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Study of the implementation of the Code of Conduct and Ethical Standards in the South African Quantity Surveying Industry.

by

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Department of Construction Economics

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Date: 14 February 2020

Declaration

I, the undersigned, hereby confirm that the attached treatise is my own work and that any sources are adequately acknowledged in the text and listed in the bibliography.

I accept the rules of the University of Pretoria and the consequences of transgressing them.

This treatise is submitted in fulfilment of the requirements for the degree of MSc Quantity Surveying at the University of Pretoria. It has not been submitted before for any other degree, or for examination at any other University.



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Abstract

- Title of treatise : Study of the implementation of the Code of Conduct and Ethical Standards in the South African Quantity Surveying Industry.
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Over the past few years there is an increase in globalization and construction industry companies are becoming more aware of the environmental and social aspects in construction projects. Companies have to make a profit and carry out an obligation towards the community. The reason for introducing codes of conduct is to ensure that companies and persons within the construction industry become more socially responsible and adopt it into their daily businesses due to community pressures. It is essential to enforce codes of conduct throughout the construction industry professions, including all stakeholders and team members within the construction industry.

This study has sought to determine the main reasons why some quantity surveyors might not always apply the code of conduct in an ethical and professional manner, as well as to identify possible ways how the code of conduct can be improved, be upheld and implemented more successfully in South Africa.

Questionnaires were used to collect data from some quantity surveyors in South Africa. The aim of the questionnaire was to identify how some quantity surveyors implement the code of conduct, where the possible gaps in the code of conduct are and how the current code of conduct can be improved.

The data determined that the code of conduct needs to be regularly improved in order to stay up to date with current ethical situations that quantity surveyors face daily in South Africa, as well as that some quantity surveyors have a lack of education and proper understanding of the codes of conduct, lack of keeping up to date with the Code and the guidance in which they serve.

Keywords: code of conduct; ethics; quantity surveyors; possible gaps in the code of conduct; lack of education; lack of proper understanding.

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CHAPTER 1: INTRODUCTION

1.1 TERMS AND DEFINITIONS

1.1.1 *Quantity Surveyor*

A person whose an independent specialized financial and contractual consultant in the building industry where their training and experience allows them to advise on contractual and cost arrangements, as well as prepare contract documents. They work together with consulting engineers, architects and contractors to protect the client's interest, (Association of South African Quantity Surveyors, 2019).

1.1.2 *Professional*

A professional is a person who carries out work by performing an activity which requires a certain level of experience, skills, education or training. The standard knowledge and competency which is required must be carried out and he/ she must adhere to the ethical standards and codes of conduct, (Cambridge University Press , 2020).

1.1.3 *Code of conduct*

Rules that are in the form of a set of guidance which defines the roles and responsibilities of professionals, (Cambridge University Press , 2020).

1.1.4 *Ethics*

Ethics deals with the recommending, classifying and the defending of concepts of wrong and right behaviours of a person, (Cambridge University Press , 2020).

1.1.5 *Professional ethics*

Professionals that deal with ethics on a business level by recommending, classifying and the defending of concepts of right and wrong behaviours, (Business Dictionary, 2019).

1.1.6 *Ethical behaviour*

People that act in a way that is consistent with what the public and individuals normally think are good and acceptable values, (Business Dictionary, 2019).

1.1.7 Associations

A local organization of professionals that work together, in order to help and improve the quality of services carried out by other practicing professionals, (Merriam-Webster, Incorporated, 2019).

1.1.8 Globalization

The process of producing something that involves and affects the whole world by becoming interconnected with each other, (Merriam-Webster, Incorporated, 2019).

1.1.9 Professional team

Teams, in the construction industry, that normally consist of the client, engineer consultants, quantity surveyors, architects and relevant consultants, developers, project managers, as well as other stakeholders, (Law Insider, 2013-2019).

1.1.10 Fast developing country

A country that has lower income levels and is less industrialised. It is less developed or moderately developed, but on track to become more developed in a short duration (Cambridge University Press, 2019).

1.1.11 Misconduct

Behaviour of a person that goes against the morals of humanity or an activity which is illegal, (Merriam-Webster, Incorporated, 2019).

1.1.12 Normative ethics

It is the branch of philosophy that deals with moral responsibilities and fundamental value in the character and actions of people, (Britannica, 2019).

1.1.13 Meta-ethics

It is the concept of having a bird's eye view or a removed view of the whole idea of ethics, (The Internet Encyclopedia of Philosophy, 2019).

1.1.14 Load shedding

The action, which is currently a big problem that South Africa faces, when the electrical supply is interrupted by shutting down the electricity in different stages in certain areas for a certain period of time in order to reduce the electrical load, (Eskom, 2019).

1.1.15 CPD (Continuing Professional Development) Points

Learning activities where quantity surveying professionals undertake in order to increase and develop their skills, (Oxbridge Academy, 2017).

1.2 BACKGROUND TO THE STUDY

Codes of conduct and ethics are as old as ancient times. As stated by Gilman (2005), codes carry a vision of excellence for which a professional team is striving for and what they can achieve, which are far more than the general obligations.

With the increase in globalization, construction industry companies are becoming more aware of the environmental and social aspects in construction projects. These companies not only have to make profit but carry out an obligation towards the community. The reason why codes of conduct are introduced, is to ensure that companies become more socially responsible and adopt it into their daily businesses due to societal pressures. It is necessary that codes of conduct must be enforced throughout the construction industry professions, extending to all the stakeholders and team members in the industry, (Pedersen, E.R. & Andersen, M., 2006).

Standards which are being enforced and ethical principles are becoming more and more important for the public, because as the number of professional people increase and the construction environment becomes more ethically sensitive, there is an increase in the risk of the occurrence of unethical behaviour. Professional ethics, as described by Abdul-Rahman, Wang & Yap (2010), gives credit to moral responsibility of all professions practicing in a specific profession, not only to a single individual. This ties up instinctively with the practical expectations and concepts from the public that covers issues like professionals to be willing, competent and responsible to serve the public. The problem lies with how the professional community can regulate itself efficiently and effectively, in order to justify its independence while ensuring that clients and the public, as a whole, benefits from an individual professional and all the other professions' actions, instead of becoming a victim of unethical behaviour. This is an example of ethical quality control.

According to Somers (2001), codes of ethics are used all over the world by companies, but the effects thereof on employee behaviour and perceptions are not properly addressed. Less wrongdoing in companies goes hand in hand with the presence of code of ethics, however not with an increased tendency to report any unethical behaviour identified. Companies that adopt codes of ethics display values that go beyond financial performance and include responsibility to the public. Professional codes of ethical conduct, which is contrary to code of ethics of companies, has no influence on the wrongdoing in companies and do not affect the tendency to report unethical behaviour which is observed.

Robinson, van der Mescht & Lancaster (2003), stated that bribery and corruption are big problems that are currently present in South Africa. The problem identified was that people struggle to carry out the practice with the theory, although the professional codes of conduct are one of the most admired in the world. Unethical business practices of companies reflect badly on the image of South Africa. Robinson, van der Mescht & Lancaster (2003), further justified by saying that unethical practices “*creates a real crisis which undermines the investment environment in this country*”.

There have been many issues regarding ethics and moral behaviour for the construction team, in the professional and business industry, for many years. These issues often are linked with compromising the integrity and responsibilities of a person, as well as conflict of interest. Surprisingly, a large number of construction professional parties are involved in unethical behaviour. The four important professions in the construction team consist of architects, consulting engineers, quantity surveyors and contractors. These professions have professional bodies that regulate them through codes of conduct and statutory bodies, but due to modern society and challenging factors becoming more complex, it has become noticeable that more and more professionals’ ethical decisions are affected.

High moral considerations are demanded by the value of human life for the construction industry professions, therefore they have the fundamental right of a professional human conscience. Personal ethics are one of the most important aspects to have in the construction industry, where for instance construction professionals treat people with the same level of honesty as what they want to be treated. Unfortunately, professionals tend to think that their obligations must lean more towards their client than their responsibility to other people, like the public. Professional bodies, through some extent, are the source from which building professionals gain respectability, guidance and integrity. These bodies’ mission, as stated by Vee & Skitmore (2002), are that members must have “... ideals for education, standards and ethics...”. The cornerstone of any ethics code, where the above-mentioned are embodied, is the code of practice so that it can define the responsibilities and roles of quantity surveyors. However, the code of conduct and ethics are not efficient alone, as they need functional responsibility and training of employers in order to be efficient and effective in their day to day work.

A notable amount of research has been done on how there are unethical issues that the quantity surveying profession must deal with in the construction industry. Despite the available number of findings in other countries, there is a lack of research in the South African construction industry on this topic. The reason for the lack of research may be due to the assumption that the Quantity Surveying council and associations are deemed to be sufficient enough for the implementation of the Code of Conduct and Ethical Standards on construction professionals. However, due to the decrease in construction activity, construction professionals may face a reality to trade their ethical values and professionalism in order to secure a job.

1.3 PROBLEM STATEMENT, AIM AND OBJECTIVES

“The South African Council for the Quantity Surveying Profession” (SACQSP) requires for quantity surveying professionals must “uphold and promote the dignity, standing and reputation of the profession; discharge their duties in a competent and efficient manner and with complete integrity and without prejudice to their client’s or employer’s interests and their professional responsibilities; respect the interest and professional reputation of any other registered person or quantity surveying practice” (SACQSP, 2013).

Quantity surveyors must be able to comply with the code of conduct established by the “South African Council for the Quantity Surveying Profession”, as well as “The Association of South African Quantity Surveyors”. However, it is not always the case. Some professionals sometimes face the issue that they must be unethical or not maintain the professional standards in order to satisfy their client, society or it may be a case that they are uninformed with regards to the code of conduct.

It is important to identify why these regulations are important, why it is sometimes ignored and how the regulations can be modified in order to make all stakeholders and quantity surveyors more aware of the regulations in place.

1.3.1 Research Problem

The question statement is as follows:

What are the main barriers to the implementation of the code of conduct and ethical standards in the South African Quantity Surveying Industry?

The main focus of this study is to identify the barriers why quantity surveyors are not applying the code of conduct in an ethical and professional manner, as well as to identify ways how the code of conduct can be implemented more successfully.

By identifying the possible reasons behind unprofessionalism in the quantity surveying profession, it will contribute to ways how the code of conduct can be implemented better and how professionals will be more serious about ethical values. Barriers identified can be used to suggest ways to update the current code of conduct of the SACQSP. The updated code of conduct will serve as a complete guideline consisting of all the necessary parts, assisting quantity surveyors to be more ethical and professional through the implementation of the code of conduct. Stakeholders (clients, the public, quantity surveying students, young and old professionals, as well as other professions) will benefit from this research as it will improve the quality of work in the quantity surveying profession and contribute to the success of projects in South Africa.

1.3.2 Aim and Objectives

The research aim of this study is to determine what the main reasons are why quantity surveyors might not apply the code of conduct in an ethical and professional manner, as well as to identify possible ways how the code of conduct can be upheld and implemented more successfully in the South African quantity surveying industry.

The research objectives can be summarised as follows:

- To determine the possible reasons why the code of conduct in the quantity surveying industry might not be implemented correctly and why some professionals act in an unethical manner.
- To determine where there is a possible lack in knowledge in the implementation of the code of conduct specific to the “*South African quantity surveying industry*”.
- To collect data on the current South African codes of conduct of councils/ associations.

- To collect data on the current code of conduct of other councils/ associations (or in other countries).
- To analyse data collected in order to identify the possible barriers and to compare the South African code of conduct for quantity surveyors with other councils/ associations (of other countries).
- To identify whether or not the current code of conduct can be improved and then be duly implemented by the South African quantity surveying industry.

1.3.3 Research Questions

The research sub-questions are as follows:

1. Why do some quantity surveyors not always follow the Code of Conduct of the SACQSP/ ASAQS?
2. How well do certain South African quantity surveyors know the Code of Conduct?
3. How can the SACQSP/ ASAQS's Code of Conduct be modified in terms of ethical standards and compared with the codes of other countries?

1.3.4 Hypothesis

1. Hypothesis (Main problem question)

The reason why certain quantity surveyors are not applying the code of conduct in an ethical and professional manner is that they might have a lack of education and proper understanding on the code of conduct and the guidance in which they serve. Some quantity surveyors also believe that their clients' needs come first before that of the general public.

2. Hypothesis (Sub problem questions)

a) What is the code of conduct?

The “code of conduct” is a combination of guidance rules that is published by associations/ councils for members to use when faced with difficult situations. It should always be implemented as far as possible, unfortunately it is not always implemented correctly or even at all.

b) South Africa’s code of conduct in comparison with other countries

South Africa’s code of conduct, which is compiled by associations, compare more or less the same with the codes of conduct from other countries, however there are a few gaps in the current code of conduct that can be improved.

c) Modification of the current code of conduct

The possible gaps identified can be used to formulate a better code of conduct that quantity surveyors can use to implement the code of conduct more successfully.

1.4 LIMITATIONS

The study will be limited to the quantity surveyors operating in South Africa which are registered members of the “*Association of South African Quantity Surveyors*”. This research was completed within the period of one year. The questionnaires were distributed to quantity surveying members, candidates as well as practicing quantity surveyors registered with the “*Association of South African Quantity Surveyors*”.

1.5 ASSUMPTIONS

The study assumes that reliable construction resources and data received serve as an indication of some quantity surveying companies and quantity surveyors' compliance and understanding of the current codes of conducts in place, as well as ethics they face on a daily basis. That all quantity surveyors are experienced and knowledgeable in their field, competent to carry out their daily tasks, face ethical issues and properly deal with them, as well as regularly keep up to date with the codes of conduct. Assumptions are also made that most companies face more or less the same issues, as well as have a basic understanding of the factors involved.

1.6 IMPORTANCE OF THE STUDY

There is a greater interest coming into existence regarding the codes of conduct and ethics over the last few years. As described by Somers (2001), there are a few themes relating to the study of codes of conduct. The first is that factual work focuses on the characteristics of existing codes of conducts, while normative work provides guidelines to people on how to deal with daily tasks and how to implement the codes of conducts. The second is how the codes of conduct are being adopted and implemented in certain countries. The third theme is the theme that has been researched the least of how the "codes of conduct" and ethics affect the behaviour, responsibility and attitudes of professionals in the construction industry.

The standards which are enforced by quantity surveyors, as well as the conducting of ethical manners are of importance to every stakeholder. As stated by Bowen (2007), the "code of conduct" of a professional, as well as ethics relating to the construction industry expect quantity surveyors to act independently, objectively and without any conflict of interest. He further stated that the "code of conduct" is applied to protect every professional against pressures and that other stakeholders of the profession will not influence the quantity surveyors to go against their good conduct. Quantity surveyors should serve the public and have their interest at heart by applying the Code of Professional Conduct that contains no public reporting process, it does not require third-party confirmation for compliance of the code and the code is input-based. The building industry also plays a very important role in the economy of South Africa, regardless of the country's development in economic levels.

The amount of the country's total workforce, ranging from about 2 to 10%, that affects the economy of the country.

Matters that brought ethical problems to light are:

1. *Public perception: when the social ethics of a professional decreases, it brings uncertainty among the public to involve them in new projects;*
2. *Globalization: due to global expansion it includes the involvement of various socio-economic systems and cultures;*
3. *Competition: due to the increase in the market related competition it put pressure on an individual to cut corners;*
4. *Technology: there is a new level of transparency to the communication side of business.*

Examples of such ethical problems are:

1. *Collusive tendering: agreements which are illegal when tenderers are colluding for price fixing, defrauding clients or market distributions schemes;*
2. *Hidden fees: fees that are hidden under certain sections of which no one is aware of in order to make more money;*
3. *Bid-cutting: where a tenderer offers less of what the client is asking for;*
4. *Cover pricing: when tenderers price at a certain price level threshold in order to ensure that their tender will be rejected so that another tender can be accepted;*
5. *Bid-shopping: when a tenderer's bid is revealed to other tenderers before the contract is awarded to anyone in order to secure a lower bid from another tenderer.*

Quantity surveyors play a very important role to provide contractual and cost advice in the built environment, which brings a lasting challenge to quantity surveyors who are meant to operate professionally, demonstrate social responsibility and morality. It is however important that the client does not abuse the professional responsibility of some quantity surveyors. Certain clients, as well as quantity surveyors need to understand the importance of ethical behaviour and compliance with the code of conduct. It is critical that professional obligations must be balanced to the general public and clients.

According to CFI Education Inc. (2015-2019), professionals must have professional standards which are a set of behaviours, ethics and practices that members must adhere to a certain body. A governing body will normally agree to these sets of standards which represent a certain group's interests.

Professional standards include the following:

1. Respect – where a professional will admire the attributes and qualities of people;
2. Accountability – where a professional will be responsible and take responsibility for their actions;
3. Objectivity – where a professional is not influenced or manipulated by biased situations;
4. Confidentiality – where a professional will protect personal or sensitive information from persons who should not have access to it;
5. Honesty – where a professional will always be honest and truthful;
6. Loyalty – where a professional is committed to their profession;
7. Transparency – where a professional will make all relevant information known and not hide or conceal anything;
8. Integrity – where a professional has strong moral principles and is honest;
9. Law-abiding – where a professional follows all the governing laws in the jurisdiction where he/ she perform their activities;
10. Fiduciary duty – where a professional will place the client's needs before their own.

The importance of the study is to gain information on how some professionals experience and deal with ethical problems and how they use the code of conduct in order to solve a problem. There are different paths professionals can take to make moral choices in an ethical manner, like to follow a mentor's example that is set or to ask for guidance or apply code of conduct guidelines. The complexity to professionals' work and life experiences can lead to rationalisation and desires that may have consequences that they cannot foresee. The main motivation normally for some professionals is money, where these professionals feel that their personal obligations lie with their clients and their social responsibility is for national development. Professionals tend to search for action that is morally suitable when they ask themselves a question of "*Is this the right thing to do?*". When the grounds, on which the rules are being seen as valid, are being questioned, professionals are then engaging in meta-ethics. When they seek guidance from codes of conduct or guidance from examples to follow, they are applying normative ethics, (Robinson, D.; van der Mescht, H. & Lancaster, J., 2003).

Gilman (2005), is of the opinion that codes of conduct which is successfully implemented will provide a standard to the public and the professional teams, as well as it will also give a sense of responsibility.

The focus of this research will be on how quantity surveyors apply their ethical behaviour; responsibilities and obligations. It will also identify how construction professionals do not always implement the code of conduct and perform in an ethical manner in the “South African Quantity Surveying Industry”. It will also focus on the ethical side of code of conduct in businesses, as well as investigating the ethical issues that quantity surveyors deal with on an everyday basis.

Therefore, the research will be valuable for all stakeholders, including clients, the public, quantity surveying students, junior and senior quantity surveyors, as well as other professions (architects, the engineering profession and project managers) in the South African construction industry. This will give all parties a better understanding that quantity surveyors will live according to their code of conduct and in any situation carry out their duties in an ethical manner. This research will also create a basis that can be implemented in Universities, where students studying quantity surveying will become more aware of the importance of the code of conduct and why it is necessary to act ethical no matter what situation they may face.

CHAPTER 2: LITERATURE REVIEW: CODE OF CONDUCT

2.1 INTRODUCTION

It is initially recognised that contractors are the wrongdoer when it comes to being unethical and corrupt, however it is not always seen that the client or the professional team may also play a part in the wrongdoing. All professions in the construction project must carry out their duties in an appropriate and correct manner, including quantity surveyors. According to Cunningham (2011), high ethical standards are a fundamental principle to practicing quantity surveyors. This goes hand in hand with using the code of conduct when carrying out duties of the profession. Professionals need to understand the importance of being ethical and to maintain professional standards and the code of conduct. “The South African Council for the Quantity Surveying Profession”, as well as “The Association of South African Quantity Surveyors”, have formulated ethical standards and codes of conduct where it is considered of utmost importance that all junior and senior quantity surveying professionals are committed to maintain these regulations.

Competency of these professionals must cover several matters, such as understanding the codes of conduct, core ethical principles, as well as the rules and regulations of professional bodies. However, currently some quantity surveyors might face dilemmas and professional issues when it comes to adhere to all of these regulations. It might sometimes be the case that the problem begins with graduates at universities that are not adequately informed of just how important these regulations are, lacking the proper knowledge and understanding of the regulations and code of conduct, as well as not understanding that their interest must be towards serving the public and not their employer or client. Practicing junior and senior quantity surveyors may also not be competent enough in the regulations in order to practice in an ethical manner, justify their actions correctly, and give accepted professional advice in accordance with the professional standards.

The construction industry, as stated by Cruywagen (2018), is a suitable environment where there are ethical predicaments. This is because of the very thin line between the increased competitive nature, “low cost” frame of mind and thin margins. All construction professionals work in a very complex industry where there are a different set of skills and professionals, but sometimes the boundaries and relationships may be unclear. The unclear boundaries and unethical practices can be in the form of collusive tendering, conflict of interest, bribery, corruption, financial manipulation and dishonesty.

These types of issues can take place at any time during any stage of the construction project: during the concept stage, the design and planning stage, tendering stage, execution of project, as well as the close-out of the project.

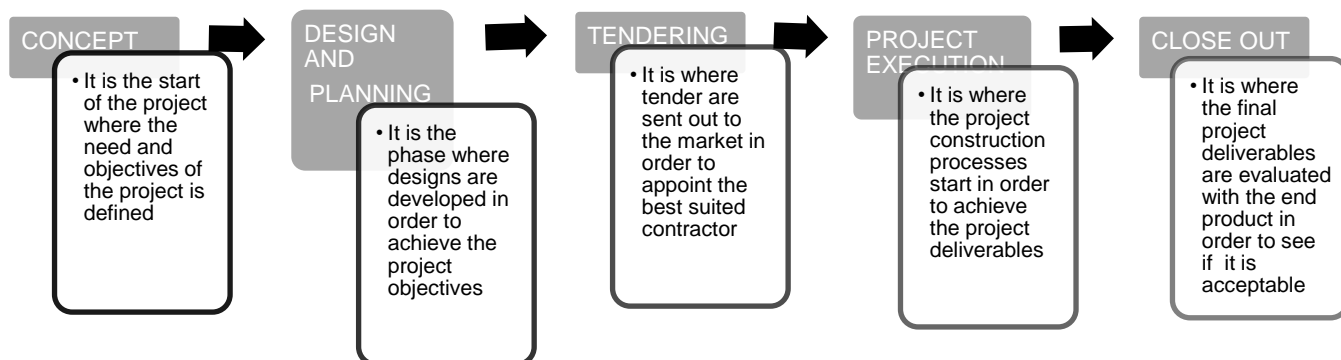


Figure 1, The five stages of a construction project.

Cruywagen (2018) posed a problem which is on the rise in South Africa that professional bodies currently face, namely when there is failure in ethical behaviour. Unethical behaviour might influence the credibility of the profession and have a negative impact on it. The main question is if it is possible to apply ethical quality control where a professional community can regulate themselves and hold members responsible when there is no compliance with the principles of the body.

Another problem some professions encounter is whether professionals are aware of the interest of the public which is important and that they need to adhere to this principle. It is concluded that there may also be a lack in knowledge where young quantity surveyors believe that their employer and client's interests are more important and some senior quantity surveying professionals believe that the interest of the general public is more valuable when making a decision.

2.1.1 Background of the Code of Conduct in South Africa

According to Potgieter (2013), it is important to realise that moral and ethical behaviour is linked to the legislation that impacts a professional in the construction industry. Legislation regulates and prescribes the way that construction professionals carry out their tasks.

In South Africa in the late 1990s, the professional Acts were almost completely amended with new composition of professional Acts of 2000. These necessary Acts were arranged under the council for the “Council for the Built Environment”. The main reason for the suit of Acts was the importance that a code of conduct must be drafted by each professional body to which members can comply to and apply in their daily business dealings.

This legislation that has a great impact on construction professionals are the “Construction Industry Development Board Act (2000)”, as well as the “Council for the Built Environment Act (2000)”. As described by Bowen, Pearl & Akintoye (2007), South African professional bodies are regulated through Acts of Parliament, as well as regulations of “The Council for the Built Environment (CBE) (Republic of South Africa: Government Gazette, 2000a)” that provides Professional Ethical Code of Practice to professionals.

The CBE promotes, monitors and protects the activities which is carried out by the professional councils of the construction industry, as well as protects the interests of the public through the application of ethical standards. The CBE, which was established in 2000, serves as an over-arching umbrella body for Acts that were established to regulate specific Councils, such as the:

- “*Architectural Profession Act, 2000 (Act 44 of 2000)*”;
- “*Engineering Profession Act, 2000 (Act 46 of 2000)*”;
- “*Landscape Architectural Profession Act, 2000 (Act 45 of 2000)*”;
- “*Quantity Surveying Profession Act, 2000 (Act 49 of 2000)*”;
- “*Project and Construction Management Professions Act, 2000 (Act 48 of 2000)*”;
- “*Property Valuers Profession Act, 2000 (Act 47 of 2000)*”.

The key professions for the professional responsibilities and obligations in South Africa are quantity surveyors, architects, contractors and consulting engineers. These key professions are regulated by statutory councils and associated codes of practice which sets out the main obligations and responsibilities of professionals in their practice, to the public and to their clients.

Professional bodies established in South Africa for quantity surveying professionals are the “*South African Council for the Quantity Surveying Profession (SACQSP)*” and the “*Association of South African Quantity Surveyors (ASAQS)*” which are established in accordance with the “*Quantity Surveying Profession Act, 2000 (Act 49 of 2000)*”.

The new Act (Act 49 of 2000), as stated by Cruywagen (2018), established the principle that registration with a Council is compulsory in order to register as a professional quantity surveyor, but registration with an Association is a voluntary decision to become a member. It can therefore be seen that a Council will look after the interest of the public in construction practices and an Association will look after the interest of its members.

According to Lyons (2016), the SACQSP formulated the “*Code of Professional Conduct*”, which is drawn up in consultation with “*The Council for the Built Environment*”, for professional registered persons. The SACQSP is also responsible for administering the code of conduct. The SACQSP’s mandate is to formulate education standards, provide on-going education, manage the profession of Quantity Surveyors, ensure registration for professional members, set professional fees, establish and enforce a code, as well as to promote transformation.

The ASAQS also has a “*Code of Professional Conduct*” which is issued in accordance Section 5.1 of the Constitution, (ASAQS, 2005). The ASAQS is established to maintain and achieve goals and ambitions for the quantity surveying profession, as well as “*to uphold the dignity of the profession, watch over, promote and protect the interest of the public and promote high standards of professional integrity and competence*”.

It is therefore important to understand and know both the Council and Association’s code of conducts and what these institutions stand for, because the public, clients and other professionals must be able to trust any professional to act in the client and public’s best interest.

2.1.2 The reason for the code of conduct in the quantity surveying profession

Ethics are normally identified by “doing the right thing” and in the construction context, as stated by Mason (2008), ethical behaviour is measured by the degree of integrity and trustworthiness on how quantity surveyors conduct their duties. The fundamental reason for professionalism is described as the possession and autonomous control of a body of specialised knowledge which brings power upon its holders when combined with status. The exercise of this control by professional bodies, like the quantity surveying profession, brings enforcement and promotion of an ethical code.

According to Othman (2012), ethics comprises of the language, study of thought, judgement and reasoning which influences the choices of people that they make in their daily lives that affect other people's well-being and their own, the ethical practices promoting the efficiency of the economy that has to include the respect of intellectual property, avoiding monopolies and bribery, engaging in fairer competition, avoiding nepotism and crony capitalism, not abusing government relationships, providing accurate information to the market, honouring contracts, respect the government, promises and other commitments.

The general concept of ethics is commonly recognised as being applicable to quantity surveying businesses, on the basis that the business does not solely exist to suit certain persons, but to meet the social and collective needs and to serve the public. Genuine professionalism cannot be achieved without a proper ethics component.

There are different opinions as to whether codes provide an improved ethical conduct. Quantity surveyors being involved in every stage of the construction progress have their own ethical codes. But the question is whether the ethical code is being used correctly when undertaking part in a multi-disciplinary construction work.

The purpose of a code of conduct is that professionals comply with the regulations stated by the councils and associations, because it is applicable to all practicing professionals, as well as candidates. These regulations cover matters that members are responsible and accountable for the professional side of life. Regulations focus on the regulatory goals that associations and councils want to achieve. The new suit of Acts which was promulgated in 2000 boosted the ethics profile in South Africa, where the important matter was that construction management must be recognised as a "professional" discipline.

The purpose of this research is to identify where exactly the possible gaps are in the South African quantity surveying industry, whether there is a lack in the understanding and implementation of the regulations, whether there is pressure to act unethical and not comply with the regulations due to market related pressures, or a combination of both. The codes of conduct of other councils in other countries will also be compared to the code of conduct in South Africa, in order to determine whether it is necessary to modify the code of conduct and the implementation thereof, so that there can be an adequate and complete guideline which all professionals can follow when faced with ethical matters in the construction industry.

The following principals, as indicated by Mason (2008), are essential for quantity surveyors to:

1. **Be objective** – quantity surveyors must identify all potential conflicts and must communicate the relevant conflict to persons who might be affected by this conflict;
2. **Be honest** – they will avoid any conduct which will result into deception of others and will act honestly;
3. **Be reliable** – they will provide skills which is only in their area of competence and maintain the necessary skills;
4. **Be fair** – they will not seek to benefit from treating other people unfairly;
5. **Fair rewarding** – they must avoid any acts that may result from other people being deprived the fair reward resulting from their work;
6. **Have integrity** – carry out their duties in the best interest of the public;
7. **Be accountable** - provide any warning of matters or information within their knowledge that may be harmful to other people affected by those matters;

These principals above are to be applied by all construction professionals in the industry, whether they are candidate quantity surveyors, junior or senior quantity surveyors or directors of a company.

The process of professionalism, as stated by Hassall, Dunlop & Lewis (1996), demands that quantity surveyors must take responsibility for the prescribed codes and body of knowledge by identifying what knowledge a professional should possess, as well as to adequately apply that knowledge in their field. The primary services of knowledge that a quantity surveyor should possess is cost planning, cost advice, procurement and tendering procedures and types of tenders, evaluation of tenders, life-cycle costing, contract documentation, value analysis, financial reporting, estimating, cash-flow forecasting, interim payment certification, settlement of contractual disputes, as well as final accounting of a project.

The main aim of professionals is to serve the public and to commit. The commitment can be seen as a *“true professional that places good of the public before a financial reward”*, as stated by Cunningham (2011). It is to act in a way that might sometimes be in conflict with the client’s or another person’s interest. This concept is also embodied in most of the construction professions’ codes of conduct and where it states that professional ethics should be upheld at all times.

This can mean that people can view a professional service as a professional that must competently deliver technical skills and in a way the society, as a whole, expects that a professional must perform. Since the 1970s, a quantity surveyor's work has evolved rapidly by way of the changing of client needs and their dissatisfaction relating to construction services and products. The key drivers that are changing the built environment and how a project is dealt with are the business environment, customer needs, professions, information and technology, and the industry itself. The Ashworth and Hogg reports stated that there is a high inefficiency in the construction, and it needs to be improved, (Cunningham, 2011).

Cunningham (2011) further examined that changing environments bring constraints to the profession of quantity surveyors. The traditional role of a quantity surveyor has developed into a more diverse, sophisticated and complex role which demands a wide range of specialist skills. With this progression there seems to be a higher focus on the client's needs for reduced time scales, simplified processes, the total cost rather than practical completion, comprehensive service provision and procurement expertise. The current client needs can be seen as the following which is outlined as the "Seven Cs":

- Commitment;
 - Choice;
 - Consistency;
 - Clarity;
 - Co-investment and risk taking;
 - Credibility;
 - Clarity and accountability.
- (Cunningham, 2011).

These needs and expectations of clients have clear links with ethics, accountability and professionalism.

Quantity surveyors play a very important role in the current and future practice of construction. It is therefore important that competencies regarding their education in their field, professionalism, as well as applying the code of conduct should be implemented as early as the start of their curriculum in university. Nkado (2011) referred to a competency model that can assess the competencies of quantity surveying students and whether they have a sustainable basis for professionalism, knowledge in their field and application of the code of conduct in Figure 2. The effectiveness of quantity surveying consultants meeting the needs of their clients in the construction industry is influenced by their application and recognition of the relevant competencies.

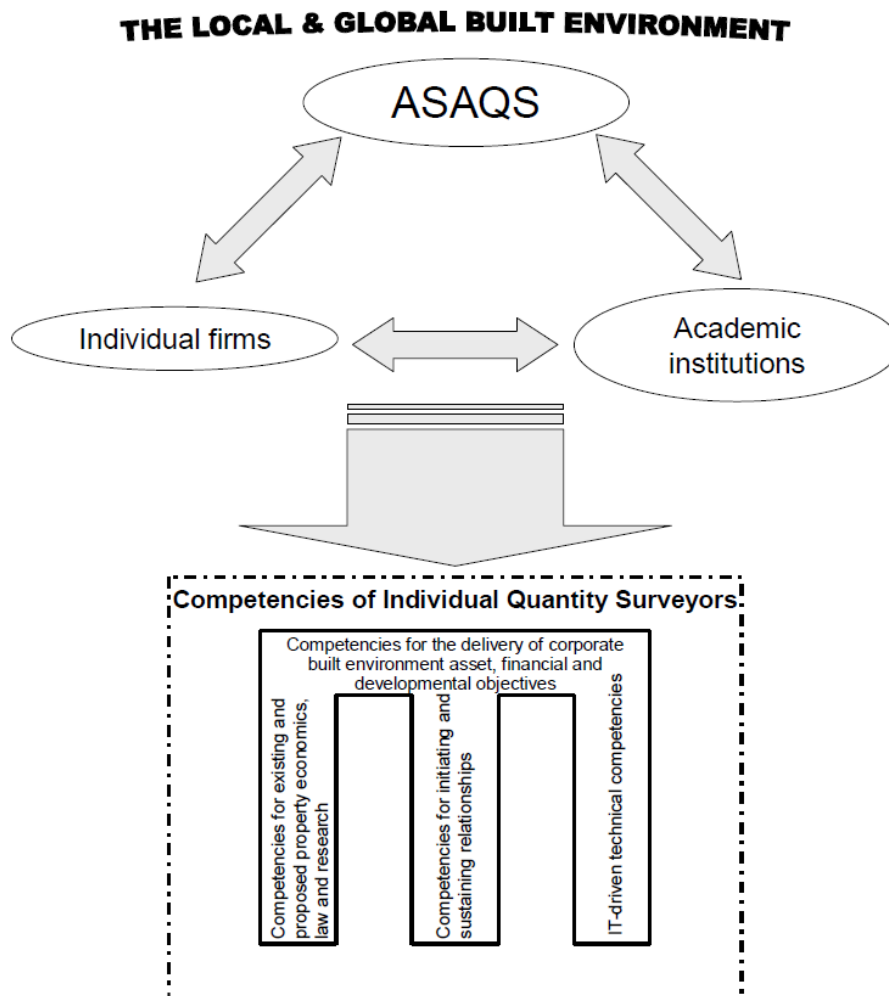


Figure 2, Competency model for quantity surveying students in South African universities, (Nkado, 2011).

2.2 IMPLEMENTATION OF CODE OF CONDUCT AND ETHICS

2.2.1 *Benefits of implementing the code of conduct*

Benefits when conducting ethical practices will include a good client and public-focused reputation and enhance the value of a quantity surveying company and their staff; contribute towards social and economic growth; sustainable growth; improved industry performance and best practice. There will be globally competitive standards, staff and company integrity will be valued, and all professions will be encouraged to comply with ethical standards and regulations. Projects will be safeguarded against any corrupt activities, less violation of laws and regulations, as well as decrease in claims and better teamwork in the project. Integrity and professionalism will be valued and seen as the key to any project's success, (Lombard, 2012).

When applying the ethical conduct, clients and the public will rest assured that quantity surveyors are practicing professionals that holds the following up to standard, (Mason, 2008):

1. **Objectivity** – to avoid situations where there may occur conflicts;
2. **Honesty** – Examples of dishonest behaviour are claims fraud, bribery, kickbacks, collusive tendering and preparation of forged documents to support claims. With honesty in place, dishonest behaviour will be reported to the appropriate criminal investigation bodies. This step will ensure that people would not want to jeopardize their positions in an organization where a culture of honesty exists;
3. **Reliable** – For people to be trusted to carry out the work they are hired and have the necessary skills they proclaim to have;
4. **Fairness** - All business activities will be carried out in an fair and ethical manner;
5. **Fair reward** – This will ensure that people are rewarded fairly for their work carried out;
6. **Integrity** – To have the overall idea that the construction project must be safe, reliable, affordable and secure, so that professionals do not only focus on their own or their client's narrow agenda;
7. **Accountability** - To go the extra mile instead of only carrying out the particular role of what the professional has to deliver and the need to provide information or warning when identified.

There is an increasing importance for company ethics and corporate social responsibility, when the ethical standards are being upheld there are several benefits for quantity surveying companies:

- Companies can better attract and retain staff of high caliber;
- Companies can have a better staff morale;
- Companies can gain better competitive advantages than irresponsible firms;
- Companies can gain an enhanced company reputation;
- Companies can be seen as a benefactor rather than an exploitive company;
- Companies can be seen as progressive.

Most of these benefits are also applicable to individual quantity surveyors. These benefits will represent a strong business case that attracts socially responsible clients. A good business can be simply seen as an honest business.

2.2.2 Reasons why the code of conduct might not be implemented

Professional quantity surveyors' ethical training, interests and backgrounds are related to their interest considerations in dealing with common ethical dilemmas. The effect of some quantity surveyors' training background on their interest considerations, as stated by Ho (2006), are not as strong as one might expect, as it is reliant on the specific circumstances of a certain situation. However, there are cases identified where less experienced quantity surveyors have more emphasis on the interests of their colleagues and where there is a senior member who is also less educated the more emphasis is on the interest of their employer.

" *The Transparency International's Bribe Payers Index of 2011*", as described by Othman (2012), rates public works contracts alongside with the construction sector as the least best scored in terms of bribery and corruption. Due to the fact that the public works contracts and the construction sector are more at risk with regards to bribery than any other industry, because of the certain characteristics of this sector. The construction projects are unique, contracts being normally large is difficult to benchmark with regards to time and cost. Making it easier to boost and hide the extra expenditure. This can be seen as a segregated industry which involves sub-contractors and contractors that make the tracing of payments and the distribution of standards of practice more complex.

Quantity surveying professionals are required to be skilled and knowledgeable in the construction industry in their fields to improve their profession and deliver successful projects. Othman (2012) further states that a quantity surveying profession involves skills that are based on the theoretical knowledge and which require regular improvement and training. He also states that construction professionals need to demonstrate integrity and competence by passing tests, complying with the code of conduct, as well as providing a good service to the public. The ethics of professionals must seek to solve potential problems and to reduce the impact of these problems on the society at large. This can usually be achieved by being fair, not only to colleagues but to clients and the general public.

Quantity surveyors can either be regarding their self-interest more important than their employer or emphasizing the interest of their employer by sacrificing their own interest. The same can be said that quantity surveyors may regard their employers' interest more important than the interests of the general public. Post-work ethical training and education tools enhance quantity surveyors to regard their interest and the interest of the public important too, by enhancing the emphasis on a balance between all relevant parties. Self-interest of quantity surveyors runs against the interest of their client, superior and employer.

