

## **ADDENDUM 1 – RFQ for Consultant Services for City of Mobile Storm Water Management**

**Question:** “We are putting together a Response to the City Stormwater RFQ and are having trouble finding the Conflict of Interest Questionnaires mentioned in Section 3.13 (Other City ordinances, policies, and executive orders). If someone could point us in the right direction to find those, it would be much appreciated.”

Answer: There is not a current Conflict of Interest Questionnaire on file. Respondents are expected to operate under the auspices of the State of Alabama Code as professional engineers and holders of certificates of authorization; see Conflict of Interest Canon below. The ASPE Code of Ethics paraphrases and expands the language in the State of Alabama Code in its Rules of Practice number 4 into the type of language that the City would utilize if it were to prepare a Conflict of Interest Questionnaire.

### **ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

#### **PROFESSIONAL CONDUCT - (CODE OF ETHICS) CHAPTER 330-X-14**

##### **Preamble**

- (1) In order to meet the intent of the Code of Ala. 1975, Title 34, Chapter 11, to safeguard the life, health, property, and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the professions of engineering and land surveying, the following Rules of Professional Conduct (Code of Ethics) are promulgated in accordance with Section 34-11-35, Code of Ala. 1975 and shall be binding upon (a) every person holding a license as a professional engineer or professional land surveyor, (b) every certified engineer intern and land surveyor intern and (c) holders of certificates of authorization.
- (2) All persons licensed or certified under the provisions of Chapter 11, Title 34, Code of Ala. 1975 and prior Code, are charged with having knowledge of the existence of the Rules of Professional Conduct (Code of Ethics), Rules 330-X-14-.02 through 330-X-14-.07, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practice of engineering or land surveying is a privilege, as opposed to a right, and the licensee or intern shall be forthright and candid in his or her statements or written response to the Board or its representatives on matters pertaining to professional conduct.
- (3) Where applicable, the singular use of the words “engineer or land surveyor” used in the five Rules of Professional Conduct (Canons) shall also include holders of certificates of authorization.
- (4) Licensees, in the performance of their services for clients, employers, and customers, shall be cognizant that their first and foremost responsibility is to the public health, safety and welfare.

Effective Date: September 10, 1982. Last amendment effective: July 27, 2012.  
(Auth: Section 34-11-35, Code of Ala. 1975)

### **Conflict of Interest (Canon I)**

The engineer or land surveyor shall exercise independent judgments, decisions and practices on behalf of clients and employers as follows:

(a) The engineer or land surveyor shall attempt to avoid all conflicts of interest with his or her client or employer, but when a conflict of interest is unavoidable, the engineer or land surveyor shall immediately inform his or her employer or client of any business association, interest, or circumstances which might tend to influence the licensee's professional judgments, decisions or practices or the quality of services.

(b) The engineer or land surveyor shall not solicit or accept any gratuity, material favor or benefits of any substantial nature from any party, agent, servant or employee dealing with his or her client or employer in connection with any project on which he or she is performing or has contracted to perform engineering or land surveying services. This solicitation or acceptance includes, but is not limited to any act, article, money or other material possessions which is of such value proportion that its acceptance creates a clandestine obligation on the part of the receiver or otherwise compromises his or her ability to exercise his or her own independent judgment.

(c) The engineer or land surveyor shall not solicit or accept, directly or indirectly, any engineering or land surveying contract, selection, or employment from a governmental body in which a principal or officer of the licensee's organization serves as a member or employee.

(d) When in public service as a member or employee of a governmental body, the engineer or land surveyor shall not participate, directly or indirectly, in considerations or actions with respect to retaining services offered or provided by the licensee, his or her associates or his or her organization to such governmental body.

Effective Date: September 10, 1982. Last amendment effective: October 28, 1998.

(Auth: Section 34-11-35, Code of Ala. 1975)

[http://www.bels.alabama.gov/pdf/laws/Code\\_of\\_Ethics.pdf](http://www.bels.alabama.gov/pdf/laws/Code_of_Ethics.pdf)

## National Society of Professional Engineers (NSPE) Code of Ethics for Engineers<sup>©</sup>

### II. Rules of Practice

#### **4. Engineers shall act for each employer or client as faithful agents or trustees.**

- a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- b. 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 and agreed to by all interested parties.
- c. Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- d. Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- e. Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

[www.nspe.org/sites/default/files/resources/pdfs/Ethics/CodeofEthics/NSPECodeofEthicsforEngineers.pdf](http://www.nspe.org/sites/default/files/resources/pdfs/Ethics/CodeofEthics/NSPECodeofEthicsforEngineers.pdf)