

# DUTCH ARCHITECTURAL DESIGN TENDERS EXPLAINED FROM A SENSEMAKING PERSPECTIVE

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In the context of architect selection for building projects, procurement law assumes the process of decision making as rational. Therefore public commissioning clients have to announce the decision criteria and procedures up front in order to comply with the procurement principles of transparency, equal treatment, objectivity and proportionality. However, observations, interviews, and document analysis in four case studies of Dutch architect selections by public commissioning clients showed that rational processes provide merely the structure for a process more aptly characterized as sensemaking. In this respect the rationality of the legal requirements clash with the psychological rationality of decision making. This makes it for decision makers almost impossible to design a selection procedure and announce the criteria and weighing factors up front. In this paper fifteen recommendations for architect selection processes are proposed that will prevent further conflict of rationalities and support clients in organizing tenders for the selection of architects. These recommendations relate to the structure of future design tenders and are based on five sensemaking aspects of the procurement process that underlie this interplay of rationalities: reading the decision task, searching for a match, writing the decision process, aggregating value judgements and justifying the decision.

Keywords: architecture, client, decision making, procurement, sensemaking.

## INTRODUCTION

In an attempt to address issues of fair competition, the European Union has imposed strict rules for the tendering of public contracts. The selection of an architect is part of the regulations for contracting architectural design services (Directive 2004/18/EC). The EU rules are intended to enhance equal treatment, integrity, objectivity, and transparency of the selection process. Procurement law assumes the process of decision making as rational. Therefore public commissioning clients have to announce the decision criteria and procedures up front in order to comply with the procurement principles of transparency, equal treatment, objectivity and proportionality. From a psychological perspective the search for an architect can be characterized as an interactive selection process in which a client tries to find an architect who can visualize and implement the clients' needs and ambitions best. It is a challenging process of surprises and unforeseen circumstances in which legal and social obligations have to be considered (Volker 2010).

The current practice of architect selection by public clients has its roots in three distinct systems: 1) tendering for services and works, 2) the selective search to

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identify a suitable architect or design team, and 3) the architectural competition (Strong 1996). Even though a design competition (referred to as ‘contest’ in legal terms) is a possible option under the EU Directives, most Dutch public commissioning bodies choose the restricted tender procedure to select their architects. In this clients break with the tradition of design competitions. At the same time they include elements of the traditional design competitions in their tender procedure, such as the submission of a design proposal and an open debate about design quality. The anonymous assessment of proposals and expert jury panels are often replaced or augmented by other procedures, while it is these very elements that secured fairness in design competitions. Legal and management consultants are often hired to support the commissioning client in organizing the tenders. Yet the growing field of case law on EU and national procurement law does not seem to provide enough support to guide clients on compliance with the regulations. In the Netherlands these developments have led to “a confrontation between the need for certainty and the desire for creativity” (van der Pol *et al.* 2009). The effect has been to encourage defensive and risk avoiding strategies of Dutch public clients in the design and realization of tenders in architecture. This is particularly disconcerting since architect selections could offer valuable opportunities that could benefit governance and cultural heritage. In this paper the origin of the problems as currently experienced by public commissioning clients in architect selection are described and explained from a sensemaking perspective. Recommendations for the design of future design tenders are proposed to prevent further conflict.

## **THEORETICAL BACKGROUND**

### **Partner selection in design**

As mentioned in the introduction the current selection process of architects originates from the tradition of the design competition, the tendering of works and services, and the selective search for a suitable architect or design partner (Strong 1996). Most tenders for works in construction are similar to how jobs were commissioned before the introduction of the EU Directive in 2004. These transactions were mainly based on the lowest price, assuming that the contractors would all offer comparable quality levels. However, research in the Netherlands shows an increase of the preferences to award contracts for works on the ‘most economically advantageous tender’ (MEAT) instead of lowest price (Regieraad-Bouw 2005). Private clients appear to be a bit more enthusiastic about the MEAT principle than public clients, which can be attributed to the accountability of the decision (Wong *et al.* 2000).

Research conducted in Australia suggests that the culture of risk avoidance still leads clients to choose traditional procurement methods, even if alternative forms could improve the project outcome (Love *et al.* 2008). The findings of Doree (1996) indicate that for municipalities the possibility of building relationships with contractors is a way to safeguard and to ensure the control over quality. Private organizations such as housing corporations and large corporations prefer trust and reciprocal expertise, just as public clients twenty years ago, and often collaborate with the same contractors because of previous good experience. This is not possible for public clients any more because of current tender obligations.

