



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 3/2005

**GUIDELINES
for
CODE OF PROFESSIONAL CONDUCT**

- 1.0 **A Registered Engineer shall at all times hold paramount the safety, health and welfare of the public.**
- 1.1 A Professional Engineer shall approve and sign only those engineering documents that he has prepared or prepared under his direct supervision.
- 1.2 A Professional Engineer shall certify satisfactory completion of a piece of work only if he has control over the supervision of the construction or installation of that work, and only if he is satisfied that the construction or installation has fulfilled the requirements of the engineering design and specifications.
- 1.3 A Registered Engineer shall not reveal facts, data or information without the prior consent of the client or employer except as authorized or required by law or when withholding of such information is contrary to the safety of the public.
- 1.4 A Registered Engineer having knowledge of any violation of this code and Local Authorities regulations shall report thereon to appropriate professional bodies and, when relevant, also to public authorities and cooperate with the proper authorities in furnishing such information or assistance as may be required.
- 1.5 When the professional advice of a Professional Engineer is overruled and amended contrary to his advice, the Professional Engineer shall, if the amendment may in his opinion give rise to situation that may endanger life and/or property, notify his employer or client and such other authority as may be appropriate and explain the consequences to be expected as a result of his advice being overruled and amended.

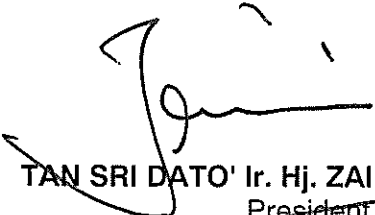
- 2.0 A Registered Engineer shall undertake assignments only if he is qualified by education and experience in the specific technical fields in which he is involved.**
- 2.1 A Professional Engineer shall not affix his signature to any plan or document dealing with subject matter in which he lacks competence, nor to any plan or document not prepared under his direction and control.
- 2.2 A Professional Engineer shall not accept assignment and assume responsibility for coordination of an entire project and sign and stamp (P.E. stamp) the engineering documents for the entire project unless each technical segment of the project is signed and stamped personally by the qualified engineer who has prepared the respective segment of the project.
- 3.0 A Registered Engineer shall issue public statements only in an objective and truthful manner.**
- 3.1 A Registered Engineer shall be objective and truthful in professional reports, statements and testimony. He shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- 3.2 A Registered Engineer may express publicly only technical opinions that are founded upon his competence and knowledge of the facts in the subject matter.
- 3.3 A Registered Engineer shall not issue statement, criticism or argument on technical matter that is inspired or paid for by interested parties, unless he has prefaced his comments by explicitly identifying the interested parties on whose behalf he is speaking and by revealing the existence of any interest he may have in the matter.
- 4.0 A Registered Engineer shall act for each employer or clients as faithful agent or trustee.**
- 4.1 A Registered Engineer shall disclose all known or potential conflicts of interest that could influence or appear to influence his judgement or the quality of his services.
- 4.2 A Registered Engineer 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.
- 4.3 A Registered Engineer shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which he is responsible.
- 4.4 A Registered Engineer as advisor or director of a company or an agency shall not participate in decision with respect to particular services solicited or provided by him or his organization.

- 4.5 A Registered Engineer shall not solicit or accept a contract from a body or agency on which a principal or officer of his organization served as a member of that body or agency unless with knowledge and consent of that body or agency.
- 4.6 A Registered Engineer while acting in his professional capacity shall disclose in writing to his client of the fact if he is a director or member of or substantial share holder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in any such company or firm or business, with which he deals on behalf of his client.
- 4.7 All professional advice shall be given in good faith.
- 5.0 A Registered Engineer shall conduct himself honourably, responsibly, ethically and lawfully so as to enhance the honour, reputation and usefulness of the profession.**
- 5.1 A Registered Engineer shall not falsify his qualifications or permit misrepresentation of his or his associates' qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
- 5.2 A Registered Engineer shall not offer, give, solicit or receive, either directly or indirectly, any contribution to influence the award of a contract which may be reasonably construed as having the effect of intent to influencing the award of a contract. He shall not offer any gift or other valuable consideration in order to secure work. He shall not pay a commission, percentage or brokerage fee in order to secure work.
- 5.3 A Registered Engineer shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, qualifications on errors and inaccuracies have been made.
- 5.4 A Registered Engineer shall respond, within reasonable time, to communication from the Board or any other relevant authority on matter pertaining to his professional service.
- 5.5 A Registered Engineer shall not maliciously injure or attempt to maliciously injure whether directly or indirectly the professional reputation, prospect or business of another Engineer.
- 5.6 A Registered Engineer shall not directly or indirectly
- (1) supplant or attempt to supplant another Engineer;
 - (2) intervene or attempt to intervene in or in connection with engineering work of any kind which to his knowledge has already been entrusted to another Engineer; or

- (3) take over any work of another Engineer acting for the same client unless he has
- (i) obtained a letter of release from the other Engineer or obtain such letter through the client, provided that this requirement may be waived by the Board; or
 - (ii) been formally notified by the client that the services of that other Engineer have been terminated in accordance with the provisions of any contract entered into between that Engineer and the client; provided always that, in case of dispute over non-payment or quantum of any outstanding fees, the client shall request the Board to be the stakeholder under the provision of Section 4(1)(e)(ea)
- 5.7 Except with the prior approval of the Board, a Registered Engineer shall not be a director or executive of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business related to building or engineering. If such approval is given, such Engineer shall not undertake any contract work wherein he is engaged as a consulting engineer in such project unless it is in respect of a "design and build" project.
- 5.8 A Registered Engineer shall not be a medium of payment made on his client's behalf unless he is so requested by his client nor shall he, in connection with work on which he is employed, place contracts or orders except with the authority of and on behalf of his client.
- 5.9 A Registered Engineer shall not
- (1) offer to make by way of commission or any other payment for the introduction of his professional employment; or
 - (2) except as permitted by the Board, advertise in any manner or form in connection with his profession.
- 5.10 A Professional Engineer in private practice shall not without the approval of the Board enter into professional partnership with any person other than a Professional Engineer in private practice, a Registered Architect, a Registered Quantity Surveyor or a licensed Land Surveyor.

Dated: 3 February 2005

[BEM-241st Meeting / 28th June 2004]


TAN SRI DATO' Ir. Hj. ZAINI BIN OMAR
President
Board of Engineers Malaysia