



PEPS Fireside Chat

Ethics in Engineering Procurement

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The principles of conduct governing an individual or a group; professional ethics. Merriam-Webster.com

Ethics is a term applied to any system or theory of moral values or principles

Ethics consists of the fundamental issues of practical decision making, and its major concerns include the nature of ultimate value and the standards by which human actions can be judged right or wrong.

Britannica.com on Ethics



For the TxDOT Employee:

- Compliance Division: Employee Conduct Handbook
- The additional resources listed below

For the Consultant Engineer

- National Society of Professional Engineers (NSPE) Code of Ethics for Engineers
- Texas Tech University – Murdough Center for Engineering Professionalism
- Texas Board of Professional Engineers and Land Surveyors
- Texas Board of Architectural Examiners
- Texas Ethics Commission

TxDOT's Values

People

People are the Department's most important customer, asset, and resource. The well-being, safety, and quality of life for Texans and the traveling public are of the utmost concern to the Department. We focus on relationship building, customer service, and partnerships.

Accountability

We accept responsibility for our actions and promote open communication and transparency at all times.

Trust

We strive to earn and maintain confidence through reliable and ethical decision-making.

Honesty

We conduct ourselves with the highest degree of integrity, respect, and truthfulness.



Engineers,
in the
fulfillment
of their
professional
duties, shall

Hold paramount the safety, health, and welfare of the public

Perform services only in areas of their competence

Issue public statements only in an objective and truthful manner

Act for each employer or client as faithful agents or trustees

Avoid deceptive acts

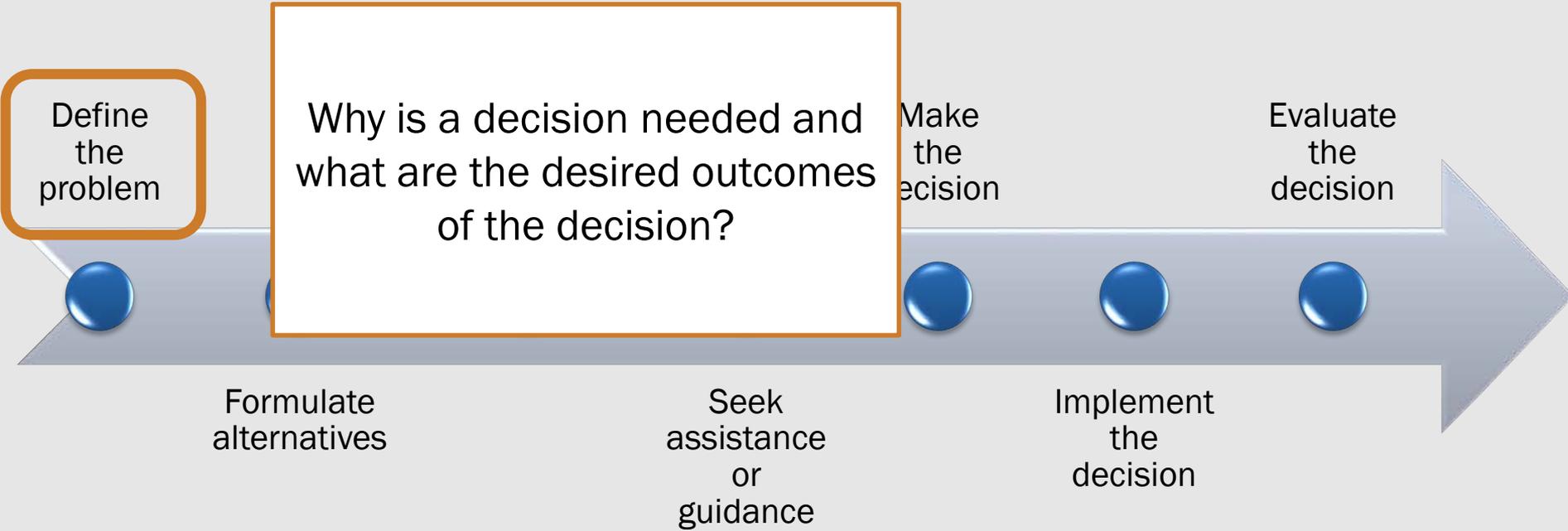
Conduct themselves honorably, respectfully, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession



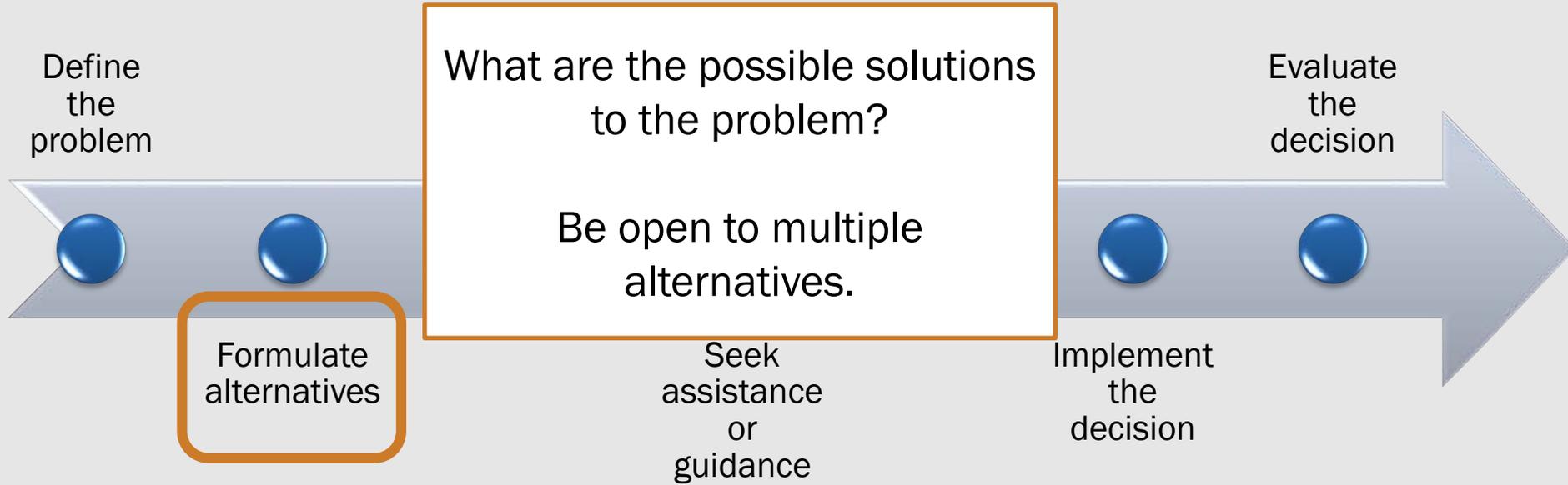
*From TxDOT
Values - Trust: We
strive to earn and
maintain
confidence
through reliable
and ethical
decision-making.*

- Nine Basic Steps to Personal Ethical Decision Making: Murdough Center for Engineering Professionalism.
- Plus Filters, Ethics & Compliance Initiative from Ethics.Org

