schedule was terminally upset due to the discovery of a whole district of Ancient Athens at the Makryianni site. The archeologists, who were at first advocating for the Makryianni site, joined the architects in protesting, while the locals followed as well defending against the expropriation of their houses. The project's budget skyrocketed at around €87 million in order to cope with the new findings (especially the time consuming process of evaluating the site by the archaeological service). Eventually the project stopped, the Italians were reimbursed a settlement and went their own way.

2000

The officials' acknowledgement that the unpredicted discovery of an ancient Athenian district (part of the town from the period 1st-7th A.D.), and the fact that the findings were more significant than initially estimated, blocked the initial schedule. OANMA went on to announce the fourth Architectural Design Competition, firmly insisting on the site of Makryianni, but this time with the inclusion of archeological discoveries in the design of the building as a prerequisite.

Despite protests from the part of architects, archeologists and locals, who ended up appealing to the European Parliament on the grounds of destruction of archeological treasures and the illegal expropriation procedures (Galpin, R., in BBC News, see also Lobell, J., 2004), OANMA went on with the realization of the Competition. The latter was held as an International Competition in two stages, namely a qualification stage judging on experience the participants had "on projects of such impact", followed by the actual submission of proposals by the qualified teams which included both a design proposal and the necessary supporting studies (structural, electrical, mechanical). It is interesting to mention that the authorities called for experience on both an International level *and* a National level, in order to ensure the ability of the winner to cope with particularities on both levels.

FIG. 3. The new Acropolis Museum, B. Tschumi, M. Fotiadis.

The 12 architectural practices that were qualified in the first stage submitted their proposals and models according to the Inquiry requirements which were the following (Pantermalis, 2009):

a. Pioneer proposal for incorporating the local archeological findings in the new Museum in a way that they will be part of the Museum exhibitions.
b. Use of natural light and creation of a natural ambiance sensation, in view of the fact that most of the exhibits were originally (in the Antiquity) exposed in open air.
c. A balanced relationship between the Museum's architecture and the Acropolis.
d. Satisfactory incorporation of the new Museum into the neighboring and the wider urban surrounding.
e. Putting the visitor into the position to look in the same time at the Parthenon sculptures in the new Museum and the Parthenon itself up to the Acropolis rock (an idea which derived from the 1993 competition winners).

As a highlight of the Program, OANMA included the exhibition of *all* the Parthenon sculptures including the famous "Parthenon marbles" which currently remain in the British Museum.

On September 2001, the Jury unanimously awarded 1st prize to architects Bernard Tschumi and Michalis Fotiadis.

The realization of the project started immediately, with an intensive pace and a projected deadline towards the Olympic Games of 2004, that is, to have the Museum ready for the games. Unfortunately for OANMA, in 2003 the Supreme Court ordered the halt of the construction works, following the appeal of the international Council of Monuments / Greek branch, and the Makryianni site locals. This was followed in the beginning of 2004 with a prosecution against the members of OANMA, members of the Central Archeological Council and the Jury of the Competition, a prosecution which was considered by many a political issue fuelled by the Opposition of the government. Interestingly enough, in April 2004, along with the change of the Government, and the subsequent change of faces in strategic places, the scene is reversed. The prosecutors, in most of their part, become allies, the works start again, but the vision of having the Museum ready for the 2004 Olympic Games is off.

In 2007 the New Acropolis Museum finally became a reality. Since 2008 the Museum is in operation, but the arguments, the protests, the debates etc. still go on concerning a wide variety of issues. But then, isn't it true that this is what the international experience from the practice of Architectural Competitions shows we have to expect, further to the legal, regulatory etc. issues?

CONCLUSIONS

In the Research Program funded by the General Secretariat of Research and Technology and the Technical Chamber of Greece under the title "Architectural Competitions and the Contemporary Greek Architecture" (Filippides, 2000) we read:

> [...] the Competitions give the possibility to detect confrontations and conventions and through them to introduce a framework of the architectural works acceptance field at a given historical moment [...] (op.cit., p.5)

and further more :

> [...] having, thus no doubt that the objective of the Competition is the selection of the best possible proposal, based on the criteria set forth at a certain level by the Competition Organizer and at another level – rather more decisive – by the Jury, as soon as the result is announced, both the awards and the criticism start and a new course of things is inaugurated which is practically autonomous. It is the complicated and inconsistent route of the long lasting criticism of the architectural proposals in the particular Competition [...] (op. cit., p.7).

Practically, the award of an Architectural Design Competition is judged upon at least twice: initially by the Jury and then by society itself, the body of especially interested parties for one (e.g. architects, politicians, developers, locals, etc.), then the public as a whole. Although it may seem otherwise, these juxtapositions of the views may in fact be regarded as productive. The example presented in the New Acropolis Museum shows us without doubt the drawbacks in view of completing a project in a timely fashion (if at all), yet it is also important to notice how every other competition implemented issues that were revealed through discourse – even protest and prosecution –, such as the vindication of speculations of archaeological findings in the Makryianni site and the eventual implementation of them in the final project as an aspect of design. Equally, one may notice that ideas that had been even slightly traced in the beginning (such as the contextual connection between the Museum and the Acropolis itself) become an actual design aspect (in the winning proposal, awarded in 1990) and, further on, a specification (in the 2000 competition).