Ho (2006), further argues that the time and place of situations where quantity surveyors have to make decisions when faced with ethical dilemmas are vital and deterministic to what decision they will make and actions they will take. This pinpoints the unpredictable nature of the decision-making process when faced with ethical problems. However, two scenarios cannot be generalized with each other as each scenario is different and each quantity surveyor has a different background with different interests. The one conclusion that can be made is that less experienced quantity surveyors place more emphasis on the interest of their colleagues.

Mason (2008), is of the opinion that the closer a professional is to the harsh realities of business dealings, the harder it is to maintain the required ethical standards. Ethics therefore plays a role in the general business practice in the construction industry.

The cause for ethical failure in a business is linked to the organisational culture of that business, as well as the failure by leadership to efficiently enforce and promote ethical practices. Ethics of a person are the reflection of the values, one's personality, beliefs and their background which is connected to the influence of the value systems that is also then reflected by the company where they are employed.

This later results that an individual's personal sense between right and wrong becomes intertwined and hidden among the company's non-observance of professional ethics. The main problem is ethical quality control throughout the company.

Mason (2008) undertook a study where respondents were asked about situations that deal with unethical behaviour, specifically with regards to collusive tendering. The results indicated an astonishing 88% of quantity surveyors questioned had experienced or witnessed collusive tendering. The chance of unethical behaviour decreasing was slim, as 32% of respondents responded that the problem became bigger in the last ten years and 64% said the problem stayed consistent. This indicates that there is an extreme depression in the construction industry of South Africa during this period and it suggests that construction professionals may have possibly formed groups in order to spread the work in a radical effort to reduce the chances of a financial disaster.

Mason (2008) further proposed that a wide adoption within the industry of the following approach would be an ideal way to ensure approaches within the industry are more ethical: *"If your business decisions and motives were published on the front page of a large circulation newspaper the day after you make your decision, and you still feel comfortable, then do it."* However, in concluding that the business decisions stay private rather than in the public, it would be best to consider another solution.

The temptation for construction professionals can be seen as irresistible in the industry when they get caught in a compromising situation. Whether this is an example of applying leverage or cutting corners in the construction business dealings, the potential for unethical behaviour are too great to consider. Another reason can be that expectations of clients can lead to dilemmas when professionals are not experts in areas where they need to provide objective advice and implementing solutions in their specialist areas. The pressures of professional fees are also a reason where some quantity surveyors lower their professional standards, however Cunningham's (2011) observation is that professionalism must go beyond the client's needs and brief by writing:

"A professional man is one who, in the judgement of his peers has proved himself competent in the exercise of the work he has undertaken. He is one who is not limited in the performance of his duties by a timetable or, when he understands his work aright, by the ability of those he serves to pay him. He does not practice his skill as a mere technician, but as a human being, conscious of the fact that he is dealing with human beings in the complexity of human situations."

Upholding the ethical principles of a profession is the main reason why people trust in professional bodies and these professions' only way of survival is when the public remains confident in the fact that professionals are ethical. For quantity surveyors, ethical behaviour and transparency are very important as they are involved in financial transactions of the construction project (tenders, procurements, contractual arrangements, valuations and payments). These areas are prone to corruption and malpractice due to the fact that this sector deals with the basis of personal relationships.

There is a large tolerance for irregular tendering practices among some quantity surveyors where a shocking 40% of quantity surveyors were offered or accepted bribes. With a range of fraudulent activities, Cunningham (2011) describes the construction industry to have low ethical standards. These activities include:

- Cover pricing;
- Theft;
- Bid rigging through collusion;
- Illegal compensation to illegal bidders;
- Deception;
- Systematic overvaluation.

Othman (2012) describes forms of unethical behaviour that normally take place in the construction industry:

1. Negligence - the lack of care and attention which is deemed to be acceptable by professionals;
2. Unfair conduct – for example unfair competition, unfair business practice and unfair contracts;
3. Collusion – an agreement which is secret among more than one person in order to restrict open competition by being defrauding, as well as misleading or deceiving;
4. Conflict of interest – when there is a corporate or personal benefit where a professional or official is being exploited;
5. Fraud and bribery – corruption is in the form of bribery and fraud.

Othman (2012) further states that certain quantity surveyors are tempted into deceiving their clients by paying more for services that they provided. Other common and unethical behaviour in the quantity surveying profession is the uncompromising denial and negligence of liability when a quantity surveyor is faced with the experience and capability challenges. Office resources which are being abused for personal use has become more visible and common within quantity surveying organizations and embezzlement of office time, as well as the common display of indolence at work.

There are various factors that lead to unethical behaviour in the construction environment. There are a few factors that make the construction environment vulnerable to corrupt and unethical behaviour and include:

1. The infinite level of formalities to acquire official permits and approvals;
2. Fierce competition for contracts;
3. The prospect for delays, time, time overruns, as well as the slowdown in real growth, that is felt by all and becoming a more prominent contributor to corruption;
4. Price comparison is difficult due to the individuality of most projects.

Not only is the reputation of the quantity surveying profession impacted through malpractice and corruption, but it also deteriorates the members of that profession and reduces or removes the confidence of the public in them completely.

2.2.3 Ethical practices in South Africa and application of the code of conduct

The ethical practices of the “Code of Conduct” in South Africa, as well as RICS, the code of conduct for Namibia and Botswana is scrutinized in order to establish what the rules for members are and what they need to comply to, in order to carry out their duties in an ethical and professional manner.

2.2.3.1 With reference to the code of conduct under the ASAQS (2005) that is published in accordance with Section 5.1 of the Constitution of South Africa

The code of professional conduct for members of the ASAQS must:

1. *“Respect the skills, prospects, practices and reputations of other members and quantity surveyors;*
2. *Have the public interest at heart;*
3. *Carry out their duties with competence, fidelity, efficiency, with delay and confidentiality to their employers;*
4. *Uphold the reputation, dignity and standing of the quantity surveying profession;*
5. *Disclose any conflicts of interest known to their employers and take all the required steps to resolve the conflicts;*
6. *Comply with South Africa’s laws;*
7. *Maintain, apply and develop the required skills and knowledge needed for the work they are employed for;*

8. *Be impartial and fair in the provision of judgement and advice to an employer or another party to a construction building contract that they are involved in.”*

Ethics of a member of the ASAQS are that a member must:

1. *“Prevent using advantages of a position which is salaried in order to compete unfairly with other quantity surveyors;*
2. *Prevent submitting price proposals under certain circumstances, without the knowledge of the Board, these price proposals create competition for professional work on the basis of fees;*
3. *Prevent from knowingly competing with other professional quantity surveyors with whom negotiations are taken for professional work;*
4. *Prevent from reviewing another quantity surveyor’s work or the work of a company of which they are not a member, for a specific client, except:*
 - 4.1 *When there is no claim for compensation to the knowledge of the quantity surveyor, close corporation or company under review who is employed previously in connection with the related work and whose employment have been terminated and remains unsatisfied, without notifying the quantity surveyor, close corporation or company, as well as the Board first;*
 - 4.2 *When the quantity surveyor, close corporation or company involved are aware of the review and are given an opportunity to submit their comments on the review findings;*
 - 4.3 *When the involved quantity surveyor, close corporation or company’s employment is discontinued.”*

In addition, with the above mentioned, there are technical competence guidelines where a member must:

1. *“Pursue to stay up to date with the professional and technical developments in the environments, industry and/ or the profession where she/ he operates in, by way of to continue with professional development as it is stipulated by the Board;*
2. *Only approach work for the execution thereof in the field where he/ she is competent through experience and training and only adequately competent personnel is appointed as demanded by the task for which he/ she is employed;*
3. *Preserve and maintain the original records of the contractual and technical documents that verifies his/ her work for a period of 3 years after the project has been completed and the final account is completed, as well as to make such documents*

available to the responsible and relevant parties that reasonably request such documents;

4. *Exhibit her/ his name of the firm, close corporation or company where she/ he is a member, or her/ his name on all the certificates, bills of quantities, specifications or other professional documents with respect to the work she/ he performed or performed by another person in her/his employment or by any employee or member of the company or the close corporation where she/ he is a member;*
5. *Avoid making or offer to make by means of commission or otherwise, payments or other consideration to obtain professional employment, either personally or through the agency of another person, whether or not that person is in her/ his employment.”*

In addition, with the above mentioned, there is extra professional activities where a member must:

1. *“Except for the regulation 7 in under the guidelines for professional business practice, she or he:*
 - 1.1 *Avoid undertaking in any building activity, except where she/ he is in the capacity of being a part owner or owner of the project or building being built or executed;*
 - 1.2 *Avoid serving as a director or an employee or in any like capacity in any company, undertaking or firm that carries out manufacturing, supplying or contracting business who is involved in the construction or building work;*
 - 1.3 *Avoid having a financial interest in any firm, company or undertaking, either personally or through the agency of another person, that carries out a manufacturing, supplying or contracting business that is involved in the construction or building work. Provided that nothing will prevent her/ him to invest in shares or stocks of any public company which is listed on the stock exchange that is licensed in terms of the Stock Exchange Control Act, 1947 (Act 7 of 1947);*
2. *While serving as a director or employee or any other capacity in any form, company or undertaking in any manufacturing, supplying or contracting business who is involved in construction or building work or to have a financial interest in any firm, company or undertaking other than a public company that complies with the provision of regulation 8 under the guidelines for professional business practice:*
 - 2.1 *To avoid doing or holding her-/ himself out to do the work of a quantity surveyor, whether it is for rewards or other, except when it is directly or only for such firm, company or undertaking;*

- 2.2 *Avoid holding her-/ himself out to be in the private professional practice as a quantity surveyor in order to give advice which is independent on matters of cost, management or contract;*
- 2.3 *Avoid allowing her/ his professional designation to be used on advertisement or brochures which is issued by the firm, company or undertaking or by other means in a way that specifies or implies that an independent construction or project management service can be provided.”*

A member shall in accordance with professional business practice of the ASAQs:

1. *“Advertise their professional services to be true, dignified, credible, true and not misleading or self-laudatory or imply that another quantity surveyor will carry out a lesser service:*
 - 1.1 *Indicate their practice, experience or availability by direct approaches to organizations or individual person by way of a pamphlet, directory or brochure describing their capabilities;*
 - 1.2 *Display their practice name and name outside their office;*
 - 1.3 *Display their practice name and name on the site during the duration of alterations, extensions or construction where they carry out quantity surveying services;*
 - 1.4 *Be interviewed or send to the media articles about their work or construction industry topics, in general, with the rule that they do not offer or give monetary or other consideration for telecasting, broadcasting or publication*
 - 1.5 *Employ a public relations consultant or another designated person to carry out the public relations as required in the context of these regulations;*
2. *Notify the Board when there is a change of employment or address;*
3. *Indicate on all brochures and letterheads, the locations and names of associates and principals in order to clearly indicate the full extent of the business entity to the public;*
4. *Notify the Board when members enter into or dissolve a professional partnership or becoming a shareholder/ member/ director or ceasing to be a member of close corporation or company, in writing;*
5. *Gain approval from the Board in order to:*
 - 5.1 *become a member of another company that is established different from the terms of section 22A of the Act or a close corporation established in terms of section 22B of the Act, in order to carry out the work as a private quantity surveyor;*

- 5.2 enter into any partnership with another person who is not a quantity surveyor for the purpose to deliver a quantity surveying service in a private professional consulting practice;*
- 6. Ensure that the firm or the name of the firm is not misleading or contain their personal names without the permission of the Board;*
 - 7. Prevent doing anything they are not allowed to do though a company or close corporation;*
 - 8. Ensure that all offices or branches are conserved for the purpose of carrying out services for quantity surveying in a private professional consulting practice, but under the personal and direct supervision and control of a registered professional quantity surveyor. There must be given other indications that her or his practice extends to any other branch or office that is not controlled in the same way or compliant with the regulations stated above.”*

2.2.3.2 With reference to the code of conduct under the SACQSP Code of Conduct which is published in accordance of The Quantity Surveying Profession Act 2000 (Act no 49 of 2000), revised March 2013

“Quantity surveying practices and registered persons are subject to the disciplinary supervision of the council. The rules give standards of professional practice and conduct and failure to follow the guidance of these rules will be considered when it becomes necessary to examine the competence or conduct of a registered person. The basis of the disciplinary proceedings is the code of conduct. Any complaint of unacceptable professional conduct or a serious professional incompetence will be investigated by the council. Any breach of any provision of the Act or any rule which is published in terms of the Act by a quantity surveying practice, would constitute as unprofessional or improper conduct when it is committed by persons who are registered, in the carrying out of their profession as natural persons in private practice, the council will then proceed against the principal officer of the practice.”

The code of conduct of the SACQSP indicates that registered persons must:

1. *“Conduct their duties to their relevant clients or employers with fidelity, integrity and honesty;*
2. *Have concern for public health, public safety and public interest in general;*
3. *Conduct their duties with their relevant clients or employers in an competent and effective way;*
4. *Order their conduct as to uphold the standing, reputation and dignity of the quantity surveying profession;*
5. *Ensure that work which is carried out on behalf of a registered professional quantity surveyor, by an employee or by anyone else that is acting under a registered profession quantity surveyor’s control or direction, this registered person will be responsible to ensure that the person is competent to perform the task, as well as when necessary, be adequately be supervised;*
6. *Not offer to undertake or undertake professional work where their training, experience and education have not provided them competent to perform;*
7. *Provide services or work of a scope, quality and to a level that corresponds with accepted practices and standards in the profession;*
8. *Disclose to their respective clients or employers or prospective clients or employers, in writing:*
 - 8.1. *The particulars of any royalty or another benefit that may accrue or accrues to them as a result of such work;*
 - 8.2. *Any interest, whether it is financial or otherwise, that they may have in any firm, organization, company or with any person, which is related to the work they have been employed for or may be employed for;*
9. *Not, subject to paragraph 8 receive, either indirectly or directly, any commission, gratuity, or another financial benefit on any process or article used in or the purpose of the work in the respect quantity surveyors are employed, unless such commission, gratuity or other financial benefit has been approved by the client or employer concerned, in writing;*
10. *Not damage the professional business or reputation of another registered person when practicing their profession or by other means;*
11. *Not knowingly attempt to undermine another registered professional quantity surveyor in a certain appointment after the client has employed the registered professional quantity surveyor;*

12. *Not knowingly allow misrepresentation or knowingly misrepresent their own professional or academic qualifications or those of any other person involved with quantity surveying work, nor knowingly overemphasize their own degree of responsibility for quantity surveying work or that of any other person involved in it;*
13. *Not advertise their professional services in a manner that self-laudatory or that is inaccurate or misleading or derogatory to the dignity of the profession;*
14. *Not review for a certain client another registered professional quantity surveyor's quantity surveying work, unless:*
 - 14.1. *With their written consent and prior knowledge, this consent will not be unreasonably withheld of the other registered professional quantity surveyor. There must also be a reasonable opportunity to submit their comments on the findings of the review to the client;*
 - 14.2. *After a notification is received in writing from the client, the engagement of the other registered profession quantity surveyor is terminated;*
 - 14.3. *Where the review is intended for purposes of a competent and recognized court of law in the Republic of South Africa or legal proceedings;*

Such review can only be undertaken, following the full settlement by the client who is instructing that the work of quantity surveyors must be reviewed. The above provisions will not surrender any lien or right of retention that the work of the quantity surveyor being reviewed may hold or have held, in respect to the work they have undertaken.
15. *Not place orders or contracts or medium of payments on their relevant client's or employer's behalf without any written authority from the client or employer concerned;*
16. *Not dispose of or destroy, without any satisfactory reasons, or knowingly allow any other person to dispose of or destroy of any drawings, calculations or contractual documents within a period of 5 years after the relevant project is completed;*
17. *Not issue any documents, drawings, specifications or reports of quantity surveying work prepared by them or another person under their control or direction, unless:*
 - 17.1. *The name of the organization considered is borne for such documents, drawings, specifications or reports;*
18. *May not personally or through any other person improperly seek to obtain quantity surveying work or by way of commission or otherwise, offer to make payments or make payments to a potential client or current client for obtaining such work;*
19. *May neither indirectly nor directly deal in property development and/ or construction projects for her/ his own account or for any considerations where:*

- 19.1. *These dealings for her/ his property development and/ or construction projects conflicts with her/ his responsibilities to her/ his employer or client;
or*
- 19.2. *She/ he has classified or confidential information regarding such property development and/ or construction project as a result of any quantity surveying work undertaken by her/ him: It is further provided that she/ he must not make any personal use of or disclose to others classified or confidential information which relates to the quantity surveying work undertaken by her/ him;*
20. *Order their conduct with regards to quantity surveying work that is outside the borders of the Republic of South Africa in accordance with these rules in so far as they are not inconsistent with the country's law concerned. Provided that where there are recognized standards of professional conduct in a country outside the Republic, they must adhere to those standards;*
21. *Ensure that, while engaged as members, directors, partners or trustees of a quantity surveying practice operating under the style of a sole proprietorship, a corporation, a partnership company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), or a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of 1984) (or any legislation which subsequently supersedes or reverses these Act) and which performs quantity surveying work of a nature generally performed in a quantity surveying practice, the control over the quantity surveying work of the company is exercised, and the responsibility in respect of it is carried, by a registered quantity surveyor;*
22. *In writing when requested from the council, provide the council with all the information available to them that may enable the council to determine which registered person was responsible for any act which the council considers 'prima facie' to be improper conduct;*
23. *In writing, give the Registrar notice within one month when there is a change of postal of physical addresses of residence or business;*
24. *In addition of the rules mentioned above, registered Candidate Quantity Surveyors:*
 - 24.1. *Must not practice for their own account;*
 - 24.2. *Must not perform any quantity surveying work without the continuous and direct supervision of a registered Professional Quantity Surveyor, except under circumstances that the Council will approve in writing;*
 - 24.3. *Must not practice in partnership, as a member or a close corporation, as a director of a company or trustee of a trust that is performing quantity*

surveying work except with the prior Council approval in writing and subject to any condition that the Council might impose.”

The following are the guiding principles for the establishment of a quantity surveying practice and the carrying out of business:

1. *“Written approval from the council must be acquired for a registered professional quantity surveyor to practice quantity surveying in any form and must within 30 days of the establishment of the business inform, in writing, the council giving the full details of the address from which the practice is conducted, type of practice and names of members, directors, partners, shareholders or trustees;*
2. *The use of impersonal names must be submitted to the council’s Registrar for approval;*
3. *Any changes in address, style, changes in the constitution of a practice and of its termination within 30 days of the relevant occurrence;*
4. *A registered professional quantity surveyor must not under such conditions as the council may prescribe, except with the permission of the council, enter into any professional relationship or association with any person who is not registered as a professional quantity surveyor or a member of a closely allied profession. The permission will not be given if the person concerned:*
 - 4.1. *Is qualified to register under any category that is provided under the Act, but has not done so;*
 - 4.2. *Is disqualified from registration under any provision of the Act or from a membership of any closely allied profession;*
5. *Two-thirds of registered professional quantity surveyors must control a quantity surveying practice in terms of the directorship, number, voting power and shareholding;*
6. *Registered members of the closely allied professionals will control a practice that carries out quantity surveying work, as well as being a multidisciplinary professional practice and the quantity surveying section or division must be under the supervision of a professional quantity surveyor at all time;*
7. *A practice must be dissolved, by order of the council, when a member, trust, partner or shareholder, who has not been a registered person, is found guilty of any action where she or he had been a registered person, would have constituted a breach of any provision of these rules or the Act;*
8. *A registered professional quantity surveyor will directly, continuously and personally supervise any office that is established for the purpose of carrying out a quantity surveying practice. Provided that permission may be given by the registrar for this type of*

office is supervised on an irregular basis for such period of time as the registrar may, in her or his direction, determine. The conditions of this permission are that a professional quantity surveyor, who is registered, must be present in this type of office at least one full day during normal operating hours per week and the time of attendance is noticeably displayed outside of the office. This type of permission will normally be granted under the conditions to allow time for the replacement of a professional quantity surveyor, who is registered, has resigned or left for some reason or to allow the staff or employment where an office needs to be established in an area due to the award of a project;

9. *The names of the sole directors, partners, principals, trustees or close corporation members, as the case may be, together with their registration states where the prescribed abbreviations are used. The members, directors or partners that are not registered with the council must indicate their professional qualifications and designations.”*

2.2.3.3 With reference to the code of conduct under RICS is created under Article 18 of the Supplemental Charter 1973 and Bye-Law 5 of RICS Bye-Laws. Version 6 of these Rules is applicable from 01 January 2013

“Code of conduct serves as a control system for members of a profession to use as a guideline. This guideline enables them to be more ethical and disciplined in their daily tasks as a professional. It also convinces clients and the public that members act in a professional sense with high standards. Members need to recognise that it is very important to apply self-regulation in order to keep up to date with the ethical standards and code of conduct, as one can quite quickly forget an important principle thereof. In connection with this, the Royal Institution of Chartered Surveyors (RICS) mentions the Rules of Conduct for Members and Firms that pertain to the construction industry. RICS enforces and promotes the highest professional standards and qualifications in the construction industry, as well as consistent delivery of standards. Any person or company registered with RICS must comply with their quality assurance, the same professional standards and ethics. For better regulation, RICS (2007) proposed five principles that could help; namely being transparent, consistent, accountable, proportionate and targeting.”

“The aim of these principles is to assist members when they face unfavourable situations and/ or circumstances where there is a chance that their ethical values and professionalism may be compromised.”

“The Rules of Conduct are compiled by the Regulatory Board of RICS (2007) under article 18 of the Supplemental Charter 1973 and By-law 5 of RICS By-laws which is applicable from 25 April 2017.”

“The Rules of Conduct for Firms expects quantity surveying firms that are registered to adhere to the professional conduct and practice. However, it is important to know that shortcomings of firms or failure to comply with the rules will result into possible disciplinary proceedings, but when quantity surveying firms fail to follow the guidance from the Rules, they will be asked to justify the steps taken.”

Quantity surveying firms must be guided by the express terms as much as by the spirit of the Rules. The Rules for quantity surveying firms are the following:

1. *“Providing a service to the public*
 - 1.1. *Quantity surveying firms should provide a service to the public in a responsible way to the professional team and clients;*
2. *Communication*
 - 2.1. *RICS communicates with its members through email, post, fax, telephone or in person;*
3. *Service*
 - 3.1. *Quantity surveying firms must carry out their work in a professional way with regard to the expected standards of customer service and care;*
4. *Indemnity*
 - 4.1. *Full indemnity cover for all current and previous professional work of a quantity surveying firm meeting the standards of the Regulatory Board;*
5. *Complaints handling*
 - 5.1. *A complaint handling procedure (which includes an Alternative Dispute Resolution mechanism approved by the Regulatory Board) must be handled by the quantity surveying firm and they must maintain a complaints log;*
6. *Training and Continuing Professional Development (CPD)*
 - o *Staff in quantity surveying firms must be properly trained and competent in their daily work;*
7. *Clients’ money*
 - a. *Client’s money must be securely preserved in the course of the business or practice;*
8. *Solvency*
 - 8.1. *A quantity surveying firm’s finances must be managed properly;*

9. *Co-operation*

9.1. *A quantity surveying firm must fully co-operate with any appointed person at the Regulatory Board and the RICS staff;*

10. *Information to RICS*

10.1. *A quantity surveying firm must submit information regarding their activities in a timeously manner as the Regulatory Board may reasonably require;*

11. *Advertising*

11.1. *The professional services of a quantity surveying firm must be promoted in a responsible and truthful manner;*

12. *Death or incapacity of a sole practitioner*

12.1. *Necessary arrangements must be in place in the event of incapacity or the death of the sole director of the firm;*

13. *Use of designations*

13.1. *Any business literature of a firm registered for regulation must display that it is regulated by RICS;*

14. *Competence*

14.1. *A quantity surveying firm shall carry out its professional work with due skill, diligence, care and the necessary regard for the technical standards;*

15. *Professional behaviour*

15.1. *A quantity surveying firm shall at all times try to avoid conflicts of interest or actions, avoid situations inconsistent with their professional obligations and act with integrity."*

"The Rules of Conduct of RICS (2007) for members expects that quantity surveying members are registered to adhere to the professional conduct. However, shortcomings on any part of a member or failure to comply with the rules will result into possible disciplinary proceedings, when members fail to follow the guidance from the Rules, members will be asked to justify the steps taken by them. Members must be guided by the express terms as much as by the spirit of the Rules."

The Rules for members are the following:

1. *“Co-operation*
 - a. *Members must fully co-operate with any appointed person at the Regulatory Board and the RICS staff;*
2. *Information to RICS*
 - a. *Members must submit information in a timeously manner as the Regulatory Board may reasonably require;*
3. *Communication*
 - a. *RICS communicates with its members through email, in person, via post, fax or telephone;*
4. *Members*
 - a. *Members must be a Chartered members, non-Chartered member or Honorary member;*
5. *Competence*
 - a. *A member shall carry out his or her professional work with due care, skill, diligence and the necessary regard for the technical standards of what is expected of them;*
6. *Service*
 - a. *A member must carry out his or her work professionally with regard to the expected standards of customer service and care;*
7. *Ethical behaviour*
 - a. *A member shall at all times try to avoid conflicts of interest or actions, act with integrity and avoid situations inconsistent with their professional obligations;*
8. *Solvency*
 - a. *A member’s professional and personal finances must be managed appropriately;*
9. *Training and Continuing Professional Development (CPD)*
 - a. *A member must ensure to continue with professional development in order to comply with RICS’s requirements.”*

2.2.3.4 With reference to the code of conduct for quantity surveyors under the “Architects’ and Quantity Surveyors’ Act 13 of 1979” of the Republic of Namibia

A quantity surveyor or a quantity surveyor in training must carry out his or her duties and comply with the following rules:

1. *Quantity surveyors must uphold the standing, dignity and reputation of the profession;*
2. *Quantity surveyors must not conduct duties in a way to bring discredit to the profession;*
3. *Quantity surveyors must have full regard for the public interest while in performance of their functions;*
4. *Quantity surveyors do not undertake work where training and experience of have rendered them incompetent;*
5. *Quantity surveyors do not conduct themselves dishonourably with the work performed;*
6. *Quantity surveyors must order their conduct with regards to quantity surveying work outside the borders of the territory in accordance with the regulations;*
7. *Quantity surveyors not directly or indirectly damage the professional reputation, professional business or prospects of any other quantity surveyor;*
8. *Quantity surveyors must carry out their duties in a competent and efficient manner without any delay and with complete fidelity;*
9. *Quantity surveyors must not:*
 - 9.1. *Participate in any building trades, except in their capacity as a part owner or owner of a building being erected;*
 - 9.2. *Have any financial interest in any business involved in construction or building work;*
 - 9.3. *Serve as a director or employee of a business involved in construction or building work;*
10. *Quantity surveyors shall, while serving as a director or employee while having a financial interest in a business involved on construction or building work comply with the following:*
 - 10.1. *Ensure that his/ her name, as well as professional designation be used on advertisements or brochures issued by such business which implies that an independent quantity surveying service can be provided;*

- 10.2. *Not hold or do him-/ herself out to do the quantity surveying work for remuneration or otherwise, except for such business only;*
- 10.3. *Not hold him-/ herself out to be in private practice as a quantity surveyor or in positions to give independent advice on matters like costs, pricing or contract;*
11. *Quantity surveyors must not sign as a quantity surveyor or identify as being issued by him/ her bills of quantities or other documents for which he/ she is not the lawful author;*
12. *Quantity surveyors will not use the advantages of a position that is salaried in order to compete unfairly with other quantity surveyors;*
13. *Quantity surveyors will not issue any specifications, bills of quantities, final accounts, certificates or professional documents with regards to work performed by themselves or another person under their employment or any member unless they bear the name of the quantity surveying business or business of which they is a member;*
14. *Quantity surveyors must not knowingly take commission while a claim for compensation of a previously employed quantity surveyor on that commission and whose employment has been terminated remains unsatisfied, without notifying the council and quantity surveyor previously employed first;*
15. *Quantity surveyors must not offer to undertake or undertake a commission for remuneration less the fees prescribed under the Act without getting prior consent from the council;*
16. *Quantity surveyors must not attempt to obtain or obtain work by means of paying or offering a monetary or any other valuable consideration or encouragement;*
17. *Quantity surveyors must not review the work of another company or quantity surveyor of which they are not a member for the same client except with the knowledge of that quantity surveyor or company, unless the work of that quantity surveyor or company is being reviewed and their engagement is terminated;*
18. *Quantity surveyors must not prepare or submit bills of quantities, feasibility studies, estimates of cost or other similar documents for which their business has not been engaged professionally;*
19. *Quantity surveyors must not directly or indirectly receive commission, gratuity, royalty or other remunerations for which they are employed until the employer or client is notified, in writing, of such commission, gratuity, royalty or other remuneration;*
20. *Quantity surveyors must not act unfairly against the interest of a building contract or any part of it;*

21. *Quantity surveyors must not issue or advertise letters or circulars to people other than people with whom there is an existing business relationship, in a manner calculate to attract clients;*
22. *Quantity surveyors shall neither personally nor through an agency or any other person, whether or not that person is in their employment, canvass or solicit professional employment or offer to make payment in order to obtain such employment;*
23. *Quantity surveyors shall not enter or dissolve any form of professional partnership or association, cease to become a member or become a member without notifying the council;*
24. *Quantity surveyors must not knowingly compete for professional work with another fellow quantity surveyor with whom negotiations are taking place with respect to such work;*
25. *Quantity surveyors shall not, in their capacity as a quantity surveyor in a private practice, enter into a partnership or other association with another person other than an architect or quantity surveyor in private practice, except with the prior consent of the council;*
26. *Quantity surveyors shall within two months of being instructed by the council dissolve any partnership; cease to be a member of a company at which they are a member. The council shall only instruct this after proper enquiry when the person is not registered under section 11 of the Act and is guilty of an offence;*
27. *Quantity surveyors will not perform work as a quantity surveyor in a private practice within the borders of the territory, unless they maintain an office within the borders of the territory;*
28. *Quantity surveyors shall display on the firm's letterheads the names of the principal(s), directors and/ or partners of the firm and describe the services rendered in a factual manner and related only to the professional work of the professional disciplines represented in the firm;*
29. *Quantity surveyors must not use a name for the firm that may be misleading content for the style, title or name of the firm, nor use any other name than his/her personal name or names with a style or title without the proper approval of the council;*
30. *Quantity surveyors must notify the council when there is a change in address or employment without any delay;*
31. *Quantity surveyors must not maintain office for the purpose of carrying out work as a quantity surveyor in a private practice without the proper, constant, personal and direct supervision of a registered quantity surveyor nor indicate that this type of practice extends to any office without complying to this paragraph;*

32. *Quantity surveyors must not willfully fail or destroy for three years, without a valid reason, to produce original documents or any other evidence necessary for the verification of the work done after final completion of the contract and settlement of all accounts;*
33. *Quantity surveyors must not engage or act in private practice as a quantity surveyor under a style of a company or through a medium company in association with a company purporting (to do work that has been prescribed under Section 7(3)(b) of the Act:*
- 33.1 *Unless the company is a private company limited by shares incorporated under the Companies Act, 1973, the memorandum shall contain the following:*
 - 33.1.1 *Provision to the effect that the former directors and directors of the company shall be liable, severally and jointly, together with the company for debts and liabilities of the companies as where or are contracted during their periods in the office;*
 - 33.1.2 *Subject to paragraph 28, the name of the company to include the word "Incorporated" as the last part of its name;*
 - 33.1.3 *A provision of the effect that the company is established for the purpose of carrying out the work of a quantity surveyor provided that the company shall not carry out the work of a quantity surveyor, unless at least one of the members are a quantity surveyor and the work may include the work of an architects or other work which is approved by the council;*
 - 33.2 *The articles of the company must contain provisions to the effect that:*
 - 33.2.1 *The members of the company shall be natural persons who are only quantity surveyors registered under the Act, provided that:*
 - 33.2.1.1 *The members may include architects registered under the Act and any other person approved by the council;*
 - 33.2.1.2 *In the event of death of a member or the ceasing of the member being qualified as a member for any reason, any shares in the company held by him/her prior hereto can continue to be held by him/her for a period the council can determine but the voting rights of the shares shall during such period will be exercised by a member which is nominated in writing by the disqualified or deceased member, prior to the death or disqualification. Failure of such*

nomination, the chairman shall exercise the right for the time being of the company;

33.2.2 In the event of member ceasing to be qualified or death, the remainder of directors must take the necessary steps to ensure that the provisions of sub-paragraph 33.2.1.2. are complied with for the period determined by the council;

33.2.3 Every director of the company shall be a member thereof and every member whether or not director, shall be the beneficial owner of the shares registered in his/her name;

34. No quantity surveyor shall be allowed to do anything through a company which he/she would not be allowed to do otherwise;

35. Any act done by a member or done on behalf of the company which will constitute as improper conduct when done by a quantity surveyor, shall be deemed to have been done by each member of the company who is a quantity surveyor unless it can be proved that he/she did not knowingly take part in the commission of the act and could not have prevented it.”

2.2.3.5 With reference to the code of conduct for quantity surveyors under the “Quantity Surveyors’ Registration Act, 2013” for Botswana

“The Code of Conduct in Botswana for quantity surveyors reflects the culture and character of the quantity surveying profession, as well as spirit of the law governing it. These are the key principles which are identified that must give guidance in the day to day practice and emphasises the core values quantity surveyors must honour. The Code has set out minimum professional conduct standards and practice which is expected of quantity surveyors when providing services. Quantity surveyors must recognise their responsibilities to the public and fellow professionals and not only their responsibilities to their clients.”

“When quantity surveyors adhere to the Code, they demonstrate an on-going commitment to ethical business practices, as well as honesty, integrity and providing effective and efficient services. In order to ensure confidence is being maintained by the public at a high level, quantity surveyors must subscribe to this Code and express commitment. Quantity surveyors are bound by this Code and when they act contrary to

the conduct there will be consequences of suspension, striking or reprimand off the QSRC Register.”

“It is every quantity surveyor’s responsibility to report any breach of this Code to the Registrar for investigation in accordance with the Registration Regulations and Act. Should there be any transgression by a company or partnership, it shall be deemed that there is a transgression by the individual Quantity Surveyor(s) being the director(s) or partner(s).”

The following are the guiding principles of this Code for quantity surveyors:

1. *“Statutory duty*

- 1.1. *It is important for quantity surveyors to be aware of their legal obligations, as well as to ensure that all their employees must comply with these obligations in full and all relevant legislation in the future;*

2. *Interest of the public*

- 2.1. *Quantity surveyors must accept and recognize that they have a responsibility towards the public and they must conduct their professional services, at all times, in a manner that maintains this;*
- 2.2. *Quantity surveyors must aim to ensure when conducting their business, the confidence of the public in terms of honesty, integrity and probity of the profession is maintained by adhering to ethical behaviour in the highest standards;*

3. *Ethical conduct*

- 3.1. *In the day to day practices of quantity surveyors, they must comply with the ethical standards of business practice and act with fairness, integrity and independence towards the public, fellow professionals and their clients;*
- 3.2. *At all times a quantity surveyor must, when conducting their business, uphold the standards which are set out in this Code and conduct themselves in accordance with the standards that are expected from quantity surveyors in their practice;*

4. *Professional conduct*

- 4.1. *Quantity surveyors must act in a manner which is consistent with the good reputation of the profession when conducting their business and avoid any conduct that may discredit it;*
- 4.2. *The latest conduct, in order to avoid doubt, does not include:*

- 4.2.1. *Normal competitive commercial activity, or;*
- 4.2.2. *Advertising are not prohibited elsewhere in this Code;*
- 4.3. *When a client transfers work to one quantity surveyor from another, without there being a case of unprofessional conduct or failure to perform, the second quantity surveyor will be liable to inform the client that she/ he might be liable for fees to both quantity surveyors;*
- 4.4. *Quantity surveyors must not take over another quantity surveyor's work without properly verifying that the contract with the existing quantity surveyor has been terminated first;*
- 4.5. *Quantity surveyors must inform their employer or clients when an assignment requires experience and or qualifications that may be outside of their field of competence or may otherwise compromise their obligations in terms of this Code of Ethics & Professional Conduct;*
- 4.6. *Quantity surveyors must at all times act objectively, free from any conflict of interest and with honesty, as well as not allow that their actions or advice be unnecessarily influenced by other people;*
- 4.7. *When providing professional services or executing their mandate as employees, quantity surveyors must always apply the known standards or professional best practice as published in Botswana or elsewhere. Quantity surveyors who choose to not apply best practice or standards to any professional task must only do so for good reason and be able to explain such actions;*
- 4.8. *Quantity surveyors, who are registered, must not issue any document(s) with respect to quantity surveying work performed by themselves or another person in their employment unless it displays their signature or stamp;*
- 4.9. *Quantity surveyors shall not offer to undertake or undertake a project for payment that exceeds the approved published tariff fees;*
- 4.10. *Quantity surveyors must not sign as a quantity surveyor or otherwise identify as having been issued by her/him any Bills of Quantities or other documents of which she/he, an employee of the company which she/he is a member or her/his firm, is not the authentic author;*
- 4.11. *Quantity surveyors must not attempt to obtain or obtain quantity surveying work by way of paying or offering a monetary or another valuable inducement or consideration;*

- 4.12. *Quantity surveyors must not knowingly compete with another fellow quantity surveyors for professional work with whom any negotiations are taking place with respect to such work, after the initial bidding process;*
 - 4.13. *Quantity surveyors must notify the Council when there is a change of employment or address without any delay;*
 - 4.14. *Quantity surveyors must not, in their capacity as a quantity surveyor in the private practice, dissolve or enter into any form of professional association or partnership, nor will they become a member or cease to be a member of any company without notifying the Council;*
 - 4.15. *Quantity surveyors must ensure that they will be able to provide adequate technical, professional and financial resources when entering into a contract and throughout the duration, as well as to acknowledge the right of the Council to carry out an inspection, at any time, in order to verify the acceptability of such resources;*
 - 4.16. *Quantity surveyors will not offer professional services which is not declared to their employer;*
 - 4.17. *Quantity surveyors must not make decisions in a professional sense based on personal consideration, including and not limited to any cabal activity like, bribery, nepotism, favouritism or sexual favours;*
 - 4.18. *Quantity surveyors must not offer any gift or other considerations in order to secure any work;*
 - 4.19. *Quantity surveyors must not accept any commission to review another quantity surveyor's work with first informing the other quantity surveyor. This review of work will be limited to whether or not the quantity surveyor's work was professionally executed and not to any subjective opinion;*
5. *Conflict of interest*
- 5.1. *Quantity surveyors that have a conflict of interest, financial or otherwise where they are in a position of trust that requires the exercise of judgment on behalf of a person for whom they are acting, as well as has either business of private interest or obligations of sort which can interfere with the exercise of their judgment;*
 - 5.2. *Where quantity surveyors are offered any form of inducement by a potential third party or a third party, they must inform their client and employer immediately;*

5.3. *Where quantity surveyors identify the existence of or the potential for a conflict of interest they must, as soon as practicable, inform the person for whom they are acting, before carrying out the work, in writing, of the circumstances and until that person(s) consent(s) or request(s) in writing to their continuing to act, they must cease to act in provision of such service;*

6. Confidentiality

6.1. *The information gathered during the course of business gives a duty of confidentiality;*

6.2. *Confidential information can only be used or disclosed in accordance with statutory requirements. This duty of confidentiality must remain even after the termination of the relationship;*

7. Professional development

7.1. *Quantity surveyors must be aware of the content of any new amendments to existing Acts and the content of any new Acts which affects quantity surveying work, as well as guideline or requirements issued by the Council, every now and then, on Continuous Professional Development or conditions of engagement;*

7.2. *Quantity surveyors must have an on-going duty to maintain their professional skills and knowledge at a level that ensures that they deliver an effective and efficient service to the highest standard in accordance with the QSRC Regulations;*

8. Insurance

8.1. *Quantity surveyors, who are registered and work as Consultants must arrange or have the client or employer arrange suitable insurance cover with respect to professional indemnity, together with the statutory insurance;*

8.2. *Quantity surveyors must provide evidence that the insurance requirements have been met which is expected from them in such form, manner and to the extent the Council every now and then require;*

9. Record of services

9.1. *The records of the services provided must be kept and stored for a period of at least seven years, as well as be made available for inspection by the Council when it is requested;*

- 9.2. *Quantity surveyors must not deliberately fail or destroy, without a valid reason, in order to produce dimension and other documentary evidence that is required for the verification of their work until the seven years after the completion of the contract, as well as the settlement of all accounts;*

10. Advertising

- 10.1. *Quantity surveyors must not publish or cause to be published any advertisements or material which are false, dishonest or misleading. Any advertising material must take note of the consumer regulation and advertising codes.”*

The following are the principles for the relationships with clients for quantity surveyors:

1. “Provisional of Services

A quantity surveyor must take the necessary steps in order to ensure that:

- 1.1. *They must at all times provide a fee proposal, including a submission that outlines the experience, skills, resources, etc.;*
- 1.2. *They must fairly compete with other registered Firms, Partnerships and quantity surveyors by means of promoting the principle of “selection of quantity surveyors by client” upon the basis of merit, not only on the basis of fees alone;*
- 1.3. *They must provide professional services of high standard;*
- 1.4. *They engage in the provision of services in which they are qualified and not claim to have the experience or expertise that they do not possess;*
- 1.5. *They do not do anything carelessly or maliciously to damage, either indirectly or directly, the prospects, reputation or business of other quantity surveyors;*
- 1.6. *There is clarity on the precise scope and nature of the services which are requested by the Client;*
- 1.7. *There is clarity by the client on the exact nature of service to be provided by the quantity surveyor;*
- 1.8. *No letter of engagement or agreement that is entered into for services which a quantity surveyor has not a reasonable expectation to fulfill by nature of competence, resources and ability;*

- 1.9. *Where a quantity surveyor needs specialist expertise in order to assist with the discharge of the agreed services, he/she must inform and get consent from the client before any agreement is entered into with any specialist;*
 - 1.10. *They do not want attempt to replace or replace another firm, partnership or quantity surveyor who or which has been awarded a contract;*
 - 1.11. *An agreement for the provision of services and conditions must be duly signed by bother parties and be in writing, as well as the terms of any of this type of agreement shall reasonable, fair and lawful;*
2. *Client Money*
- 2.1. *The Council must be informed when a quantity surveyor receives and handles a client's money, as well as provide proof that he/she has taken all the necessary steps to protect himself/herself and his/her client from the related risks by abiding to the appropriate laws."*

The following are the principles for quantity surveyor firms:

1. *"Ownership of quantity surveying firms*
 - a. *The quantity surveying section/division for multidisciplinary firms must be under full time supervision of a registered quantity surveyor whom also is a partner;*
 - b. *Quantity surveying practices which are single disciplinary must be controlled by at least two thirds or more registered quantity surveyors in terms of the shareholding, directorship, number and voting power;*
 - c. *A full-time registered quantity surveyor must directly, continuously and personally supervise a quantity surveying office;*
 - d. *In the event where a quantity surveying practice is dissolved or closes down due to disability, death or for whatever reason, the Council will assist the client with appointment of another quantity surveyor and protect the interest of the client."*

2.2.4 Comparison of the ASAQS code of conduct with other councils' code of conduct

In point 2.2.3. the ethical practices of the code of conduct in South Africa, Namibia and Botswana and RICS are identified. The code of conduct of the ASAQS is used as the code of conduct basis (due to the questionnaires being made available on the website of the ASAQS), because the research focus will be on how this code of conduct can be improved and combined with the SACQSP (as they are similar) and other code of conducts in order to get one basis for the code of conduct in South Africa. Each code of conduct needs to be compared with the code of conduct of the ASAQS so that the similarities and differences can be identified, as well as where improvements can be made to the current code of conduct. Comparisons between the councils are annexed hereto (See Annexure A).