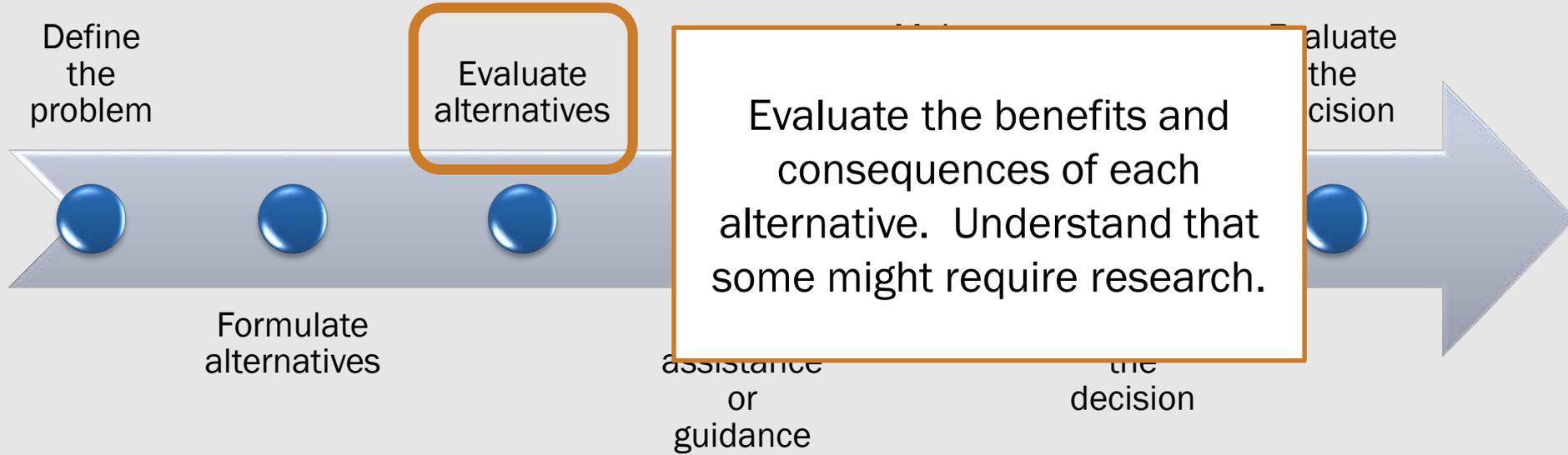
Ethical Decision Making Model - Simplified



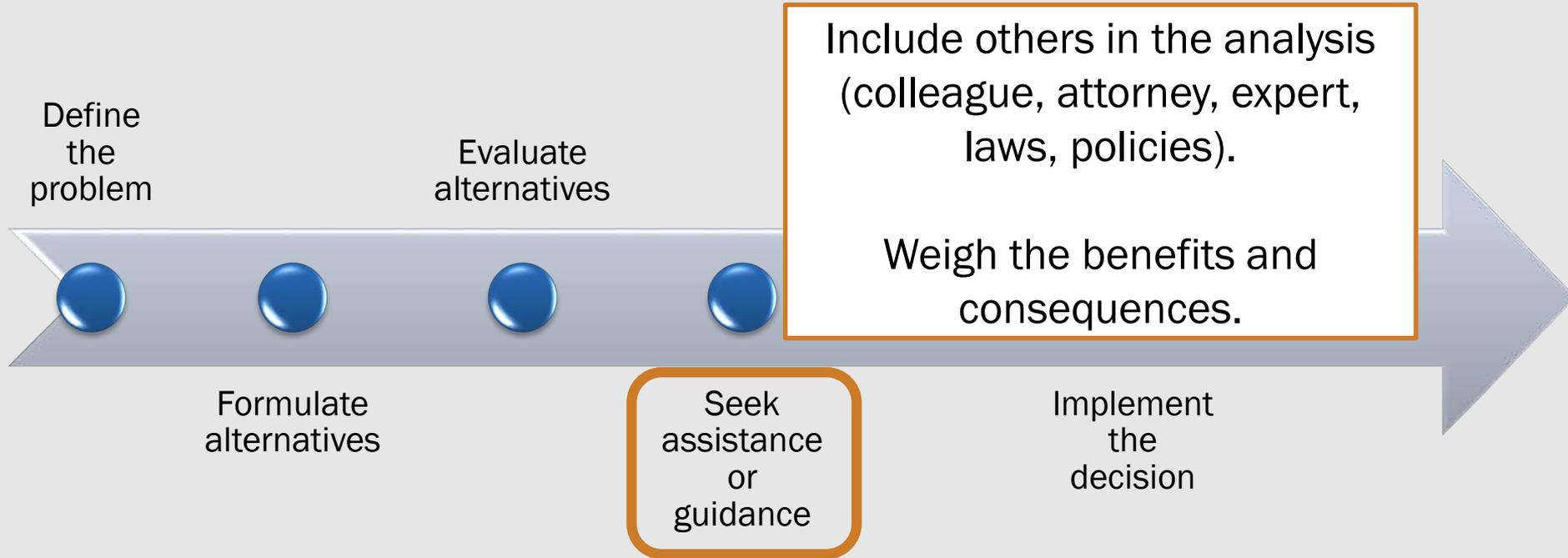
Ethical Decision Making Model - Simplified



