OUR ETHICAL RESPONSIBILITY IN THE PUBLIC WORKS INDUSTRY

- LAMBERTO “BOBBY” BALLI, PE, PWLF
AGENDA

- WHY ARE WE HERE ??
- RESPONSIBILITIES OF THE PUBLIC WORKS PROFESSIONAL
- DIFFERENCE BETWEEN RIGHT AND WRONG
- HOW DO WE “WALK THE LINE”?
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- WHY ARE **YOU** HERE??

- WHY AM **I** HERE??

- PUBLIC WORKS IS A PASSION OF OURS!

- IT’S IN OUR BLOOD!
QUALITIES OF A PUBLIC WORKS PROFESSIONAL

- Genuine concern for our community
- Not generally concerned about monetary gain
- End result is important
- Multi-Tasker
- Plate spinner
- Chain saw juggler

- Disciplined and Responsible!
1937

Engineering for a better Texas
La Tienda Amigo Collapse, Brownsville Texas 1988
Hurricane Harvey, TEXAS 2017
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RESPONSIBILITIES OF A PUBLIC WORKS PROFESSIONAL

- UNDERSTANDING OF LAWS AND RULES
- TECHNICAL COMPETENCE
- PROFESSIONALISM
- COMMON SENSE/STREET SMART
- ETHICAL RESPONSIBILITY
UNDERSTANDING LAWS AND RULES!

- TEXAS LOCAL GOVERNMENT CODE
- TEXAS ENGINEERING PRACTICES ACT
- PROFESSIONAL SERVICES PROCUREMENT ACT
- OTHER ENVIRONMENTAL and HEALTH/SAFETY
TExAs loCal goVernment code

- http://www.statutes.legis.state.tx.us/

- fOr Both MuniciPAlitiES And CouNTiES
  - Chapters 1 - 99
    - Boundaires, Types/Forms of Government
    - Powers and Enforcement
  - Chapters 101 – 150 +/-
    - Municipality and County Finances and Budget
  - Chapters 200 and ON!!!
    - Zoning, Purchasing and Contracting
    - Fun Stuff
TEXAS ENGINEERING PRACTICES ACT
When is a Professional Engineer required on a project?

**PUBLIC WORKS PROJECT**

- Is Electrical or Mechanical Engineering Involved?
  - NO
  - Will Expenses for Completed Project Exceed $20,000?
    - NO
      - Licensed P.E. NOT Required
    - YES
      - Engage Licensed Professional Engineers for Structural, Civil or Applicable Engineering Designs as Well as Supervising the Engineering Construction.
  - YES
    - Engage Licensed Professional Engineers for All Engineering Designs as Well as Supervising the Engineering Construction.

**COMMERCIAL & PRIVATE PROJECTS**

- Is This a Private Dwelling or a Farm or a Ranch?
  - NO
    - Is It Over 5000 Sq Ft Floor Area?
      - NO
        - Does It Have a Span >24 Ft?
          - NO
            - Engage Licensed Professional Engineers for the Engineering Designs of All Span Support Members, Including the Foundation.
          - YES
            - Engage Licensed Professional Engineers for the Engineering Designs of Structural, Civil, Electrical and Mechanical (Heating, Ventilating Air Conditioning and Plumbing) or any Other Systems as Appropriate. (The Supervision of the Engineering Construction is Optional).
      - YES
        - Engage Licensed Professional Engineers for the Engineering Designs of Structural, Civil, Electrical and Mechanical (Heating, Ventilating Air Conditioning and Plumbing) or any Other Systems as Appropriate. (The Supervision of the Engineering Construction is Optional).
  - YES
    - Is It Two Stories?
      - NO
        - Licensed P.E. NOT Required
      - YES
        - Is It Over 2 Stories?
          - NO
            - Is It Over 4 Units?
              - NO
                - Licensed P.E. NOT Required
              - YES
                - Engage Licensed Professional Engineers for the Engineering Designs of Structural, Civil, Electrical and Mechanical (Heating, Ventilating Air Conditioning and Plumbing) or any Other Systems as Appropriate. (The Supervision of the Engineering Construction is Optional).
          - YES
            - Is It Over 8 Units?
              - NO
                - Licensed P.E. NOT Required
              - YES
                - Engage Licensed Professional Engineers for the Engineering Designs of Structural, Civil, Electrical and Mechanical (Heating, Ventilating Air Conditioning and Plumbing) or any Other Systems as Appropriate. (The Supervision of the Engineering Construction is Optional).
PROFESSIONAL SERVICES PROCUREMENT ACT
Professional Services Procurement Act (PSPA)