The similarities can stay the same in each code of conduct or it can indicate a rule that is somewhat similar to the other codes of conduct, with a few additions. The differences are rules that one code of conduct has, but the other codes of conduct do not state those rules.

2.2.4.1 Comparison of the code of conduct under the ASAQS with the code of conduct under the SACQSP Code of Conduct

a. Similarities in the codes of conduct

1. The ASAQS states that quantity surveyors must carry out their duties with fidelity, efficiency, competence, confidentially and without any delay to their employers, where the SACQSP similarly states that quantity surveyors must conduct their duties with integrity, honesty and fidelity to their respective employers and clients, as well as to carry out their duties effectively and competently;
2. The ASAQS states that quantity surveyors must have the interest of the public at heart, while the SACQSP states to have a concern for the public interest, their safety and health in general;
3. Both codes of conduct state that quantity surveyors must uphold the dignity, reputation and standing for the quantity surveying profession;
4. The ASAQS states that quantity surveyors must develop, apply and maintain the needed knowledge and skills that is required for the work they are employed for, where the SACQSP states that quantity surveyors must not accept or offer to accept professional work where their experience, education and training have not rendered them knowledgeable to perform;

5. The ASAQS states that quantity surveyors must not use their advantages of a salaried position to unfairly compete with quantity surveyors, where the SACQSP similarly states that subject to paragraph 8 in the code of conduct of the SACQSP, quantity surveyors must not receive, either directly or indirectly, any gratuity, commission or other financial benefit on any article or process used in or for the purpose of work unless it has been approved by the employer or client concerned;
6. The ASAQS states that quantity surveyors must not deliberately compete with other professional quantity surveyors where there are already negotiations for work, where the SACQSP similarly states that quantity surveyors must not attempt to undermine, knowingly, other professional quantity surveyors in a certain appointment where the client have already employed the registered quantity surveyor;
7. The ASAQS states that quantity surveyors must not review another quantity surveyor or company's work where they are not a member, except where there is not compensation claim of the quantity surveyor under review with regards to the work being reviewed and that person is terminated and remains unsatisfied without notifying the Board and quantity surveyor first, the quantity surveyor involved is notified of the review and given the opportunity to give comments on the findings and when the quantity surveyor or company involved have had their employment terminated. The SACQSP conduct is similarly the same, with one addition stating that the review is intended for the purpose of a recognized and competed court of law in the Republic of South Africa or legal proceedings;
8. The ASAQS states that quantity surveyors must protect and maintain the original records of the technical and contractual documents for 3 years of the work for a project which is completed, the SACQSP states that contractual documents, drawings and calculations must be kept for 5 years after the project has been completed and not knowingly destroy or dispose thereof during that period;
9. Both codes of conduct state that quantity surveyors must not make payments or means of commission for the purpose to get professional work, either personally or through an agency;
10. The ASAQS states that quantity surveyors' firms or the name of the firm must not be misleading or contain their personal names without the Board's permission, while the SACQSP states that quantity surveyor who would want to use impersonal names must submit it to the Council's Registrar for approval;

11. The ASAQS states that quantity surveyors must notify the Board when they have changed their employment or address, where the SACQSP states that any change of address, style or changes in the constitution of a practice or termination, the quantity surveyors must then notify the Board within 30 days of the occurrence;
12. The ASAQS states that quantity surveyors must not enter into a partnership with another person who is not a quantity surveyor, for the purpose of carrying out quantity surveying work, must get approval from the Board first. The SACQSP states that a quantity surveyor may not enter into a professional relationship or association who is not registered as a quantity surveyor for the purpose of carrying out quantity surveying work where members who are qualified under the Act and not done so or is disqualified from registration under the provision of the Act or from the membership;
13. The ASAQS states that quantity surveying branches and offices must be under the direct and personal supervision, and control of a registered professional quantity surveyor for the purpose of carrying out quantity surveying services. The SACQSP states that a quantity surveying office will be directly, personally and continuously be supervised by a registered professional quantity surveyor;
14. The ASAQS states that quantity surveyors must display their name of the firm or their name where they are a member on all the specifications, bills of quantities, certificates and other professional documents with respect to the work they performed, where the SACQSP similarly states quantity surveyors must not issue any drawings, specifications, documents or reports that is prepared by another person for quantity surveying work unless the name of the firm is on that documents;

b. Differences in the codes of conduct

The ASAQS has the following rules that are not the same in the code of conduct of SACQSP:

1. Quantity surveyors must respect the practices, prospects, reputations and skills of other quantity surveyors and members;
2. Quantity surveyors must inform their employers when there are any conflicts of interest and take the necessary steps in order to solve the conflicts;
3. Quantity surveyors must comply with the laws of South Africa;
4. Quantity surveyors must be fair and impartial in their advice and judgement to another party or employer in a building contract they are involved in;

5. Quantity surveyors must not submit price proposals that creates competition for professional work on the basis of fees, without the knowledge of the Board;
6. Quantity surveyors must pursue to stay up to date with the technical and professional developments in the profession and continue with their professional development as required by the Board;
7. Except for regulation 7 under the guidelines for professional business practice, quantity surveyors must not undertake in a building activity unless he/ she is in the capacity of being an owner or part owner of the building or project being constructed, not serve as an employee or director that carries out the supplying, contracting and manufacturing work which is involved in the construction work and not to have a financial interest, through an agency or personally, that carries out supplying, contracting and manufacturing work which is involved in the construction work;
8. When quantity surveyors serve as an employee, director or any other form of capacity in any supplying, manufacturing or contracting business involved in the construction work or have a financial interest that complies with the provision of regulation 8, under the guidelines for professional business practice, to prevent holding or doing him- or herself out to do work of a quantity surveyors for rewards or other reason, except when it only or directly for such company, firm or undertaking;
9. Quantity surveyors must notify the Board, in writing, when a professional partnership is dissolved or entered into, or when becoming a member or ceasing to be a member;
10. Quantity surveyors must get approval from the Board to become a member of a company that is established differently from the terms of section 22A of the Act or a close corporation established in terms of section 22B, as well as when they want to enter into a partnership with a person who is not registered as quantity surveyor in order to deliver a quantity surveying service;
11. Quantity surveyors must employ a public relations consultant or any other person designated to carry out the public relations as required with these regulations;
12. Quantity surveyors must indicate the locations and names of principals and associates on all letterheads and brochures in order to clearly show the full extent of the business entity to the public;
13. Quantity surveyors must not do anything which is not allowed in a close corporation or company;
14. Quantity surveyors must advertise their services in a true, dignified, non-misleading, credible or self-laudatory or imply that another quantity surveyor will carry out a lesser service;

15. Quantity surveyors must indicate by way of directory, brochure or pamphlet, their practice, availability, experience by direct approaches to individual person or organizations describing their capabilities;
16. Quantity surveyors must exhibit their names and the name of the practice on site where they are busy with alterations, construction or extensions;
17. Quantity surveyors must not give monetary or other considerations for broadcasting, publication or telecasting, but they can be interviewed or send media articles of their construction topics or work in general;
18. Quantity surveyors must only execute work in which they are competent through training and experience and only employ adequately competent personnel;
19. Quantity surveyors must display their name and the name of the practice outside the office;
20. Quantity surveyors must only approach work where they are competent in training and experience and only competent personnel are appointed for the work they are employed;
21. A quantity surveying office must display its name and practice outside the office;

The SACQSP has the following rules that are not the same in the code of conduct of ASAQS:

1. Quantity surveyors must ensure that a person carrying out work for a registered professional quantity surveyor that is acting under the control and direction of that quantity surveyor, this registered quantity surveyor is responsible to ensure that the person is competent to carry out the work and is adequately supervised;
2. Quantity surveyors must provide work or service of a scope, to a level and quality that is the accepted standards and practices in the profession;
3. Quantity surveyors must disclose, in writing, to their employers and clients or prospective client or employers the particulars or any benefit or other royalty that accrues due to such work and when there are any interest, financial or other, that is related to the work they may be or are employed for;
4. Not consciously allow the misrepresentation of their academic or professional qualifications, nor overemphasize thereof degree of responsibility for quantity surveying work or any other person involved in it;
5. Quantity surveyor must not advertise their professional services in a self-laudatory, misleading, derogatory to the dignity or inaccurate for the profession;
6. Quantity surveyors must not, without the written approval from the client or employer, place orders or contracts or medium of payments on behalf of their employer or client;

7. Quantity surveyors must not, directly or indirectly, deal in construction projects or property development for their own account where the dealings are in conflict with their responsibilities to their client or employer and where they have confidential/ classified information. They cannot make use or disclose the confidential information which is obtain by the work they carried out as a quantity surveyor;
8. Where work is outside the border of South Africa, the order of their conduct must be according to these rules in so far as they are not inconsistent with the other country's law involved;
9. When a council must determine whether a registered person was 'prima facie' for improper conduct, quantity surveyors must in writing provide the council with all the relevant information required;
10. Quantity surveyors must give the Registrar notice, in writing, when there is a change of physical or postal address of the firm;
11. Candidate quantity surveyors, who are registered, must not carry out work on their own account, not perform quantity surveying work without the direct and continuous supervision of a registered professional quantity surveyor and not practice in a partnership or as a member, director of a company or trustee of a trust carrying out quantity surveying work, unless with prior approval of the Council;
12. Within 30 days of a quantity surveying business establishment, quantity surveyors must inform the Council to get approval, giving the full details of the address of the company, type of practice and names of the directors, partners, shareholders, trustees;
13. The quantity surveying practice must be controlled by two-thirds of registered professional quantity surveyors with regards to the number, voting power, directorship and shareholding;
14. Quantity surveying divisions or sections, as well as being a multidisciplinary professional practice, must always be under a professional quantity surveyor supervision;
15. When a trust, partner, shareholder or member, who is not a registered person, is found guilty on any action where they had been a registered person it would have been a breach of the provisions of the rules or the Act, the Council will order the practice to be dissolved;
16. The names of the partners, sole directors, trustees, principals or close corporation members, including the registration states where the prescribed abbreviations are used;

17. Quantity surveyors while they are directors, partners, trustees or members of a practice operating as a corporation, partnership or sole proprietorship which is registered under the Companies Act, 1973 or close corporation under the Close Corporation Act, 1984 and carries out quantity surveying work under the control and responsibility of a registered quantity surveyor;

2.2.4.2 Comparison of the code of conduct under the ASAQS with the code of conduct for RICS

a. Similarities in the codes of conduct

1. The ASAQS states that quantity surveyors must apply, develop and maintain the needed skills and knowledge for work they are employed for, to stay up to date with the technical and professional developments in the industry and profession and to continue with professional development as stated by the Board. The code of conduct for RICS states that members must continue with their professional development in order to comply with the RICS requirements, as well as that the staff must be competent and properly trained in their daily work;
2. The ASAQS states that quantity surveyors must conduct their duties with fidelity, without any delay, competence and confidentiality to employees, where the code of conduct for RICS indicates that members and quantity surveying firms must carry out their work with diligence, skills, care and regard for the technical standards which is required by them;
3. The ASAQS states that quantity surveyors must have the interest of the public at heart, where the code of conduct for RICS similarly states that quantity surveying firms must responsibly provide a service to the public, clients and professional team;
4. The ASAQS states that quantity surveyors must advertise their services in a credible, true, honest, dignified, and non-misleading and not in a self-laudatory way or indicate that another will carry out a lesser service, they must indicate on a pamphlet, brochure or directory their practice, availability or experience describing their capabilities, they must display their names or the name of the practice on the outside of their office; they must display their name of the practice and their name on the site where they carry out services for alteration or construction work during the period of the project; they can be interviewed or their work can be sent to media articles, but they should not offer money for the publication, broadcasting or telecasting; and they must employ a designated person or a public relations consultant to carry out the public relations in line with these regulations.

The code of conduct for RICS only indicates that a quantity surveying firm must be advertised in a truthful and responsible manner;

5. The ASAQS states that when there is a conflict of interest it must be disclosed to the quantity surveyor's employers and the needed steps must be taken to resolve them, where the code of conduct for RICS states that a member and quantity surveying firms must all times avoid conflict of interest, avoid situations that is inconsistent with their professional obligations and act with integrity;

b. Differences in the codes of conduct

The ASAQS has the following rules that are not the same in the code of conduct of RICS:

1. Quantity surveyors must respect other quantity surveyors' practices, skills, reputations and prospects;
2. Quantity surveyors must uphold the quantity surveying profession's dignity, standing and reputation;
3. Quantity surveyors must obey the South African laws;
4. Quantity surveyors must be impartial and fair in their judgement to another party or an employer when they are involved in the construction industry;
5. Quantity surveyors must not use the advantages of a salaried position to unfairly compete with other quantity surveyors;
6. Quantity surveyors must not give price proposals which creates competition for professional work on the basis of fees, without informing the Board;
7. Quantity surveyors must not deliberately compete with other quantity surveyors with whom negotiations are taken for professional services;
8. Quantity surveyors must not review another quantity surveyor's work or a company's work where they are not a member, except where there is not a compensation claim from the quantity surveyor under review with regards to the work being reviewed and that person is terminated and remains unsatisfied, without notifying the Board and quantity surveyor first, the quantity surveyor involved is notified of the review and given the opportunity to give comments on the findings and when the quantity surveyor or company involved have had their employment terminated;
9. Quantity surveyors must only carry out work where they are competent in the field due to training and experience, as well as only completely competent staff are appointed to carry out work for which they are employed;

10. Quantity surveyors must protect and maintain the original records of the technical and contractual work for 3 years after the project has been completed;
11. All the relevant documents with regards to work performed by the quantity surveyors or another person on his/ her employments must carry their name of the firm where they are a member;
12. Quantity surveyors must not obtain professional employments, either personally or through an agency or another person, through offering payments or commission;
13. Except for regulation 7 under the guidelines for professional business practice, quantity surveyors must not undertake in a building activity unless they are in the capacity of being an owner or part owner of the building or project being constructed, they must not serve as an employee or director that carries out the supplying, contracting and manufacturing work which is involved in the construction work and not to have a financial interest, through an agency or personally, that carries out supplying, contracting and manufacturing work which is involved in the construction work;
14. When quantity surveyors serve as an employee, director or any other form of capacity in any supplying, manufacturing or contracting business involved in the construction work or have a financial interest that complies with the provision of regulation 8, under the guidelines for professional business practice, to prevent holding or doing him- or herself out to do work of a quantity surveyors for rewards or other reason, except when it is only or directly for such company, firm or undertaking;
15. Quantity surveyors must notify the Board when their address or employment changes;
16. The names and locations of principals and associates must indicate on all letterheads or brochures to clearly show the full extent of the business entity to the public;
17. Quantity surveyors must notify the Board, in writing, when a professional partnership is dissolved or entered into, or when becoming a member or ceasing to be a member;
18. Quantity surveyors must get approval from the Board to become a member of a company that is established differently from the terms of section 22A of the Act or a close corporation established in terms of section 22B, as well as when they want to enter into a partnership with a person who is not registered as quantity surveyor in order to deliver a quantity surveying service;
19. A quantity surveying firm must ensure that the name of the firm is not misleading or contain personal names of the quantity surveyors without permission of the Board;
20. Quantity surveyors must not do anything which they are not allowed to do through a close corporation or company;

21. Quantity surveying branches or offices must be under the direct and personal supervision and control of a registered quantity surveyor for the purpose to carry out services in a private professional consulting practice;

The ASAQS has the following rules that are not the same in the code of conduct of RICS:

Rules for members and firms:

1. Quantity surveyors must co-operate with person who is appointed by the Regulatory Board and RICS staff;
2. Quantity surveyors must, in a timely manner, submit information that the Regulatory Board may reasonably need;
3. Quantity surveyors will be communicated to by RICS in person, through email, via fax, post or telephone;
4. Quantity surveyors who are members are regarded as a non-Chartered member, Chartered member or Honorary member;
5. Quantity surveyors are expected to carry out their work professionally to the standards of customer care and service which is expected;
6. The personal and professional finances of a quantity surveyor must be managed properly;
7. A quantity surveying firm's current and previous professional work must cover full indemnity in order to meet the standards of the Regulatory Board;
8. There is a complaint handling procedure in place which must be handled by the quantity surveying firm and they must maintain a complaints log, which includes an Alternative Dispute Resolution mechanism that is approved by the Regulatory Board;
9. The client's money must be securely protected in the course of the practice or business;
10. The finances of the quantity surveying firm must be properly managed;
11. Activities and information of a quantity surveying firm must be submitted to Regulatory Board, when they require it in a timely manner;
12. There must be the required arrangements in place when there is a death or incapacity of the sole director of the firm;
13. The business literature of a firm which is registered for regulation must exhibit that it is regulated by RICS;

2.2.4.3 Comparison of the code of conduct under the ASAQS with the code of conduct under the “Architects’ and Quantity Surveyors’ Act 13 of 1979” of the Republic of Namibia

a. Similarities in the codes of conduct

1. The ASAQS states that quantity surveyors must maintain the standing, reputation and dignity of the profession in quantity surveying where the code of conduct for Namibia states the same;
2. The ASAQS identifies to have the public interest at heart, the code of conduct for Namibia states that quantity surveyors must have a full regard to interest of the public when carrying out their duties;
3. The ASAQS states that quantity surveyors must carry out their duties with efficiency, without delay, with fidelity, competence and confidentiality to their employers and the code of conduct for Namibia states the same;
4. Both codes of conducts state that quantity surveyors must notify the board when there is a change in address or employment, the code of conduct for Namibia states an addition that it must be without any delay;
5. The ASAQS states that quantity surveyors must respect their fellow quantity surveyors’ reputations, skills, practices and prospects, while the code of conduct for Namibia states that quantity surveyors must not damage the professional business, prospects or reputation of other quantity surveyors;
6. The ASAQS states that quantity surveyors must only carry out work where they are competent with training and experience and that only adequate competent personnel are employed to carry our work they are employed for, the code of conduct for Namibia states similarly the same;
7. The ASAQS states that except for regulation 7 under the guidelines for professional business practice, quantity surveyors must not undertake in a building activity unless he/ she is in the capacity of being an owner or part owner of the building or project being constructed, not serve as an employee or director that carries out the supplying, contracting and manufacturing work which is involved in the construction work and not to have a financial interest, through an agency or personally, that carries out supplying, contracting and manufacturing work which is involved in the construction work.

The code of conduct for Namibia states that quantity surveyors must not participate in building trades unless in the capacity of an owner or partly owners of the building being construction, have a financial interest in the building or construction work involved or serve as an employee or a director of a business involved in the building or construction work;

8. The ASAQS states that quantity surveyors must advertise the professional services in a dignified, true, credible and not self-laudatory or misleading or imply that another quantity surveyors will carry out lesser work, they must indicate their practice by brochure, pamphlet or directory describing their capabilities, they must display their names and the practice name outside their office and on site when they carry our service during alteration, construction or extension work, they can be interviewed and send their media articles about general topics, but they cannot offer money for broadcasting, publication or telecasting and they must employ a public relations consultant or another person to carry out public relation works as needed in these regulations. The code of conduct for Namibia similarly states that quantity surveyors, when serving as an employee or director and having a financial interest in the business ensure that their name and professional designation are used on brochures or advertisements implying that an independent quantity surveyor service can be provided, not to hold themselves out for work for remuneration or other, except for such business only and not to hold themselves out as a quantity surveyors in a private practice to give independent advice on matters of contract, pricing and costs;
9. The ASAQS states that the locations and names of the principal and associates must indicate on letterheads or brochures describing the full entity of the business to the public, while the code of conduct for Namibia states the same but adding that the services rendered to the professional work of the professional disciplines must also be displayed;
10. Both the codes of conduct state that the Board must be notified, in writing, when a partnership is dissolved or entered into or when becoming a member or ceasing to be one;
11. Both the codes of conduct state that quantity surveyors' name or the firm's name must be on bills of quantities, certificates, specifications or other professional documents of work performed by them or any employee under their employment;
12. Both codes of conduct state that quantity surveyors must not try to obtain work by offering or paying a monetary or other consideration, the ASAQS further adds that it must not be either personally or through an agency or person in their employment;

13. Both the codes of conduct state the name of the firm or the firm must not be misleading or contain their personal names without permission from the Board;
14. Both the codes of conduct state that quantity surveyors must not review another company or quantity surveyor's work unless they are aware that their work are being reviewed or their engagement are terminated, the ASAQS further gives a rule that the quantity surveyors whose work are being reviewed are given the opportunity to give comments on the review findings;
15. Both the codes of conduct state that quantity surveyors are not allowed to do anything they are not allowed to do through a company or close corporation;
16. The ASAQS states that all offices and branches that carries out professional quantity surveying work in the private professional practice must be under the direct and personal control and supervision of a registered professional quantity surveyor, while the code of conduct for Namibia similarly states that offices in a private practice doing quantity surveying services must be under the personal, direct, proper and constant supervision of a registered quantity surveyor;
17. Both codes of conduct state that quantity surveyors must not compete with other professional quantity surveyors with whom negotiations are taken place for such work;
18. The ASAQS states that quantity surveyors must protect and maintain the original records of the technical and contractual documents verifying their work for 3 years after the project has been completed, the code of conduct for Namibia states that quantity surveyors must not destroy or willfully fail, for 3 years, to provide original documents for the verification of the work done after final completion;
19. Both codes of conduct state that quantity surveyors must ensure not to use the advantage of a salaried position to unfairly compete with other quantity surveyors;

b. Differences in the codes of conduct

The ASAQS has the following rules that are not the same in the code of conduct of Namibia:

1. Quantity surveyors must disclose any conflict of interest they have to their employers and take the necessary steps to resolve the conflicts;
2. Quantity surveyors must comply the South African laws;
3. Quantity surveyors must develop, maintain and apply the needed skills and knowledge for the work they are employed to do;

4. Quantity surveyors must be fair and impartial in their advice and judgement they give to their client or employer or any other party in the construction project they are involved in;
5. Quantity surveyors must get approval from the Board to become a member of a company that is established differently from the terms of section 22A of the Act or a close corporation established in terms of section 22B, as well as when they want to enter into a partnership with a person who is not registered as quantity surveyor in order to deliver a quantity surveying service;
6. Quantity surveyors must pursue to stay up to date with the technical and professional developments in the industry and to continue the professional development as required by the Board;
7. When quantity surveyors serve as an employee, director or any other form of capacity in any supplying, manufacturing or contracting business involved in the construction work or have a financial interest that complies with the provision of regulation 8, under the guidelines for professional business practice, to prevent holding or doing him- or herself out to do work of a quantity surveyors for rewards or other reason, except when it only or directly for such company, firm or undertaking;
8. Quantity surveyors must not submit price proposals that may create competition on the basis of fees under certain circumstances, without the knowledge of the Board;

The code of conduct of Namibia has the following rules that are not the same in the code of conduct of the ASAQS:

1. Quantity surveyors must not carry out their work in a dishonourable way;
2. When quantity surveyors want to conduct quantity surveying work outside the borders of the territory, it must be in accordance with these regulations;
3. Quantity surveyors must not, where they are not the legal author, sign as the quantity surveyor or identify that the work is issued by them, as well as bills of quantities or other documents;
4. Quantity surveyors must not take fees while there is a compensation for fees from a previously employed quantity surveyors on that fees and whose termination of employment remains unsatisfied, without first notifying the council and previously employed quantity surveyor;
5. Quantity surveyors must not submit or prepare estimates, feasibility studies, bills of quantities or other similar documents where their service is not professionally engaged;

6. Quantity surveyors must not receive gratuity, royalty, commission or other remunerations, either directly or indirectly, where they are employed until the client or employer is notified in writing of the commission, royalty, gratuity or remunerations;
7. Quantity surveyors must not unfairly act against the interest of the building contract or any part of it;
8. Quantity surveyors must not advertise or issue letters to people, other than the people with whom there is a business relationship, in a manner calculated to attract clients;
9. Quantity surveyors must neither through an agency or personally or any other person, whether or not that person is in their employment, canvass or solicit professional employment or offer to make a payment in order to secure a job;
10. Quantity surveyors must not enter into a partnership or other association with another person other than a quantity surveyor or architect in a private practice, in their capacity, without the prior approval of the council;
11. Quantity surveyors must dissolve any partnership or cease to be a member in a company where they are a member within 2 months after being instructed by the council, where this will only be instructed after proper enquiry when the person is not registered under section 11 of the Act and is guilty of doing an offence;
12. Quantity surveyors will not carry out work in a private practice within the borders of the territory, unless they have and maintain an office within the border of the territory;
13. Quantity surveyors must not engage or act in a private practice to do work that has been prescribed under Section 7(3)(b) of the Act under a style of a company or through a medium company in association with a company purporting, unless the company is a private company limited by shares which is incorporated under the Companies Act, 1973, the memorandum must contain the provision that the former directors or directors of the company will be liable, jointly and severally, including the company debts and liabilities of the companies as are or were contracted during their periods in the office, subject to paragraph 26 the name of the company must include the word "incorporated" in the last part of its name and the provision of the effect that the company is created for the purpose to carry out quantity surveying work where at least one member is a quantity surveyor and the work may include the work of architects with approval of the council;

The company articles must include that members of the company must be natural persons who are only quantity surveyors registered under the Act provided that the members can include architects or other persons registered under the Act, in the event where a member passed away or ceased to be a member a nominated member can execute the voting rights of the shares or the chairman where there is no nomination. Where the member has ceased to be a member or passed away, the remainder directors must take the needed steps to ensure that the provisions of sub-paragraph 33.2.1.2. are complied with for the period which is determined by the council and every director must be a member of the company and every member, whether or not a director, shall be a beneficial owner of the shares that is registered in their name;

14. Any improper conduct act done by a member or on behalf of a company when done by quantity surveyor, shall be deemed to be done by each member of the company who is a quantity surveyor, unless these members can prove that they did not knowingly participate in the commission of the act and could not prevent it;

2.2.4.4 Comparison of the code of conduct under the ASAQS with the code of conduct for quantity surveyors under the “Quantity Surveyors’ Registration Act, 2013” for Botswana

a. Similarities in the codes of conduct

1. The ASAQS identifies to have the public interest at heart, the code of conduct for Botswana states a similar rule that quantity surveyors must have the responsibility towards the public and to maintain the conducting of their services in the same way;
2. Both the codes of conduct state that quantity surveyors must carry out their duties efficiently, with competence and fidelity without any delay, as well as confidentially to their employers;
3. The ASAQS states that quantity surveyors must comply to the laws of South Africa, where the council of Botswana states that quantity surveyors must be aware of their legal obligations and ensure that their employees comply with the obligations, as well as all the relevant legislation in the future, in full;

4. The ASAQS states that the quantity surveying profession must be upheld with dignity, standing and reputation, where the code of conduct for Botswana states that quantity surveyors must uphold the standards set out in the code of conduct according to the standards which is expected of them in practice;
5. The ASAQS states that quantity surveyors must be fair and impartial in their judgement and advice, where the code of conduct for Botswana states that quantity surveyors must comply with the ethical standards in their daily practices with integrity, fairness, and independence towards their clients, public and fellow professionals;
6. The ASAQS states that quantity surveyors should not compete with fellow quantity surveyors with whom negotiation for work has taken place, where the code of conduct for Botswana states the same, but where negotiations are taking place is already after the initial bidding process;
7. The ASAQS states that quantity surveyors must disclose when there is conflict of interest to their employers and take the necessary steps needed to resolve it, where the code of conduct for Botswana states that quantity surveyors that has conflict of interest, either financial or on judgement on behalf of a person or either have business of private interest or obligations that may interfere with his/ her judgement. The code of conduct also elaborates that conflict of interest is where quantity surveyors are offered any form of inducement by a third party or potential third party, they must inform their employer and client immediately; it is where quantity surveyors identify potential for conflict of interest and as soon as possible inform, in writing, the person for whom he/she is carrying out the work and until that person consents thereto in writing, she/ he must cease with their work; it also states that quantity surveyors must always act objectively, with honesty and free from any conflict of interest, as well as not have their advice or actions be influenced by others;
8. The ASAQS states that quantity surveyors must apply, develop and maintain the needed skills and knowledge for work they are employed for, to stay up to date with the technical and professional developments in the industry and profession and to continue with professional development as stated by the Board. The code of conduct for Botswana states that quantity surveyors has an ongoing duty to maintain their professional knowledge and skills in order to deliver efficient and effective services according to the QSRC Regulations;

9. The ASAQS states that quantity surveyors must advertise their services in a credible, true, honest, dignified, and non-misleading and not in a self-laudatory way or indicate that another will carry out a lesser service, they must indicate on a pamphlet, brochure or directory their practice, availability or experience describing their capabilities. The code of conduct for Botswana states in a more or less a similar way that quantity surveyors must act consistent with good reputation when they conduct business and avoid any action that may discredit it;
10. The ASAQS states that quantity surveyors must prevent from reviewing another quantity surveyor's work or a company's work where they are not a member, except where there is not a compensation claim of the quantity surveyor under review with regards to the work being reviewed and that person is terminated and remains unsatisfied without notifying the Board and quantity surveyor first, the quantity surveyor involved is notified of the review and given the opportunity to give comments on the findings and when the quantity surveyor or company involved have had their employment terminated. The code of conduct of Botswana states that when work of a quantity surveyor (who fails to perform or is unprofessional) is transferred by the client to another quantity surveyor, the second quantity surveyor must inform the client that he/ she can be liable for fees to both quantity surveyors; one quantity surveyor cannot take over work from another if their contract is not terminated first; and quantity surveyors should not accept payment to review another's work without first informing the person or company under review;
11. The ASAQS states that quantity surveyors must only approach work where they are competent through experience and training, where the code of conduct for Botswana states in a similar way that quantity surveyors must inform their clients and employers where the work may be outside of their field of competence and may compromise their obligations for professional conduct;
12. The ASAQS states that quantity surveyors must display their name or name of company on all professional documents with regards to work performed, where the code of conduct for Botswana similarly states that quantity surveyors must not issue any documents for work performed without their signature or stamp, as well as not sign documents where he/ she is not the original author;
13. Both codes of conduct state that quantity surveyors must avoid to make or offer to make payments or commission to obtain professional work, either personally or through an agency;

14. The ASAQS states that the original records of technical and contractual must be kept for 3 years, while the code of conduct for Botswana states that records must be stored and kept for at least 7 years after the completion of the project and quantity surveyors must not deliberately destroy the documents without any valid reason;
15. The ASAQS states that when there is a change in address or employment, the Board should be notified. The code of conduct for Botswana indicates the same, but adds that it must be done without any delay;
16. Both codes of conduct state that the Board should be notified in writing when a partnership is dissolved, becoming a member/ shareholder/ director or ceasing to be a member of the company;
17. The ASAQS states that all offices and branches must be under the direct and personal supervision of a registered professional quantity surveyor, while the code of conduct for Botswana states that the quantity surveying division or section must be under the full time supervision of a registered quantity surveyor who is also a partner and the office must be continuously and personally be supervised by a registered quantity surveyor;

b. Differences in the codes of conduct

The ASAQS has the following rules that are not the same in the code of conduct of Botswana:

1. Quantity surveyors must not submit price proposals that creates competition for professional work without the knowledge of the Board;
2. Quantity surveyors must respect other quantity surveyors or members' prospects, reputations, skills and practices;
3. Quantity surveyors must not use their advantage of a salaried position to compete unfairly with other quantity surveyors;
4. Quantity surveyors must display their names or the name of the practice on the outside of their office;
5. Quantity surveyors must display their name of the practice and their name on the site where they carry out services for alteration or construction work during the period of the project;
6. Quantity surveyors can be interviewed or their work can be sent to media articles, but they should not offer money for the publication, broadcasting or telecasting;
7. Quantity surveyors must employ a designated person or a public relations consultant to carry out the public relations in line with these regulations;

8. Quantity surveyors must indicate the full extent of their practice entity or letterheads and brochures, as well as the names and locations of the associated and principals;
9. Quantity surveyors must get approval from the Board to become a member of a company that is established differently from the terms of section 22A of the Act or a close corporation established in terms of section 22B, as well as when they want to enter into a partnership with a person who is not registered as quantity surveyor in order to deliver a quantity surveying service;
10. Quantity surveyors must ensure that the name of the company or the company itself is not misleading or contain their personal names without the Board's permission;
11. Quantity surveyors must not do anything which is not permitted in a close corporation or company;
12. Except for regulation 7 under the guidelines for professional business practice, quantity surveyors must not undertake in a building activity unless he/ she is in the capacity of being an owner or part owner of the building or project being constructed, not serve as an employee or director that carries out the supplying, contracting and manufacturing work which is involved in the construction work and not to have a financial interest, through an agency or personally, that carries out supplying, contracting and manufacturing work which is involved in the construction work;

The code of conduct of Botswana has the following rules that are not the same in the code of conduct of the ASAQS:

1. Quantity surveyors must not carry out work or offer to carry our work for payments that is more than the approved published tariff fees;
2. Quantity surveyors must be able to provide financial, technical and professional resources at the start of a contract and during the duration of the contract;
3. Quantity surveyors must not offer services which is not known by his/ her employer;
4. Quantity surveyors must not make professional decisions based on their personal beliefs, including cabal activity like sexual favours, favouritism, bribery or nepotism;
5. Quantity surveyors must not secure work by offering gifts or other considerations;
6. Quantity surveyors has the duty of handling information which is collected during business to be confidential;
7. Quantity surveyors must only handle confidential information according to the statutory requirements and will remain confidential even after the relation has been terminated;

8. When a quantity surveyor handles and receives the client's money, the Council must be informed, he/ she must take the required steps to protect the client and him- or herself from the risks involved by adhering to the necessary laws;
9. This latest code of conduct does not include normal commercial activity which is competitive or advertising which are not prohibited elsewhere in this code;
10. Quantity surveyors must arrange or have the employer or client arrange a suitable insurance cover when he/ she are not a registered quantity surveying consultant with regards to statutory insurance and professional indemnity;
11. Quantity surveyors must provide proof that the insurance requirements are in place and met which is expected of them that the Council requires;
12. Quantity surveyors must ensure to take the required steps to provide a fee proposal and a submission that indicates the skills, resources and experience; fairly compete with other quantity surveyors on the basis of merit and not fees alone; provide a high level of professional services; carry out services that they are qualified for and not falsely claim to have the experience or expertise; not maliciously or carelessly damage the reputation of other quantity surveyors; clearly identify the scope and nature that is required from the client; have the client clearly identify the exact nature of service they require; there is no letter of agreement that is entered into where the quantity surveyor will not fulfill it by nature of ability, competence and resources; and where a quantity surveyor needs specialist expertise or assistance, he/ she must inform and get the approval from the client before the quantity surveyor goes into agreement with any specialist;
13. Where quantity surveyors do not want to replace another form or quantity surveyor who is awarded a contract, they must enter into an agreement, which is signed by both parties, for the provision of services and conditions where it will be reasonable, lawful and fair;
14. A single disciplinary quantity surveying practice must be controlled in terms of shareholding, voting power, number and directorship by at least two thirds or more registered quantity surveyors;
15. The council will assist the client to protect their interest and to appoint another quantity surveyor when a quantity surveying practice closes down or dissolves due to death, disability or whatever reason;
16. The known standards and professional best practice must be executed when provided professional services and executing quantity surveyors' mandate as employees as published in Botswana or elsewhere;

17. Quantity surveyors must check for new amendments to the content of any new Acts or to existing Acts that will affect quantity surveying work, and the requirements or guideline that is issued by the Council;

2.2.5 Conclusion

The similarities and differences can now be used to identify where the ASAQS/ SACQSP do and do not have rules on certain aspects. The most important are the rules that are different which now can be used, in conjunction with the findings of the questionnaire, to identify where the gaps are and how it can be improved. These findings will be further discussed in Chapter 4.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

The initial investigation indicates that the code of conduct and ethical standards may not always be implemented by quantity surveying professionals in South Africa. This chapter will deal with an in-depth explanation of the research design and research methodology. Different research methodologies will be identified, but one research method will be identified and explained, giving reasons why this method is chosen.