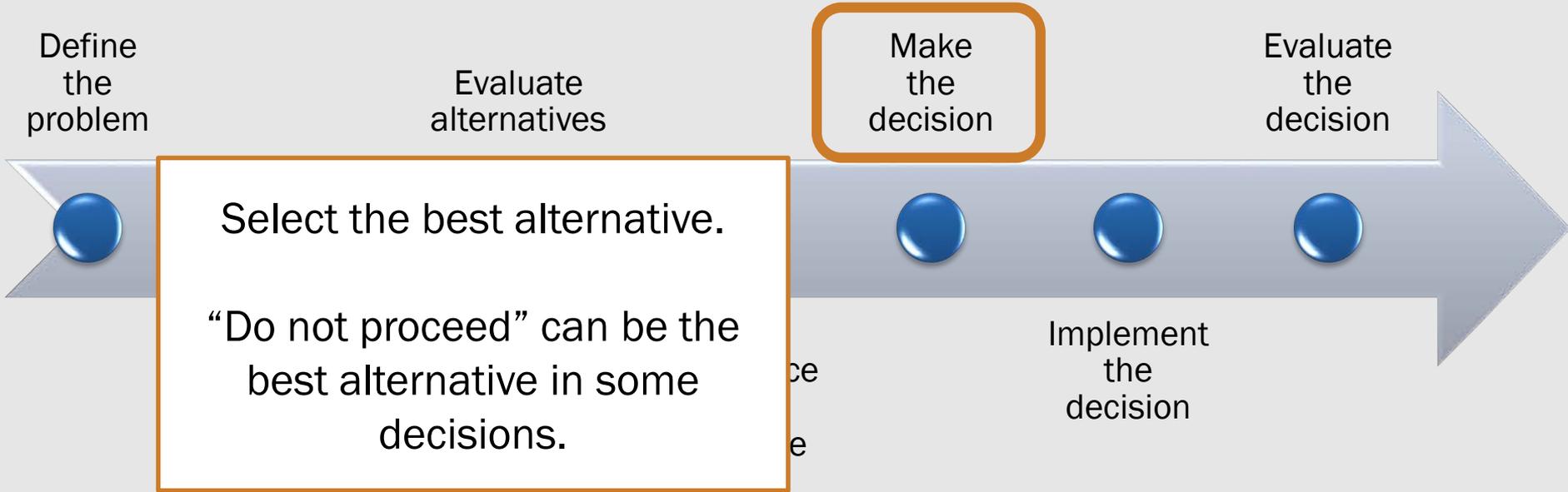
Ethical Decision Making Model - Simplified



