Report on a Case by the Board of Ethical Review

Case Number 60-3

Subject:
Application of canons of ethics and rules of professional conduct to sub-professional services performed by professional engineer

Facts:
An engineering firm in which all the principals are professional engineers provides services on occasion of a type and nature regarded as sub-professional in character, although related to professional engineering services. The firm is invited to submit a written bid for work comprised solely of sub-professional services.

Question:
Do the provisions of the Canons of Ethics and Rules of Professional Conduct, apply in the case of such sub-professional services?

References:
Canons of Ethics, Section 2- "... and he will avoid all conduct or practice likely to discredit or do injury to the dignity and honor of his profession."

Section 19-"The engineer will endeavor to protect the engineering profession collectively and individually from misrepresentation and misunderstanding."

Discussion:
It is clear that the Canons of Ethics and Rules of Professional Conduct are intended to apply only to professional engineering practice, and not to business activities in which a professional engineer may engage, either as his sole activity or in conjunction with his engineering practice.

There are two basic situations in engineering practice relative to this discussion. Virtually all contracts for professional engineering services require some sub-professional and nonprofessional work to furnish the final professional result. This situation is not relative to the present case which relates only to those contracts which are solely of a sub-professional nature.

Sections 2 and 19 of the Canons limit the engineers' personal conduct in a general frame of reference to his professional work. Although the Canons do not apply to. sub-professional and nonprofessional (business or commercial) activities, it becomes incumbent upon the engineer involved to be scrupulously careful to make clear to his clients and the public the distinction between the two categories of work. It is desirable where the sub-professional work is a large part of the firm's activities, to operate through a separate form of organization, with a distinct name. Where this is not practicable, and in the case of an operation in both categories by the same firm, the engineer should

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adopt other means to segregate the types of work, including references in the contract or in correspondence.

In applying the distinction noted above, it should be kept in mind that the prohibition against competitive bidding for professional services is based on protection of the public through avoidance of the sacrifice of quality to the lowest price. This principle is not applicable to sub-professional or nonprofessional services, and this difference permits competitive bidding for sub-professional or nonprofessional (business or commercial) services, which may be clearly and accurately specified.

Conclusion:
The provisions of the Canons and Rules do not apply to services solely of a sub-professional nature.

Board of Ethical Review L. R. Durkee, P. E. Phil T. Elliott, P. E. Pierce G. Ellis, P. E. Wylie W. Gillespie, P. E. Marvin C. Nichols, P. E. Ezra K. Nicholson, P. E. Murray A. Wilson, P. E. Chairman

Note: Member Gillespie did not participate in the consideration or decision of the above case.

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