3.2 RESEARCH DESIGN

3.2.1 *Introduction*

Research design deals with identifying the research problem in the quantity surveying industry with regards to the code of conduct and professionalism, as well as to identify the information needed for the collection and interpreting of data.

3.2.2 *Research method*

The research approach consists of a comprehensive literature review to identify whether or not there is a lack in the understanding and implementation of the regulations or whether or not there is pressure to act unethical and not comply with the regulations due to market related pressures.

3.2.3 *Research problem*

The question statement is as follows:

Are there any main barriers to the implementation of the code of conduct and ethical standards in the South African Quantity Surveying Industry?

As seen on the literature review there are areas where the code of conduct is not adequately complied with, some professionals are pressured to sometimes look the other way or there is a plain ignorance in play.

The possible barriers why some quantity surveyors are not conducting the code of conduct in an ethical and professional manner are identified through the literature review, but there would need to be an input from practicing quantity surveying professionals in order to identify the main problem some South African quantity surveyors face. There needs to be seen if the problem is currently with the code of conduct or the pressures of business today or both, as well as to identify ways how the code of conduct can be implemented more successfully.

The first sub problem relates to the reasons why certain quantity surveyors might not always follow the Code of Conduct of the SACQSP or ASAQS. By identifying these reasons, the basis of the problem can be identified.

The second sub problem is to see how well South African quantity surveyors know their Code of Conduct, whether it is properly enforced or educated or not as much as one would think.

The third sub problem relates to how the Code of Conduct of the SACQSP can be modified in terms of the ethical standards in comparison with other codes of conduct of other countries.

The objective on order to acquire data for this research is the following:

1. To conduct a literature review in order to determine the reasons why the code of conduct in the quantity surveying industry may or may not be implemented correctly and why some practitioners may or may not act in an unethical manner;
2. To determine whether there is a possible lack in knowledge in the implementation of the code of conduct specific to the South African quantity surveying industry through questionnaires distributed to some practitioners within the industry;
3. To collect data on the current South African code of conduct of councils/ associations;
4. To collect data on the current code of conduct of other councils/ associations (or in other countries);
5. To analyze data collected in order to identify the possible barriers and to compare the South African code of conduct for quantity surveyors with other councils/ associations (of other countries);
6. Identify whether the current code of conduct needs to be improved so that it can be implemented in the South African quantity surveying industry.

Point 1, 3 and 4 relate to research that is done in Chapter 2 through the literature review. Point 2 is the essential part of the research where the knowledge and input of current practicing quantity surveyors are needed in order to collect data and form part of the bigger picture with Chapter 2. In order to get inputs from some current practitioners, questionnaires have to be sent out. Point 5 will be addressed in Chapter 4 and Point 6 in Chapter 5.

Questionnaires will need to be sent to practitioners in order to identify any other barriers which might be specific to the South African construction industry. Data collection will be a quantitative survey by sending out questionnaires. Findings from the questionnaires will then be analysed and ranked according to the quantity surveyors' years of experience and the results of their questions.

3.3 RESEARCH METHODOLOGY

3.3.1 Introduction

Based on the research design and planning, the research methodology can now be done by identifying the techniques that will be used in order to analyse and collect the data that is needed.

3.3.2 Research strategy proposed

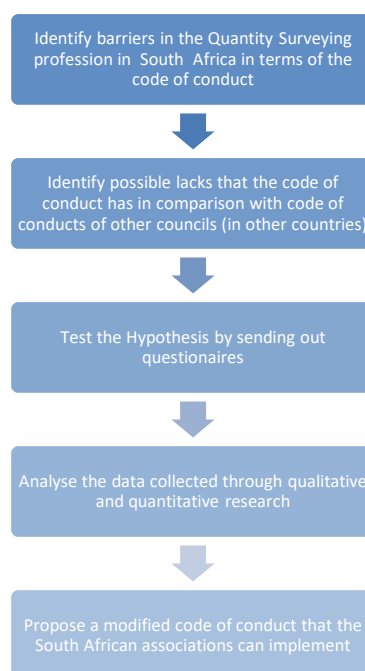


Figure 3, Proposed research strategy.

The research methodology will consist of a combination of quantitative and qualitative research. Chapter 2 is the qualitative research that focuses on the current facts and information available through historical research. Chapter 4 will focus on an electronic questionnaire that will be distributed to some professionals working in quantity surveying industry in South Africa. Quantity surveyors who are members of the ASAQS will be targeted for questionnaires.

After the results of the questionnaires are acquired, the qualitative research will be analysed with the quantitative research in order to identify the possible main problem areas with relation to the code of conduct in South Africa. This is the deductive approach in order to test the current theory.

The analysed data will be used in order to determine whether there are any shortcomings in the implementation of the code of conduct and ethical standards. These shortcomings will then be used in order to modify the current code of conduct and propose to implement it in the association's and council's code of conduct. This is the inductive approach in order to identify the generation of a new theory which emerges from the data received.

3.3.3 Research Instrument

The study will be a combination of quantitative and qualitative research. Qualitative research will be in the form of using historic research and secondary resources such as journals, books, articles and reports in order to gather information that gives insight to the main problem of this research problem. Primary data is data, which is collected directly by the original source, rather than relying of data which is collected from another resource. Secondary data is collected from other resources which is then summarised and analysed.

Quantitative research approaches consist of experimental research design, quasi-experimental research design and non-experimental research design, (Cruywagen, 2015). The research strategy approached is in the form of questionnaires that are distributed electronically, where the ASAQS is asked to distribute a questionnaire to their members on their data base website who is quantity surveyors in the industry. The benefit of this is that there is a factor of anonymity and the reason for using questionnaires is to make distributing thereof easily available to a large number of quantity surveyors in the same period of time, but the disadvantage hereto is that there will be no control over the rate of response.

3.3.4 Data and Data Analysis

Data is sent and collected through a Google Forms questionnaire. Google Forms, as described by Zapier Inc. (2019), forms part of the Google online applications suite of tools that can be easily used to distribute questionnaires.

It is a very simple way to save data directly into a spreadsheet. Therefore, Google Forms are directly linked to an individual's Google account that is password protected and data will only be sent to that account.

The questionnaire is easily accessible through a link that will open the questionnaire and it is completely voluntary. The questionnaire that is set up in Google forms consist of a title that gives a full description of the research title, what the research objective is and how long it would approximately take to complete the questionnaire. The questionnaire then begins with a few multiple choice questions and thereafter scenario questions follow that can be filled in by using short paragraph answers, once a person has completed the questions, they only need to click on the submit button and the answers would be immediately collected in the Google Forms responses spreadsheet.

The respondents' answers are stored and saved, by default, on a responses tab that easily shows the list of answers to each question, as well as summary graphs. The questionnaire works through anonymity (no personal names and details, email addresses or bank details are asked) which is set up to only show the answers of respondents, meaning that no one knows who answered what in the questions. This form of collecting the data/ answers is a great way to collect data easily and quickly without the hassle of asking respondents to print the questionnaire, fill it in and send it back. Therefore, it saves time and money without there being any safety risks.

The full data set is also kept safely, should something be deleted accidentally from the spreadsheet, it could be easily retrieved by reconnecting to the form that was previously stored and saved. The data received and stored is also safe as it is linked to a personal Google account that can only be accessed through a password that contains at least 8 characters with lower, upper case and numbers, as well as it has a 2 factor authentication where Google requires the password, as stated above, and an additional code that is sent to that person's phone by Google that the person has to enter. This makes the whole data storing process completely safe.

3.3.5 Limitations

The study will be limited to the quantity surveyors that conduct their services in South Africa. This research will be done within the period of one year, however there is a short period of time where the data will be sent and received. The questionnaires will be distributed to quantity surveying members, candidates as well as practicing quantity surveyors, which are registered with the Association of South African Quantity Surveyors through their council, however the questionnaire is completely voluntary and there is no control over how many members will answer it or not.

3.3.6 Ethical considerations

There are no health, safety and environmental concerns involved by the completion of the questionnaires. There is no risk relating to personal information being made available to this research. This research questionnaire is designed that members can only answer the questions asked in the form of multiple-choice questions and scenario questions that requires a short answer.

There are no personal details (such as age, names, identity numbers, place of work, personal numbers or bank details) asked in the questionnaire, however in order to make the questionnaire available so that the council can distribute it to its members, the council requires that the research questions have ethical clearance.

Ethical clearance was obtained before the research could commence, in terms of sending the questionnaires and receiving answers. The ethical clearance process is discussed in Chapter 4.

3.4 CONCLUSION

This chapter have dealt with the detailed research plan and research methodology. Data which is taken from previous valid publications gives a good indication on what the current issues are what quantity surveyors, as well as most professionals in the construction industry face, but it needs to be compared with how the questionnaires are answered in order to come to a conclusion of what the real problem is and how it can be solved.

CHAPTER 4: THE RESEARCH FINDINGS

4.1 INTRODUCTION

In order to gather the data efficiently, a research strategy must be designed to get a good overall picture of ethical behaviour in the South African Quantity Surveying Profession. This is done by way to first retrieve data in the form of a literature review to get a complete understanding of what the main problem is, as well as what ethical problems quantity surveyors possibly face in the current industry, what their roles are and what the Code of Conduct states.

After having a good understanding of the issues, a questionnaire is used in order to identify whether or not quantity surveyors in South Africa apply the code of conduct and their understanding regarding ethical behaviour. The questionnaire was made available on the ASAQS website where quantity surveying firms and quantity surveyors could voluntarily answer the questions in their own time and in a standardized questionnaire form.

4.1.1 Background to the ethics submission and approval thereof

Approval was needed from the Research Ethics Committee of the Faculty of Engineering, Built Environment and Information Technology (EBIT) at the University of Pretoria, in order to make the questionnaire available on the website of the ASAQS. The application form for “*The Study of the implementation of the Code of Conduct and Ethical Standards in the South African Quantity Surveying Industry*”, as well as all the accompanying documents (company permission letter from the ASAQS stating they will publish the questionnaire after ethical clearance, confirmation that the research proposal is approved, the questionnaire, informed consent form) had to be submitted via the online ethics system on the University of Pretoria Student Portal.

The submission had to be submitted before the 21st of June 2019, as submissions take five weeks to receive feedback and the questionnaire required enough time to be made available for enough responses from quantity surveyors before final submission in November. On 29 July 2019 feedback was received with “modifications required” where some application approaches had to be modified and revised.

On the 31st of July 2019 the revised and modified application form and updated supporting documents were submitted for approval and on 8 August 2019 the Approval Letter (See Annexure B) from the Ethics Committee was received where the ethical clearance was received. The questionnaire was made available for a period of one month on the ASAQS webmaster website which ended the 30th of September 2019.

4.1.2 The questionnaire

Before the collected data can be analysed from the questionnaire, it is important to explain how the questionnaire is created and why it is designed in such a way. The aim of the questionnaire is to identify how some quantity surveyors implement the code of conduct, where the possible gaps in the code of conduct are and how the current code of conduct can be improved. As certain practicing professionals do not always have the time to print out forms, fill it in and send it back, the questionnaire is made available through an online questionnaire where respondents can click on the answers or type short paragraphs.

The questionnaire will take approximately 30 minutes to complete; this will be the approximate duration where an individual will participate. Once the individuals have submitted their answers, their participation for the project is done. The questionnaire will be made available online to participants for a month where they can choose any time to complete it. The questions are designed to be focussed and simple. Close and open-ended questions are used to get a mix of multiple-choice questions and scenario questions which involves industry professional practice.

The questionnaire is divided into three sections:

- Section A gives insight to what the research is all about and asks for their informed consent to use their answers in the research;
- Section 1B is aimed to build a background of the respondents' experience by acquiring:
 - Their practicing years' experience;
 - Their level of qualification;
 - How many projects they were involved in, to date;
 - Their current status as a quantity surveyor.

- Section 2B is aimed to gather information on the use of the Code of Conduct by asking respondents:
 - How regularly they consult the code of conduct for guidance;
 - How they solve ethical problems;
 - Are their work monitored;
 - Where they think their main responsibility lies;
 - Do they think the Code of Conduct helps with problems;
 - Do they think the Code of Conduct can be improved;
 - How up to date are they with the Code of Conduct;
 - Do they think the Code of Conduct is dealt with enough on a tertiary level.
- Section C focuses on a number of scenarios in order to investigate the respondents' perception and application of ethics, professionalism and the code of conduct, as well as to ask their insight to real life problems simulated in these scenarios. The idea of the scenario questions is to get a general indication on how practitioners would handle a difficult situation; there is no ethically right or wrong answer. These answers can be used to give some basis of guidance on how a practitioner can possibly deal with a difficult situation he or she might face in the construction industry;

All the questionnaire responses received are answered through the online questionnaire. Data collected is analysed, the same way Othman (2012) analysed data, quantitatively and qualitatively. Where the qualitative analysis deals with the feedback in words (for example: interviews), in a non-numerical way, which describes the situations of the scenarios asked and how it is processed and interpreted by obtaining in-depth information from human behaviour. The quantitative data analysis deals with numbers and how the statistical methods, which are collected through the questionnaires, are used to explain the data.

4.2 DATA GATHERED & DATA ANALYSIS

4.2.1 Data gathered

Data, in the form of the answers from respondents, was gathered, stored and saved, by default, on a responses tab of Google Forms that easily shows the list of answers to each question of each respondent, as well as summary graphs indicating percentages of answers. This data can easily be converted to an Excel document in order to arrange the answers.

Because the questionnaire is set up to be anonymous, respondents' answers are used by way of percentages or numbers.

The research was only conducted within the borders of South Africa. Data was only collected from South African quantity surveyors, primarily in Gauteng, however due to the questionnaire being available on the ASAQS webmaster, quantity surveyors from all over South Africa had the chance to answer the questionnaire. Due to the fact of anonymity, the number of quantity surveyors based in Gauteng and other regions are unknown.

Due to the questionnaire being available online for any person to answer, there is no control over the quantity and quality of answers received. Any person can answer whatever they like, as they are anonymous, where personal interviews create a more controlled environment and the amount of data collected can also be controlled, but the amount of data collected electronically is less of a controlled environment where a person is not obligated to complete the questionnaire or a certain question, if they do not feel like it. This also implies that there is no control over the answers given, respondents can lie on the questionnaire (for example saying they have more than 10 years of experience where they may have less) and they can choose whether or not to answer certain questions (for example skip some of the questions they do not feel like answering), meaning that the data will not always be the full quantity of the respondents who completed the questionnaire. The data, in the form of responses, gathered from persons in the quantity surveying industry is 46 responses in total. All 46 responses are collected and will form part of the data analysis.

4.2.2 Data analysis

4.2.2.1 Section A - Informed consent

The questionnaire starts with an informed consent where respondents are informed about the research title, a bit of background of the research, what the objective and aim is for this questionnaire, that there are no health and safety impacts and no personal information is asked.

In Section A, respondents are asked to give their permission that they have read the information given and accept to give their informed consent or not to accept. Out of the 46 responses, 45 persons gave their informed consent and 1 person did not give his or her informed consent as per the table below. Although it is recognised that a person did not give informed consent for Section A, they could not continue with the questionnaire and they will not form part of the data analysis further on in Section B and C.

<i>Giving informed consent</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Accept</i>	<i>45.00</i>	<i>98%</i>
<i>Do not accept</i>	<i>1.00</i>	<i>2%</i>
<i>Total</i>	<i>46.00</i>	<i>100%</i>

Table 1, Table for informed consent of respondents.

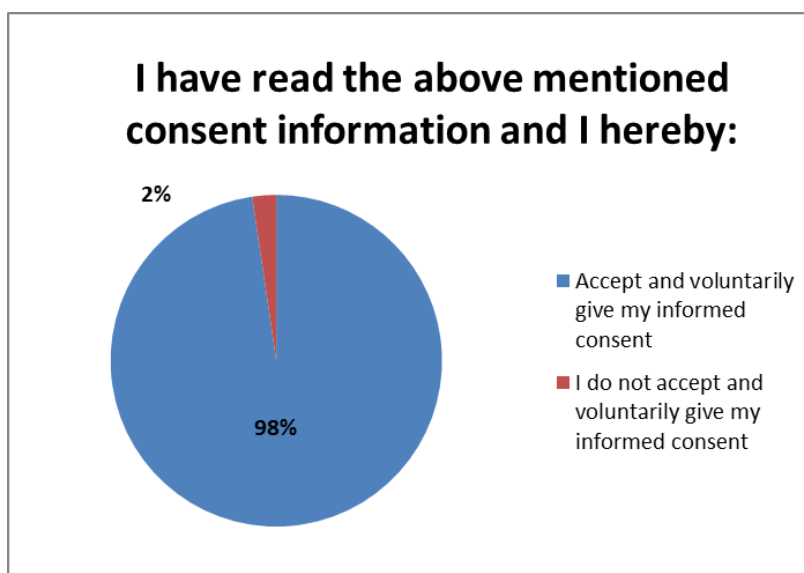


Figure 4, Figure for informed consent of percentage respondents.

4.2.2.2 Section B – Short questions

Questions 1 to 9 are questions that have multiple choice answers in order to identify focus groups to work from. Questions 10 to 13 are short questions which only requires motivation from respondents that are short and to the point.

Question 1 – Years practicing as a quantity surveyor

In question 1 of the short questions, respondents are asked how many years they are practicing as a quantity surveyor. The choices which respondents can choose from are less than five years, between five and ten years and more than ten years.

43 respondents' data are collected where 14% (6) respondents are practicing less than five years, 14% (6) respondents are practicing between five and ten years and 72% (31) respondents are practicing as quantity surveyors for more than 10 years as seen in the table below. This gives focus on the largest group which is quantity surveyors with more than 10 years' experience in the field.

<i>Years of experience</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Less than 5 years</i>	<i>6.00</i>	<i>14%</i>
<i>Between 5 and 10 years</i>	<i>6.00</i>	<i>14%</i>
<i>More than 10 years</i>	<i>31.00</i>	<i>72%</i>
<i>Total</i>	<i>43.00</i>	<i>100%</i>

Table 2, Table of the amount of years respondents are practicing.

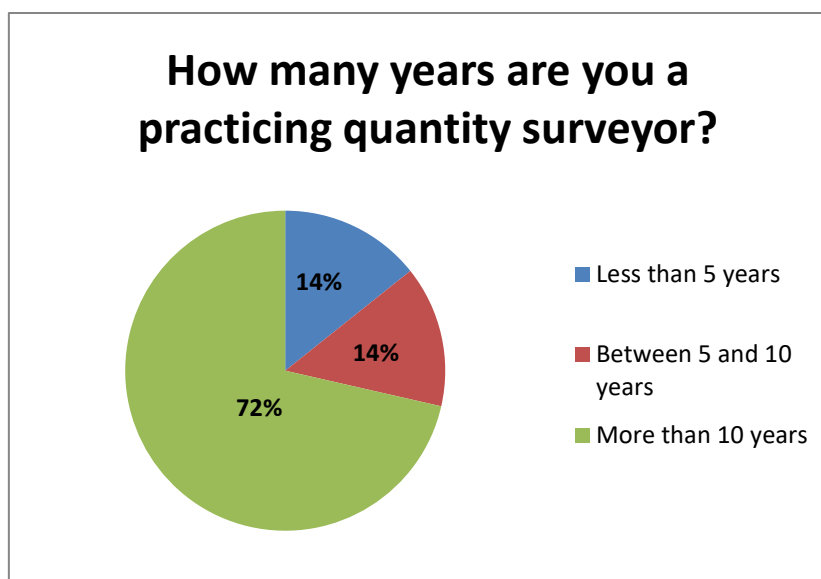


Figure 5, Percentage of the number of years respondents are practicing in the field of quantity surveying.

Question 2 – Level of education

In question 2, respondents are asked what degree of education they have. The choices which respondents can choose from are experience in field with no degree, BSc Quantity Surveying, Bsc (Hons) Quantity Surveying and MSc Quantity Surveying.

43 respondents' data are collected where 7% (3) respondents have experience in field with no degree, 26% (11) respondents have BSc Quantity Surveying, 53% (23) respondents have Bsc (Hons) Quantity Surveying and 14% (6) respondents have MSc Quantity Surveying as per the table below. This gives focus on the largest group which is quantity surveyors with a Bsc (Hons) Quantity Surveying degree.

Level of degree	Number of respondents	Percentage
<i>No degree</i>	3.00	7%
<i>BSc Quantity Surveying</i>	11.00	26%
<i>BSc (Hons) Quantity Surveying</i>	23.00	53%
<i>MSc Quantity Surveying</i>	6.00	14%
Total	43.00	100%

Table 3, Table indicating the level of degree respondents have.

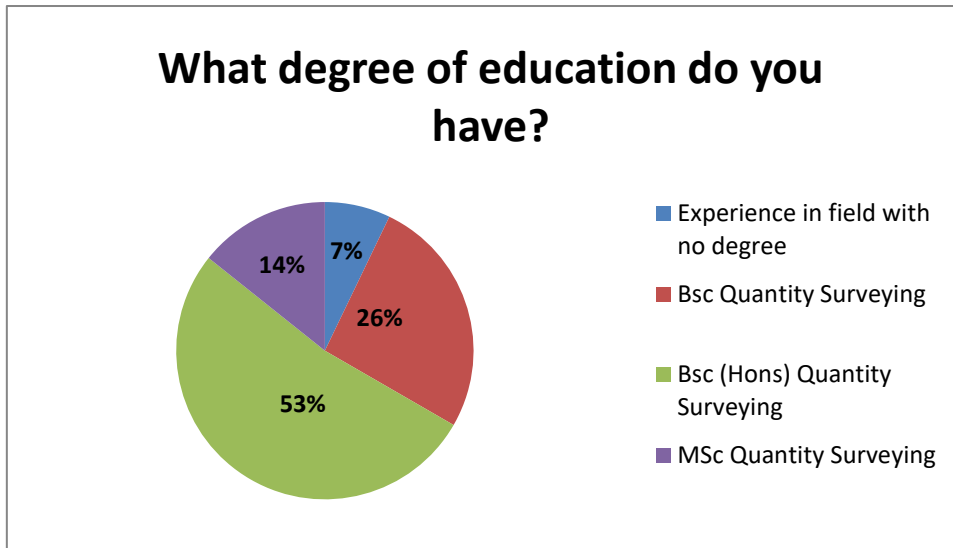


Figure 6, Percentage of the level of degree respondents have.

Question 3 – Number of projects respondents were involved in previously

In question 3, respondents are asked how many projects they were involved in. The choices which respondents can choose from are less than 20 projects, between 20 and 50 projects or more than 50 projects.

43 respondents' data are collected where 14% (6) respondents were involved in less than 20 projects, 33% (14) respondents were involved in between 20 and 50 projects and 53% (23) respondents were involved in more than 50 projects. It becomes clear that the large focus group with more 10 years' experience were involved in more than 50 projects giving them a good background to ethical problems and the code of conduct and their experience could contribute to the scenario questions asked and analysed later in this research.

Number of projects involved in	Number of respondents	Percentage
<i>Less than 20 projects</i>	6.00	14%
<i>Between 20 and 50 projects</i>	14.00	33%
<i>More than 50 projects</i>	23.00	53%
Total	43.00	100%

Table 4, Number of projects respondents are involved in.

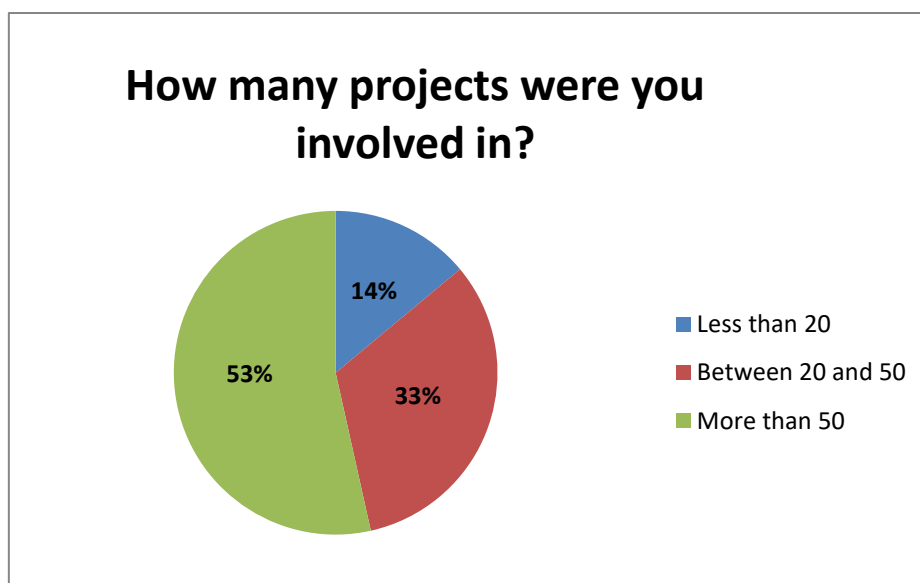


Figure 7, Percentage of projects respondents are involved in.

Question 4 – Current status a Quantity Surveyor

In question 4, respondents are asked what their current status as a Quantity Surveyor is. The choices which respondents can choose from are still being a student or intern, being a junior or a senior quantity surveyor.

43 respondents' data is collected where 2% (1) respondent(s) are a student or intern, 14% (6) respondents are junior quantity surveyors and 84% (36) respondents are senior quantity surveyors as per the table below.

<i>Current status in the firm</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Student/ Intern</i>	1.00	2%
<i>Junior</i>	6.00	14%
<i>Senior</i>	36.00	84%
<i>Total</i>	43.00	100%

Table 5, Current status of respondents in the quantity surveying industry.

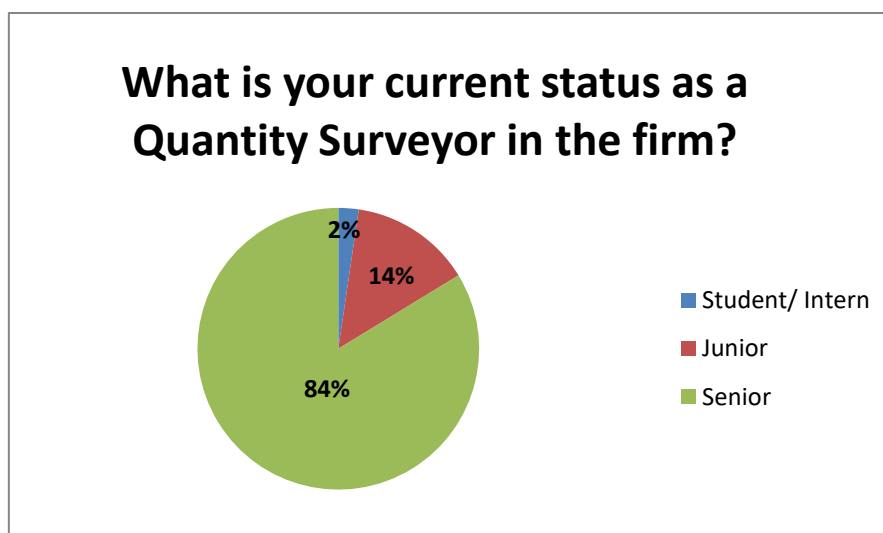


Figure 8, Current status of percentage respondents in the quantity surveying industry.

Question 5 – Complexity of projects dealt with

In question 5, respondents are asked what level of complex projects they deal with on a normal basis. The choices which respondents can choose from are low level projects, moderate complex projects or high-level complex projects.

43 respondents' data are collected where 2% (1) respondent(s) deal normally with low level projects, 56% (24) respondents deal with moderate complex projects and 42% (18) deal with high level complex projects as per the table below.

Level of complex projects	Number of respondents	Percentage
<i>Low level projects</i>	1.00	2%
<i>Moderate complex projects</i>	24.00	56%
<i>High level complex projects</i>	18.00	42%
Total	43.00	100%

Table 6, Complexity level of projects respondents normally deal with.

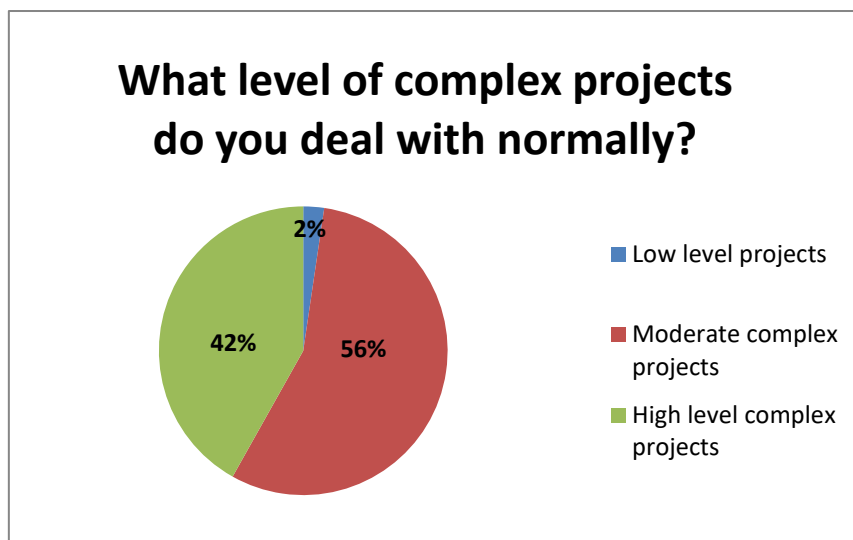


Figure 9, Percentage complexity level of projects respondents normally deal with.

Question 6 – Consultation of the code of conduct

In question 6, respondents are asked how regular they consult the code of conduct for guidance. The choices which respondents can choose from are never, frequently or as much as deemed necessary.

43 respondents' data is collected where 44% (19) respondent(s) never consult the code of conduct, 7% (3) respondents frequently consult the code of conduct and 49% (21) respondents consult the code of conduct as much as deemed necessary for guidance as per the table below.

Consultation of the Code	Number of respondents	Percentage
<i>Never</i>	19.00	44%
<i>Frequently</i>	3.00	7%
<i>As much as necessary</i>	21.00	49%
Total	43.00	100%

Table 7, How regularly the code of conduct is consulted.

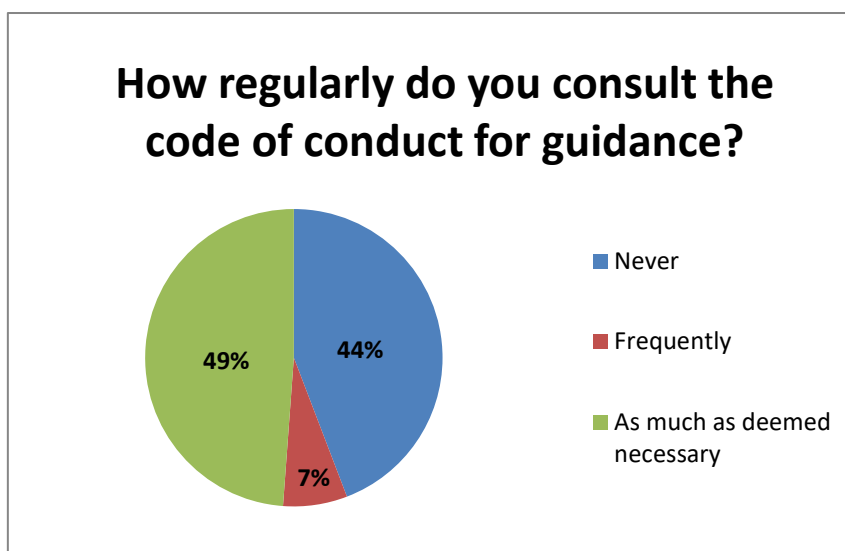


Figure 10, Percentage of how regularly the code of conduct is consulted.

Question 7 – How ethical problems are solved

In question 7, respondents are asked how they solve ethical problems in the profession. The choices which respondents can choose are by solving problems through the guidance of the code of conduct, experience and knowledge or advice from a mentor/colleague or senior person.

43 respondents' data are collected where 2% (1) respondent(s) solved ethical problems through the guidance of the code of conduct, 65% (28) respondents solve ethical problems through their own experience and the knowledge they have and 33% (14) respondents solve ethical problems by getting advice from a work mentor/colleague/senior as per the table below.

How ethical problems are solved	Number of respondents	Percentage
<i>Guidance from the Code</i>	1.00	2%
<i>Own experience</i>	28.00	65%
<i>Advice from work colleagues</i>	14.00	33%
Total	43.00	100%

Table 8, How ethical problems are dealt with by respondents.

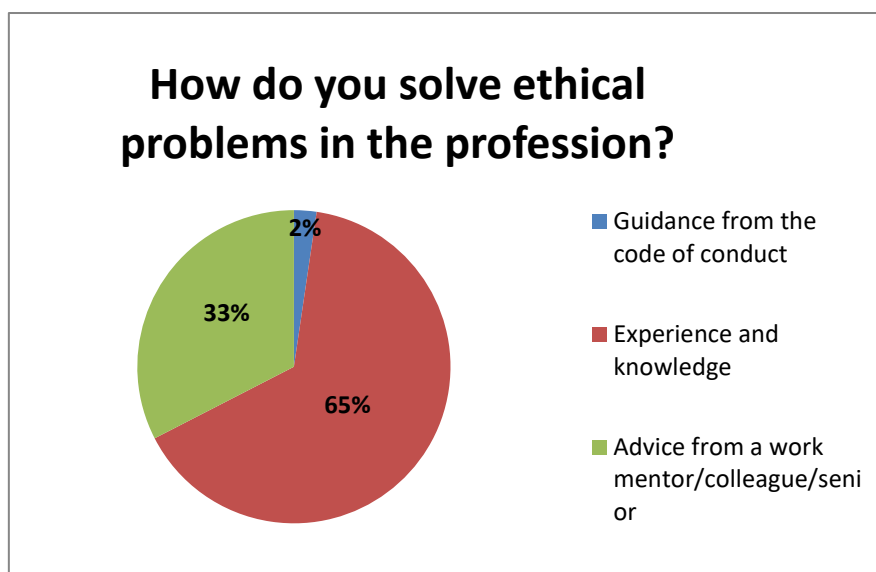


Figure 11, Percentage of how ethical problems are dealt with by respondents.

Question 8 – Where the main responsibility lies of a quantity surveyor

In question 8, respondents are asked where they think their main responsibility lies. The choices which respondents can choose are their employer, the client or public.

43 respondents' data are collected where 49% (21) respondents think their main responsibility lies with the client, 25% (11) respondents think their main responsibility lies with their employer and 26% (11) respondents think their main responsibility lies with the public as per the table below.

<i>Where the main responsibility lies</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Client</i>	21.00	49%
<i>Employer</i>	11.00	25%
<i>Public</i>	11.00	26%
Total	43.00	100%

Table 9, Where the main responsibility lies of a quantity surveyor.

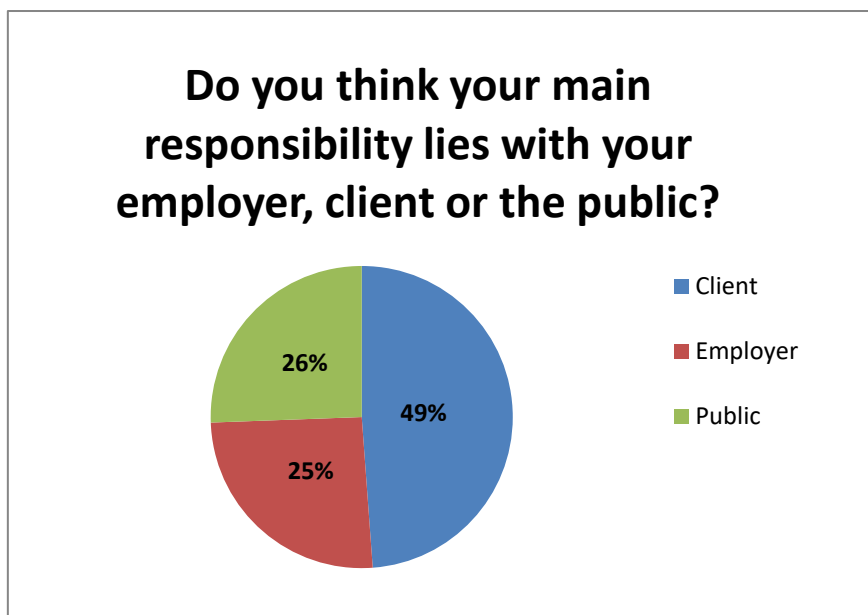


Figure 12, Percentage of where the main responsibility lies of a quantity surveyor.

Question 9 – Work being monitored

In question 9, respondents are asked whether their work are monitored. The choices which respondents can choose are yes or no.

42 respondents' data are collected where 45% (19) respondents said yes and 55% (23) respondents said no as per the table below.

<i>Are your work supervised?</i>	<i>Number of respondents</i>	<i>Percentage</i>
Yes	19.00	45%
No	23.00	55%
Total	42.00	100%

Table 10, The number of respondents whose work is monitored or not.

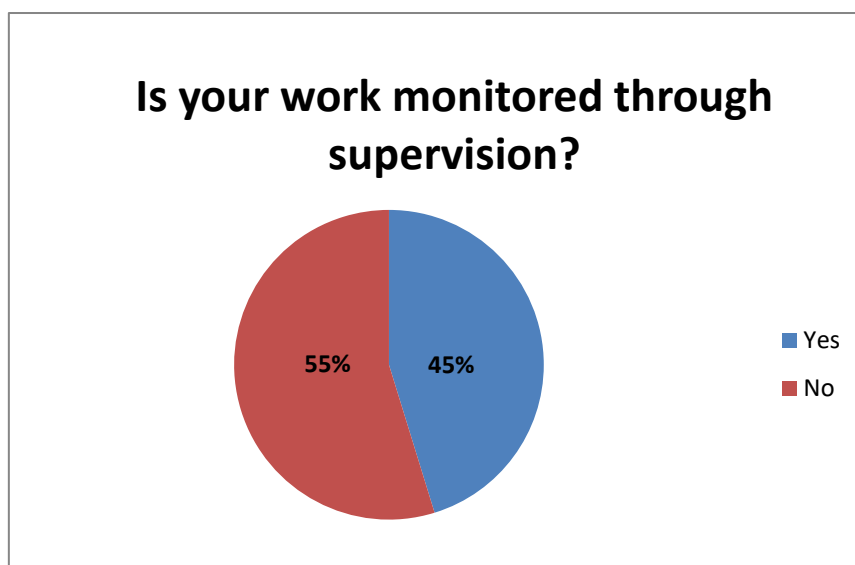


Figure 13, Figure to show the percentage of respondents whose work is monitored or not.

Question 10 – Does the code of conduct help when faced with ethical dilemmas

In question 10, respondents were asked whether they think the code of conduct helps when faced with ethical dilemmas and to motivate their answers shortly.

43 respondents' data are collected where 74% (32) respondents said yes, 19% (8) respondents said no and 7% (3) respondents said they are unsure, as per the table below.