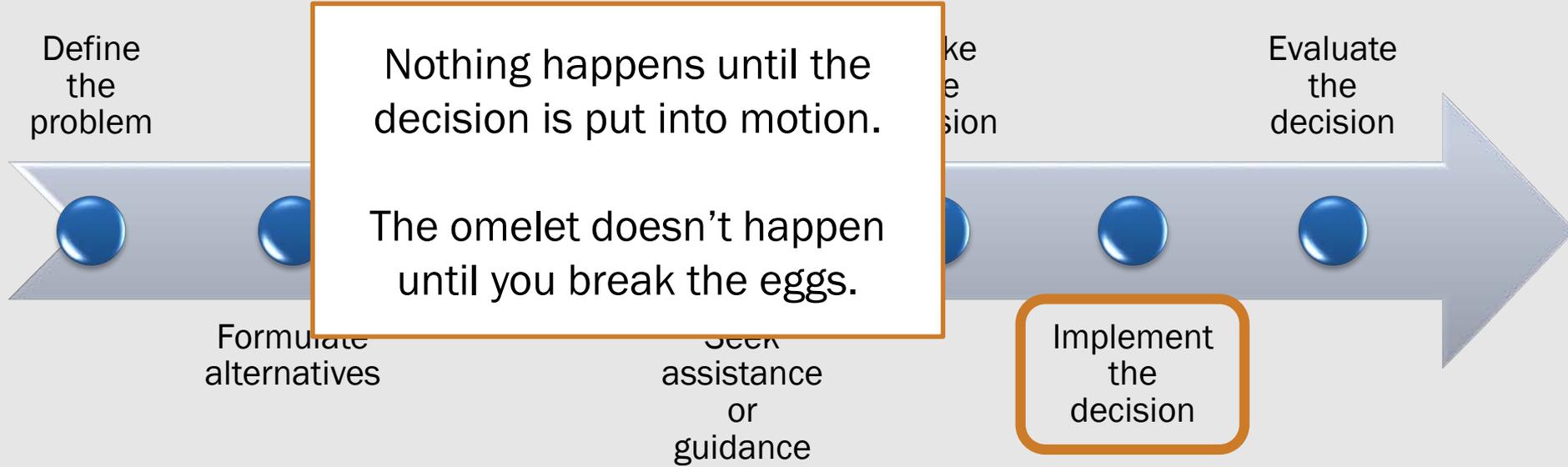
Ethical Decision Making Model - Simplified

