Report on a Case by the Board of Ethical Review

Case No. 71-1

Credit for Engineering Work Cover Sheet and Advertisement for Bids

Facts:
A city department of public works retained Firm A to prepare plans and specifications for a water extension project. Engineer B, chief engineer of the department, having authority in such matters, instructed Firm A to submit its plans and specifications without showing the name of the firm on the cover sheets but permitted the firm to show the name of the firm on the individual working drawings. It is also the policy of the department not to show the name of the design firm in the advertisements for construction bids, in fact, the advertisement stated "plans and specifications as prepared by the _____ department of public works."

Questions:
Q1. Was it ethical for Engineer B to adopt and implement a policy which prohibited the identification of the design firm on the cover sheets for plans and specifications?

Q2. Was it ethical for Engineer B to authorize the statement in the advertisement as quoted?

References:
Code of Ethics-Section 14 - "The Engineer will give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others."

Section 14(a)-"Whenever possible, he will name the per son or persons who may be individually responsible for designs, inventions, writings, or other accomplishments."

Discussion:
The policy of the department is, at best, rather unusual in normal engineering practices and relationships between retained design firms and client.

We surmise on the basis of the submitted facts that the department policy is intended to reflect the idea that the plans and specifications when put out to construction bid are those of the department. We find it difficult to understand how this theory in any way helps the department in securing better results for the project.

However, our only concern is whether such a policy conflicts with the mandate of Section 14 or Section 14(a) of the code. In an earlier case, we commented that "the thrust of Section 14 and Section 14(a) is that individual accomplishments and the assumption of responsibility by individual engineers should be recognized by other engineers. This principle is not only fair and in the best interests of the profession, but it

Copyright © 1971 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).

also recognizes that the professional engineer must assume personal responsibility for his decisions and actions." (Case 64-7)

Engineer B, in carrying out the department policy with regard to the advertisement, appears to be denying "credit" to Firm A for its work, and to be assuming such credit for the engineering staff of the department. He is allowing some degree of "credit," however, to Firm A by permitting its name to appear on the individual working drawings.

Section 14(a) calls for naming the person or persons individually responsible for designs "whenever possible." In this sense, therefore, Engineer B has failed to allow "credit" to Firm A to the fullest extent consistent with normal engineering practice by denying the right for Firm A to make known its work on the cover sheets. To this extent Engineer B is acting contrary to the code.

While it is professionally desirable to include the name of the design firm in the advertisement for construction bids, it is not an ethical requirement to do so. But, Engineer B was in clear violation of the code in taking apparent credit for the department staff preparing the plans through the quoted words in the advertisement.

Conclusions*:

Q1. Engineers were unethical in adopting and implementing a policy which prohibited the identification of the design firm on the cover sheets for plans and specifications.

Q2. Engineer B was unethical in authorizing the statement in the advertisement, as quoted.

***Note**-This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case.

BOARD OF ETHICAL REVIEW CASE REPORTS: The Board of Ethical Review was established to provide service to the membership of the NSPE by rendering impartial opinions pertaining to the interpretation of the NSPE Code of Ethics.

BOARD OF ETHICAL REVIEW: Frank H. Bridgers, P.E.; W.R. Gibbs, P.E.; C.C. Halve, P.E.; James D. Maloney, P.E.; Robert E. Stiemke. P.E.; Albert L. Wolfe, P.E.; Sherman Smith, P.E., chairman.

Copyright © 1971 National Society of Professional Engineer (NSPE) www.nspe.org . All rights reserved.
To request permission to reproduce this NSPE Board of Ethical Review Case, please contact the NSPE Legal Department (legal@nspe.org).