<i>Does the Code of Conduct help?</i>	<i>Number of respondents</i>	<i>Percentage</i>
Yes	32.00	74%
No	8.00	19%
Unsure	3.00	7%
Total	43.00	100%

Table 11, Respondents' answers whether the code of conduct helps when faced with ethical problems.

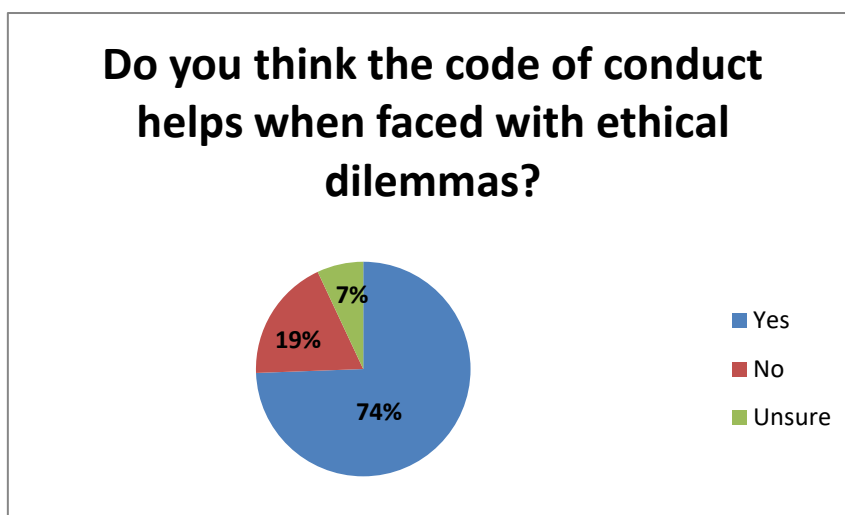


Figure 14, Percentage of respondents' answers whether the code of conduct helps when faced with ethical problems.

Some respondents who said yes motivated the following common answers:

- It gives an acceptable and correct way to conduct oneself;
- It is a guideline for reference;
- It is a basis to make conclusions;
- The code pre-empts potential pitfalls;
- It gives clarity and direction;
- It gives guidance to what the Council deems to be ethical behaviour and safeguards all parties to the agreement with the professionals;
- It indicates what is allowed and what is not;
- It is a set of rules that needs to be adhered to;
- It helps to serve as a platform to consult when faced with ethical problems;
- It is secondary to the laws of one's jurisdiction.

Some respondents who said they were unsure motivated the following common answers:

- They have what they assume are a strong moral code, as well as their teachings from university to guide them;
- They never had to refer to it;
- They never needed it.

Some respondents who said no motivated the following common answers:

- Ethics must be part of their morals;
- The code of conduct is not often looked at as people rely on their personal decisions;
- Integrity does not require the code of conduct;
- The code of conduct is seriously wanting where the code of conduct only addressed firms which are not governed by the SACQSP;
- The code of conduct is totally inadequate;
- It is too general;
- It does not help for the most day-to-day project related cases. The code mainly focuses on the legal side of running a company.

Question 11 – Does the code of conduct need to be improved

In question 11, respondents were asked whether they think the code of conduct must be improved and to motivate their answers shortly.

40 respondents' data are collected where 62% (25) respondents said yes, 15% (6) respondents said no and 23% (9) respondents said they are unsure, as per the table below.

<i>Must the Code of Conduct be improved?</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Yes</i>	25.00	62%
<i>No</i>	6.00	15%
<i>Unsure</i>	9.00	23%
<i>Total</i>	40.00	100%

Table 12, Respondents' answers whether the code of conduct must be improved.

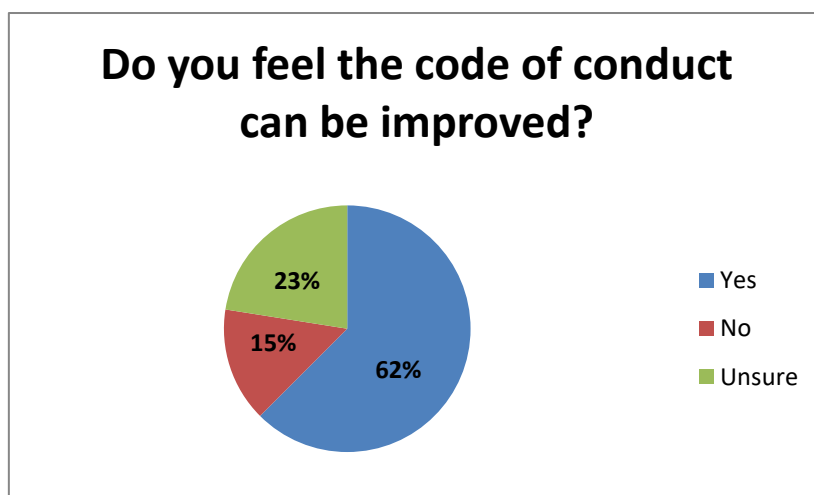


Figure 15, Percentage of respondents' answers whether the code of conduct must be improved.

Some respondents who said yes motivated the following common answers:

- It can go into more detail;
- It can say more about bribery;
- The “grey areas” can be elaborated on;
- Situation specific matters can be improved;
- It can be stricter;
- It can be updated as a lot have changed throughout the years;
- It must always be improved as it needs to take into account all the changes in the industry;
- It should cover typical real-life complications;
- There needs to be a much more comprehensive code;
- It lacks clear guidance;
- It needs to be referred to more regularly;
- It needs to omit the offices section;
- It could learn from the RICS;
- The code of conduct can learn from other countries' codes and also ensure that the current code is more available;
- Keep up to date and address current problems;
- Insert a “frequently asked questions” section dealing with project related cases. Cases that quantity surveyors normally deal with on a daily basis. The answers to these questions to take the code of conduct into account, as well as common law practices and ethics into account.

Some respondents who said they were unsure motivated the following common answers:

- They do not know the code of conduct well enough;
- They have not seen any flaws yet;
- They have never needed it;
- They are not familiar with the content of the code of conduct;
- They are not up to date with the code of conduct.

Some respondents who said no motivated the following common answers:

- It is adequate in the present form;
- It is sufficient, as it has been around for a long time;
- The document is comprehensive.

Question 12 – How up to date respondents are with the code of conduct

In question 12, respondents were asked how up to date they are with the code of conduct.

43 respondents' data are collected where 16% (7) respondents said they know it fairly well, 33% (14) respondents said they know it moderately and 51% (22) respondents said they do not know it too well as they have never needed the code of conduct as per the table below.

<i>How up to date are you with the Code?</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Fairly well</i>	7.00	16%
<i>Moderately</i>	14.00	33%
<i>Not too well</i>	22.00	51%
<i>Total</i>	43.00	100%

Table 13, How up to date respondents are with the code of conduct.

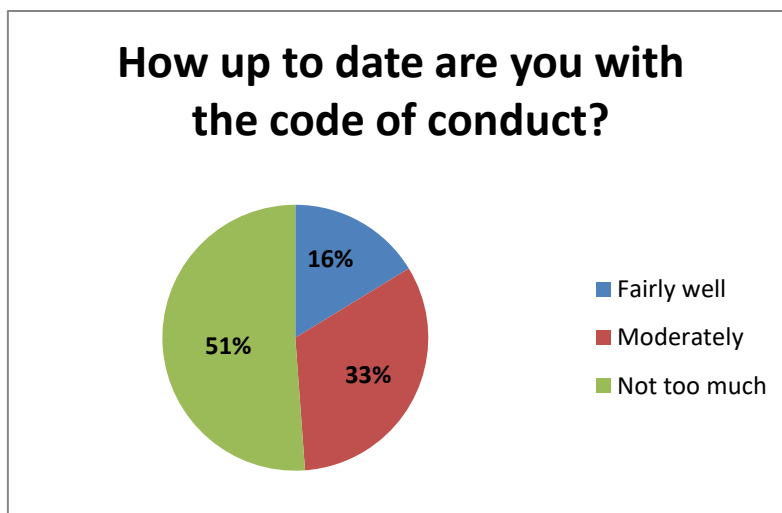


Figure 16, Percentage of respondents who are with the code of conduct.

Question 13 – Were respondents informed enough through education of the code of conduct

In question 13, respondents were asked whether they were informed enough of the code of conduct regarding ethical matters through education.

42 respondents' data are collected where 52% (22) respondents said yes, 48% (20) respondents said no.

<i>Were respondents informed enough of the Code?</i>	<i>Number of respondents</i>	<i>Percentage</i>
Yes	22.00	52%
No	20.00	48%
Total	42.00	100%

Table 14, Were respondents informed enough of the code of conduct.

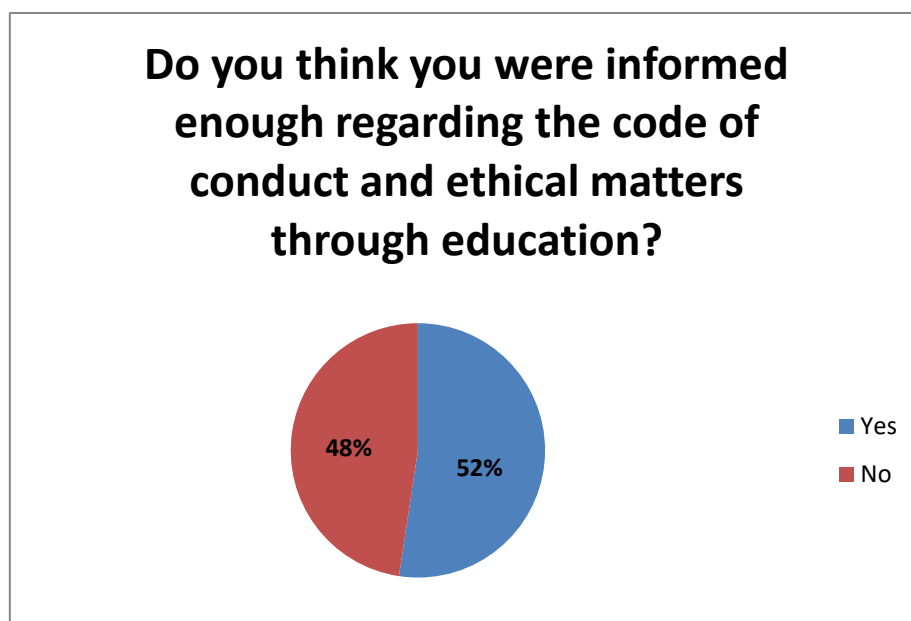


Figure 17, Percentage of respondents who answered whether they were informed enough of the code of conduct.

Some respondents who said yes motivated the following common answers:

- Some lecturers emphasized on the importance of ethical practice;
- It was taught and tested properly;
- It formed part of the final acceptance to become a professional quantity surveyor;
- Some respondents keep regularly up to date;
- After more than 10 years in the industry one tends to forget all the information in the code of conduct. A refresher course is recommended or the council must encourage practitioners to read the code of conduct more from time to time.

Some respondents who said no motivated the following common answers:

- There is not enough of the code of conduct;
- Some respondents only have a BSc degree and the code of conduct is only dealt with students in their Honours year;
- It could have been elaborated more on the topic;
- Not enough time and effort is spent on a proper ethics module;
- Ethics was not focused on;
- There is no refresher course on the code of conduct;
- Not enough emphasis is placed on ethics;
- No in-depth training was received, only made aware of it;
- It was only a general overview and not properly addressed;

- No, only in practice.

4.2.2.3 Section C – Scenario questions

Question 14 – Late opening of tenders

In question 14, respondents were asked a scenario question stating the following “*You are the quantity surveyor in charge of opening the tenders for a large project which closes at 12pm. 5 tenderers were invited to tender. 1 notified that they won’t tender. 1 sent their tender through via email, 2 tenderers submitted their tenders on time. On 12h05, the last tenderer submits their tender explaining that due to loadshedding the traffic lights were out which caused them to be late. With a short explanation, how would you deal with this situation?*”.

41 respondents’ data are collected where 51% (21) respondents said they would accept it, 49% (20) respondents said they would not accept it.

<i>Will late tender submissions be accepted?</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Accept it</i>	21.00	51%
<i>Not accept it</i>	20.00	49%
<i>Total</i>	41.00	100%

Table 15, Respondents' answers on submission of late tenders.

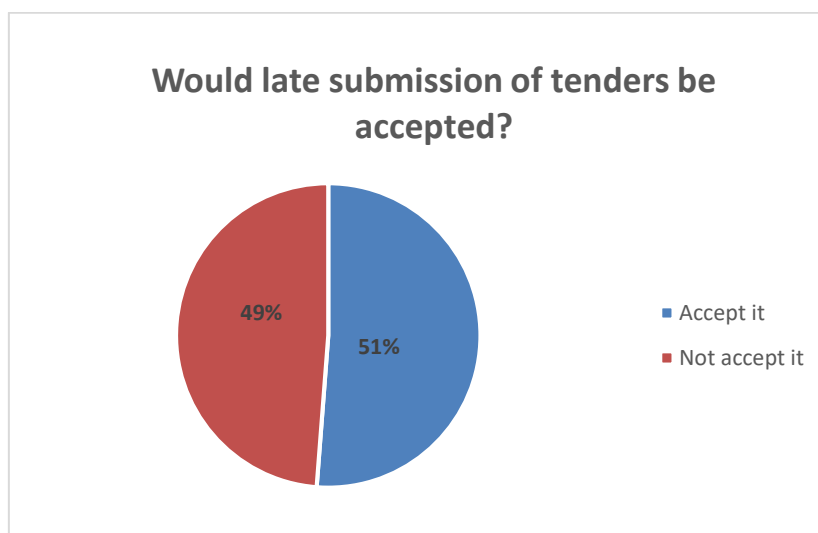


Figure 18, Percentage of respondents' answers on submission of late tenders.

Some respondents who said that they would accept the tender motivated the following common answers:

- The mailed tender can only be included if the tender conditions allows for that;
- The tender would be accepted as the role of a Quantity Surveyor is to look after the financial wellbeing of a client. There is a possibility that the late submitted tender could be the best possible offer;
- The tender will still be considered but not prioritized. The tender will only be selected if it is the most promising of the rest, although it was 5 minutes late with a valid reason;
- If it is an open tender, the other tenderers will be asked if they would object to the late tenderer being accepted. If the tenderer was a closed tender and no one was present, the late tender would have been accepted without comment;
- To get 3 tenders, as a best comparison, open the facts to the 2 tenderers (that met the requirement) and ask if they would be in objection to include the 3rd tender, in that way try get the best result for the client as well, but there must be consent;
- If the tenders were not opened yet, it will be clarified with all and include it. However, if the others were opened the late tender will not be opened;
- If no tenders submitted on time and it have yet been opened by 12:05, one can request permission from the other tenderers to include and open the late tender, if that is accepted, the late tender must be recorded as being late (with the attached reason). However, if the timeous tenderers object to include the late tender (which is unlikely, given that there is no benefit to the late tenderer), the late tender should not be considered;
- If the tenderer can prove that they had attempted to send the email prior to 12h00, then their tender will be allowed to be submitted. Outlook tracks all attempted mails and they would be time stamped. Unfortunately, with the current state of load shedding and the frustrations it brings one could not just disqualify the tenderer;
- The late tenderer will be accepted, with the additional information given to the client that they were late for the tender. Being in South Africa, load shedding is often a problem that influences everyone. The final decision of who is appointed as the successful tenderer still lies with the client and Principal Agent;
- The client would be informed about the situation and recommend that tenderer not immediately be disqualified but be included in the adjudication as the circumstances were unforeseen and the client would potentially miss out on a

very good tender. And recommend disclosing the decision to the other tenders and address potential objections in advance;

- Explain the scenario to the other tenderers and ask them if they have any objections to accepting the last tender;
- What is relevant is did the late submitter gain any unfair advantage by submitting late. If proven not, accept the tender;
- Accept the emailed tender if emailed through before 12pm. The late tender submission will only be considered if the tenderer did not have undue advantage before submission. Also, if this is an open tender, ask the attending tenderers permission to accept the late tender submission. Only decline a late tender if the tender results were read out and known by the late tenderer prior to submission – then there is undue advantage.

Some respondents who said that they would not accept the tender motivated the following common answers:

- It is a late tender and it will not be accepted. The emailed tender will not be accepted, if it was indicated that emailed tenders are not accepted;
- Advise the tenderer that his tender is late and cannot be accepted. If the 3 tenderers that submitted on time are consulted and do not object the decision can be reconsidered;
- If email was an accepted method of delivery, only three tenders can be adjudicated. The late tender cannot be considered, despite the reason for being late;
- All tenders will be excluded that did not conform to the tender conditions;
- The tender would not be accepted, the onus is on the tenderers to make provision to get the documents in hard copy to the location on time. As a quantity surveyor, one must be consistent and fair, and if you accept it once, it will start becoming a norm;
- The latter would be disqualified due to a technicality. The email tender could possibly be disqualified depending on the submission requirements of the tender. If the remaining 2 tenders are deemed to be insufficient to proceed, the latter two could be taken into consideration if procedures are followed;
- The terms and conditions are clearly defined especially on the closing date and time. Fairness should therefore apply equally to all tenderers. The circumstances upon which a tenderer expects to be granted reprieve from compliance would

therefore be unreasonable. The tender would be rejected simply on the grounds of being delivered late;

- The late submission remains late, so it will not be accepted. The only way that this can be accepted is if all tenderers who did submit tenders on time and within the guidelines of tender submission, give their consent in writing for the late tender to be opened and considered;
- If the tenders have been opened and the result made public, one cannot allow a late tender as that would be unfair. If the tenders are still closed, you may either discard the tender submitted late or you can ask the three tenders that submitted in time if they have objections to also including the late tender. If they all agree, you can include the late tender in the process;
- Explain the situation to the client and recommend that the tender must be disqualified;
- Very much depends of the Conditions of Tender, but generally I would classify the tender as "Non-Responsive" and exclude them from further tender adjudication process;

Question 15 – Hidden costs

In question 15, respondents were asked a scenario question stating the following *“You are the main quantity surveyor of an R 500,000,000.00 project. At practical completion you are completing the final account, your client instructs the contractor to do additional work and asks you to hide the costs for the additional work under savings you already have shown the previous month under trades in the cost report. You do not want to lose the client as they have prospective projects in mind with you. How do you deal with the matter?”*

39 respondents' data is collected where 5% (2) respondents said they would keep the additional works separate from the current final account, 21% (8) respondents said they would follow the contract instructions, 33% (13) respondents said they will decline to hide any costs, 15% (6) respondents said they will follow the client's instruction, 10% (4) respondents said they will enquire if the contractor will be acceptable to do late instructed work, 3% (1) respondents said they would refer to the code of conduct and 13% (5) respondents said they would do something other than the above responses.

How to deal with hidden costs	Number of respondents	Percentage
<i>Keep additional works separate</i>	2.00	5%
<i>Follow the contract instructions</i>	8.00	21%
<i>Decline to hide any costs</i>	13.00	33%
<i>Follow the client's instruction</i>	6.00	15%
<i>Enquire if the contractor will accept</i>	4.00	10%
<i>Refer to the Code of Conduct</i>	1.00	3%
<i>Other</i>	5.00	13%
Total	39.00	100%

Table 16, how respondents will deal with hidden costs.



Figure 19, how respondents(percentage) will deal with hidden costs.

Respondents gave the following common answers where they would keep their works separate:

- Instructions for additional work cannot be given after practical completion, the additional work must be dealt with as a new contract and that the contractor be given the opportunity to adjust rates or confirm that he is prepared to hold his rates;
- Since there is already savings, advice that the works are kept separate and state that should these massive projects go 'bad' one would need all the documentation in order. Keep the works separate from the main contract tendered works;

Respondents gave the following common answers where they would follow the contract conditions:

- Advise the clients that the contract conditions will have to be followed regarding payments, escalation, extension of time, etc.;
- The client is not the Principal Agent (PA), the client must confer with the PA and make him aware that, practical completion having been attained, and the client assumes the works risk. No-one, not even the PA, can alter a contract clause. Any deviation from the contract agreement must be agreed upon between the client and the contractor. This is how to deal with the matter without fear;
- The client has discretion over the use of his money. The duty of the quantity surveyor is to the project. If the client wants additional work to be done, the quantity surveyor needs to ensure the contractor is fairly compensated for additional work executed. Money should not need to be hidden and can be displayed;
- Inform the client that additional work cannot be offset against previous savings without reporting it as additional extra cost. The final account has to show the additional cost separately;
- Explain to the client that unfortunately one cannot back and retract a saving. One would need to show the extras however the project as a whole should still reflect a saving (dependent on the number of extras at this stage of the project). Explain that this is the best for both himself, as well as for the quantity surveyor in terms of conduct and possible future auditing.
- Any deviation from the contract in respect of additional work after practical completion is clear. The work to be executed may be allowed subject to approval from all parties;
- Explain to the client that it is additional work and should be addressed correctly not under savings;
- Firstly, explain to the client the contractual position that: (a) the contractor is not obliged to execute contract instructions for additional works after the certified date of practical completion; (b) oral instructions are of no force or effect; and (c) all contract instructions must be issued by the principal agent. Suggest to the client to effect payment to the contractor as a direct contractor outside the agreement.
- It happens in the industry, but as a quantity surveyor one must be able to show where funds are spent;

Respondents gave the following common answers where they would decline to hide any costs:

- Decline to hide any costs, explaining that one cannot conduct business that way;
- If this was a client, he would not have to ask to hide costs that he is aware of, however it would not be hidden;
- What goes around comes around, the request would be rejected and rather lose one client, than put one's career and company's name in jeopardy when things like that come out in the open;
- It is unethical, as the contractor must be notified and remunerated;
- Always an extremely difficult situation, but one must do the right thing. Irrespective of a position in the company, either discuss the matter directly with the client or one's senior and inform either of them one cannot or will not hide the costs. In the same breath, use knowledge and experience to ask the client why he wanted to do this and then proceed to make suggestions or work through situation to find a broad solution;
- It is important to keep the client relationship in good standing; however, it is more important to conduct business in an ethical and honest manner. In this situation it would be best to respectfully tell the client that as a quantity surveyor one cannot comply with his requests, and that any such additional work has to go through the proper channels. If the client persists, it helps to inform them of the implications should they wish to proceed. It is imperative to not give in and advise the client to follow correct procedures according to the rules set out;
- As a quantity surveyor, one cannot effectively complete a cost report if there is tampering with a previous published report. The cost report will remain and if the client wants to hide the costs under their own reporting, that is up to them, the project will be reported on correctly. The reporting process will be explained to the client. Honesty is more respected than following orders;
- The cost will not be hidden under savings;
- It is unclear why a client would have to hide additional costs when it is his money, however hiding costs is unacceptable;
- There will not be anything hidden.

Respondents gave the following common answers where they would follow the client's instruction:

- Follow the client's instruction, normally clients can deal with the savings given back on their side and reallocate the saving back to the project;
- As long as the contractor is getting paid, the Client can structure the cost report as he wishes, provided that no money changes hands outside of the payment certificate;
- Move the money to savings as requested;
- The client is in control of his own money and he can do with it as he please;
- Follow the instruction, if that is how the client wants to have report the extra work;
- Whichever way one reflects the costs the final value will be the same. Find out the motivation for this request and if not illegal, do as requested on condition that the value of additional work is correctly certified.

Respondents gave the following common answers where they would enquire if the contractor will do late instructed work:

- It is the client's prerogative to spend his budget (or to keep the savings). If the contractor agrees to do the late instructed work, then there should be no issue in adding the cost of that extra work into the final account - and into the cost report as the reason for the reduced savings is clearly a client's request;
- The contractor must be paid for work done and the final account needs to reflect the true value of the work. The cost report and the final account must be synchronized and reflect the same detail;
- The client's request would not be entertained. The request will be discussed with the contractor, establish whether he would be prepared to do the work for the existing contract rates or whether he would want to revisit his rates, as well as suggest that an additional contract be entered into as the additional work cannot be allowed to impact on achieving practical completion for the works completed;
- Did the contractor accept this instruction? If he has, this will be a variation order to his contract, amount can be paid by saving from trades, but advice the client work carried out will affect works and final completion. Final Account needs to be completed 90 days after practical completion.

Respondents gave the following common answers where they would refer to the code of conduct:

- Refer to the code of conduct and the fact that one needs to build a solid and trustworthy relationship, if the adjustments were to be accepted, it will most likely happen again, and the quantity surveyor will be held liable for the fraud.

Respondents gave the following common answers where they answered other than the above responses:

- Include the costs in the Final Account as it is not final until agreed and signed by both parties regardless of the state of project completion. There is no need to hide the costs, as the savings will cover them, but not to make payment under hideous terms;
- Negotiate with contractor for a solution;
- In writing confirm the instruction from the client between oneself and the client. Then discuss the matter with fellow directors, and "round-robin" the approach on this, and only then make a final decision on the matter;
- Discuss with the client and explain the problem with doing this and suggest an alternative way of including the additional costs in the final account;
- If the final account has not yet been signed and completion has not yet been achieved, obtain a cost from the contractor and adjudicate same. Forward this to the client for approval and show it as a line item in the next cost report. The client knows what the extra is for under the cost report so no worries for any future projects

Question 16 – Building cost missed

In question 16, respondents were asked a scenario question stating the following *“You were the quantity surveyor involved in a project from the start. During the construction stage you realise that you have missed a building cost item calculating to up to R 1,500,000.00 in R 50,000,000.00 project. You are not sure if you must report it or move figures around and divide it up under savings of the building costs. How would you deal with the situation?”*

41 respondents' data are collected where 88% (36) respondents said they would report it to the client and 12% (5) respondents said they would deal with it differently.

<i>Building costs missed</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Report it to the client</i>	36.00	88%
<i>Deal with it differently</i>	5.00	12%
Total	41.00	100%

Table 17, Respondents' answers how they would deal with costs that was missed.

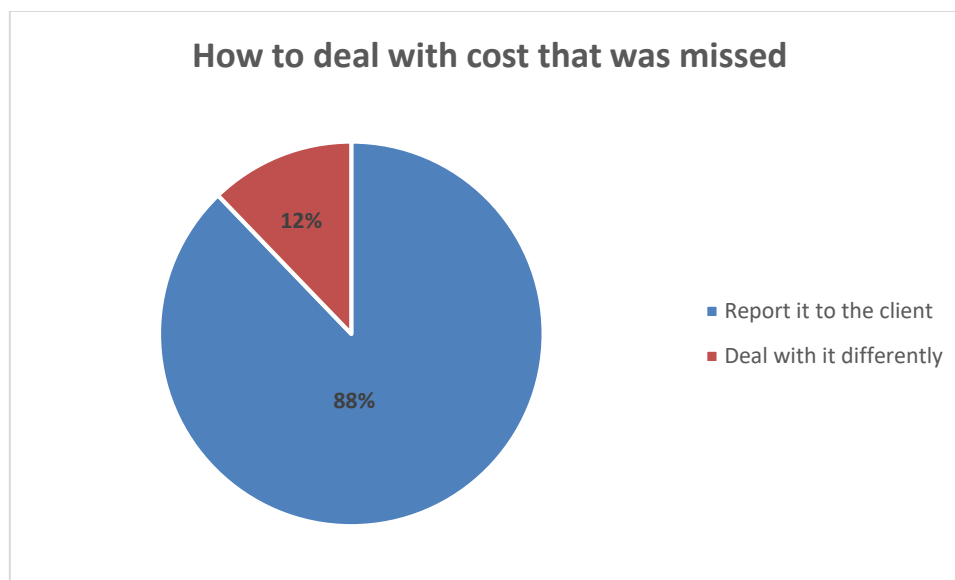


Figure 20, Percentage of respondents' answers how they would deal with costs that was missed.

Respondents gave the following common answers where they said they would report it to the client:

- Revisit the budget to assess whether it would be possible to handle the error within budget, make an appointment with the client and the principal agent, place the full situation on the table and offer the solutions for discussion;
- Report mistake to client and see whether one can value-engineer other items to absorb the mistake;
- Report the error and accept the consequences;
- Since the budget is already approved by the time this realization took place, it will have to be solved by moving savings around. Normally there will in addition to savings be a contingency allowance. This will then have to be reported to the client;
- It must be reported in an open transparent way;
- It does need to be stated;
- Definitely report it and not like to have a possible audit (as is the case with state projects) haunting a professional, but that is beside the point. Be up-front with the client and do not try and dissemble, mistakes do occur;

- It is not a problem, report it as it is;
- Report it and work together to find a solution rather than being dishonest;
- Admit the problem to the client and contractor and explain how it will be dealt and resolved. If savings needs to be found elsewhere in the project, the client needs to be informed;
- The client has to be informed;
- It is never an option to cover up or hide things as they do catch up. Open this up to all concerned, do homework and have facts in place to answer questions about what impact it may/will have on the project and present a few scenarios of what can be done, like using savings made or value engineer the project further to try make these additional costs up noting that the real picture is the fact that that building cost will be that cost no matter what. Unfortunately, if decisions have been made and the funds are not available, no contingencies and no solutions are found then the Professional indemnity may be required to cover this error;
- Always own up to mistakes but come with solutions in hand. Investigate the budget available and the costs that may occur. If there are any savings predicted, keep them at hand. Once the facts are known and can do a prediction or report on the damage that is caused by the missing building, take the facts to the client and discuss it with them. Own up to the mistake and assist the client in planning a way forward to mitigate the damages;
- Report it;
- Report the error early and try and accommodate the error in the contract without affecting the feasibility or quality of the final product. If needs be the professional fee should be utilized to reduce the error as a gesture of goodwill to the Employer and acceptance of the error;
- The employer expects integrity and ethics of a high standard. Inform him of the error and the costs arising from this and accept the consequences. However, in doing so, add that the additional cost to him is not a loss but could be termed undue enrichment should he wish to claim the increase. The Professional Indemnity insurer would also support this view;
- Report it immediately;
- Own up, flag it up and adjust the cost report accordingly to determine the impact of the omission. Obviously, they could be mitigating circumstances that led to the omission;
- Report on the cost item missed and be honest about it. Tell the client of items where potential savings can be realized to mitigate the effect of the overrun;

- It always pays to be honest with one's client. Therefore, declare the extra (and why) and show the client how the additional cost will be covered out of savings made elsewhere. Very few clients will object to that if they are informed and one is honest;
- Discuss the mistake with the client, explain what went wrong and what can be done to rectify;
- Go to the client upfront and explain the error;
- It is better to report the oversight and have an accurate cost report. However, some clients who are often unreasonable must sometimes be 'protected' against themselves. If they are always fully informed, the result will be in a very disruptive work environment which will not be in the client's best interest;
- In preparation for a meeting with the client, disclose the error and prepare some possible cost saving proposals to also discuss with the client after disclosing the error;
- Consult the client immediately - mistakes happen to everyone. And since there is savings, there is no need to keep quiet as the bottom line might not even be affected. A Quantity Surveyor always needs to remember that they are protecting and managing someone else's money;
- Report it, but also come up with solutions to be presented to the client;
- Report the oversight along with the way one intends to rectify/ absorb the mistake into the main budget;
- Play "open cards" with the client, disclose the missed cost, and advise him that it is possible to fund these costs from savings. It is the client's final call on the matter;
- Report it to the client and explain that one will be able to fund it from possible savings;
- Report it to the client, but at the same time explain how the additional costs can be mitigated by other identified savings;
- Discuss this with the client directly and make suggestions of how to deal with the overrun. Only move budgets around with the full knowledge and approval of the client;
- Report it stating overrun can be funded by savings of other items;
- Talk to the client about the mistake and show it as an extra;
- Report the mistake and advise how it could be mitigated;
- Play open cards with the client but go prepared to the client showing all known savings and also the extra. Just that the bigger picture is not that bad.

Respondents gave the following common answers where they said they would deal with it differently:

- The additional cost will be added to the contract final value. The reporting of the extra will preferably be as for any other additional cost item, including the proposed way of how to pay (savings or contingency) for it. It is however sometimes not be advisable to put every detail of every extra on a cost report (especially with a very unforgiving client who is always right). The relationships on site may not survive the resulting conflict and may not be in the best long-term interest of the client;
- The miscalculation would be stated and notify that the cost might be higher than calculated, this is not an issue, because one states it in the preliminary cost for unforeseen circumstances;
- Treat as extra or variation order to be paid for by contingency value;
- If there are savings under other trades, it would do no harm to off-set costs there. Some Clients will see the shift in value and one will have to explain in any case;
- Fund it from savings elsewhere in the project.

Question 17 – Collusion of tenders

In question 17, respondents were asked a scenario question stating the following *“You have done a tender report for a project and sent your recommendation to your client. The client accepts the recommendation and appoints the lowest tenderer. It comes to your attention that the tenderers have colluded in order for the lowest tenderer to receive the award. Would you bring it under the client’s attention or leave it as the appointment has already been made?”*

40 respondents’ data are collected where 7% (3) advice the client and declare the tender null and void, 70% (28) respondents responded to say they would set up a meeting or inform the client to discuss a way forward and what would they would decide to do further, 5% (2) respondents said they would leave it as it is and 18% (7) respondents said that they would inform the client and suggest to re-tender.

<i>Collusion of tenders</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Advise the client & declare it null in void</i>	3.00	7%
<i>Discuss a way forward with the client</i>	28.00	70%
<i>Leave it as it is</i>	2.00	5%
<i>Inform the client and suggest a re-tender</i>	7.00	18%
Total	40.00	100%

Table 18, Respondents' answers how they would deal with a situation when they found out there is collusion.

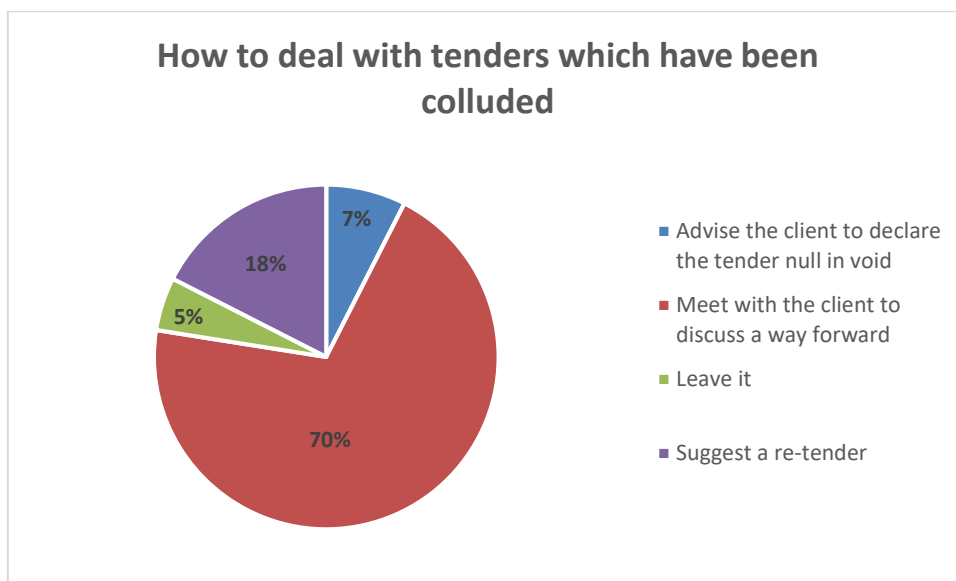


Figure 21, Respondents' answers (in percentage) how they would deal with the situation when they found out the tenders was colluded.

Respondents gave the following typical answers where they would advise the client to declare it null in void:

- Report it to the client and suggest that the tender be declared null and void, because of the collusion;
- Bring it to the client's attention, a recommendation can be retracted so that the client may get the best value for money;
- Definitely report it, should this be a breach of the tender/contract conditions, advice to terminate with proper legal advice.

Respondents gave the following typical answers where they would meet with their client to discuss a way forward:

- The appointment is already made, which means the client could suffer further financial damage if the contract is cancelled. Assuming the recommendation was made based on proper tender evaluation principles, it would seem that the tender does comply with industry norms. However, still set up a meeting with the client and the tenderer to discuss the situation and make it abundantly clear that should the client decide to continue with the contract no dishonest practices whatsoever will be entertained in the execution of my duties on the contract. The legal and financial implications of cancelling the contract must be communicated to the client for decision-making;
- Report the incident. The nature and extent of the collusion, as well as the detail of the tender evaluation should then be considered when evaluating future action regarding the contract and the contractor;
- If there is proof that can be verified that collusion took place, it must be reported to the client;
- Point this out to the client. He may decide to retender;
- Notify the client, as this is seen as a type of fraud and tell the client that the lowest tender is not always the best. Suggest getting a second professional opinion before accepting tender;
- Definitely bring it to the client's attention and recommend that he consult his legal counsel on the implications of cancelling an appointment. Do not attempt to play attorney, it is not a quantity surveyor's field of expertise. Assist the client on the evidence gleaned, but evidence is not proof;
- Inform the client;
- Bring it under the client's attention immediately, since it is the quantity surveyor's job to protect the client against any corrupt matter.

At the end of the day if something goes wrong with that appointed tenderer and the quantity surveyor was responsible for the recommendation they would be in trouble as well;

- Bring it to the attention of the client. Typically, collusion means that the price paid is artificial more than should be paid. Thus, a new tender process may be needed, but project time frames are often tight and cost saving from new time frame may affect timing to complete the project;
- Bring it to the client's attention;
- Do not leave it, bring it to the client's attention, as that is the quantity surveyor's duty and responsibility to disclose facts known as it may well impact the project. The client can decide what he wants to do, it is not the quantity surveyor's call, plus it may well impact the project later. Withholding information critical to the project cannot be accepted, all things must be disclosed and do not favour anyone as one walks the center line between everyone with an open book. Any problems that come up must always be reported and addressed/resolved;
- Bring it to the client's attention along with evidence to the statements. The placed contract could be forfeit should allegations of collusion be correct. The tender procedure would start again, and the tenders involved in the collusion would likely not be invited to tender again;
- Bring it to the client's attention and request his further instruction;
- Bring it to the attention of the Employer and suggest a re-tender and exclusion of those tenderers. Ultimately the Employer can decide whether or not to proceed, but quantity surveyors have a fiduciary duty to the employer to notify them of what has come to one's attention as it may have legal consequences;
- Yes. Collusion is a fraudulent act and is punishable in terms of the tender conditions. Such act may have resulted in the employer bearing an unduly higher cost;
- Report to the clients with all the information;
- Bring it under the client's attention;
- Bring it to the client's attention. In conducting the tender adjudication, compare the pre-tender estimate to the tender sums submitted. Essentially, is the client getting value for money or are the tender values grossly inflated;
- Make the client aware as he/she did not receive the lowest price through a pure, open-market tender. Make the competition commission aware and get proceedings underway against the colluding tenderers. Re-tender the work and institute a claim against the colluding tenderers for time lost on the project;
- Bring it to the client's attention for 3 reasons:

- The accepted tender price should have been lower,
 - The tenderers should all be reported to the Competitions Commission and,
 - Being the unsuspecting ""victim"" of price collusion in the past, it cost the firm a large project with what would have been a large and potentially long-term client;
- Advise the client about the collusion;
 - Yes, tender collusion should be reported. If need be legal action may be advised;
 - Discuss this with the client, and in anticipation of his/her decision, prepare the costs involved in replacing the tenderer to inform the client's decision. The second lowest tenderer would not be a better option as he/she was also part of the collusion. Perhaps also suggest a re-tender and exclude the colluders from participating. The client will need to decide if time permits for such an action;
 - Bring it to the client's attention, the reason for tendering is so that the most competent and capable tenderer gets the works. The quantity surveyor is here to protect the client's interests as they are the professional in the industry;
 - Report it - The client has the right to know that the appointed contractor along with the other tenderer were unethical. This indicates that the tenderers are willing to cross certain boundaries which will most likely cross during the course of the project and most probably be at the expense of the client;
 - Report it to the client. This is not fair towards the rest of the tenderers and is unethical;
 - Bring it to the client's attention - collusion under tender conditions is illegal;
 - Report it and disqualify the lowest tender. Collusion is illegal.