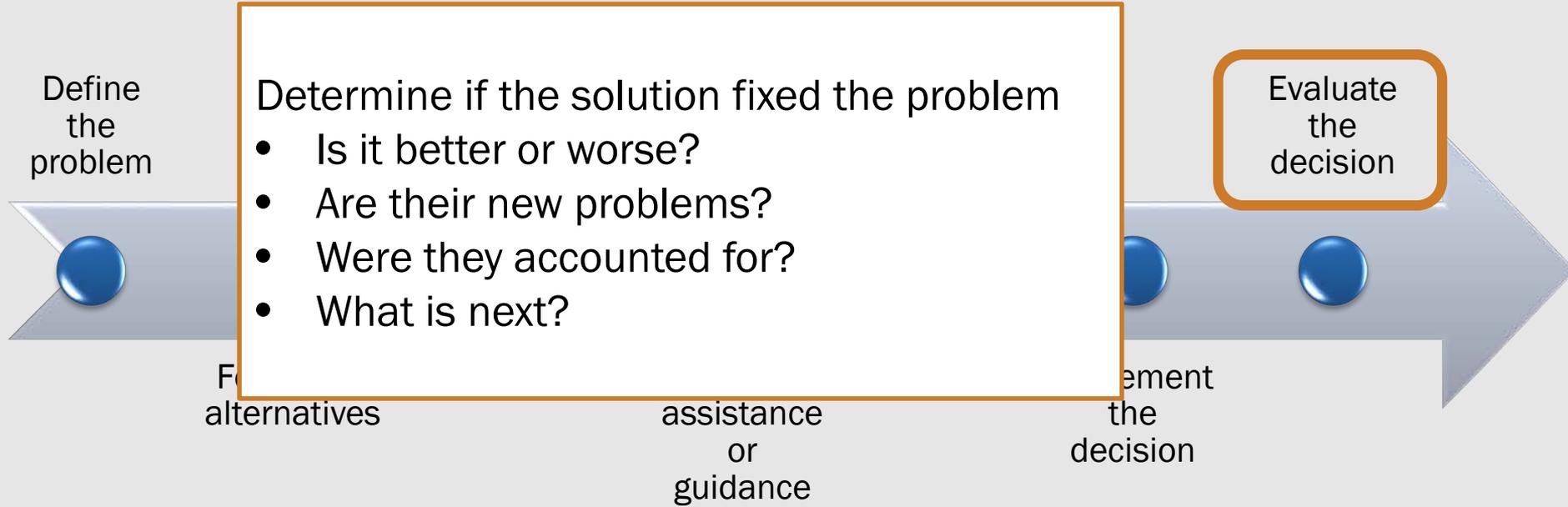


Ethical Decision Making Model - Simplified



Ethical Decision Making Model - Simplified







Consider the PLUS Ethics Filters

- **P - Policies:** Is it consistent with my organization's policies, procedures and guidelines?
- **L - Legal:** Is it acceptable under the applicable laws and regulations?
- **U - Universal:** Does it conform to the universal principles or values my organization has adopted?
- **S - Self:** Does it satisfy my personal definition of rights, good, and fair?

