



BOARD OF ENGINEERS MALAYSIA

CIRCULAR NO. 5/2005

**GENERAL ADVICE ON
GIVING OF SECOND OPINION**

1. It has been brought to the notice of the Board that it is not uncommon for an engineer to offer to a project owner unsolicited suggestion or proposal on the design which has been, or is being, carried out by another engineer already appointed by the owner to be the consulting engineer for the project. Quite commonly, such suggestion or proposal deals with the choice of engineering system (structural, geotechnical, etc.) or the so-called "value engineering". The Board is very concerned with the ethical aspect of this practice and would like to lay down the following guidelines for registered Engineers.

2. Regulation 27 of the Registration Of Engineers Act reads as follow:-

"A Registered Engineer shall not—

- (a) canvass or solicit professional employment;*
- (b) offer to make by way of commission or any other payment for the introduction of his professional employment; or*
- (c) except as permitted by the Board, advertise in any manner or form in connection with his profession."*

Sub-sections (a) and (b) relate to action by registered Engineer in actively seeking professional employment with specific potential employers or project owners. The Regulation is unequivocal on this matter. For sub-section (c), however, the Board has issued its guidelines vide Circular No. 2/2003 entitled "Guidelines On Advertising By Registered Engineers". Hence some party may attempt to offer second opinion by taking advantage of sub-section (c) under the guise of advertising their services.

3. The Board has no intention to restrict project owners from seeking other views on the design of his project. It is strictly his prerogative. Nevertheless, when he has already engaged a registered Engineer to provide him with engineering design and services for the project, then certain procedures must be followed to avoid infringement of the Code of Professional Conduct of the Act.
4. Generally, an engineering design covers four aspects, namely, (1) Function, (2) Safety, (3) Cost, and (4) Aesthetics. A second opinion, which invariably means checking or reviewing another's work, can relate to any one or all of the four aspects. It can involve correction, modification or even total replacement of the work of the first designer (the First Engineer) in all these aspects.
5. On the aspect of safety, the Board has already issued its guidelines on checking/reviewing vide Circular No. 1/2003 entitled "Guideline For Checking / Reviewing The Work Of Another Engineer". The Board holds the view that the guidelines in Circular No. 1/2003 are also applicable to checking / reviewing on any other aspect of the work of the First Engineer.
6. The Board hereby advises all concerned that, as long as a registered Engineer has already been engaged for a project, any other registered Engineer wishing to offer second opinion to the project owner must follow the guidelines in Circular No. 1/2003.

[BEM-248th Meeting / 19th July 2005]



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President
Board of Engineers Malaysia