Respondents gave the following typical answers where they would leave it:

- Leave it. A tender being rewarded based on only the value will be a risk to the client. The capability of the contractor is similarly important. If that appointed contractor can do the work for less, leave it;
- If the tender is within budget and based on market conditions, leave it there, but if the client is paying more due to the collusion, then it will have to be reported.

Respondents gave the following typical answers where they would advise to re-tender or re-tender:

- Report it to the client and propose to re-tender;
- Bring it to the client's attention, cancel the appointment and tender the project again;
- Bring it to the client's attention. Collusion is not allowed, and the tender must be retendered;
- Yes, definitely bring it under the client's attention. Then cancel the tender, and re-tender with a completely new list of tenderers;
- Bring it to the client's attention, should he wish to cancel the contract and re-tender;
- Report it and re-tender using a completely new tender list.

Question 18 – After hours work

In question 18, respondents were asked a scenario question stating the following *“You are an employee at a firm, but due to current market conditions there are no increases in salaries this year. You just got by on your current salary, but due to yearly increases on most expenses you worry that you won't cover all your monthly expenses. A contact of yours asks if you would be able to do some quantity surveying work for him after hours for a reasonable amount of money. Would you accept the offer as it is after hours?”*

41 respondents' data are collected where 44% (18) respondents said they would get permission from their employer before they continue to accept the work, 10% (4) respondents said that they would discuss a way forward, 12% (5) of respondents said they would refuse to take the offer, 10% (4) of respondents said they would refer to their contract/employment conditions on how to deal with the matter, 17% (7) respondents said that they would consider to take the offer and 7% (3) respondents said they would offer the work to their company.

<i>After hour work offered</i>	<i>Number of respondents</i>	<i>Percentage</i>
<i>Get permission from the employer</i>	18.00	44%
<i>Discuss a way forward</i>	4.00	10%
<i>Refuse the offer</i>	5.00	12%
<i>Refer to the contract/ employment conditions</i>	4.00	10%
<i>Consider to take the offer</i>	7.00	17%
<i>Offer the work to the company</i>	3.00	7%
Total	41.00	100%

Table 19, Respondents' answers how they would deal with this situation.

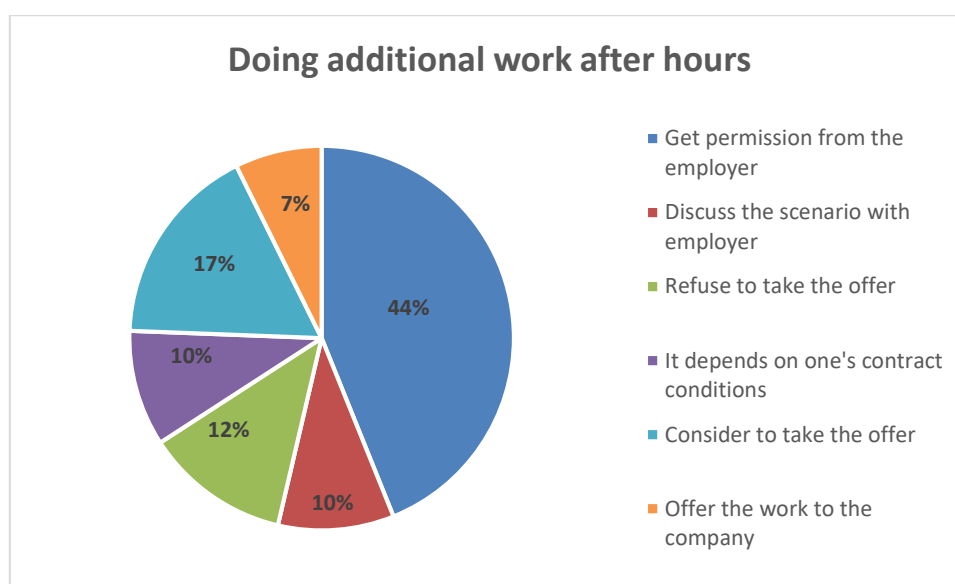


Figure 22, Percentage of respondents' answers how they would deal with this situation.

Respondents gave the following typical answers where they would discuss it with their client:

- Discuss it with the director of the firm and ask for permission to conduct extra work;
- It would be unethical to take on private work without discussing it with one's employer. If the work is comprehensive it could be brought to the firm as a project and one can negotiate a "spotter's fee" with their employer. If the work is not comprehensive, one can negotiate consent with their employer to do the work as long as it does not interfere with the main work. Use of employee's equipment and software needs to be discussed;
- Ask the employer's permission before accepting the offer;
- Yes, but only if the company allows for it to be done. It is survival. Although it may fall under the company restraint of trade. If the work is not in direct competition, or an existing client of the company, there would not be any issues;
- Not without bringing it to the Firm's attention; who knows, the Boss may be amenable;
- Yes, but tell the employer;

- It depends. If the employer specifies in the employment contract against this, then do not take on private work. If one would have to use company resources for private work, also do not take it on. Discuss the offer with the employer and let them know about taking on other work and assure them it would not affecting the main workload;
- If one is looking at accepting this, disclose this to the firm or employer and get their consent. Look at one's appointment and do what is required legally, but if there is nothing in the appointment, still bring it up with the employer. One may not get the go ahead, then one needs to review the options;
- Discuss with it the employer and get his/her approval to do the extra work;
- Explain the situation to the superior and if they were in agreement confirm that one is able to perform the work, but only after hours and without it affecting one's day job. The contact must also be made aware of the risks of one is taking on the work when carrying out the work privately if not insured or not qualified;
- Yes, with the knowledge of firms representative,
- Yes, however first seek consent from one's employer;
- Not without discussing the work with the employer and if acceptable, do the work in one's personal capacity;
- Discuss the situation with the employer. If there are no conflict of interest involved, this may offer a win-win scenario. The employer may retain the services during difficult times and one is able to survive financially. The situation will however have to be carefully managed and monitored;
- Before accepting the appointment, discuss it with the employer and indicate that one would like to stay at the firm, but need to supplement the income with ad-hoc private work and would not allow the additional work to interfere with the work at the firm. Depending of the employer's reaction, the work could also be done under the firm's auspices for fair fees and one would require some compensation for bringing the work into the firm;
- Discuss the matter with the boss, and see what his opinion is on the matter, before accepting to do the work after hours;
- Only with full disclosure to the current employer and only if there is no risk of a conflict of interest with an existing client;
- Ask the employer if one could do work after hours and report it to SARS as additional income.

Respondents gave the following typical answers where they would discuss the scenario with their employer:

- Discuss the scenario with the employer, including the fact of current 'underpayment' and consequential financial difficulties. Also, discuss the fact of the additional income that will enable one to continue to stay with the firm and come to an agreement about the nature and extent of additional work;
- Speak to the superiors regarding this (if one were a Professional Quantity Surveyor) and explain the financial situation to them and ask for their permission to do after hours work under one's own name;
- No. The industry is too small. The risk is too big due to the following reasons: 1. If the directors finds out there might be bigger issues in order to try and keep one's position 2. If there is a mess-up in one's work one does not have the support/ backing of the registered company. Rather discuss this with the company's directors and suggest the following: work during normal working hours and via the company. The company only pays a portion of profit that one would make on the project, but the cost to company portion will go towards the company. That way one has the full backing of the project and the risks are mitigated.

Respondents gave the following typical answers where they would refuse to take the offer:

- No, one is employed full time;
- No, do not accept it;
- No, as one never has any spare capacity at the current employer;
- No, rather discuss a possible incentive with the company and still offer the service at a reasonable cost;
- No, this is a dismissible offence. In the extreme, have a discussion with the employer to explain the situation and to see if there is any way that after-hours work can be accommodated.

Respondents gave the following typical answers where they would refer to their contract conditions:

- This scenario depends on the contract one has with their firm, along with one's professional status. If one is in one's professional capacity licensed to practice as a Quantity Surveyor and the contract with the employer does not prohibit to work outside business hours, one is free to assist the contract. However, most employment contracts dictate such events to be disclosed to one's employer prior to them occurring or prohibits the service in general;
- Be guided by the terms of employment. Terms normally specify how this would be treated or whether one is allowed to undertake work of this nature, if work is in conflict of interest, then do not accept if it would impact negatively on one's integrity and if it impacts on the employer. Money would not be the decider;
- If it is stipulated in the employment contract that private works may be done after hours, then there is no problem with this proposition, if such works do not affect the performance of the employee. If the contract stipulates that no private work may be undertaken, and in lieu of the current market conditions, the works can be brought into the firm with a negotiated raise in salary or request a waiver of the employment conditions be considered due to the fact that no salary increase was offered;
- Depending what the current employment contract states. Most contracts states that one may not engage in work when an employee of the company. Disclose this to the superiors and explain the situation.

Respondents gave the following typical answers where they would consider taking the offer:

- Consider the offer, only accept the offer if one can do the work without using the current employer's resources;
- As long as it is after hours and does not influence one's full-time job in any case it should not be a problem;
- Yes, accept the offer and inform the superior;
- Yes, as long as one is not using company software or any of the company's information or documentation. Discuss with the Director that an opportunity has come up that will not affect the work hours for the current company and would like to explore the opportunity in one's own time;
- Yes, only if it is not in competition to the company one works for and told them about it;
- Yes, in order to increase one's income;

Respondents gave the following typical answers where they would offer the work to their employer:

- Offer the work to the company;
- No, as being major shareholder of the practice and the practice would need to increase their turnover in order to pay oneself a higher "salary";
- Moonlighting is not acceptable in the office, discuss the potential work and perhaps the company can pay a fee as an introduction;

Question 19 – Going against public interest

In question 19, respondents were asked a scenario question stating the following “*Your client of many years is currently planning a new development. For this development to realise, it might go against the public interest. How would you deal with this situation?*”

41 respondents’ data are collected where 41% (17) respondents said that they would advise or discuss it with their clients in order to find a way forward, 17% (7) respondents said that they would do proper research of the situation in order for the project to continue, 15% (6) respondents said that they would execute or carry on with the project, 5% (2) respondents said that they would refuse to continue with the work or reject it, 7% (3) respondents said they would apply the relevant law and 15% (6) of respondents said other than the above responses.

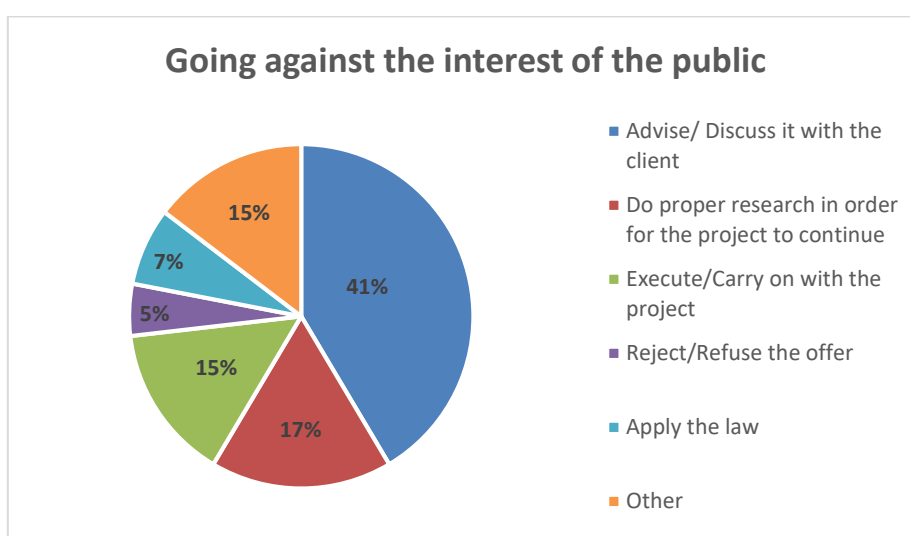


Figure 23, Respondents' answers when they become aware that a project goes against the public interest.

Respondents gave the following typical answers where they would advise the client or discuss it with them:

- If the client is not aware of the situation, discuss it with him and request him to rectify any conditions that are causing the situation, if possible;
- Communicate with the client to ensure that all facts are on the table, including the interest of the public. The potential negative consequences of not regarding the public should be made known (the assumption is that the development is legal) and to give the client the benefit of an objective opinion and advice;
- Work with the client to resolve the anti-public problem or decline the appointment;
- Make it clear of what the long-term consequences may be and if the client still wants to follow through, he should deal with the consequences;
- There are various phases prior to implementation of the project where the concerns can be raised to the client. Any illegal activities need to be addressed and reported as required;
- Depends on what the public interest is. However, discuss with client that the development is not in the public interest and try to convince him to consider an alternative development that may be more acceptable;
- Think twice as it could taint one's career, but if the risks are weighed and the appointment is legal and the development is approved by the Local Authority and the short term benefit outweighs the long term disapproval from the general public, colleagues and friends then there is no reason to see why not to continue.
- Encourage the client to follow due process and conduct stakeholder sessions to explain the benefits of the development. It is critical to always tick the prerequisite boxes to avoid future litigation,
- If this goes against the public interest after the public participation, then the project will be shelved irrespective and nothing will come from it. However, at a viability stage, there are still a lot of hoops to jump through to determine to what extent this will go against the public interest and to provide this level of cost advice at such stage it is not a question of ethics or conduct. The key word is "might", this is subjective and determined by someone. However, should the work have been completed to, for example estimate stage and if it comes out that the project is against public interest, a request would be made to the client to not continue with the project or further involvement would be ceased;
- It may not compare favourably against a potential long-term loss of the good name of the firm and support and trust of the public;

- Public participation is extremely important in the constitutional dispensation. Convince the client to embark on a thorough public participation process so that all the objections are heard and that solutions to the objections be incorporated into the design development. The solutions should be shared with the public so that they have comfort that their objections have indeed been addressed;
- Advise the client of the potential consequences. The client may proceed to appoint someone less ethical;
- Follow one's moral compass. Contact relevant parties and discuss a way to make the project for the public interest rather than against. A new development is a wonderful thing in South Africa as we have abundance of space and these sorts of issues have plentiful of time to be sorted out if raised;
- Discuss it with the client and also the rest of the professional team, in order to get to a common decision whether to proceed;
- Discuss the risks with the client, the reputational damage that could result from this project for all involved, not only one as the Quantity Surveyor. If the client proceeds with the project, withdraw from the project;
- As long as everything is legal, work on the project and make the client aware if he is not already aware that something might be against public interest;
- Advise the client it will not be possible due to instability of the public, more likely the project will be burnt to the ground as it happened recently in South Africa;
- Pending the situation, disclose the risk to the client and proceed with the client knowing the risk. If there are bigger unethical situations (like bribery and fraud), first discuss it with the business partners / directors and make an ethical and legally correct decision.

Respondents gave the following typical answers where they would execute and carry on with the project:

- Wait for the project to get approval from local authorities. Once approved, execute the project regardless of project interest, as this will be in the best interest of the current employer;
- Carry on with the work that the client has appointed one as quantity surveyor to do and let his architect and/or zoning expert deal with the possible conflict of interest;
- Go along with the development. People are afraid of change and the new development will be a positive overall for the community;
- It should be the developer's responsibility to deal with anything that is not in the public interest. As it only "might" go against public interest, focus on the aspects falling

under the quantity surveyor's responsibility, for example the financial aspects (cost and viability), if the project is deemed against public interest, it will not be permitted to go ahead;

- Proceed with providing a service to the client since most developments would encourage some public displeasure, but at the same time be cautious to make sure to understand the reason for the public's displeasure;

Respondents gave the following typical answers where they would do proper research in order to continue with the project:

- Research and proper beneficial research for the development needs to be considered for the public to realize the benefit of this development;
- It would largely depend on what the public interest was against. It might be an easy solution as to getting things in place before starting or if it starts to step on moral, ethical or people's rights then it would be a problem. Both would need to be addressed and the project development reviewed against these;
- Find out if it does in fact go against the public's interest before deciding to proceed;
- Object to the development, but unfortunately it would most likely go ahead with whatever the client decides. If it is reported to a superior in one's company, raise the concerns there and hopefully it would be moved from the project;
- Discuss the merits of the projects with the fellow directors and make a decision on being involved on the project;
- It depends what the situation/the interest is.

Respondents gave the following typical answers where they would reject or refuse to do the project:

- Public interest is important. Any huge impact on public will affect one personally. There is a chance to reject the offer;
- If it goes against the public interest, make it known that one does not agree with it. The client will however appoint someone else less ethical.

Respondents gave the following typical answers where they would apply the law:

- Let it follow the legal route;
- Ensure that the law is applied;

Respondents gave the following typical answers other than what is responded above:

- A comprehensive public participation process needs to be undertaken with all stakeholders so that all information is disclosed and an amicable outcome can be negotiated to accommodate all stakeholders as far as possible;
- Public interest will be resolved by way of Environmental Impact Assessment;
- Examine one's integrity;
- Depending on the scenario, a lawyer may need to be appointed;
- Mediate between client and public interest;
- Public participation will be recommended.

4.2.3 Data findings

4.2.3.1 Where the main responsibility of a quantity surveyor lies

Out of the 43 respondents who answered where they think their main responsibility lies, 6 respondents had less than 5 years' work experience, 6 respondents had between 5 and 10 years' work experience and 31 respondents had more than 10 years' experience.

Respondents with less than 5 years' worth of experience answered evenly where 2 respondents said that the main responsibility lies with the employer, 2 respondents said that the main responsibility lies with the client and 2 respondents said that the main responsibility lies with the public.

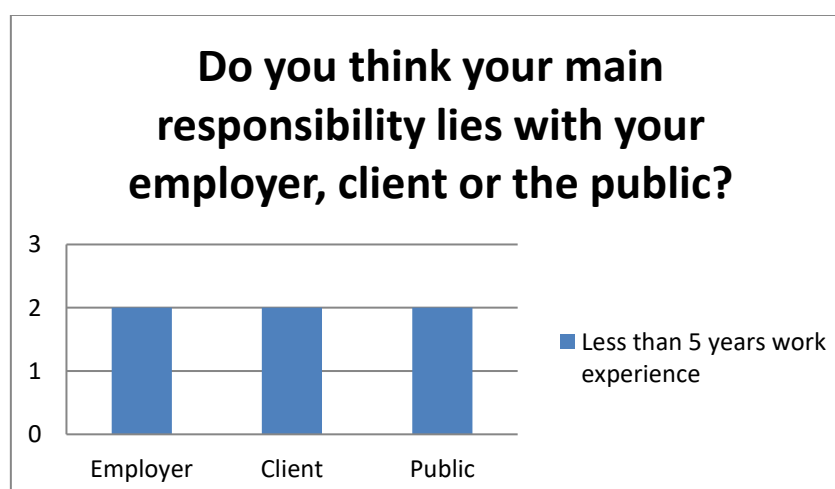


Figure 24, Respondents with less than 5 years' experience answers where the main responsibility lies.

Respondents with between 5 and 10 years' worth of experience answered evenly where 2 respondents said that the main responsibility lies with the employer, 2 respondents said that the main responsibility lies with the client and 2 respondents said that the main responsibility lies with the public.

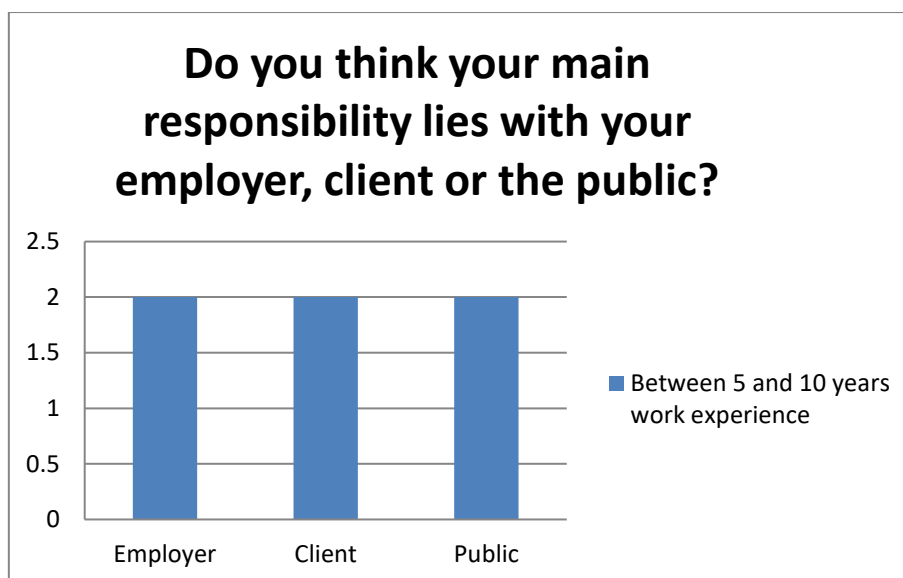


Figure 25, Respondents with between 5 and 10 years' experience answers where the main responsibility lies.

Respondents with more than 10 years' worth of experience answered more towards the client's side where 7 respondent(s) said that the main responsibility lies with the employer, 17 respondents said that the main responsibility lies with the client and 7 respondents said that the main responsibility lies with the public.

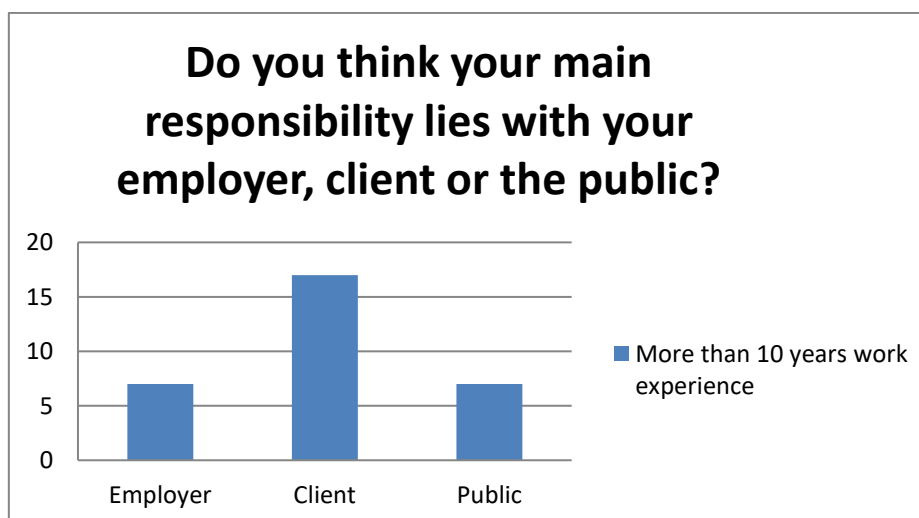


Figure 26, Respondents with more than 10 years' experience answers where the main responsibility lies.

4.2.3.2 Does the code of conduct assist with ethical dilemmas?

Out of the 43 respondents who answered whether they think the code of conduct assists with ethical situations, 6 respondents had less than 5 years' work experience, 6 respondents had between 5 and 10 years' work experience and 31 respondents had more than 10 years' experience.

Out of 6 respondents with less than 5 years' worth of experience, 5 respondents answered yes that they think the code of conduct assists with ethical dilemmas, 1 respondent(s) said no that it does not assist when faced with ethical dilemmas and 0 respondents answered that they are uncertain/ never needed it.

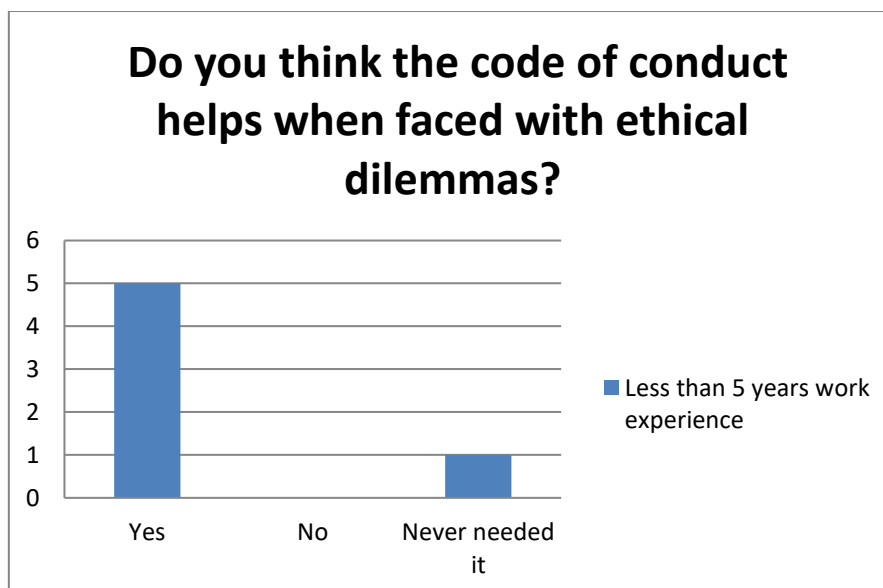


Figure 27, Respondents with less than 5 years' experience answered whether they think the code of conduct assists.

Out of 6 respondents with between 5 and 10 years' worth of experience, 3 respondents answered yes that they think the code of conduct assists with ethical dilemmas, 3 respondents said no that it does not assist when faced with ethical dilemmas and 0 respondents answered that they are uncertain/ never needed it.

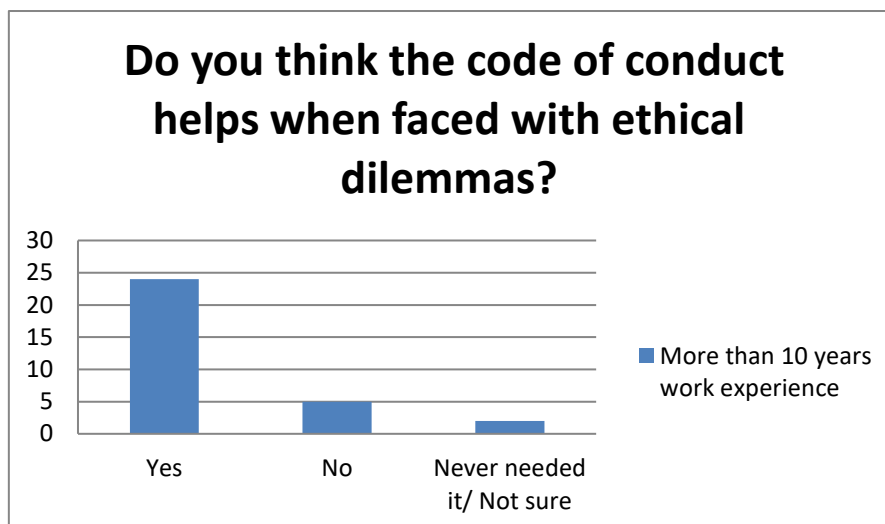


Figure 28, Respondents with between 5 and 10 years' experience answered whether they think the code of conduct assists.

Out of 31 respondents with less than 10 years' worth of experience, 24 respondents answered yes that they think the code of conduct assists with ethical dilemmas, 5 respondent(s) said no that it does not assist when faced with ethical dilemmas and 2 respondents answered that they are uncertain/ never needed it.

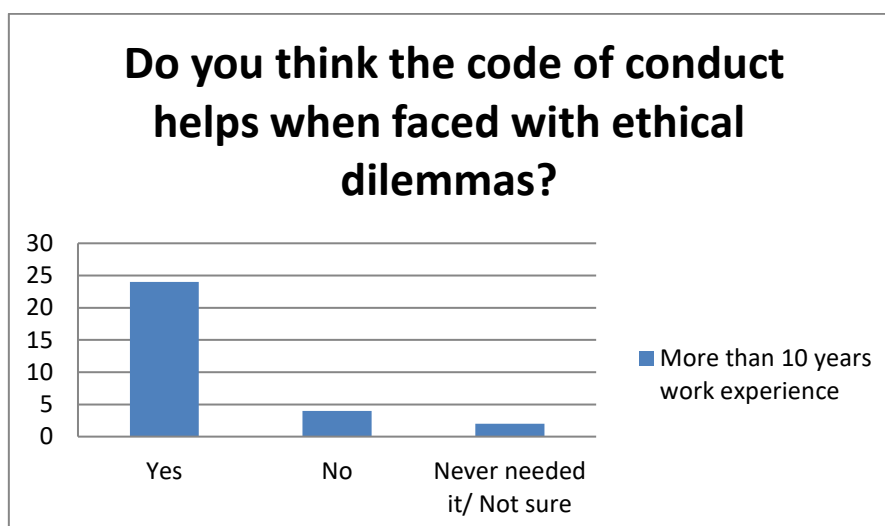


Figure 29, Respondents with more than 10 years' experience answered whether they think the code of conduct assists.

4.2.3.3 Does the code of conduct need to be improved?

Out of the 42 respondents who answered whether they think the code of conduct needs to be improved, 6 respondents had less than 5 years' work experience, 6 respondents had between 5 and 10 years' work experience and 30 respondents had more than 10 years' experience.

Out of 6 respondents with less than 5 years' worth of experience, 3 respondents answered yes that they think the code of conduct needs to be improved, 2 respondent(s) said no that it does not have to be improved and 1 respondents answered that they are not sure.

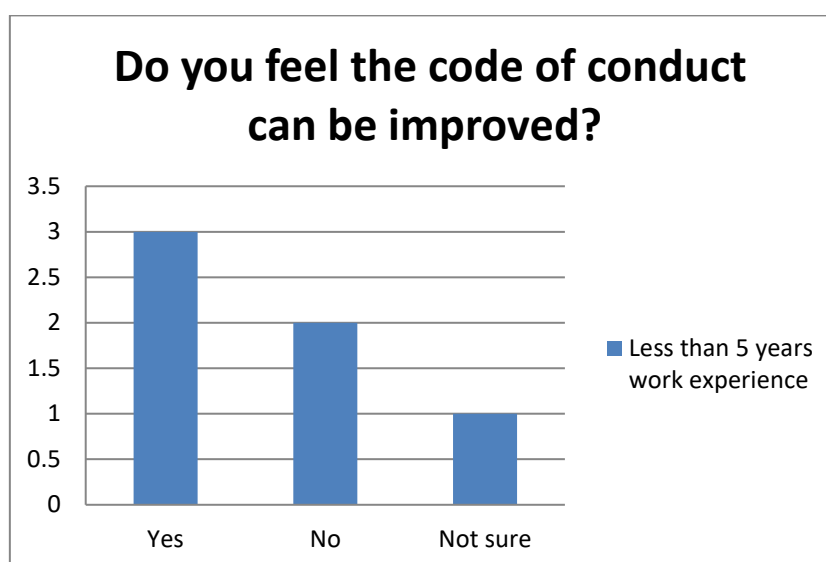


Figure 30, Respondents with less than 5 years' experience answered whether they think the code of conduct must be improved.

Out of 6 respondents with between 5 and 10 years' worth of experience, 5 respondents answered yes that they think the code of conduct needs to be improved, 1 respondent(s) said no that it does not have to be improved and 0 respondents answered that they are not sure.

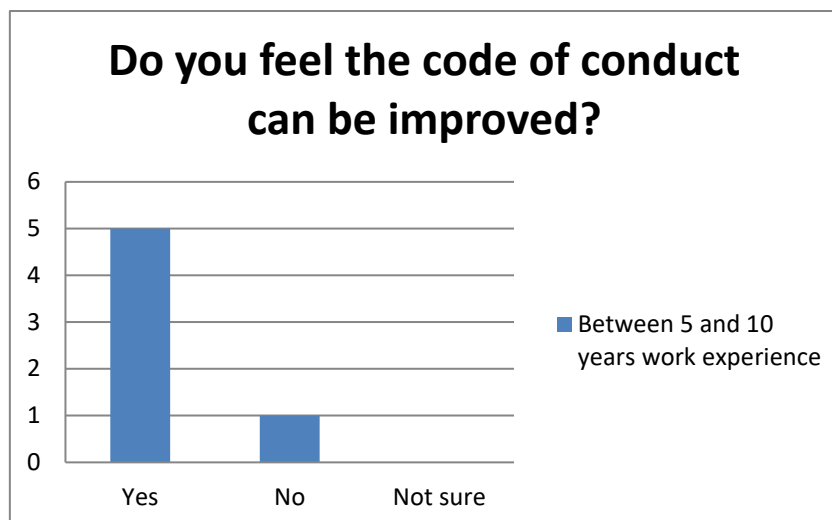


Figure 31, Respondents with between 5 and 10 years' experience answered whether they think the code of conduct must be improved.

Out of 30 respondents with more than 10 years' worth of experience, 17 respondents answered yes that they think the code of conduct needs to be improved, 5 respondent(s) said no that it does not have to be improved and 8 respondents answered that they are not sure.

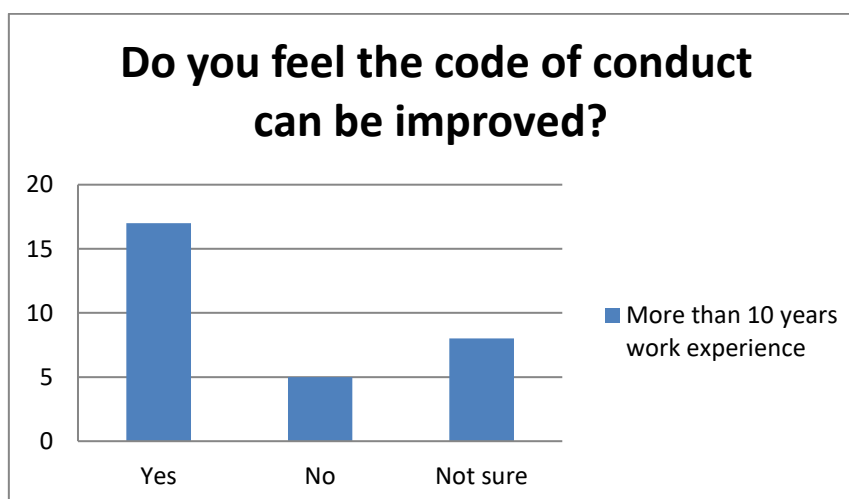


Figure 32, Respondents with more than 10 years' experience answered whether they think the code of conduct must be improved.

4.2.3.4 How up to date respondents are with the code of conduct

Out of the 43 respondents who answered how up to date they are with the code of conduct, 6 respondents had less than 5 years' work experience, 6 respondents had between 5 and 10 years' work experience and 31 respondents had more than 10 years' experience.

Out of 6 respondents with less than 5 years' worth of experience, 5 respondents answered that they do not know the code of conduct well, 1 respondent said that they know it moderately and 0 respondents answered that they know the code of conduct very well.

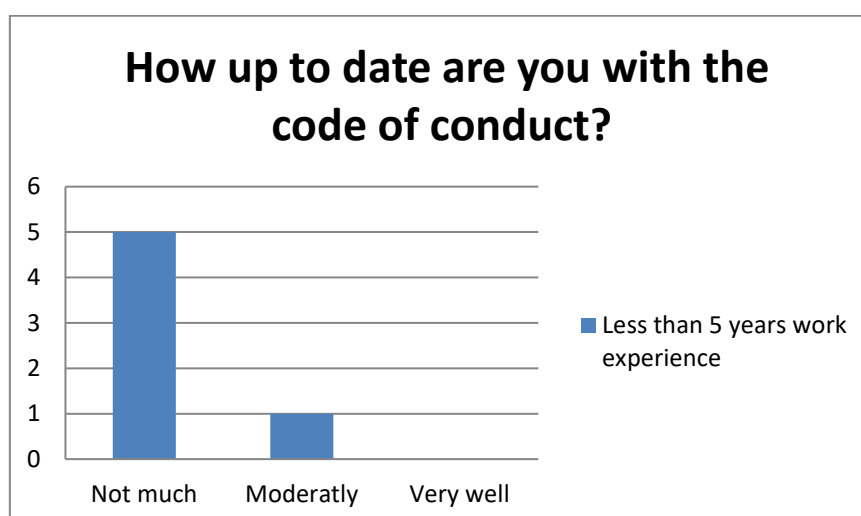


Figure 33, Respondents with less than 5 years' experience answered how up to date they are with the code of conduct.

Out of 6 respondents with between 5 and 10 years' worth of experience, 2 respondents answered that they do not know the code of conduct well, 2 respondent said that they know it moderately and 2 respondents answered that they know the code of conduct very well.

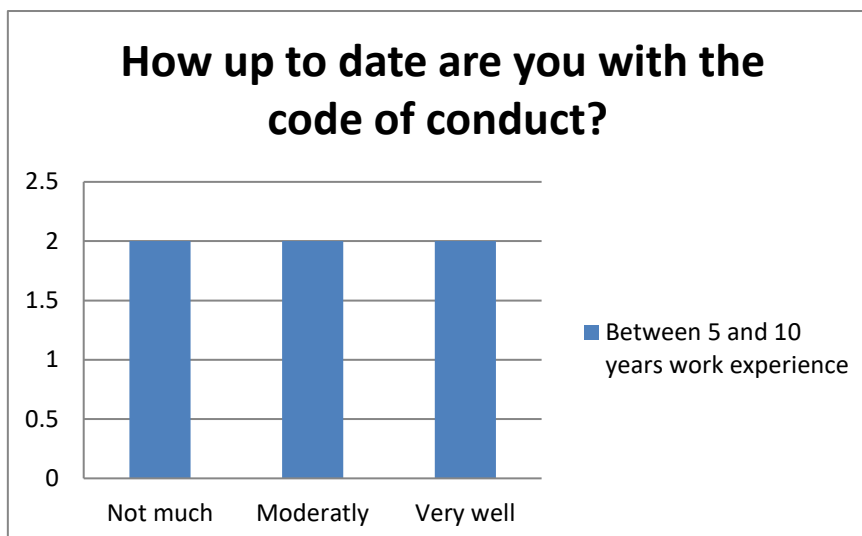


Figure 34, Respondents with between 5 and 10 years' experience answered how up to date they are with the code of conduct.

Out of 31 respondents with more than 10 years' worth of experience, 14 respondents answered that they do not know the code of conduct well, 10 respondents said that they know it moderately and 7 respondents answered that they know the code of conduct very well.

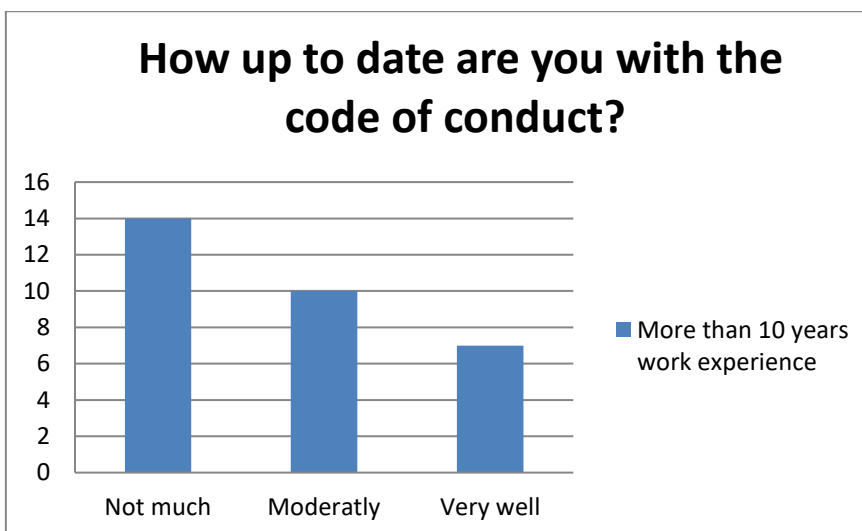


Figure 35, Respondents with more than 10 years' experience answered how up to date they are with the code of conduct.