The measurement of contractor ability is often based on the criteria of engineering/construction, procurement/ contract, project managers, human resources, quality management system, health and safety, plant/equipment, financial strength and public relations (Pongpeng and Liston 2003; Wong *et al.* 2000). These criteria can be

used as input for evaluation tool to accumulate the preferences of multiple decision makers and incorporate risks and uncertainty. The relative importance of the bid price, in comparison to utility and social welfare determines which contractor offers the best bid and should win the tender (Pongpeng and Liston 2003). Large clients in Dutch construction appear to prefer the price and quality of the contractor over the financial stability, reliability and experience of the contractor (Regieraad-Bouw 2005). Small clients think reliability and quality of the contractor is more important than client focus, price and experience. Wong *et al.* (2000) found that for public buildings and engineering works the most important project specific criteria seem to be the actual work quality achieved on similar works and process related aspects (e.g. the ability to complete in time and to deal with anticipated problems, maximum financial capacity, health and safety at the site, training or skill level of the craftsmen). Based on a survey Phillips, Martin, Dainty and Price (2008) extracted ten factors which could be used to differentiate best value based bids in the context of UK social housing. These factors show both the social aspects and the product related aspects of partner selection in procurement.

The criteria and decision processes for architects has not been studied as often as tender processes for contractors. Day and Barksdale (1992) analysed how business clients select and evaluate a professional service firm in design and found four underlying dimensions: 1) perceived expertise, experience and competence of the provider, 2) the provider's understanding of the clients needs and interests, 3) the provider's relationship and communication skills, and 4) the likelihood of the provider conforming to contractual and administrative requirements. Together with the actual performance these factors also contributed to the satisfaction or dissatisfaction of the client about the services that were delivered. The research of Cheung, Kuen and Skitmore (2002) was based on four categories to measure the suitability of architects, namely the background of the firm, past performance, capacity to accomplish the work and project approach. They found that professional qualification and experience, availability of qualified personnel, present workload, quality of work and consultant fee are important criteria for the selection of the services of architects in Hong Kong. Despite the relatively low response to the survey these results were used to provide input for an 'architectural consultant selection system' to support clients in selecting an architect. It would be interesting to explore the criteria used by Dutch clients in such a matter as is already common in the selection of contractors.

### **Sensemaking**

Current European procurement law is based on assumptions similar to the first generation decision theories (Beach and Connolly 2005). These models perceive the process of decision making as a sequence of problem definition, identification of decision criteria, allocation of weights to the criteria, development of alternatives and evaluation of alternative with the use of the decision criteria as set out in the beginning. However, this research assumes that architect selection processes by public commissioning clients are not fully rational because sensemaking is needed to reach a decision. Sensemaking is the process of making something sensible and involves the ongoing retrospective development of plausible images that rationalize what people are doing (Weick 1995; Weick *et al.* 2005). "Sensemaking pays attention to how people 'deal with' (whether unconsciously or otherwise) constraints imposed by the information processing limitations and their organizational context, delving into the socio-political nature of organizations to show that the answer to better decision making does not necessarily lie with the provision of greater quantities of 'more

accurate', 'objective' and timely data, but rather requires an understanding of the social processes of negotiation involved in decision making" (Balogun *et al.* 2008). Central questions are how an event comes to happen and what does an event mean. Different interpretations of decisions could cause ambiguity and confusion about the actions required to implement a decisions. According to Weick (1995), building stories with arguments among decision makers, opportunistic interpretation, spending time on actions, and linking issues all increase sensemaking about decisions and the attribution of outcomes to specific individuals and actions.

Balogun, Pye and Hodgkinson (2008) include a sociological lens on decision making and define sensemaking as a social process of construction and reconstruction of meaning that enables individuals through interacting with others to collectively create, maintain and interpret the world. The intertwined concepts of 'framing' (shaping the meaning of a subject and sharing it with others), 'sensegiving' (attempts to influence sensemaking and construction of meaning toward a preferred redefinition of social reality), 'sensereading' (perception of circumstances and aligning of interpretations), and 'sensewrighting' (inheriting, shaping and reflecting the understanding of the world) are all related to the resource, process and meaning of power effects in organizational decision making (Balogun *et al.* 2008). Weick, Sutcliffe and Obstfeld (2005) emphasize that sensemaking is about the interplay of action and interpretation rather than the influence of evaluation on choice – "it is a process that is ongoing, instrumental, subtle, swift, social and easily taken for granted". According to Balogun *et al.* (2008) little research has been done that integrates the managerial and organizational cognition. This kind of research probably requires an ethnographic method but it is essential that "the study of deciding not just considers the information processing focus on personal preferences, biases and heuristics, but also on decision maker's identities and their social skills and capabilities" (Balogun *et al.* 2008).