From Ethics & Compliance Initiative - Ethics.Org

Conflicts of interest – 43 TAC §10.6

Unable to give
impartial
assistance or
advice

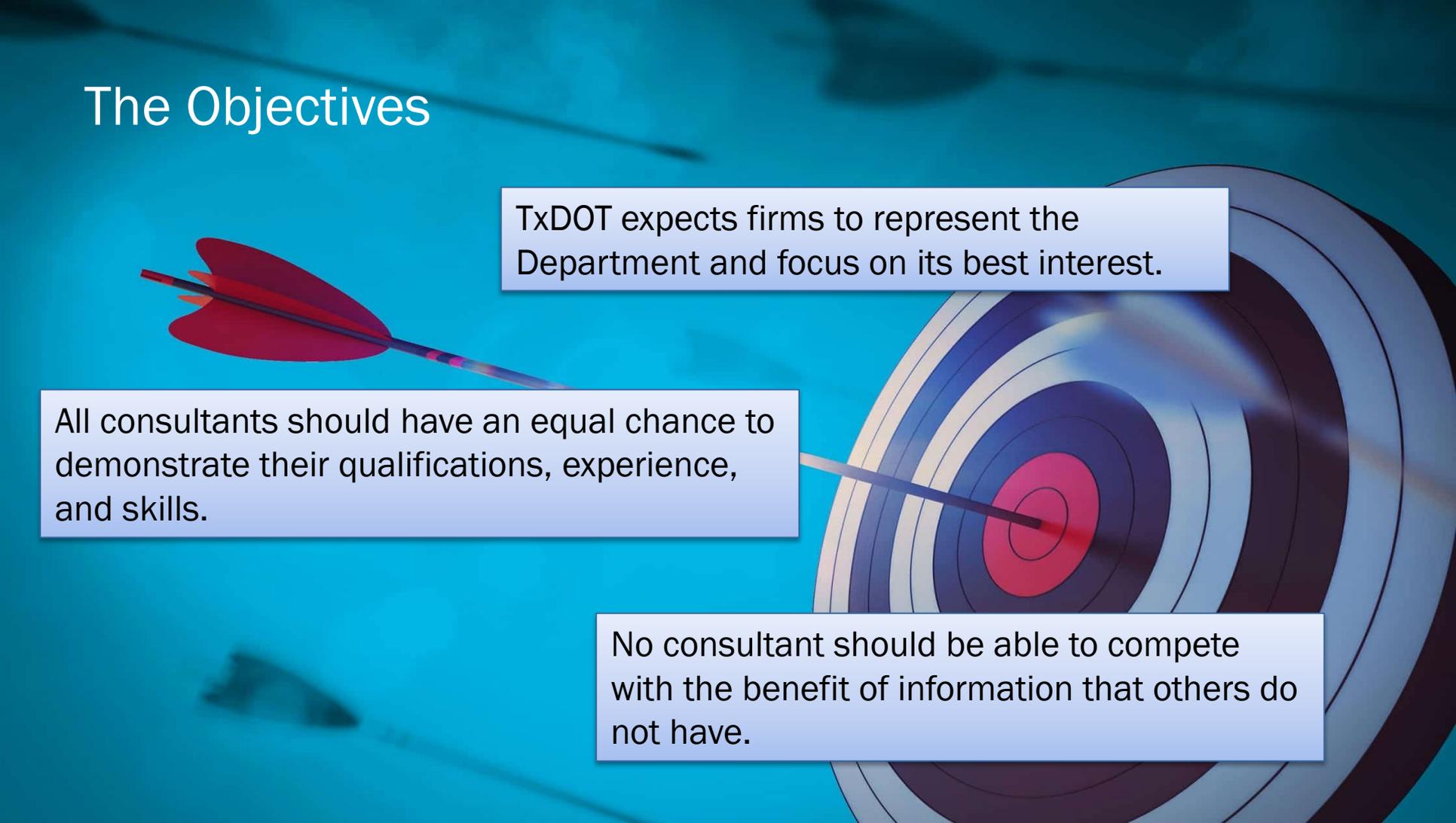
Unfair competitive
advantage

Impaired
objectivity

Perception or
appearance of
impropriety



The Objectives

A large target with concentric rings is positioned on the right side of the slide. A red arrow with a black shaft is shown in flight from the left, hitting the center bullseye. The background is a dark teal color with faint, larger-scale target patterns.

TxDOT expects firms to represent the Department and focus on its best interest.

All consultants should have an equal chance to demonstrate their qualifications, experience, and skills.

No consultant should be able to compete with the benefit of information that others do not have.

Ethical Scenarios



Would there be a conflict of interest if a TxDOT employee was on a consultant selection team for a procurement and they had a sibling working for a firm that was competing on that procurement?

Yes. It is a conflict for that employee to participate in that procurement.

Mitigation - TxDOT would typically preclude the consultant's employee from participation in the procurement and the future contract, while allowing the firm to participate.



If TxDOT is procuring a CEI contract, is it a conflict if the spouse of the CEI firm's proposed project manager works for the contractor or material supplier on the same project?

Yes, if the CEI firm would be responsible for recommendations regarding compliance, acceptance, or rejection of work or materials.



Is it a conflict of interest for a consultant firm to work on a TxDOT project while working for another entity on or adjacent to the project?

If there is going to be interaction between the two projects, then a conflict or potential for a conflict may exist.

TxDOT expects impartial, objective, and unimpaired advice and recommendations.



Two-year prohibition (former state officers and employees) on employment with a firm if the employee was involved with a procurement or negotiations with that firm

Two-year prohibition (former board members and executive directors) on communication and appearances intended to influence agency action

Continual prohibition (former board members and upper-level employees salary group A17 or higher) for work on specific “matters.” The employee is prohibited from working on the specific matter that they participated on while working for the agency



Collusion

Bribery

Kickbacks

Overcharges

Falsification
of
documents



As a TxDOT project manager, can I ask a firm to start work prior to the execution of the work authorization?

No. Work can only be authorized under a TxDOT contract through a written work authorization.

The contract specifically states that work performed prior to an executed work authorization is not payable.

The TxDOT PM may not have actual authority to authorize the work.



Trust is the glue of life. It's the most essential ingredient in effective communication. It's the foundational principle that holds all relationships.

- *Steven Covey*

Ethical behavior builds trust, unethical behavior destroys trust.

A person wearing a dark blue suit jacket and a light-colored shirt is holding a white rectangular sign in front of their chest. The sign has the word "QUESTIONS?" written on it in a large, bold, dark blue, sans-serif font. The person's hands are visible, holding the edges of the sign. The background is a plain, light gray color.

QUESTIONS?



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#EndTheStreakTX

End the streak of daily deaths on Texas roadways.