4.2.3.5 How respondents solve ethical problems

Out of the 43 respondents who answered how they solve ethical problems, 6 respondents had less than 5 years' work experience, 6 respondents had between 5 and 10 years' work experience and 31 respondents had more than 10 years' experience.

Out of 6 respondents with less than 5 years' worth of experience, 0 respondent(s) answered that they solve problems through the guidance of the code of conduct, 2 respondents said that they solve it through experience and knowledge and 4 respondents answered that they solve it through the advice from a work mentor/colleague/senior.

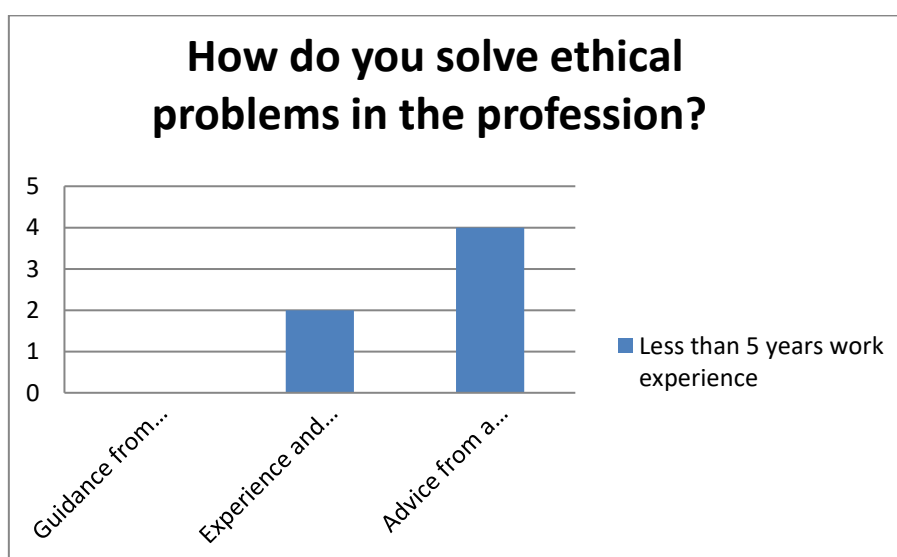


Figure 36, Respondents with less than 5 years' experience answered how up they would deal with ethical problems.

Out of 6 respondents with between 5 and 10 years' worth of experience, 0 respondent(s) answered that they solve problems through the guidance of the code of conduct, 4 respondents said that they solve it through experience and knowledge and 2 respondents answered that they solve it through the advice from a work mentor/colleague/senior.

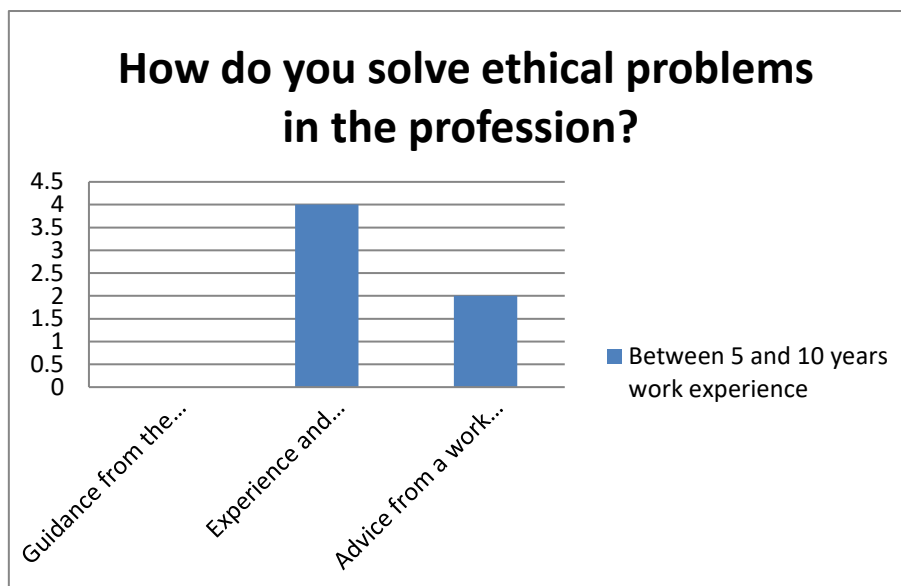


Figure 37, Respondents with between 5 and 10 years' experience answered how up they would deal with ethical problems.

Out of 31 respondents with more than 10 years' worth of experience, 1 respondents answered that they solve problems through the guidance of the code of conduct, 22 respondents said that they solve it through experience and knowledge and 8 respondents answered that they solve it through the advice from a work mentor/colleague/senior.

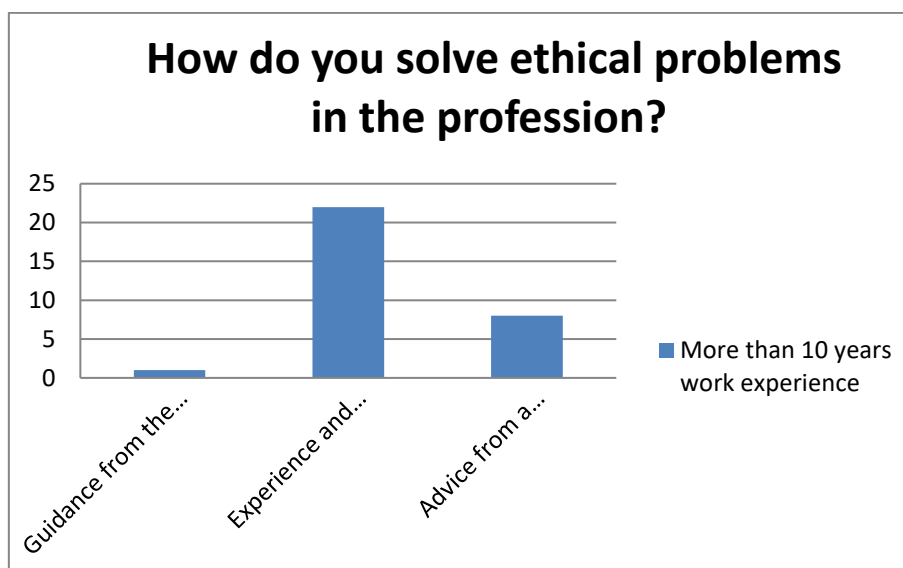


Figure 38, Respondents with more than 10 years' experience answered how up they would deal with ethical problems.

4.2.4 Conclusion

A sufficient amount of data was received from respondents ranging from 40 to 45 responses per question which can be used to get an overall picture of where the possible problem lies, how the code of conduct may be improved and what the possible guidance may be that quantity surveyors can use. From this data and with the amount of results and answers received from Chapter 4, a research result can be now be concluded which will be elaborated in Chapter 5. The research objectives are obtained by completing the literature review, comparing the current Codes of conduct of South Africa to other countries' Codes of conduct, collecting and analysing the data received in the questionnaire and identifying whether there is a possible lack through the research results.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

This chapter focuses on what can be concluded from the research results, what contributions can be given to the practice and what recommendations can be given to further the study.

5.1 RESEARCH RESULTS

From the data gathered the following research results can be concluded, although 31 out of the 43 respondents have more than 10 years' worth of experience, 17 answered that they think their main responsibility lies with the client. Respondents with less than 5 years' experience and between 5 and 10 years' experience answered evenly divided between the employer, client and the public. This becomes clear that (assuming the respondents represents the majority of the general quantity surveying practice) some quantity surveyors are not as up to date with the code of conduct as they would claim to be, as the majority respondents with less than 5 years and more than 10 years answered that they are not up to date with the current code of conduct and respondents answered evenly that they are not much, moderately or very well up to date with the code of conduct.

The majority of respondents with less than 5 years' experience and more than 10 years' experience answered that they do feel the code of conduct assists with ethical issues when faced with one, where an even amount of respondents with between 5 and 10 years' experience felt that it does assist or does not assist when faced with ethical issues.

However, the majority of all respondents feel that the code of conduct does need to be improved. This is emphasized when respondents were asked how they solve ethical issues, where the majority of respondents answered that they normally solve ethical problems by using their experience and knowledge they obtained throughout the years or by using the advice from a mentor or work colleague in the firm, where only 1 out of 43 respondents said that they use the code of conduct for guidance.

From the scenario questions the following typical guidance can be used when faced with difficult situations:

5.1.1 Question 14 – Late opening of tenders

When respondents were asked how they would deal with the situation when a tender closes on 12h00 and on 12h05 a tenderer submits their tender explaining that due to loadshedding the traffic lights were out, which caused them to be late.

Most respondents answered that they would **accept the tender** with the following main reason:

- Explain the scenario to the other tenderers present and ask them if they have any objections to accept the last tender. However also inform the client and include the late submission in the tender report, so that the client can make an informed decision.

5.1.2 Question 15 – Hidden costs

When respondents were asked how they would deal with the situation when the client instructs additional work and asks to hide the costs for the additional work under savings already shown the previous month under trades in the cost report.

Most respondents answered that they would **decline to hide any costs** with the following main reasons:

- It is not a way to conduct business and rather lose one client, than put one's career and company's name in jeopardy when things like that come out in the open;
- It is unethical, as the contractor must be notified and remunerated.

5.1.3 Question 16 – Building costs missed

When respondents were asked how they would deal with the situation when they realise that they have missed a building cost item calculating to up to R 1,500,000.00 in an R 50,000,000.00 project. Whether they must report it or move figures around and divide it up under savings of the building costs.

Most respondents answered that they would **report it to the client** with the following main reason:

- Revisit the budget to assess whether it is possible to handle the error within budget, then make an appointment with the client and the principal agent, place the full situation on the table and offer the solutions in order to discuss a way forward.

5.1.4 Question 17 – Collusion of tenders

When respondents were asked how they would deal with the situation when they realise that the tenderers have colluded, in order to secure the lowest tenderer to receive the award. Respondents were asked whether they would bring it under the client's attention or leave it as the appointment has already been made.

Most respondents answered that they would **set up a meeting with the client to discuss a way forward** with the following main reason:

- The incident must be reported. The nature and extent of the collusion, as well as the detail of the tender evaluation should then be considered when evaluating future action regarding the contract and the contractor, as the client might suffer a loss and they need to decide whether or not to declare the tender null in void or to retender.

5.1.5 Question 18 – After hours work

When respondents were asked how they would deal with the situation when due to current market conditions there are no increases in salaries this year. They just got by on their current salary, but due to yearly increases on most expenses they are worried that they would not cover all their monthly expenses. A contact of them asks whether they would be able to do some quantity surveying work for him after hours for a reasonable amount of money. Respondents were asked whether they would accept the offer as it is after hours.

Most respondents answered that they would **get permission from their employer** with the following main reason:

- It would be unethical to take on private work without discussing it with one's employer first. If the work is comprehensive it could be brought to the firm as a project and one can negotiate a "spotter's fee" with their employer. If the work is not comprehensive, one can negotiate consent with their employee to do the work as long as it does not interfere with the main day-to-day work. The use of the firm and employee's equipment and software needs to be discussed;

5.1.6 Question 19 – Going against the public interest

When respondents were asked how they would deal with the situation when their client of many years is currently planning a new development and for this development to realise, it might go against the public interest.

Most respondents answered that they would **advise and discuss the situation with the client** with the following main reason:

- If the client is not aware of the situation, discuss it with the client to ensure that all facts are on the table, including the interest of the public. The potential negative consequences of not regarding the public should be made known, assuming that the development is legal, and to give the client the benefit of an objective opinion and advice on how to move forward in order to make the project successful.

5.2 CONTRIBUTIONS TO PRACTICE

Based on the research done in the literature review, the comparison of the code of conduct with different code of conducts and responses from the questionnaire, it is clear that the code of conduct needs to be regularly improved in order stay up to date with current ethical situations that quantity surveyors daily face in South Africa. As time goes on, so must the code of conduct be adapted to be up to date with current matters of the country. The code of conduct needs to focus on quantity surveying individuals more than it focusses on quantity surveying firms.

It is clear from the data gathered from the questionnaire that young persons, as well as some older quantity surveying persons, in this industry are not adequately educated on the importance of the code of the conduct as they do not regularly refer to it, not up to date with it and need it to solve ethical problems. As described by Cruywagen (2018), this can be traced back to quantity surveyors being students whom are not adequately prepared to deal with ethical issues which they will face when entering the working industry. It is therefore recommended that the university's quantity surveying departments integrate more complete modules that deal with ethics where topics of professional and business ethics, integrity, accountability, conflict of interest, transparency and responsibility are discussed in detail.

Although the section on professional firms are important in the ASAQS Code, more emphasis should be put on a clear and understandable code of conduct for quantity surveying individuals carrying out the quantity surveying work daily. There must be one code of conduct which must be adopted by both the ASAQS and the SACQSP. A clear language and understandable code of conduct will encourage quantity surveyors to refer to it more regularly and by implementing typical scenarios and typical solutions, quantity surveyors will follow it as a guideline more often. The SACQSP has a set of "3. Rules of Conduct" where registered persons, in fulfilment with the SACQSP's objectives, need to carry out these set of rules. These set of rules can be improved based on the research above and the ASAQS can implement the same code of conduct throughout in order to ensure consistency in the quantity surveying practice in South Africa and to avoid further confusion or division.

The following improvement to the code of conduct can be recommended:

"The Code is set out with the minimum professional conduct practice and standards which is expected from quantity surveyors when providing professional services. Quantity surveyors must be aware of their responsibilities to the public and fellow professionals and not only their responsibilities to their clients."

"Quantity surveying practices and registered persons are subject to the disciplinary supervision of the council. The rules give standards of professional practice and conduct and failure to follow the guidance of these rules will be considered when it becomes necessary to examine the competence or conduct of a registered person. The basis of the disciplinary proceedings is the code of conduct. Any complaint of unacceptable professional conduct or a serious professional incompetence will be investigated by the council. Any breach of any provision of the Act or any rule which is published in terms of the Act by a quantity surveying

practice, would constitute as unprofessional or improper conduct when it is committed by persons who are registered, in the carrying out of their profession as natural persons in private practice, the council will then proceed against the principal officer of the practice.”

The rules of conduct and in fulfilment of the objects stated in 2, registered persons/ firms shall conduct themselves in the following manner:

- 3.1. *“Carry out their professional work with competence, fidelity, honesty, efficiency, without delay and confidentiality to their employers”;*
- 3.2. *“Carry out their professional work with due care, skill, diligence and the necessary regard for the technical standards of what is expected of them”;*
- 3.3. *“Persons shall at all times uphold the reputation, dignity and standing of the quantity surveying profession, as well as when conducting their business, uphold the standards which are set out in this Code and conduct themselves in accordance with the standards that are expected from quantity surveyors in their practice;”*
- 3.4. *“Have the public interest at heart, recognise and accept that they have a responsibility towards the public and should provide a service to the public, in a responsible manner, to their professional team and clients”;*
- 3.5. *“Have a concern for public health, public safety and public interest in general”;*
- 3.6. *“Seek to regularly stay up to date with the professional and technical developments in the environments, industry and/ or the profession where persons operate in, by way of to continue with professional development as it is stipulated by the Council”;*
- 3.7. *“Not offer to undertake or undertake professional work where their training, experience and education have not rendered them competent to perform;*
 - 3.7.1. *Persons must inform their employer or clients when an assignment requires experience and or qualifications that may be outside of their field of competence or may otherwise compromise their obligations in terms of this Code of Conduct”;*

- 3.8. *“Prevent from using advantages of a position, which is salaried, to compete unfairly with other quantity surveyors”;*
- 3.9. *“Prevent from knowingly competing with another professional quantity surveyors with whom negotiations are already taken with for professional work”;*
- 3.10. *“Persons must carry out their work professionally with regard to the expected standards of customer service and care”;*
- 3.11. *“Persons must not submit or prepare bills of quantities, feasibility studies, estimates of cost or other similar documents for which their business has not been engaged professionally”;*
- 3.12. *“Persons must not sign as a quantity surveyor or identify as being issued by him/ her for bills of quantities or other documents of which he/ she is not the lawful author”;*
- 3.13. *“No registered person shall be allowed to do anything through a company which he/she would not be allowed to do otherwise”;*
- 3.14. *“Prevent from reviewing another registered professional quantity surveyor’s work or the work of a company, for a certain client, unless:*
- 3.14.1. *With their written consent and prior knowledge, this consent will not be unreasonably withheld of the other registered professional quantity surveyor. There must also be a reasonable opportunity to submit their comments on the findings of the review to the client;*
 - 3.14.2. *After a notification is received in writing from the client, the engagement of the other registered profession quantity surveyor is terminated;*
 - 3.14.3. *Where the review is intended for purposes of a competent and recognized court of law in the Republic of South Africa or legal proceedings”;*
- 3.15. *“Preserve and maintain or not dispose of or destroy, without a valid reason, or knowingly allow any other person to dispose of or destroy any drawings, calculations or contractual documents the original records of the contractual and technical documents that verifies his/ her work for a period of 5 years after the project has been completed and the final account is completed, as well as to make such documents available to the responsible and relevant parties that reasonably request such documents”;*

3.16. *“Avoid make or offer to make by means of commission or otherwise, payments or other consideration to obtain professional employment either personally or through the agency of another person, whether or not that person is in her/ his employment”;*

3.17. *“May not personally, or through any other person, improperly seek to obtain quantity surveying work, or by way of commission or otherwise, offer to make payments or make payments to a prospective client or client for obtaining such work”;*

3.18. *“Not issue any documents, drawings, specifications or reports of quantity surveying work prepared by them or another person under their control or direction, unless:*

3.18.1. The name of the organization considered is borne for such documents, drawings, specifications or reports”;

3.19. *“Ensure that work which is carried out on behalf of a registered professional quantity surveyor by an employee or by anyone else that is acting under a registered profession quantity surveyor’s control or direction, this registered person will be responsible to ensure that the person is competent to perform the task, as well as when necessary, be adequately be supervised”;*

3.20. *“Provide services or work of a scope, quality and to a level that corresponds with accepted practices and standards in the profession”;*

3.21. *“Disclose to their respective clients or employers or prospective clients or employers, in writing:*

3.21.1. The particulars of any royalty or another benefit that may accrue or accrues to them as a result of such work;

3.21.2. Any interest, whether it is financial or otherwise, that they may have in any firm, organization, company or with any person, which is related to the work they have been employed for or may be employed for”;

3.22. *“Not injure the professional business or reputation of another registered person when practicing their profession or by other means”;*

3.23. *“Not knowingly allow misrepresentation or knowingly misrepresent their own professional or academic qualifications or those of any other person involved with quantity surveying work, nor knowingly overemphasize their own degree of responsibility for quantity surveying work or that of any other person involved in it”;*

3.24. *“Not advertise their professional services in a manner that self-laudatory or that is inaccurate or misleading or derogatory to the dignity of the profession”;*

3.25. *“Not place orders or contracts or medium of payments on their particular client’s or employer’s behalf without any written authority from the client or employer concerned”;*

3.26. *“Respect other registered persons’ skills, prospects, practices and reputations, as well as other quantity surveyors”;*

3.27. *“Disclose any conflicts of interest, financial or otherwise known to their employers or clients, take all the necessary steps to resolve the conflicts and at all times try to avoid conflicts of interest or actions, act with integrity and avoid situations inconsistent with their professional obligations, as well as;*

3.27.1. Where persons are in a position of trust which requires the exercise of judgment on behalf of a person for whom she/he is acting, as well as has either business or private interest or obligations of sort which can interfere with the exercise of his/her judgment;

3.27.2. Where persons are offered any form of inducement by a potential third party or a third party, she/he must inform her/his client and employer immediately;

3.27.3. Where persons identify the existence of or the potential for a conflict of interest she/he must, as soon as practicable, inform the person for whom she/he is acting before carrying out the work, in writing, of the circumstances and until that person(s) consent(s) or request(s) in writing to her/his continuing to act, she/he must cease to act in provision of such service;

3.27.4. Persons must at all times act objectively, free from any conflict of interest and with honesty, as well as not allow that their actions or advice be unduly influenced by other people”;

3.28. *“Comply with South Africa’s laws and it is important for all persons are aware of their legal obligations, as well as to ensure that all their employees must comply with these obligations in full and all relevant legislation in the future”;*

3.29. *“Be impartial and fair in the provision of judgement and advice to an employer or another party to a construction building contract that they are involved in, as well as in the day to day practices of quantity surveyors, persons must comply with the ethical standards of business practice and act with fairness, integrity and independence towards the public, fellow professionals and their clients”;*

3.30. *“Persons must avoid submitting price proposals under certain circumstances, without the knowledge of the Council, price proposals that create competition from professional work on the basis of fees”;*

3.31. *“Not act unfairly against the interest of a building contract or any part relating to it”;*

3.32. *“Not perform work as a quantity surveyor in a private practice within the borders of the country, unless he/she maintains an office within the borders of the country. Where persons perform work outside of the borders, they must conduct their work within the rules but ensure to not be inconsistent with the law of that country”;*

3.33. *“Persons must not undertake or offer to undertake projects for payment that exceeds the approved published tariff fees”;*

3.34. *“Persons must able to provide adequate technical, professional and financial resources when entering into a contract and throughout the duration, as well as to acknowledge the right of the council to carry out an inspection, at any time, in order to verify the acceptability of such resources”;*

3.35. *“Not offer any professional services which is not declared to his/ her employer”;*

3.36. *“Not make decisions in a professional sense which is based on personal consideration, including and not limited to any conspiracy activities like, bribery, nepotism, favouritism or sexual favours”;*

- 3.37. *“Information which is gathered during the course of business gives a duty of confidentiality”;*
- 3.38. *“Any confidential information can only be used or disclosed in relation with the statutory requirements. This duty of confidentiality must remain even after the termination of the client-consultant relationship”;*
- 3.39. *“Persons working as consultants must arrange or insist that the employer or client arrange suitable insurance cover with regards to professional indemnity, along with the statutory insurance”;*
- 3.40. *“Evidence that the insurance requirements have been met must be provided by persons, which is expected from them in such form, manner and to the extent the council often requires”;*
- 3.41. *“The necessary steps must be taken by persons/firms to ensure that:*
- 3.41.1. A fee proposal is provided with a submission that outlines their experience, skills, resources, etc.;*
 - 3.41.2. Fairly compete with other registered Firms, Partnerships and quantity surveyors by way of promoting the principle of ‘selection of quantity surveyors upon the choice of the client’ and the basis of merit, but not only on the basis of fees alone;*
 - 3.41.3. A high standard of services must be provided;*
 - 3.41.4. Services in which persons are only qualified in must be engaged and not claim to have the experience or expertise that they do not possess;*
 - 3.41.5. Not carelessly or maliciously injure, either indirectly or directly, the prospects, reputation or business of other quantity surveyors, firms or persons;*
 - 3.41.6. Clarify the exact scope and nature of the services which is requested by clients;*
 - 3.41.7. Clarify the exact nature of service that persons need to provide as requested by the client;*
 - 3.41.8. Where persons have no reasonable expectation to fulfil the nature of competence, resources and ability, no letter of engagement or agreement must be entered into for services;*
 - 3.41.9. Where specialist expertise is needed by persons to assist with the carrying out of the agreed services, they must inform and get consent from the client before any agreement is entered into with any specialist”;*

3.42. *“Quantity surveyors must be aware of the content of any new amendments to existing Acts or rules and the content of any new Acts or rules which affects quantity surveying work, as well as guidelines or requirements issued by the Council, every now and then, on Continuous Professional Development or conditions of engagement”;*

3.43. *“Notify the Board when there are any changes in address, style, changes in the constitution of a practice and of its termination within 30 days of the relevant occurrence”;*

3.44. *“A registered professional quantity surveyor must not under such conditions as the council may prescribe, except with the permission of the council, enter into any professional relationship or association with any person who is not registered as a professional quantity surveyor or a member of a closely allied profession. The permission will not be given if the person concerned:*

3.44.1. Is qualified to register under any category that is provided under the Act, but has not done so;

3.44.2. Is disqualified from registration under any provision of the Act or from a membership of any closely allied profession”;

3.45. *“A registered professional quantity surveyor will directly, continuously and personally supervise any office that is established for the purpose of carrying out a quantity surveying practice. Provided that permission may be given by the registrar for this type of office is supervised on an irregular basis for such period of time as the registrar may, in her or his direction, determine. The conditions of this permission are that a professional quantity surveyor, who is registered, must be present in this type of office at least one full day during normal operating hours per week and the time of attendance is noticeably displayed outside of the office. This type of permission will normally be granted under the conditions to allow time for the replacement of a professional quantity surveyor, who is registered, has resigned or left for some reason or to allow the staff or employment where an office needs to be established in an area due to the award of a project”;*

3.46. *“To ensure that the firm or the name of the firm is not misleading or contain their personal names without the permission of the council”;*

3.47. *“Complaints handling procedures must be in place, which includes an Alternative Dispute Resolution mechanism which is approved by the council, and must be handled by the firm and maintain a complaints log”;*

3.48. *“All the required arrangements must be in place when there is an incapacity or the death of the sole director of the firm”;*

3.49. *“Literature of business of a firm registered for regulation must indicate and display that it is regulated by the council”;*

3.50. *“Staff of firms must be properly, thoroughly and regularly trained and competent in their daily work”;*

3.51. *“Ensure that the quantity surveying firm, which performs quantity surveying work, is controlled and responsibility of the quantity surveying work carried out is done by a registered Professional Quantity Surveyor”;*

3.52. *“When requested, provide the council, in writing, with all the information requested in order to enable the council to determine which registered person was responsible for any act that is considered to be improper conduct by the council”;*

3.53. *“Registered Candidate Quantity Surveyors:*

3.53.1. Must not practice or carry out quantity surveying work on their own account;

3.53.2. Must not carry out any quantity surveying work other than work that is supervised directly and continuously by a registered Professional Quantity Surveyor, unless the council approves it in other circumstances;

3.53.3. Must not practice as a partner in a partnership, member of a close corporation, trustee of a trust or director of a company while carrying out quantity surveying work and is subject to any condition which the council may enforce.”

With the different Codes of conduct compared and the results from the data a more complete picture can be given on where the gaps on the current Code of Conduct are and where it can be improved. In comparison with the current *“Code of Conduct”* of the SACQSP, rules 3.7, 3.8, 3.12, 3.14, 3.16, 3.19, 3.23 and 3.24 under the current Code are kept the same in the improved Code under rules 3.14, 3.17, 3.20, 3.21, 3.24, 3.25, 3.52 and 3.53.

The rules under the current Code: 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.9, 3.10, 3.11, 3.13, 3.15, 3.17, 3.18, 3.20, 3.21 and 3.22 are modified in the improved Code under rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 3.9, 3.15, 3.16, 3.18, 3.19, 3.22, 3.23, 3.31, 3.32, 3.43 and 3.50. Rules added in the improved Code are 3.6, 3.8, 3.10, 3.11, 3.12, 3.13, 3.26, 3.27, 3.28, 3.29, 3.30, 3.33, 3.34, 3.35, 3.36, 3.37, 3.38, 3.39, 3.40, 3.41, 3.42, 3.44, 3.45, 3.46, 3.47, 3.48, 3.49 and 3.51. In comparison with the other Codes of conduct some rules are identified and added as being necessary for a quantity surveyor to know and would need to use as a guideline and therefore is also incorporated into the recommended Code of Conduct

Scenario questions and responses should also be incorporated into the code of conduct, as an addendum, to assist persons with guidance on what to do when they are faced with typical scenarios. The scenario questions can be modified and updated regularly based on how the situation can be dealt with alongside the code of conduct on current ethical problems. These scenarios should be updated regularly to stay up to date with the issues that arise in the construction industry.

The following scenarios can be recommended to be added to the code of conduct:

“The following scenarios give a typical guideline that registered persons/ firms may follow when faced with similar ethical situations in accordance with the rules of conduct:

Scenario 1:

When persons are busy with tenders and tenderers submit their tenders in time (for example 12h00), but a tenderer submits a few reasonable minutes later explaining that due to unforeseen circumstances (for example due to loadshedding the traffic lights were out which caused them to be a few minutes late).

Guidance 1

Explain the scenario to the other tenderers present and ask them if they have any objections to one accepting a late tender. If they agree to accept the tender, open the tender but indicate that the tender was late in the tender report and inform the client, so that the client can make an informed decision. If they do not agree that the tender must be accepted, do not open the tender but still indicate in the tender report that there was a late tender and there were objections against opening the tender, so it remained a closed tender.

Scenario 2:

When a client instructs a contractor to do additional work but asks to hide the costs for the additional work under savings already shown the previous month under trades in the cost report.

Guidance

Decline to hide any costs as it is not a way to conduct business and rather lose one client, than put one's career and company's name in jeopardy when things like that come out in the open or to create a principle. It is unethical also to hide costs, as the contractor must be notified and have a chance to be remunerated for additional work which originally did not form part of the original scope of works. Persons must provide services, quality and to a level that corresponds with accepted practices and standards in the profession.

Scenario 3:

When persons realise that they have missed a building cost item calculating to up to a large amount of money. Must they report it or move figures around and divide it up under savings of the building costs.

Guidance

Revisit the budget to assess whether it is possible to handle the error within budget and schedule an appointment with the client and the principal agent, place the full situation on the table and offer the solutions in order to discuss a way forward. Persons must provide services, quality and to a level that corresponds with accepted practices and standards in the profession. Persons must at all times uphold the reputation, dignity and standing of the quantity surveying profession, as well as when conducting their business, uphold the standards which are set out in this Code and conduct themselves in accordance with the standards that are expected from quantity surveyors in their practice.

Scenario 4:

When persons realise that the tenderers have colluded in order for the lowest tenderer to receive the award. Must they bring it under the client's attention or leave it as the appointment has already been made.

Guidance

Set up a meeting with the client to discuss a way forward as the incident must be reported. The nature and extent of the collusion, as well as the detail of the tender evaluation should be considered when evaluating future action regarding the contract and the contractor, as the client might suffer a loss and the client and professional team need to decide whether or not to declare the tender null and void and/ or to retender. Persons must provide services, quality and to a level that corresponds with accepted practices and standards in the profession.

Scenario 5:

Due to current market conditions there are no increases in salaries this year as the economy is under pressure. Persons just got by on their current salary, but due to yearly increases on most expenses they worried that they would not cover all their monthly expenses. When a contact asks whether persons would be able to do some quantity surveying work after hours for a reasonable amount of money. Can persons accept the offer as it is after hours?

Guidance

Get permission from the persons' employer as it would be unethical to take on private work without discussing it with one's employer first. Comprehensive work could be brought to the firm as a project and one can negotiate a "spotter's fee" with their employer. If it is not comprehensive work, one can negotiate consent with their employee to do the work as long as it does not interfere with the persons' day-to-day work. The use of the firm and employee's equipment and software also need to be discussed. Persons should ensure to not have a conflict of interest.

Scenario 6:

When a client of many years is currently planning a new development, however for the development to realise, it might go against the public interest.

Guidance

Advise and discuss the situation with the client. Should the client not be aware of the situation, discuss it with the client in order to ensure that all facts are on the table, including the interest of the public. The potential negative consequences of not regarding the public should be made known, assuming that the development is legal, and to give the client the benefit of an objective opinion and advice on how to move forward in order to make the project successful. Persons should always have the interest of the public at heart.

5.3 RECOMMENDATIONS

The main research problem was supported through the hypothesis by identifying the reasons why certain quantity surveyors are not applying the code of conduct in an ethical and professional manner (as per the data analysis above) is where some persons have a lack of education and proper understanding on the codes of conduct, lack of keeping up to date with the Code and the guidance in which they serve. Some quantity surveyors also believe that their clients' and employers' needs come first before that of the general public.

The sub research problems of why some quantity surveyors not always follow the Code of Conduct of the SACQSP/ ASAQS and how well do certain South African quantity surveyors know the Code of Conduct is also supported and answered by the data analysis that quantity surveying persons do not regularly keep up to date and/ or are not well educated of the Code to follow the code of conduct and do not refer to the Code on a regular basis, as they rely on their knowledge and experience or the advice of a fellow employer or mentor. The last sub-problem of how the SACQSP/ ASAQS's Code of Conduct can be modified in terms of ethical standards are supported through the hypothesis by using the data analysis gathered as above and compiling a modified version of the Code as described and elaborated in point "5.2 Contributions to practice" above.

Based on the research, it can be concluded that the code of conduct needs to be improved regularly in order to stay up to date with current ethical situations in South Africa, because no project is the same and with years that go by, the typical ethical situations persons have to deal with also changes. With an improved code of conduct that is in a clear and understandable language, persons will be able to understand the code of conduct better. By implementing typical scenarios with guidance along with the code of conduct, persons will consult the code of conduct more as a basis for guidance which will help them face daily issues.

Interacting discussion boards are also recommended on the website of the council, where persons registered can interact with each other when faced with ethical issues they feel the code of conduct is not clear on. An interacting discussion board, which is regulated by the council, where registered persons can pose their questions and other registered persons can give answers will also assist the council to monitor quantity surveying practice and standards within the industry, improve efficiency and will also promote more ethical practices.

Universities must place more emphasis on ethical practices through more adequate classes that place focus on morals, professional and business ethics, responsibility, transparency, integrity, accountability and conflict of interest. Refresher courses must also be adopted by the SACQSP, in collaboration with the ASAQS, to regularly offer these courses to quantity surveying persons in order to stay up to date with the current code of conduct and ethical practices where when they attend these courses, persons will be able to earn CPD (Continuing Professional Development) hours.

Despite the previous amount of research done on the code of conduct and ethical practices, thorough investigation is recommended in order to determine whether there is enough done to ensure that the profession is aware of the code of conduct, how persons can refer to the code of conduct more often, how to encourage persons to stay up to date with the code of conduct and whether or not persons carry out their duties more in an ethical manner. It is necessary do regular studies in order to identify where the possible gaps are when implementing the code of conduct and/ or what the possible current ethical issues are and what to do in that situation, in order to get a sufficient guideline for professionals to follow when faced with ethical matters in the construction industry. The code of conduct must compel persons to refer to it as guidance and use it regularly.

