



AMERICAN COUNCIL OF ENGINEERING COMPANIES

PROFESSIONAL AND ETHICAL CONDUCT GUIDELINES

PREAMBLE

Consulting engineering is an important and learned profession. The members of the profession recognize that their work has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by consulting engineers require honesty, impartiality, fairness and equity and must be dedicated to the protection of public health, safety and welfare. In the practice of their profession, consulting engineers must perform under a standard of professional behavior which requires adherence to the highest principles of ethical conduct on behalf of the public, clients, employees and the profession.

I. Fundamental Canons

Consulting engineers, in the fulfillment of their professional duties, shall:

1. Hold paramount the safety, health and welfare of the public in the performance of their professional duties.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act in professional matters for each client as faithful agents or trustees.
5. Avoid improper solicitation of professional assignments.

II. Rules of Practice

1. Consulting engineers shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.
 - a. Consulting engineers shall at all times recognize that their primary obligation is to protect the safety, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their client and such other authority as may be appropriate.
 - b. Consulting engineers shall approve only engineering work which, to the best of their knowledge and belief, is safe for public health, property and welfare and in conformity with accepted standards.
 - c. Consulting engineers shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client except as authorized or required by law or these Guidelines.
 - d. Consulting engineers shall not permit the use of their name or firm nor associate in business ventures with any person or firm which they have reason to believe is engaging in fraudulent

or dishonest business or professional practices.

- e. Consulting engineers having knowledge of any alleged violation of these Guidelines shall cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Consulting engineers shall perform services only in the areas of their competence.
 - a. Consulting engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - b. Consulting engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence nor to any plan or document not prepared under their direction and control.
 - c. Consulting engineers may accept an assignment outside of their fields of competence to the extent that their services are restricted to those phases of the project in which they are qualified and to the extent that they are satisfied that all other phases of such project will be performed by registered or otherwise qualified associates, consultants or employees, in which case they may then sign the documents for the total project.
 3. Consulting engineers shall issue public statements only in an objective and truthful manner.
 - a. Consulting 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.
 - b. Consulting engineers may express publicly a professional opinion on technical subjects only when that opinion is founded upon adequate knowledge of the facts and competence in the subject matter.
 - c. Consulting engineers shall issue no statements, criticisms, or arguments on technical matters which are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking and by revealing the existence of any interest they may have in the matters.
 4. Consulting engineers shall act in professional matters for each client as faithful agents or trustees.
 - a. Consulting engineers shall disclose all known or potential conflicts of interest to their clients by promptly informing them of any business association, interest or other circumstances which could influence or appear to influence their judgment of the quality of their services.
 - b. Consulting engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.
 - c. Consulting engineers in public service as members of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organizations in private engineering practices.
 - d. Consulting engineers shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member.
 5. Consulting engineers shall avoid improper solicitation of professional assignments.
 - a. Consulting engineers shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their

degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of assignments shall not misrepresent pertinent facts concerning employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing their qualifications and their work.

- b. Consulting engineers shall not offer, give, solicit or receive, either directly or indirectly, any political contribution in an amount intended to influence the award of a contract by public authority, or which may be reasonably construed by the public of having the effect or intent to influence the award of the contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage or brokerage fee in order to secure work except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

Adopted October 1980

Special Note: These guidelines do not prohibit design competitions, free services, or contingent arrangements.