



Online Ethics Center
FOR ENGINEERING AND SCIENCE

The Use of Work from an Unpaid Consultation (adapted from NSPE Case No. 77-5)

Year

1999

Description

This case covers the pursuit of a contract and use of a study authored by a competing firm. It raises questions about the limits that are required in order to keep competition for a contract fair. This is an open-ended scenario for discussion based on a case from the NSPE Board of Ethical Review.

Body

A State agency began to explore building a facility that used solar energy. Requiring design expertise in the field of solar energy, the State contacted the Moreau firm, which had proposed the concept for this type of facility to a federal agency. The Moreau firm submitted preliminary data to the State agency, which then included that data in a proposal intended to secure additional funds for the project. During this time, the State agency held many informal discussions with Moreau's firm, leading the firm to believe it would be awarded the contract if the project were approved.

Several months later, the State agency told Moreau's firm that the public and private funding it had received would not be sufficient to fund the full scope of the project. The firm was then asked to evaluate the possibility of a more limited

facility. Believing that it would be awarded the design contract, the Moreau firm investigated the possibility of a more limited project--at its own expense of several thousand dollars--and submitted a revised proposal to the agency.

At this point, what is the State agency's obligation to the Moreau firm? What does the Moreau firm have a right to expect from the State agency?

Subsequently, the chief State engineer informed the Moreau firm that it had turned over all of the Moreau data to the Barron firm and was conducting initial negotiations with that firm. The chief said that if these negotiations fell through, the agency would contact the Moreau firm for negotiations. Having received the Moreau data, the Barron firm was aware of the Moreau firm's involvement in the project. The Barron firm neither contacted the Moreau firm for discussions of the project nor for its earlier submissions to the State agency.

How should the Moreau firm respond to the State engineer's information? What should the Moreau firm do? What obligation does the Barron firm have to the Moreau firm?

[NSPE Code of Ethics](#) An earlier version may have been used in this case.

Notes

See the original NSPE case at: [Use of Another's Project Study - NSPE Case No. 77-5](#).

Rights

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