**STEP 1: SELECT**
- Establish Evaluation Criteria through a Request for Qualification (RFQ)
- Gather Statements of Qualifications (SOQ) From Engineers
- Evaluate SOQs and Rank in a List

**QUALIFICATION BASED SELECTION PROCESS**
- Top Firm is Selected and Assists in Defining Scope of Work

**STEP 2: CONTRACT**
- Contract Agreement on Terms and Fee?
  - YES: Go to the Next Qualified Firm on the List
  - NO: Retain the Selected Firm

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*At no time should the fee proposal of one firm be compared to the fee of another. Agreement on fee should be based on the merits and information of one firm at a time.*

**Negotiation with only one company or firm at a time may take place to be in compliance with TAC 2254-004 (b).**
OTHER LAWS AND REGS

- Texas Transportation Code
- Texas Utilities Code
- Texas Water Code
- Texas Commission on Environmental Quality
  - Water, Wastewater, Solid Waste etc
- EPA, FEMA, HUD, USACE
RESPONSIBILITIES

- TECHNICAL COMPETENCE
  - Engineering, Architecture, Utilities, even Operations
  - Credentials – licenses and permits

- PROFESSIONALISM

- COMMON SENSE = STREET SMARTS
RESPONSIBILITIES OF A PUBLIC WORKS PROFESSIONAL

- UNDERSTANDING OF LAWS AND RULES
- TECHNICAL COMPETENCE
- PROFESSIONALISM
- COMMON SENSE/STREET SMART

**ETHICAL RESPONSIBILITY!!!**
PERCEPTION = EXPECTATIONS

- Perception of Competence
- Perception of Professionalism
- Perception of Ethics

WHAT DOES THE PUBLIC THINK OF OUR ROLE?

99% OF OUR JOB IS BASED ON PERCEPTION!!
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Difference between RIGHT and WRONG

- SOMETIMES QUITE OBVIOUS!
- SOMETIMES IT’S JUST COMMON SENSE!!
Difference between RIGHT and WRONG

I’M WITH STUPID.
Difference between RIGHT and WRONG
STREET SMARTS?
...and some NOT so very obvious!!!!
THE EIGHT ETHICAL TESTS!

1. The Golden Rule Test
2. The Truth Test
3. The What-If-Everybody-Did-This Test:
4. The Parents Test
5. The Religion Test
6. The Conscience Test
7. The Consequences Test
8. The Front Page Test

— Dr. Tom Lickona, Character Matters (www.Amazon.com)
THE SMELL TEST!

Noun. **smell test** (plural **smell tests**) (idiomatic) An informal method for determining whether something is authentic, credible, or ethical, by using one's common sense or sense of propriety. quotations ▼ An inspection of an object using the sense of **smell**, as for freshness of food.

**smell test - Wiktionary**
https://en.wiktionary.org/wiki/smell_test
THE SMELL TEST!
How do I define ETHICS?
How do I define ETHICS?
How do I define ETHICS?
- ETHICS is not about a Corporate Policy
- ETHICS is not about just getting your CEU every year!!

- ETHICS IS ABOUT A LIFESTYLE!!
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“WALKING THE LINE”

- Clear and Concise Communication
- Clear and Concise Communication

**Clear and Concise Communication**

- Communicate!
- Communicate again!
- Communicate again some more!
RESPONSIBILITIES TO YOURSELF!

- Keep track of the expectations of your profession (Training, etc)
- Utilize a Mentor
- Manage well
  - Management Courses
  - Leadership Course
- Social Media
RESPONSIBILITIES TO OTHERS

- Have a protégé
- Lead by example
- Serve your community
  - Civic organizations
  - Religious organizations
  - Professional organizations
RESPONSIBILITIES TO YOUR PROFESSION!!

- Understand your role in your industry
- Hold each other to SAME standards
- Respect one another’s profession
- Understand the threats to your profession
“WALK THE LINE”

– I keep a close watch on this heart of mine!

– I keep my eyes wide open all the time!

– I keep the ends out for the tie that binds!

– Because you're mine, I walk the line!
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Thank you

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