**20:38:37:04.  Combining architecture, engineering, and construction services.** A business entity offering any combination of architectural and engineering services together with construction services such as design-build contracting may offer to render architectural and engineering services only if:

 (1)  An architect and professional engineer licensed in the state participates substantially in all material aspects of the offering;

 (2)  There is written disclosure at the time of the offering that the architect and professional engineer are engaged by and contractually responsible to the contractor, contractor as a joint venture, or owner/client;

 (3)  The architect and professional engineer will have direct supervision of the design work and that the professional services are not terminated without the consent of the owner/client;

 (4)  The rendering of architectural and engineering services by such professionals will conform to the provisions of SDCL chapter 36-18A and this article; and

 (5)  Design professionals perform construction administration on the projects.

 **Source:** 26 SDR 9, effective July 29, 1999; 29 SDR 95, effective January 6, 2003; transferred from § 20:38:22:04, 38 SDR 121, effective January 16, 2012.

 **General Authority:** SDCL 36-18A-22(5).

 **Law Implemented:** SDCL 36-18A-47, 36-18A-48, 36-18A-49, 36-18A-51.