## RESEARCH DESIGN AND METHODS

This research focused on the complete process of decision making from the perspective of public clients selecting an architect in the context of EU Procurement law in the Netherlands. The aim of the research was to analyse the causes of current problems in the decision practice of public clients during architect selection and provide input for the future design of tender procedures in architecture. To account for the fact that the research field on architect selections is nascent and that there are few empirical studies or theories that address processes of decision making in this context, the case study method was chosen to gather empirical data.

Building theory from case studies is a research strategy that involves using one or more cases to create theoretical constructs, propositions and/or midrange theory from case-based empirical evidence (Eisenhardt 1989) and that typically answers research questions that address 'how' and 'why' particularly well in unexplored research areas. Each case serves as a distinct experiment that stands on its own as analytic unit and theory is built based on induction and replication logic. Because the research aims at developing theory instead of testing it, theoretical sampling is appropriate. In this situation cases were selected because of opportunities for unusual research access and revelatory situations (Yin 2009).

Although transparency of public governance seems to imply otherwise, gaining access to tender situations proved to be very difficult. Tender situations often have a very sensitive and delicate nature. Next to that it seems hard to trace clients preparing a tender before the official announcement is made to trace their motives. Within these

limitations and the available time, three instrumental cases were conducted in the context of a restricted tendering procedure in the Netherlands: a School, a City Hall, and a Provincial Government Office. The cases differed in the scope of the brief, the type of tender and the characteristics of the selection process. Additionally one case about an ideas competition for a new Faculty Building of a Dutch university was conducted (see Table 1). A variety of different forms of data was collected for each case to allow for triangulation between self-report, observed behaviour and official justifications.

*Table 1: Overview of the empirical data*

<b>Case</b>	<b>Type of client</b>	<b>Type of procedure</b>	<b>Research methods</b>
A School with Sports facility	School board with municipal representatives	Restricted tender for traditional design contract	Non participatory observations; Interviews; Document analysis
A City Hall with Library	City council with library representatives	Restricted tender for traditional design contract	Interviews; Document analysis; Non participatory observations
A Provincial Government Office	Provincial Executives	Restricted tender for Design Build contract	Passive participatory observations; Informal conversations; Document analysis
A Faculty Building	Dean as representative of the Executive Board of the University	Open ideas competition with prize money	Active participatory observations

The method of studying cases makes it possible to study decision making in a real life context on different levels of individual, group and organizational decision making (Yin 2009). According to Eisenhardt and Graebner (2007) “theory building from multiple cases is emergent in the sense that it is situated in and developed by recognizing patterns of relationships and their underlying logical arguments among constructs within and across cases”. In this research case studies were used as a rich empirical description of particular instances of a phenomenon that are typically based on a variety of data sources (Yin 2009). Each case can be described as an instrumental case study in the sense that it is an intensive study of a single unit for the purpose of understanding a larger class of (similar) units.

The cases show the process of architect selection from a psychological perspective in their full complexity including the interrelations of the phases, actors and characteristics. The cases were analysed as separate identities first and then systematically compared on appearing constructs in Atlas.ti, a software package to support qualitative coding. The framework identified three actor groups (a steering committee, a project team and a jury panel), four elements of the project (project characteristics, client governance, stakeholders and project management), and four fundamentals of a tender design (tender brief, process procedure, stakeholder involvement and decision process). The same constructs were used in the analysis of a fourth case about an international open ideas competition. The characteristics and processes as distinguished in this research were validated in a workshop with ten professional clients, legal professionals, and architects. The validation workshop consisted of two validation steps: reflection on the findings and a modelling exercise.

## **FIVE SENSEMAKING PROCESSES**

The evidence from the four case studies confirmed that the process of public clients selecting an architect is indeed best described as a process of sensemaking in a

presumably rational world. For public clients this often led to a clash of the different rationalities that play a role in decision making. In all empirical cases in this research, decision making started when people became aware of a problem and experienced a need for a solution. A call for tenders is an important component in the process of realizing a building project to resolve a client's housing problem. The exact results of such a project are not definite, nor is the meaning of the results for the organization.

