BER Case 92-1 APPROVED
November 1, 1992

Section I.3 - Code of Ethics
Section II.3.a. - Code of Ethics
Section III.3. - Code of Ethics
Section III.5.a. - Code of Ethics
Section III.10.a. - Code of Ethics

CREDIT FOR ENGINEERING WORK – DESIGN COMPETITION

FACTS:

Engineer A is retained by a city to design a bridge as part of an elevated highway system. Engineer A then retains the services of Engineer B, a structural engineer with expertise in horizontal geometry, superstructure design and elevations to perform certain aspects of the design services. Engineer B designs the bridge's three curved welded plate girder spans which were critical elements of the bridge design.

Several months following completion of the bridge, Engineer A enters the bridge design into a national organization's bridge design competition. The bridge design wins a prize. However, the entry fails to credit Engineer B for his part of the design.

QUESTION:

Was it ethical for Engineer A to fail to give credit to Engineer B for his part in the design?

REFERENCES:

Section I.3. -Issue public statements only in an objective and truthful manner.

Section II.3.a. -Engineers shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony.

Section III.3. -Engineers shall avoid all conduct or practice which is likely to discredit the profession or deceive the public.

Section III.5.a. -Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.

Copyright © 1992 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).

Section III.10.a. -Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.

DISCUSSION:

Basic to engineering ethics is the responsibility to issue statements in an objective and truthful manner (Section I.3.) The concept of providing credit for engineering work to those to whom credit is due is fundamental to that responsibility. This is particularly the case where an engineer retains the services of other individuals because the engineer may not possess the education, experience and expertise to perform the required services for a client. The engineer has an obligation to the client to make this information known (Section II.3.a.) As noted in BER Case 71-1, the principle is not only fair and in the best interests of the profession, but it also recognizes that the professional engineer must assume personal responsibility for his decisions and actions.

In BER Case 71-1, 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 working drawings. It was also the policy of the department not to show the name of the design firm in the advertisements for construction bids, in fact, the advertisements stated "plans and specifications as prepared by the city department of public works." The Board noted that the policy of the department is, at best, rather unusual in normal engineering practices and relationships between retained design firms and clients. The Board surmised on the basis of the submitted facts that the department policy was intended to reflect the idea that the plans and specifications when put out to construction bid are those of the department. In concluding that Engineer B acted unethically in adopting and implementing a policy which prohibited the identification of the design firm on the cover sheets for plans and specification, the Board noted that Engineer B, in carrying out the department policy, denied credit to Firm A for its work. The Code of Ethics Section III.10.a. states that engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments. The Board concluded that under the circumstances, it was possible for Engineer B to name the persons responsible for the design.

While each individual case must be understood based upon the particular facts involved, we believe that Engineer A had an ethical obligation to his client, to Engineer B as well as to the public to take reasonable steps to identify all parties responsible for the design of the bridge.

Copyright © 1992 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).

CONCLUSION:

It was unethical for Engineer A to fail to give credit to Engineer B for his part in the design.

BOARD OF ETHICAL REVIEW

William A. Cox, Jr., P.E.
William W. Middleton, P.E.
William E. Norris, P.E.
William F. Rauch, Jr., P.E.
Jimmy H. Smith, P.E.
Otto A. Tennant, P.E.

Robert L. Nichols, P.E., Chairman

Note: In regard to the question of application of the Code to corporations vis-a-vis real persons, business form or type should not negate nor influence conformance of individuals to the Code. The Code deals with professional services, which services must be performed by real persons. Real persons in turn establish and implement policies within business structures. The Code is clearly written to apply to the Engineer and it is incumbent on a member of NSPE to endeavor to live up to its provisions. This applies to all pertinent sections of the Code.

Copyright © 1992 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).