

An Engineering Exercise **(Case 1011)**

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The Case:

A substantial commercial/industrial development is planned for a large tract of land on the edge of town where an old peat bog once existed and was subsequently filled. Since it is of such a magnitude, Ramrod Enterprises, the developer/owner, has had to make numerous submittals before the town's zoning and planning commissions, and there has been a lot of coverage of the project in the local newspaper. Most of the town is in support of the proposed development, since it will greatly enhance the tax base and provide approximately 125 new jobs.

The planning commission has required the developer to complete a preliminary report of the project for their review and comment before starting final design. The preliminary report was submitted four weeks ago, including a number of recommendations and comments from one of the developer's consultants, Weeks and Weeks, who is a competitor of yours. In fact, you were a bit put out when you did not get the contract for the preliminary engineering design report, since you had done three similar projects in the past two years, and were familiar with the conditions at the proposed site.

John Bigge, the president of Ramrod Enterprises, called you yesterday about 4:15 p.m. to ask if you would be willing to do the final engineering design for the project. He indicated that some of the preliminary recommendations made by Weeks and Weeks were unrealistic, and that was also recognized by the planning commission in their review of the preliminary submittal. He would like to go forward with an engineering firm who is well known and respected in the community. That is why he is contacting you.

What do you tell him?

Alternate Approaches and Survey Results for “An Engineering Exercise” (Case 1011)

1. Tell Bigge how pleased you are that he contacted you and set up a meeting with him to discuss the project, so you can define the scope of work and prepare a proposal.
Percentage of votes agreeing: 5%

2. Ask Bigge if he had considered retaining your firm initially to review the reasonableness of Weeks and Weeks recommendations before deciding to shift the project to another design firm.
Percentage of votes agreeing: 2%
3. Offer to meet with Bigge, on a no-charge basis, to make a preliminary review of Weeks and Weeks recommendations to see if you find them to be reasonable considering what you know of the site conditions.
Percentage of votes agreeing: 9%
4. Accept the assignment. Your competitor obviously did not have the experience or expertise to make appropriate recommendations for the preliminary engineering design of the project and that was recognized by the planning commission. Since your firm is well known and respected in the community, and you do have experience with three similar projects as well as being familiar with the conditions at the site, your firm is the ideal one to step in immediately and get the project back on track.
Percentage of votes agreeing: 4%
5. Ask the developer if your competitor has been released from his/her contractual obligations for the project. If not, tell the developer that you cannot take over from an incumbent engineer until they have been released from their involvement in the project. Once that is accomplished, then you will accept the assignment.
Percentage of votes agreeing: 25%
6. Before accepting the assignment, obtain a copy of the other engineer's report from the developer for your review.
Percentage of votes agreeing: 8%
7. Accept the assignment, provided the developer gives you the opportunity to submit a proposal to provide engineering field services during construction.
Percentage of votes agreeing: 2%
8. Call the other engineer to a) verify their release from the project, b) let them know you have been asked to step into the project, c) determine what in their recommendations was not acceptable to the developer, d) determine what in their recommendations was not acceptable to the planning commission, and e) ask about their business relationship with the developer.
Percentage of votes agreeing: 15%
9. Accept the assignment, provided that the developer allows you to (and pays you to) evaluate the recommendations made by Weeks and Weeks based on your experience and professional judgement.
Percentage of votes agreeing: 2%

10. Accept the assignment, provided that the developer allows you to (and pays you to) evaluate the recommendations made by Weeks and Weeks based on your experience and professional judgement, and provided that he understands and agrees that you may have to do additional work on the preliminary report recommendations, including engineering analyses and possibly additional field investigations.

Percentage of votes agreeing: 12%

11. Contact the chair of the planning commission to briefly discuss the project and its present status. Determine if the story relayed to you by the developer is accurate regarding the engineer who you are to replace and what was “unrealistic” about their recommendations. Determine the time schedule for the project and any constraints as far as the planning commission is concerned.

Percentage of votes agreeing: 16%

Forum Comments from Respondents

1. Because the original design contract is between Weeks and Weeks and the developer (Ramrod), you have no obligation to secure a release of the contact. Good public relations would require some type of communications notifying Weeks and Weeks of your present involvement.
2. Accepting the assignment prior to the release of Weeks and Weeks would have the effect of injuring their professional reputation.
3. Referencing the 1984 Vermont court decision in Williams vs. Chittendon Trust Co., you cannot rely sole on the word of Bigge. You must be sure that his contractual relationship with Weeks and Weeks has been terminated.
4. Be careful. Find out more about what those unrealistic recommendations were. Find out how Weeks and Weeks was treated by Bigge (from both Bigge and weeks). I don't think I would take on final design of this project, but if it looked as though Bigge could be a good future client, I would offer to peer review the work for him. I would rather than Weeks and Weeks straighten out their own work. I don't like the idea of replacing Weeks with my firm.
5. Many engineers think it is too time-consuming to check the information provided by a party with a vested interest in the outcome of a project.
6. Many engineers feel it is an affront to the other party to attempt to check the veracity of the information provided.
7. Engineers are often not adept at being aware of hidden agendas or the motivations of the other party. That is not usually thought of as part of being

a practicing engineer. If we had wanted to deal with people on a more introspective basis, we would have at least minored in psychology.

8. In most instances, engineers play a reactive role to the real or perceived needs of others (owners, public agencies, developers, the public, etc.), and as a result have convinced themselves that everyone (except perhaps lawyers and politicians) is straight-forward, honest and will not take advantage of the engineer. This is not necessarily so. Most engineers in today's society cannot function effectively and provide a quality service without being aware of the impacts of public agencies, concerned citizens, vested stakeholders and others on their work and the way it is performed. Operating in a vacuum is no longer a viable option.
9. Decline the work. It sounds as though it would be more trouble than it is worth.