The results of the cases showed that in architect selection decisions can be seen from two different rationalities: a legal perspective and a psychological perspective. The underlying logic of the legal perspective is that an open procurement market and free movement of goods and services in the European Union would ultimately benefit all citizens. Equal treatment, transparency, objectivity, and proportionality are the most important principles for the procurement of services, works, and deliveries. Prior announcement of decision criteria and decision methods could help to instantiate these principles and inform participating companies what to expect. The psychological perspective adopted in this study, however, addresses how people actually make decisions and which situational characteristics influence these processes. The dynamics of the context implied that the information that project definitions were based on often had become obsolete by the time a judgement is made. This made the identification of decision criteria and allocation of weights to the criteria more complex than presumed in the legal model. The decision alternatives are developed by architects who submit a project proposal, with no possibilities for the client to influence or control the development of alternatives. The only opportunities a client has for controlling the quality of the service lie before and during the evaluation of the alternatives.

The process of client decision making was found to be dynamic and incremental rather than chronological and static. The empirical cases showed that the decision process of selecting an architect was a result of the decision makers' interaction with the alternatives once they were confronted with them and began to make sense of the proposed designs. It is therefore almost impossible for clients to design a selection procedure and announce the criteria and weighing factors up front, as required by procurement law. In this respect the rationality of the legal requirements clashes with the psychological rationality of decision making. At the same time the legal rationality provides a public client with the structure and room needed for successful decision making. The data showed that this interplay of rationalities results in sensemaking being an essential part of decision making for public clients in the selection of architects.

Based on the findings of this research five sensemaking processes were identified that contribute to a potential clash between expected and actual decision making behaviour, namely.

1. Reading the decision task – what are the aims of the selection process.
2. Searching for a match between aim, ambitions, needs and opportunities – what are the options.
3. Writing the decision process – how does the decision process look like.
4. Aggregating different kinds of value judgements – which judgements are made by who and how are they accumulated.
5. Justifying a decision against different rationalities – by who, to whom and how is the decision justified.

Clients act in the context of the tendering regulations of EU procurement law. In every case the steering committee, project team, and jury panel were identified as the main actors. In analysing the project context, the governance, the social environment, and project management frame influenced the decision process somehow. The tender brief, the procedure of the process, the involvement of the stakeholder, and the decision procedure were found to be the most important elements of the tender design. Based on the empirical data and theoretical framework eleven situational characteristics were identified to influence the sensemaking processes of the public clients: affect, complexity, control, expertise, intuition, structure, system, support, time, trust, uncertainty. These characteristics were successfully validated in the workshop with professionals.

Table 2 provides an overview of the main characteristics that were found to influence the sensemaking processes and displays the potential conflicts with the procurement principles in the Netherlands. This overview illustrates the complex and dynamic character of selection processes in architectural design. Due to the explorative character of this study this overview of processes, situational characteristics and legal principles should be considered as an indication rather than formal proof.

*Table 2: Overview of sensemaking processes, situational characteristics and procurement principles*

<b>Sensemaking processes as identified in this study:</b>	<b>Main situational characteristics:</b>	<b>Potential conflict with legal principle of:</b>
Reading the decision task	Complexity, Uncertainty, Time	Equal treatment, Transparency
Searching for a match	Control, Time, Affect	Equal treatment, Proportionality
Writing a decision process	Time, Intuition, Expertise	Transparency, Equal treatment
Aggregating value judgements	Structure, System, Expertise	Transparency, Objectivity, Equal treatment
Justifying against different rationalities	Support, Trust, Control	Transparency, Objectivity

The theoretical concept of sensemaking explains why actors often only experience the conflicts with the legal principles when the tender design is implemented during a procurement process. The complexity and uncertainty of selecting the services of an architect means that decision makers need time to understand the actual aims and opportunities of a tender process. Because of the dynamics of the organizational context in which a decision is made, changes could have occurred in the basic assumptions are originally framed in the call for participation. This potentially conflicts with the basic principle of equal treatment because the procedure and the participants cannot be adjusted to these changes while the decision makers do. Therefore clients are not able to play by the rules of procurement law. Because the rules of the game make it possible for tender candidates and tenderers to know what to expect, the sensemaking process is inconsistent with the legal interpretation of the transparency principle. Transparency, however, has different meanings when looked upon from different perspectives.

In sensemaking processes decision makers need time to go through several iterative and incremental stages of decision making. These stages are often accompanied by numerous negative and positive emotions as a result of interaction with the proposals and with the other decision makers and the use of intuitive decisions. In the search for a match every decision phase increases the possibility to control the process. The impenetrable characteristics of sensemaking processes could make architects feel that they were not treated equally. The positive emotions that are felt when a match is found between a client and an architect could also lead to feelings of unequal

treatment with the other tenderers. Clients and winning architects tend to be very satisfied about the outcome of the selection process because the decision ‘grows’ upon them. The use of a predefined and structured aggregation system could prevent the participants from accusing the client of unequal treatment. However, these kinds of systems often leave no room for the added value of the totality of a service package and the dynamic course of the decision process. Contrary to expectations they may therefore decrease the validity and therefore the objectivity of the value judgements used in decision making.