It should be taken into consideration then that any building, especially should it be considered "architecture", exists within a framework which extends both socially and historically. Competition has been established in public conscience as a practice to ensure the best quality, or at least as a ground for fair comparison in order to find "the best proposal", for many years now. In the same manner of faith, the actual judgement on architecture is in fact projected to the aforementioned future past (historically wise) or the generative power it may apply to the social context it is embedded into (socially wise).

Then what of the competition in present time? Is there a way to prescribe the consensus the notion of competition itself supplies into factorial parameters, especially when it comes to architecture?

The questions raised by participants in all the Competitions are quite indicative. Two of them from the 1989 New Acropolis Museum competition read as such:

- "*Question No 26*: Based on which criteria the Jury will be able not to award all the prizes due to their judgment that there are no studies submitted which deal with and satisfy all the basic operational needs of the project as well as its general Cultural meaning or its aesthetical requirements or that they are solutions that will drive towards economically and technically unacceptable project (article 10.4 of the Tender)
- *Answer* : the criteria will be set forth by the Jury" (Ministry of Culture, 1989, p.7)

- "*Question No 103* : the non justified rejection of proposals by the Jury is not in conformity with the International and Greek Legislation (article 10.2 of the Tender)
- *Answer:* According to the Contracting Authority, the minimum required justification of the Jury's decision is described in said Inquiry Article. It is up to the Jury itself to justify in more details its decision up to a level that they consider necessary." (Ministry of Culture, 1989, p.13)

A relevant comment of the Greek Architects Union reads as such:

- "Article No 21 must be amended by adding the Contrasting Authority's point of view, regarding the philosophy and the character of the New Museum. It is not feasible, nor practicable even not advisable for the Jury to be obliged to formulate such criteria, in so little time, without having as guidelines the point of view of the Contracting Authority."

And the answer of the Ministry was:

- "The philosophy and the character of the New Museum are objective of the Competition" (Ministry of Culture, 1989, p.42)

Therefore, regarding the fulfilment of the technical, economical and operational requirements, the answer lies undoubtedly in the Legislation in terms of a detailed framework, laid out in a factorial manner. On the other hand, the problem seems difficult to solve as far as it concerns the "Architectural Quality" of the project at hand since both experience and legislative framework place the answer under the authority of a "competent jury".

Coming back to the provisions of Law 3316, it is then inevitable to look upon the other possible cases of public procurement competitions, especially since it seems that the more the call for "realization" rises, innovation and creative thinking gives way to experience, practicality and economics. This is also of importance since the Architectural Design Competition has been, until recently, quite the *less* popular way for the Greek State to award building contracts; all other types, and especially Combined Offer Competitions are basically the norm as they facilitate rather the *building development business*, a thriving sector of seminal importance to the Greek Economy (grossing up to 14% of the country's GDP, see Mirza & Nacey / ACE, 2008, p.84), than the consensus on the – as always controversial – architectural quality of the building.

Looking back at the overview of EU and Greek national legislation, two contextual pairs of extremes are formed:

a. Qualification criteria and Quality

b. The procurement of the business of construction and architectural creation

But then, the examination of the examples of the building of the National Theatre and the New Acropolis Museum, shows us, if nothing else, that the method of conduct either way can be equally flawed and advantageous. The

New Acropolis Museum has been an issue of such extreme controversy that it almost failed to realise; the National Theatre extension basically evolved on time, but the prescription of the development of the building (i.e. the way it was commissioned) failed to inscribe the ever prevailing demand for architecture (at least on behalf of architects, through their institutional representatives). Still, both buildings are subject to criticism and the final verdict on them will be passed in the days of future come.

Should we then start talking about Architectural Design Competitions, and as it happens in architecture itself, the parameters that affect the fortunate completion of the project and the way of determination of the project's quality are factors that cannot be weighed easily, and there are no guarantees or unquestionable determinism that blindly drives things (Filippides 2000, p.125). It is apparent that the Legislation sets preconditions, specializing the quality issues and requirements, still it's failing to take public dispute out of the picture. It is therefore important to consider the notion of *"qualified"* (as a deterministic procedure would consider it) in new terms. What is then the factor that justifies the value of a particular architectural work in comparison to others?

As we said before things are not so simple, and generalities and good will cannot give answers, neither will insuring the objectivity of the quality of an architectural work by means of issuing implicit building, and techno-economical requirements and not for its substantial evaluation. That is why qualification cannot be directly compared with the *qualitative* upgrading or innovation that is expected to be achieved through the institution of the Architectural Design Competitions.

The masterpiece is not a result of the fulfilment of set forth requirements, but of the way and the methodology that these requirements are fulfilled through the completion of the architectural work in praxis. This should mean that the produced architecture reinstates the historical mission as criterion, and consequently the result of an Architectural Design Competition offers to the public a project – symbol that stays pioneering and exemplary for the whole of the produced architecture.

Therefore, and within the framework of this contextual basis, what the institute of Architectural Design Competition should be in need of is not another more specific, regulative and prescriptive framework. Rather, it is important for it to be set on a basis of a new awareness, where the highlight of its function is the selection of an architectural masterpiece, liberating the judgment from codes of classification and the false objectivity of requirements, and formulating the competitions' preconditions in view of a *qualitative* competitiveness, representing the authentic creation with inspiration and vision for all Architectural Competitions.

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