Expert judgements are usually more easily accepted by stakeholders as objective, even if these kinds of judgements are not accompanied by a completely reasonable explanation. Organizations try to compensate for the fact that individual intuitive judgements might not be objective by using a group of decision makers. Group decision making often results in an inter-subjectivity consensus decision, which strictly speaking conflicts with the idea of objectivity. Making decisions in a team of experts supports the process of participants trusting the decision makers, and somewhat alleviates the possible lack of rational explanation. The involvement of experts also contributes to quality of the decisions and the control of the decision process. At the same time, the characteristics of an expert judgement prevent decision makers from explaining the exact reasoning and course of the process beforehand, or tracing a decision afterwards. This could conflict with the current legal perception of the principle of transparency.

## RECOMMENDATIONS FOR THE DESIGN OF A TENDER

Figure 3 shows three incremental steps that a clients needs to take in the preparation of the tender. These interrelated and iterative activities should results in a tender design. When the tender is made public, the implementation process of the tender has started and the design as included in the call for proposals cannot be adjusted anymore. In line with the empirical results the participants of the validation workshop acknowledged that therefore the preparation and design process of a tender might be even more important than the actual tender process.

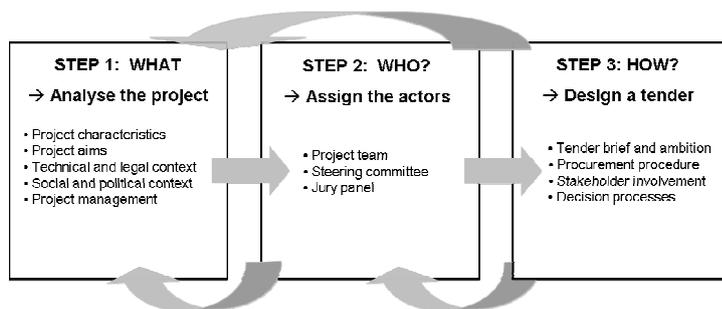


Figure 3 Three incremental steps of tender design in the preparation phase

In order to address the characteristics of the sensemaking processes that occur during architect selection the following fifteen recommendations for public clients are proposed for the selection of architects under European tendering regulations.

1. Allow for a holistic judgement in the tender design that incorporates potentially conflicting judgements.
2. Address the characteristics of the architect as a person, the proposed design, as well as the firm that they represent in the decision criteria of the tender design.
3. Ensure a fit between the aims of the selection process and the design of the tender.

4. Ensure a fit between the position and type of the stakeholders and their role in the decision process.
5. Align the frame of references of the actors during preparation of the tender process in order to reach a decision at the end of the process that fits the ambitions and aims of the client organization.
6. Align the type of expertise needed for the various decision tasks during the selection process of an architect with the nature and content of the decision task.
7. Educate decision makers in reading architectural designs from a client perspective.
8. Involve (external) experts in the process of decision making about design quality because they have domain specific expertise and are better at controlling product emotions and using intuition than novices.
9. Include a personal explanation by the architect to improve the clients' understanding of the proposal.
10. Create room and flexibility in the decision making process for discussion and negotiation among the decision makers.
11. Make the assessment structure and aggregation system of value judgements explicit in the preparation process.
12. Allow for compensation in aggregating value judgements about design quality.
13. Address the roles and responsibilities of the decision makers cautiously in the design of the tender to increase the trust between the decision makers and broaden the support for the decision among the stakeholders.
14. Compose, train and guide the jury panel carefully to benefit optimally from the expertise available in the panel.
15. Use a decision support system to structure and support the decision process but do not use the output of this system to merely justify a decision to the tenderers and the other stakeholders.

## CONCLUSIONS

The results of this research showed that tendering regulations provide the structure for the selection process of an architect, but that decisions are actually based on sensemaking processes. Therefore the recommendations that resulted from this research need to be carefully considered in the preparation phase and guarded in the implementation phase of the tender. The recommendations imply that decision makers would have to be more actively involved in the preparations of the tender and invest in specific training activities to align their decision frames and develop a sense for client needs. This would require a change of the current practice (in the Netherlands at least) because of possible conflicts between the relatively busy schedules of the (external) experts and responsible officers that are currently involved in architect selections. The more architects will start a law case, the more clients will realize that they need inherit the tendering principles and characteristics of the actual decision process in order to select an architect that actually addresses their needs instead of the needs of the European Union.

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