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**ANNEXURE A:
COMPARISON OF CODE OF CONDUCTS**

Comparison of the code of conduct under the ASAQS with the code of conduct under the SACQSP Code of Conduct

SIMILARITIES	ASAQS	SACQSP
1.	Carry out their duties with competence, fidelity, efficiency, without delay and confidentiality to their employers;	1.1. Conduct their duties to their respective client or employers with fidelity, integrity and honesty;
2.	Have the public interest at heart;	1.2. Conduct their duties with their respective clients or employers competently and effectively;
3.	Uphold the reputation, dignity and standing of the quantity surveying profession;	2. Have concern for public health, public safety and public interest in general;
4.	Maintain, apply and develop the necessary skills and knowledge required for the work they are employed for;	3. Order their conduct as to uphold the standing, reputation and dignity of the profession;
5.	Prevent using advantages of a position that is salaried to compete unfairly with quantity surveyors;	4. Not offer to undertake or undertake professional work where their training, experience and education have not rendered them competent to perform;
6.	Prevent from knowingly competing with another professional quantity surveyors with whom negotiations are taken for professional work;	5. Not, subject to paragraph 8 receive, either indirectly or directly, any commission, gratuity, or another financial benefit on any process or article used in or the purpose of the work in the respect quantity surveyors are employed, unless such commission, gratuity or other financial benefit has been approved by the client or employer concerned, in writing;
7.	Prevent from reviewing another quantity surveyor's work or the work of a company of which they are not a member, for a specific client, except:	6. Not knowingly attempt to undermine another registered professional quantity surveyor in a certain appointment after the client has employed the registered professional quantity surveyor;
7.1.	When there is no claim for compensation to the knowledge of the quantity surveyor, close corporation or company under review employed previously in connection with the related work and whose employment has been terminated, remains unsatisfied, without notifying the quantity surveyor, close corporation or company, as well as the Board first;	7. Not review for a certain client another registered professional quantity surveyor's quantity surveying work, unless:
7.2.	When the quantity surveyor, close corporation or company involved have the knowledge of the review and are given the opportunity to submit comments on the review findings;	7.1. With their written consent and prior knowledge, this consent will not be unreasonably withheld of the other registered professional quantity surveyor. There must also be a reasonable opportunity to submit their comments on the findings of the review to the client;
7.3.	When the involved quantity surveyor, close corporation or company's employment has been terminated;	7.2. After a notification is received in writing from the client, the engagement of the other registered profession quantity surveyor is terminated;
8.	Preserve and maintain the original records of the contractual and technical documents that verifies his/ her work for a period of 3 years after the project has been completed and the final account is completed, as well as to make such documents available to the responsible and relevant parties that reasonably request such documents;	7.3. Where the review is intended for purposes of a competent and recognized court of law in the Republic of South Africa or legal proceedings;
9.	Avoid make or offer to make by means of commission or otherwise, payments or other consideration to obtain professional employment either personally or through the agency of another person, whether or not that person is in her/ his employment;	8. Not dispose of or destroy, without any satisfactory reasons, or knowingly allow any other person to dispose of or destroy of ant drawings, calculations or contractual documents within a period of 5 year after the relevant project is completed;
10.	Ensure that the firm or the name of the firm is not misleading or contain their personal names without the permission of the Board;	9. May not personally or through any other person improperly seek to obtain quantity surveying work or by way of commission or otherwise, offer to make payments or make payments to a prospective client or client for obtaining such work;
11.	Notify the Board when there is a change of employment or address;	10. The use of impersonal names must be submitted to the council's Registrar for approval;
12.	Enter into any partnership with another person that is not a quantity surveyor for the purpose to deliver a quantity surveying service in a private professional consulting practice;	11. Any changes in address, style, changes in the constitution of a practice and of its termination within 30 days of the relevant occurrence;
13.	Ensure that all offices or branches are for the purpose of carrying out services for quantity surveying in a private professional consulting practice under the personal and direct supervision and control of a registered professional quantity surveyor;	12. A registered professional quantity surveyor must not under such conditions as the council may prescribe, except with the permission of the council, enter into any professional relationship or association with any person who is not registered as a professional quantity surveyor or a member of a closely allied profession. The permission will not be given if the person concerned:
14.	Exhibit her/ his name of the firm, close corporation or company where she/ he is a member, or her/ his name on all the certificates, bills of quantities, specifications or other professional documents with respect to the work she/ he performed or performed by another person in her/his employment or by any employee or member of the company or the close corporation where she/ he is a member;	12.1. Is qualified to register under any category that is provided under the Act, but has not done so;
		12.2. Is disqualified from registration under any provision of the Act or from a membership of any closely allied profession;
		13. A registered professional quantity surveyor will directly, continuously and personally supervise any office that is established for the purpose of carrying out a quantity surveying practice. Provided that permission may be given by the registrar for this type of office is supervised on an irregular basis for such period of time as the registrar may, in her or his direction, determine. The conditions of this permission are that a profession quantity surveyor, who is registered, must be present in this type of office at least one full day during normal operating hours per week and the time of attendance is noticeably displayed outside of the office. This type of permission will normally be granted under the conditions to allow time for the replacement of a professional quantity surveyor, who is registered, has resigned or left for some reason or to allow the staff or employment where an office needs to be established in an area due to the award of a project;
		14. Not issue any documents, drawings, specifications or reports of quantity surveying work prepared by them or another person under their control or direction, unless:
		14.1. The name of the organization considered is bore for such documents, drawings, specifications or reports;

ASAQs	SACQSP
DIFFERENT	
1. Respect the skills, prospects, practices and reputations of other members and quantity surveyors;	1. Ensure that work which is carried out on behalf of a registered professional quantity surveyor by an employee or by anyone else that is acting under a registered profession quantity surveyor's control or direction, this registered person will be responsible to ensure that the person is competent to perform the task, as well as when necessary, be adequately supervised;
2. Disclose any conflicts of interest know to their employers and take all the required steps to resolve the conflicts;	2. Provide services or work of a scope, quality and to a level that corresponds with accepted practices and standards in the profession;
3. Comply with South Africa's laws;	3. Disclose to their respective clients or employers or prospective clients or employers, in writing: 3.1. The particulars of any royalty or another benefit that may accrue or accrues to them as a result of such work; 3.2. Any interest, whether it is financial or otherwise, that they may have in any firm, organization, company or with any person, which is related to the work they have been employed for or may be employed for;
4. Be impartial and fair in the provision of judgement and advice to an employer or another party to a construction building contract that they are involved in;	4. Not injure the professional business or reputation of another registered person when practicing their profession or by other means;
5. Prevent submitting price proposals under certain circumstances, without the knowledge of the Board, price proposals that creates competition from professional work on the basis of fees;	5. Not knowingly allow misrepresentation or knowingly misrepresent their own professional or academic qualifications or those of any other person involved with quantity surveying work, nor knowingly overemphasize their own degree of responsibility for quantity surveying work or that of any other person involved in it;
6. Seek to stay up to date with the professional and technical developments in the environments, industry and/ or the profession where she/ he operates in by way of to continue with professional development as it is stipulated by the Board;	6. Not advertise their professional services in a manner that self-laudatory or that is inaccurate or misleading or derogatory to the dignity of the profession;
7. Except for the regulation in 8 under the guidelines for professional business practice, she or he:	7. Not place orders or contracts or medium of payments on their particular client's or employer's behalf without any written authority from the client or employer concerned;
7.1. Avoid to undertake in any building activity, except she/ he is in the capacity of being a part owner or owner of the project or building being built or executed; 7.2. Avoid to serve as a director or an employee or in any like capacity in any company, undertaking or firm that carries out manufacturing, supplying or contracting business involved in the construction or building work; 7.3. Avoid having a financial interest in any firm, company or undertaking, either personally or through the agency of another person, that carries out a manufacturing, supplying or contracting business that is involved in the construction or building work. Provided that nothing will prevent her/ him to invest in shares or stocks of any public company which is listed on the stock exchange that is licensed in terms of the Stock Exchange Control Act, 1947 (Act 7 of 1947);	8. The names of the sole directors, partners, principals, trustees or close corporation members, as the case may be, together with their registration states where the prescribed abbreviations are used. The members, directors or partners that is not registered with the council must indicate their professional qualifications and designations;
8. While serving as a director or employee or any other capacity in any form, company or undertaking in any manufacturing, supplying or contracting business involved in construction or building work or to have a financial interest in any firm, company or undertaking other than a public company that complies with the provision of regulation 7 under the guidelines for professional business practice:	9. May neither indirectly nor directly deal in property development and/ or construction projects for her/ his own account or for any considerations where:
8.1. To avoid doing or holding her-/ himself out to do the work of a quantity surveyor whether for rewards or other, except when it is directly or only for such firm, company or undertaking;	9.1. These dealings for her/ his property development and/ or construction projects conflict with her/ his responsibilities to her/ his employer or client; or 9.2. She/ he has classified or confidential information regarding such property development and/ or construction project as a result of any quantity surveying work undertaken by her/ him: Further provided that she/ he must not make any personal use of or disclose to others classified or confidential information which relates to the quantity surveying work undertaken by her/ him;
9. Notify the Board when members enter into or dissolve a professional partnership or becoming a shareholder/ member/ director or ceasing to be a member of close corporation or company, in writing: 9.1. Gain approval from the Board in order to: 9.2. become a member of another company that is established different from the terms of section 22A of the Act or a close corporation established in terms of section 22B of the Act in order to carry out the work as a private quantity surveyor;	10. Order their conduct with regards to quantity surveying work that is outside the borders of the Republic of South Africa in accordance with these rules in so far as they are not inconsistent with the country's law concerned: Provided that where there are recognized standards of professional conduct in a country outside the Republic, they must adhere to those standards;
10. Employ a public relations consultant or another designated person to carry out the public relations as required in the context of these regulations;	11. In writing, when requested from the council, provide the council with all the information available to them that may enable the council to determine which registered person was responsible for any act which the council considers 'prima facie' to be improper conduct;
11. Indicate on all brochures and letterheads, the locations and names of associates and principals in order to clearly indicate the full extent of the business entity to the public;	12. In writing, give the Registrar notice within one month when there is a change of postal of physical addresses of residence or business;
12. Prevent doing anything they are not allowed to do though a company or close corporation;	13. In addition of the rules mentioned above, registered Candidate Quantity Surveyors:
13. Shall advertise their professional services to be true, dignified, credible, true and not misleading or self-laudatory or imply that another quantity surveyor will carry out a lesser service:	13.1. Must not practice for their own account; 13.2. Must not perform any quantity surveying work without the continuous and direct supervision of a registered Professional Quantity Surveyor, except under circumstances that the Council will approve in writing; 13.3. Must not practice in partnership, as a member or a close corporation, as a director of a company or trustee of a trust, performing quantity surveying work except with the prior Council approval in writing and subject to any condition that the Council might impose;
13.1. Indicate their practice, experience or availability by direct approaches to organizations or individual person by way of an pamphlet, directory or brochure describing their capabilities;	

ASAQS	SACQSP
<p>14. Display their practice name and name on the site during the duration of alterations, extensions or construction where they carry out quantity surveying services</p> <p>15. Be interviewed or send to the media articles about their work or construction industry topics in general with the rule that they do not offer or give monetary or other consideration for telecasting, broadcasting or publication</p> <p>16. Only approach work for the execution thereof in the field where he/ she is competent through experience and training and only adequately competent personnel is appointed as demanded by the task for which he/ she is employed;</p> <p>17. Display their practice name and name outside their office</p>	<p>14. Written approval from the council must be obtained for a registered professional quantity surveyor to practice quantity surveying in any form and must within 30 days of the establishment of the business inform, in writing, the council giving the full details of the address from which the practice is conducted, type of practice and names of members, directors, partners, shareholders or trustees;</p> <p>15. Two-thirds of registered professional quantity surveyors must control a quantity surveying practice in terms of the directorship, number, voting power and shareholding;</p> <p>16. Registered members of the closely allied professionals will control a practice that carries out quantity surveying work, as well as being a multidisciplinary professional practice and the quantity surveying section or division must be under the supervision of a professional quantity surveyor at all time;</p> <p>17. A practice must be dissolved, by order of the council, when a member, trust, partner or shareholder, who has not been a registered person, is found guilty of any action where she or he had been a registered person, would have constituted a breach of any provision of these rules or the Act;</p> <p>18. Ensure that, while engaged as members, directors, partners or trustees of a quantity surveying practice operating under the style of a sole proprietorship, a corporation, a partnership company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), or a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of 1984) (o any legislation which subsequently supersedes or reverses these Act) and which performs quantity surveying work of a nature generally performed in a quantity surveying practice, the control over the quantity surveying work of the company is exercised, and the responsibility in respect of it is carried, by a registered quantity surveyor;</p>

Comparison of the code of conduct under the ASAQS with the code of conduct for RICS

ASAQS	RICS
SIMILARITIES	
<p>1. Maintain, apply and develop the necessary skills and knowledge required for the work they are employed for;</p> <p>2. Carry out their duties with competence, fidelity, efficiency, without delay and confidentiality to their employers;</p> <p>3. Have the public interest at heart;</p> <p>4. Shall advertise their professional services to be true, dignified, credible, true and not misleading or self-laudatory or imply that another quantity surveyor will carry out a lesser service:</p> <p>4.1. Indicate their practice, experience or availability by direct approaches to organizations or individual person by way of an pamphlet, directory or brochure describing their capabilities;</p> <p>4.2. Display their practice name and name outside their office;</p> <p>4.3. Display their practice name and name on the site during the duration of alterations, extensions or construction where they carry out quantity surveying services;</p> <p>4.4. Be interviewed or send to the media articles about their work or construction industry topics in general with the rule that they do not offer of give monetary or other consideration for telecasting, broadcasting or publication;</p> <p>4.5. Employ a public relations consultant or another designated person to carry out the public relations as required in the context of these regulations;</p> <p>5. Disclose any conflicts of interest know to their employers and take all the required steps to resolve the conflicts;</p>	<p>1.1. A member must ensure to continue with professional development in order to comply with RICS's requirements (Rules for members);</p> <p>1.2. Staff in quantity surveying firms must be properly trained and competent in their daily work (Rules for firms);</p> <p>2.1. A member shall carry out his or her professional work with due care, skill, diligence and the necessary regard for the technical standards of what is expected of them (Rules for members);</p> <p>2.2. A quantity surveying firm shall carry out its professional work with due skill, diligence, care and the necessary regard for the technical standards (Rules for firms);</p> <p>3. Quantity surveying firms should provide a service to the public in a responsible way to the professional team and clients (Rules for firms);</p> <p>4. The professional services of a quantity surveying firm must be promoted in a responsible and truthful manner (Rules for firms);</p> <p>5.1. A member shall at all times try to avoid conflicts of interest or actions, act with integrity and avoid situations inconsistent with their professional obligations (Rules for members);</p> <p>5.2. A quantity surveying firm shall at all times try to avoid conflicts of interest or actions, avoid situations inconsistent with their professional obligations and act with integrity (Rules for firms);</p>
DIFFERENT	
<p>Rules for members</p> <p>1. Respect the skills, prospects, practices and reputations of other members and quantity surveyors;</p> <p>2. Uphold the reputation, dignity and standing of the quantity surveying profession;</p> <p>3. Comply with South Africa's laws;</p> <p>4. Be impartial and fair in the provision of judgement and advice to an employer or another party to a construction building contract that they are involved in;</p> <p>5. Prevent using advantages of a position that is salaried to compete unfairly with quantity surveyors;</p> <p>6. Prevent submitting price proposals under certain circumstances, without the knowledge of the Board, price proposals that creates competition from professional work on the basis of fees;</p> <p>7. Prevent from knowingly competing with another professional quantity surveyors with whom negotiations are taken for professional work;</p> <p>8. Prevent from reviewing another quantity surveyor's work or the work of a company of which they are not a member, for a specific client, except:</p> <p>8.1. When there is no claim for compensation to the knowledge of the quantity surveyor, close corporation or company under review employed previously in connection with the related work and whose employment has been terminated, remains unsatisfied, without notifying the quantity surveyor, close corporation or company, as well as the Board first;</p> <p>8.2. When the quantity surveyor, close corporation or company involved have the knowledge of the review and are given the opportunity to submit comments on the review findings;</p> <p>8.3. When the involved quantity surveyor, close corporation or company's employment has been terminated;</p> <p>9. Only approach work for the execution thereof in the field where he/ she is competent through experience and training and only adequately competent personnel is appointed as demanded by the task for which he/ she is employed;</p> <p>10. Preserve and maintain the original records of the contractual and technical documents that verifies his/ her work for a period of 3 years after the project has been completed and the final account is completed, as well as to make such documents available to the responsible and relevant parties that reasonably request such documents;</p>	<p>Rules for members</p> <p>1. Members must fully co-operate with any appointed person at the Regulatory Board and the RICS staff;</p> <p>2. Members must submit information in a timeously manner as the Regulatory Board may reasonably require;</p> <p>3. RICS communicates with its members through email, in person, via post, fax or telephone;</p> <p>4. Members must be a Chartered members, non-Chartered member or Honorary member;</p> <p>5. A member must carry out his or her work professionally with regard to the expected standards of customer service and care;</p> <p>6. A member's professional and personal finances must be managed appropriately;</p>

ASAQS	RICS
<p>11. Exhibit her/ his name of the firm, close corporation or company where she/ he is a member, or her/ his name on all the certificates, bills of quantities, specifications or other professional documents with respect to the work she/ he performed or performed by another person in her/his employment or by any employee or member of the company or the close corporation where she/ he is a member;</p> <p>12. Avoid make or offer to make by means of commission or otherwise, payments or other consideration to obtain professional employment either personally or through the agency of another person, whether or not that person is in her/ his employment;</p> <p>13. Except for the regulation in 8 under the guidelines for professional business practice, she or he:</p> <p>13.1 Avoid to undertake in any building activity, except she/ he is in the capacity of being a part owner or owner of the project or building being built or executed;</p> <p>13.2 Avoid to serve as a director or an employee or in any like capacity in any company, undertaking or firm that carries out manufacturing, supplying or contracting business involved in the construction or building work;</p> <p>13.3 Avoid having a financial interest in any firm, company or undertaking, either personally or through the agency of another person, that carries out a manufacturing, supplying or contracting business that is involved in the construction or building work. Provided that nothing will prevent her/ him to invest in shares or stocks of any public company which is listed on the stock exchange that is licensed in terms of the Stock Exchange Control Act, 1947 (Act 7 of 1947);</p> <p>14. While serving as a director or employee or any other capacity in any firm, company or undertaking in any manufacturing, supplying or contracting business involved in construction or building work or to have a financial interest in any firm, company or undertaking other than a public company that complies with the provision of regulation 7 under the guidelines for professional business practice:</p> <p>14.1. To avoid doing or holding her-/ himself out to do the work of a quantity surveyor whether for rewards or other, except when it is directly or only for such firm, company or undertaking;</p>	
<p>Rules for firms</p>	<p>Rules for firms</p>
<p>1. Notify the Board when there is a change of employment or address;</p> <p>2. Indicate on all brochures and letterheads, the locations and names of associates and principals in order to clearly indicate the full extent of the business entity to the public;</p> <p>3. Notify the Board when members enter into or dissolve a professional partnership or becoming a shareholder/ member/ director or ceasing to be a member of close corporation or company, in writing;</p> <p>4. Gain approval from the Board in order to:</p> <p>4.1. become a member of another company that is established different from the terms of section 22A of the Act or a close corporation established in terms of section 22B of the Act in order to carry out the work as a private quantity surveyor;</p> <p>4.2. enter into any partnership with another person that is not a quantity surveyor for the purpose to deliver a quantity surveying service in a private professional consulting practice;</p> <p>5. Ensure that the firm or the name of the firm is not misleading or contain their personal names without the permission of the Board;</p> <p>6. Prevent doing anything they are not allowed to do through a company or close corporation;</p> <p>7. Ensure that all offices or branches are for the purpose of carrying out services for quantity surveying in a private professional consulting practice under the personal and direct supervision and control of a registered professional quantity surveyor;</p>	<p>1. RICS communicates with its members through email, post, fax, telephone or in person;</p> <p>2. Quantity surveying firms must carry out their work in a professional way with regard to the expected standards of customer service and care;</p> <p>3. Full indemnity cover for all current and previous professional work of a quantity surveying firm meeting the standards of the Regulatory Board;</p> <p>4. A complaints handling procedure (that includes an Alternative Dispute Resolution mechanism approved by the Regulatory Board) must be handled by the quantity surveying firm and they must maintain a complaints log;</p> <p>5. Client's money must be securely preserved in the course of the business or practice;</p> <p>6. A quantity surveying firm's finances must be managed properly;</p> <p>7. A quantity surveying firm must fully co-operate with any appointed person at the Regulatory Board and the RICS staff;</p> <p>8. A quantity surveying firm must submit information regarding their activities in a timeously manner as the Regulatory Board may reasonably require;</p> <p>9. Necessary arrangements must be in place in the event of incapacity or the death of the sole director of the firm;</p> <p>10. Any business literature of a firm registered for regulation must display that it is regulated by RICS;</p>

Comparison of the code of conduct under the ASAQS with the code of conduct under the “Architects’ and Quantity Surveyors’ Act 13 of 1979” of the Republic of Namibia

SIMILARITIES	ASAQS	NAMIBIA
1.	Uphold the reputation, dignity and standing of the quantity surveying profession;	1. To uphold the standing, dignity and reputation of the profession;
2.	Have the public interest at heart;	2. Have full regard for the public interest while in performance of their functions;
3.	Carry out their duties with competence, fidelity, efficiency, without delay and confidentiality to their employers;	3. To carry out their duties in a competent and efficient manner without any delay and complete fidelity;
5.	Notify the Board when there is a change of employment or address;	5. He/she must notify the council when there is a change in address or employment without any delay;
6.	Respect the skills, prospects, practices and reputations of other members and quantity surveyors;	6. Not directly or indirectly injure the professional reputation, professional business or prospects of any other quantity surveyor;
7.	Only approach work for the execution thereof in the field where he/ she is competent through experience and training and only adequately competent personnel is appointed as demanded by the task for which he/ she is employed;	7. Not undertake work where training and experience of have rendered them incompetent;
8.	Except for the regulation in 8 under the guidelines for professional business practice, she or he:	8. To not:
8.1.	Avoid to undertake in any building activity, except she/ he is in the capacity of being a part owner or owner of the project or building being built or executed;	8.1. Participate in any building trades, except in their capacity as a part owner or owner of a building being erected;
8.2.	Avoid to serve as a director or an employee or in any like capacity in any company, undertaking or firm that carries out manufacturing, supplying or contracting business involved in the construction or building work;	8.2. Have any financial interest in any business involved in construction or building work;
8.3.	Avoid having a financial interest in any firm, company or undertaking, either personally or through the agency of another person, that carries out a manufacturing, supplying or contracting business that is involved in the construction or building work. Provided that nothing will prevent her/ him to invest in shares or stocks of any public company which is listed on the stock exchange that is licensed in terms of the Stock Exchange Control Act, 1947 (Act 7 of 1947);	8.3. Serve as a director or employee of a business involved in construction or building work;
9.	Shall advertise their professional services to be true, dignified, credible, true and not misleading or self-laudatory or imply that another quantity surveyor will carry out a lesser service:	9. They shall, while serving as a director or employee while having a financial interest in a business involved on construction or building work comply with the following:
9.1.	Indicate their practice, experience or availability by direct approaches to organizations or individual person by way of a pamphlet, directory or brochure describing their capabilities;	9.1. Ensure that his/ her name, as well as professional designation be used on advertisements or brochures issued by such business that implies that an independent quantity surveying service can be provided;
9.2.	Display their practice name and name outside their office;	9.2. Not hold or do him-/ herself out to do the quantity surveying work for remuneration or otherwise, except for such business only;
9.3.	Display their practice name and name on the site during the duration of alterations, extensions or construction where they carry out quantity surveying services;	9.3. Not hold him-/ herself out to be in private practice as a quantity surveyor or in positions to give independent advice on matters like costs, pricing or contract;
9.4.	Be interviewed or send to the media articles about their work or construction industry topics in general with the rule that they do not offer of give monetary or other consideration for telecasting, broadcasting or publication;	
9.5.	Employ a public relations consultant or another designated person to carry out the public relations as required in the context of these regulations;	
10.	Indicate on all brochures and letterheads, the locations and names of associates and principals in order to clearly indicate the full extent of the business entity to the public;	10. He/she shall display on the firm’s letterheads the names of the principal(s), directors and/ or partners of the firm and describe the services rendered in a factual manner and related only to the professional work of the professional disciplines represented in the firm;
11.	Notify the Board when members enter into or dissolve a professional partnership or becoming a shareholder/ member/ director or ceasing to be a member of close corporation or company, in writing;	11. Not enter or dissolve any form of professional partnership or association, cease to become a member or become a member without notifying the council;
12.	Exhibit her/ his name of the firm, close corporation or company where she/ he is a member, or her/ his name on all the certificates, bills of quantities, specifications or other professional documents with respect to the work she/ he performed or performed by another person in her/his employment or by any employee or member of the company or the close corporation where she/ he is a member;	12. He/ She will not issue any specifications, bills of quantities, final accounts, certificates or professional documents with regards to work performed by his-/ herself or another person under his/ her employ or any member unless they bear the name of the quantity surveying business or business of which he/ she is a member;
13.	Avoid make or offer to make by means of commission or otherwise, payments or other consideration to obtain professional employment either personally or through the agency of another person, whether or not that person is in her/ his employment;	13. Not attempt to obtain or obtain work by means of paying or offering a monetary or any other valuable consideration or encouragement;
14.	Ensure that the firm or the name of the firm is not misleading or contain their personal names without the permission of the Board;	14. Not use a name for the firm that may be misleading content for the style, title or name of the firm, nor use any other name than his/her personal name or names with a style or title without the proper approval of the council;
15.	Prevent from reviewing another quantity surveyor’s work or the work of a company of which they are not a member, for a specific client, except:	15. Not review the work of another company or quantity surveyor of which he/ she is not a member for the same client except with the knowledge of that quantity surveyor or company, unless the work of that quantity surveyor or company is being reviewed and their engagement is terminated;
15.1.	When there is no claim for compensation to the knowledge of the quantity surveyor, close corporation or company under review employed previously in connection with the related work and whose employment has been terminated, remains unsatisfied, without notifying the quantity surveyor, close corporation or company, as well as the Board first;	
15.2.	When the quantity surveyor, close corporation or company involved have the knowledge of the review and are given the opportunity to submit comments on the review findings;	
15.3.	When the involved quantity surveyor, close corporation or company’s employment has been terminated;	
16.	Prevent doing anything they are not allowed to do through a company or close corporation;	16. No quantity surveyor shall be allowed to do anything through a company which he/she would not be allowed to do otherwise;
17.	Ensure that all offices or branches are for the purpose of carrying out services for quantity surveying in a private professional consulting practice under the personal and direct supervision and control of a registered professional quantity surveyor;	17. Not maintain office for the purpose of carrying out work as a quantity surveyor in a private practice without the proper, constant, personal and direct supervision of a registered quantity surveyor nor indicate that this type of practice extends to any office without complying to this paragraph;

ASAQS	NAMIBIA
18. Prevent from knowingly competing with another professional quantity surveyors with whom negotiations are taken for professional work;	18. Not knowingly compete for professional work with another fellow quantity surveyor with whom negotiations are taking place with respect to such work;
19. Preserve and maintain the original records of the contractual and technical documents that verifies his/ her work for a period of 3 years after the project has been completed and the final account is completed, as well as to make such documents available to the responsible and relevant parties that reasonably request such documents;	19. Not willfully fail or destroy for three years , without a valid reason, to produce original documents or any other evidence necessary for the verification of the work done after final completion of the contract and settlement of all accounts;
20. Prevent using advantages of a position that is salaried to compete unfairly with quantity surveyors;	20. He/ She will not use the advantages of a position that is salaried in order to compete unfairly with other quantity surveyors;
DIFFERENT	
1. Disclose any conflicts of interest know to their employers and take all the required steps to resolve the conflicts;	1. Not conduct themselves dishonourably with the work performed;
2. Comply with South Africa's laws;	2. To order their conduct with regards to quantity surveying work outside the borders of the territory in accordance with the regulations;
3. Maintain, apply and develop the necessary skills and knowledge required for the work they are employed for;	3. He/ She not sign as a quantity surveyor or identify as being issued by him/ her an bills of quantities or other documents for which he/ she is not the lawful author;
4. Be impartial and fair in the provision of judgement and advice to an employer or another party to a construction building contract that they are involved in;	4. Not knowingly take commission while a claim for compensation of a previously employed quantity surveyor on that commission and whose employment has been terminated remains unsatisfied, without notifying the council and quantity surveyor previously employed first;
5. Gain approval from the Board in order to:	5. Not prepare or submit bills of quantities, feasibility studies, estimates of cost or other similar documents for which his/ her business has not been engaged professionally;
5.1. become a member of another company that is established different from the terms of section 22A of the Act or a close corporation established in terms of section 22B of the Act in order to carry out the work as a private quantity surveyor;	
5.2. enter into any partnership with another person that is not a quantity surveyor for the purpose to deliver a quantity surveying service in a private professional consulting practice;	
6. Seek to stay up to date with the professional and technical developments in the environments, industry and/ or the profession where she/ he operates in by way of to continue with professional development as it is stipulated by the Board;	6. Not directly or indirectly receive commission, gratuity, royalty or other remunerations for which he/ she is employed until the employer or client is notified, in writing, of such commission, gratuity, royalty or other remuneration;
7. While serving as a director or employee or any other capacity in any form, company or undertaking in any manufacturing, supplying or contracting business involved in construction or building work or to have a financial interest in any firm, company or undertaking other than a public company that complies with the provision of regulation 7 under the guidelines for professional business practice:	7. Not act unfairly against the interest of a building contract or any part of it;
7.1. To avoid doing or holding her/ himself out to do the work of a quantity surveyor whether for rewards or other, except when it is directly or only for such firm, company or undertaking;	
8. Prevent submitting price proposals under certain circumstances, without the knowledge of the Board, price proposals that creates competition from professional work on the basis of fees	8. Not issue or advertise letters to people other than people with whom there is an existing business relationship, in a manner calculate to attract clients;
	9. Neither personally or through an agency of any other person, whether or not that person is in his/ her employment, canvass or solicit professional employment or offer to make payment in order to obtain such employment;
	10. Not, in his/ her capacity as a quantity surveyor in a private practice, enter into a partnership or other association with another person other than an architect or quantity surveyor in private practice, except with the prior consent of the council;
	11. He/she shall within two months of being instructed by the council dissolve any partnership; cease to be a member of a company at which he/she is a member. The council shall only instruct this after proper enquiry when the person is not registered under section 11 of the Act and is guilty of an offence;
	12. He/ she will not perform work as a quantity surveyor in a private practice within the borders of the territory, unless he/she maintains an office within the borders of the territory;
	13. Not engage or act in private practice as a quantity surveyor under a style of a company or through a medium company in association with a company purporting (to do work that has been prescribed under Section 7(3)(b) of the Act.
	13.1. unless the company is a private company limited by shares incorporated under the Companies Act, 1973, the memorandum shall contain the following:
	13.1.1. Provision to the effect that the former directors and directors of the company shall be liable, severally and jointly, together with the company for debts and liabilities of the companies as where or are contracted during their periods in the office;
	13.1.2. Subject to paragraph 26, the name of the company to include the word "Incorporated" as the last part of its name;
	13.1.3. A provision of the effect that the company is established for the purpose of carrying out the work of a quantity surveyor provided that: the company shall not carry out the work of a quantity surveyor unless at least one of the members are a quantity surveyor and the work may include the work of an architects or other work which is approved by the council;

ASAQS	NAMIBIA
	<p>13.2. The articles of the company must contain provisions to the effect that:</p> <p>13.2.1. The members of the company shall be natural persons who are only quantity surveyors registered under the Act, provided that:</p> <p>13.2.2. The members may include architects registered under the Act and any other person approved by the council;</p> <p>13.2.3. In the event of death of a member or the ceasing of the member being qualified as a member for any reason, any shares in the company held by him/her prior hereto can continue to be held by him/her for a period the council can determine but the voting rights of the shares shall during such period will be exercised by a member which is nominated in writing by the disqualified or deceased member prior to the death or disqualification. Failure of such nomination , the chairman shall exercise the right for the time being of the company;</p> <p>13.2.4. In the event of member ceasing to be qualified or death, the remainder of directors must take the necessary steps to ensure that the provisions of sub-paragraph 33.2.1.2. are complied with for the period determined by the council;</p> <p>13.2.5. Every director of the company shall be a member thereof and every member whether or not director, shall be the beneficial owner of the shares registered in his/her name;</p> <p>14. Any act done by a member or done on behalf of the company which will constitute as improper conduct when done by a quantity surveyor, shall be deemed to have been done by each member of the company who is a quantity surveyor unless it can be proved that he/she did not knowingly take part in the commission of the act and could not have prevented it;</p>

Comparison of the code of conduct under the ASAQS with the code of conduct for quantity surveyors under the "Quantity Surveyors' Registration Act, 2013" for Botswana

SIMILARITIES	ASAQS	BOTSWANA
1.	Have the public interest at heart;	1. Quantity surveyors must accept and recognize that have a responsibility towards the public and they must conduct their professional services, at all times, in a manner that maintains this;
2.	Carry out their duties with competence, fidelity, efficiency, without delay and confidentiality to their employers;	2. Carry out their duties with competence, fidelity, efficiency, with delay and confidentiality to their employers;
3.	Comply with South Africa's laws;	3. It is important for quantity surveyors to be aware of their legal obligations, as well as to ensure that all their employees must comply with these obligations in full and all relevant legislation in the future;
4.	Uphold the reputation, dignity and standing of the quantity surveying profession;	4. At all times a quantity surveyor must, when conducting their business, uphold the standards which are set out in this Code and conduct themselves in accordance with the standards that are expected from quantity surveyors in their practice;
5.	Be impartial and fair in the provision of judgement and advice to an employer or another party to a construction building contract that they are involved in;	5. In the day to day practices of quantity surveyors, they must comply with the ethical standards of business practice and act with fairness, integrity and independence towards the public, fellow professionals and their clients;
6.	Prevent from knowingly competing with another professional quantity surveyors with whom negotiations are taken for professional work;	6. Quantity surveyors must not knowingly compete with another fellow quantity surveyor for professional work with whom any negotiations are taking place with respect to such work, after the initial bidding process;
7.	Disclose any conflicts of interest know to their employers and take all the required steps to resolve the conflicts;	7.1. Quantity surveyors that has a conflict of interest, financial or otherwise where she/he is in a position of trust that requires the exercise of judgment on behalf of a person for whom she/he is acting, as well as has either business of private interest or obligations of sort which can interfere with the exercise of his/her judgment; 7.2. Where quantity surveyor are offered any form of inducement by a potential third party or a third party, she/he must inform her/his client and employer immediately; 7.3. Where quantity surveyors identify the existence of or the potential for a conflict of interest she/he must, as soon as practicable, inform the person for whom she/he is acting before carrying out the work, in writing, of the circumstances and until that person(s) consent(s) or request(s) in writing to her/his continuing to act, she/he must cease to act in provision of such service; 7.4. Quantity surveyors must at all times act objectively, free from any conflict of interest and with honesty, as well as not allow that their actions or advice be unduly influenced by other people;
8.1.	Maintain, apply and develop the necessary skills and knowledge required for the work they are employed for;	8. Quantity surveyors must have an on-going duty to maintain their professional skills and knowledge at a level that ensures that they deliver an effective and efficient service to the highest standard in accordance with the QSRC Regulations;
8.2.	Seek to stay up to date with the professional and technical developments in the environments, industry and/ or the profession where she/ he operates in by way of to continue with professional development as it is stipulated by the Board;	
9.1.	Shall advertise their professional services to be true, dignified, credible, true and not misleading or self-laudatory or imply that another quantity surveyor will carry out a lesser service;	9. A quantity surveyor must act in a manner which is consistent with the good reputation of the profession when conducting their business and avoid any conduct that may discredit it;
9.2.	Indicate their practice, experience or availability by direct approaches to organizations or individual person by way of an pamphlet, directory or brochure describing their capabilities;	
10.1.	Prevent from reviewing another quantity surveyor's work or the work of a company of which they are not a member, for a specific client, except:	10.1. When a client transfers work to one quantity surveyor from another, without there being a case of unprofessional conduct or failure to perform, the second quantity surveyor will be liable to inform the client that she/ he might be liable for fees to both quantity surveyors;
10.2.	When there is no claim for compensation to the knowledge of the quantity surveyor, close corporation or company under review employed previously in connection with the related work and whose employment has been terminated, remains unsatisfied, without notifying the quantity surveyor, close corporation or company, as well as the Board first;	10.2. A quantity surveyor must not take over another quantity surveyor's work without properly verifying that the contract with the existing quantity surveyor has been terminated first;
10.3.	When the quantity surveyor, close corporation or company involved have the knowledge of the review and are given the opportunity to submit comments on the review findings;	10.3. Quantity surveyors must not accept any commission to review another quantity surveyor's work with first informing the other quantity surveyor. This review of work will be limited to whether or not the quantity surveyor's work was professionally executed and not to any subjective opinion;
10.4.	When the involved quantity surveyor, close corporation or company's employment has been terminated;	
11.	Only approach work for the execution thereof in the field where he/ she is competent through experience and training and only adequately competent personnel is appointed as demanded by the task for which he/ she is employed;	11. Quantity surveyors must inform their employer or clients when an assignment requires experience and or qualifications that may be outside of their field of competence or may otherwise compromise their obligations in terms of this Code of Ethics & Professional Conduct;
12.	Exhibit her/ his name of the firm, close corporation or company where she/ he is a member, or her/ his name on all the certificates, bills of quantities, specifications or other professional documents with respect to the work she/ he performed or performed by another person in her/his employment or by any employee or member of the company or the close corporation where she/ he is a member;	12.1. Quantity surveyors, which are registered must not issue any document(s) with respect to quantity surveying work performed by themselves or another person in their employment unless it displays their signature or stamp; 12.2. Quantity surveyors must not sign as a quantity surveyor or otherwise identify as having been issued by her/him any Bills of Quantities or other documents of which she/he, an employee of the company which she/he is a member or her/his firm, is not the authentic author;

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<p>13. Avoid make or offer to make by means of commission or otherwise, payments or other consideration to obtain professional employment either personally or through the agency of another person, whether or not that person is in her/ his employment;</p> <p>14. Preserve and maintain the original records of the contractual and technical documents that verifies his/ her work for a period of 3 years after the project has been completed and the final account is completed, as well as to make such documents available to the responsible and relevant parties that reasonably request such documents;</p> <p>15. Notify the Board when there is a change of employment or address;</p> <p>16. Notify the Board when members enter into or dissolve a professional partnership or becoming a shareholder/ member/ director or ceasing to be a member of close corporation or company, in writing;</p> <p>17. Ensure that all offices or branches are for the purpose of carrying out services for quantity surveying in a private professional consulting practice under the personal and direct supervision and control of a registered professional quantity surveyor;</p>	<p>13. Quantity surveyors must not attempt to obtain or obtain quantity surveying work by way of paying or offering a monetary or another valuable inducement or consideration;</p> <p>14.1. The records of the services provided must be kept and stored for a period of at least 7 years, as well as be made available for inspection by the Council when it is requested;</p> <p>14.2. Quantity surveyors must not deliberately fail or destroy, without a valid reason, to produce dimension and other documentary evidence required for the verification of their work until the seven years after the completion of the contract, as well as the settlement of all accounts;</p> <p>15. Quantity surveyors must notify the Council when there is a change of employment or address without any delay;</p> <p>16. Quantity surveyors must not, in their capacity as a quantity surveyors in the private practice, dissolve or enter into any form of professional association or partnership, nor will he/she become a member or cease to be a member of any company without notifying the Council;</p> <p>17.1. The quantity surveying section/division for multidisciplinary firms must be under full time supervision of a registered quantity surveyor whom also is a partner;</p> <p>17.2. A full time registered quantity surveyor must directly, continuously and personally supervise a quantity surveying office;</p>
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<p>1. Prevent submitting price proposals under certain circumstances, without the knowledge of the Board, price proposals that creates competition from professional work on the basis of fees;</p> <p>2. Respect the skills, prospects, practices and reputations of other members and quantity surveyors;</p> <p>3. Prevent using advantages of a position that is salaried to compete unfairly with quantity surveyors;</p> <p>4. Display their practice name and name outside their office;</p> <p>5. Display their practice name and name on the site during the duration of alterations, extensions or construction where they carry out quantity surveying services;</p> <p>6. Be interviewed or send to the media articles about their work or construction industry topics in general with the rule that they do not offer of give monetary or other consideration for telecasting, broadcasting or publication;</p> <p>7. Employ a public relations consultant or another designated person to carry out the public relations as required in the context of these regulations;</p> <p>8. Indicate on all brochures and letterheads, the locations and names of associates and principals in order to clearly indicate the full extent of the business entity to the public;</p> <p>9. Gain approval from the Board in order to:</p> <p>9.1. become a member of another company that is established different from the terms of section 22A of the Act or a close corporation established in terms of section 22B of the Act in order to carry out the work as a private quantity surveyor;</p> <p>9.2. enter into any partnership with another person that is not a quantity surveyor for the purpose to deliver a quantity surveying service in a private professional consulting practice;</p> <p>10. Ensure that the firm or the name of the firm is not misleading or contain their personal names without the permission of the Board;</p> <p>11. Prevent doing anything they are not allowed to do though a company or close corporation;</p>	<p>1. Quantity surveyors shall not offer to undertake of undertake a projects for payment that exceeds the approved published tariff fees;</p> <p>2. Quantity surveyors must ensure that she/he will be able to provide adequate technical, professional and financial resources when entering into a contract and throughout the duration, as well as to acknowledge the right of the Council to carry out an inspection, at any time, in order to verify the acceptability of such resources;</p> <p>3. Quantity surveyors will not offer professional services which is not declared to her/his employer;</p> <p>4. Quantity surveyors must not make decisions in a professional sense based on personal consideration, including and not limited to any cabal activity like, bribery, nepotism, favouritism or sexual favours;</p> <p>5. Quantity surveyors must not offer any gift or other considerations in order to secure any work;</p> <p>6. The information gathered during the course of business gives a duty of confidentiality;</p> <p>7. Confidential information can only be used or disclosed in accordance with statutory requirements. This duty of confidentiality must remain even after the termination of the relationship;</p> <p>8. The Council must be informed when a quantity surveyor receives and handles a client's money, as well as provide proof that he/she has taken all the necessary steps to protect himself/herself and his/her client from the related risks by abiding to the appropriate laws;</p> <p>9. The latest conduct, in order to avoid doubt, does not include:</p> <p>9.1. normal competitive commercial activity, or;</p> <p>9.2. advertising are not prohibited elsewhere in this Code;</p> <p>10. Quantity surveyors, who are registered and work as Consultants must arrange or have the Client or Employer arrange suitable insurance cover with respect to professional indemnity, together with the statutory insurance;</p> <p>11. Quantity surveyors must provide evidence that the insurance requirements have been met which is expected from them in such form, manner and to the extent the Council every now and then require;</p>

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<p>12. Except for the regulation in 8 under the guidelines for professional business practice, she or he:</p> <p>12.1. Avoid to undertake in any building activity, except she/ he is in the capacity of being a part owner or owner of the project or building being built or executed;</p> <p>12.2. Avoid to serve as a director or an employee or in any like capacity in any company, undertaking or firm that carries out manufacturing, supplying or contracting business involved in the construction or building work;</p> <p>12.3. Avoid having a financial interest in any firm, company or undertaking, either personally or through the agency of another person, that carries out a manufacturing, supplying or contracting business that is involved in the construction or building work. Provided that nothing will prevent her/ him to invest in shares or stocks of any public company which is listed on the stock exchange that is licensed in terms of the Stock Exchange Control Act, 1947 (Act 7 of 1947);</p> <p>13. While serving as a director or employee or any other capacity in any form, company or undertaking in any manufacturing, supplying or contracting business involved in construction or building work or to have a financial interest in any firm, company or undertaking other than a public company that complies with the provision of regulation 7 under the guidelines for professional business practice:</p> <p>13.1 To avoid doing or holding her-/ himself out to do the work of a quantity surveyor whether for rewards or other, except when it is directly or only for such firm, company or undertaking;</p>	<p>12. A quantity surveyor must take the necessary steps in order to ensure that:</p> <p>12.1. They must at all times provide a fee proposal, including a submission that outlines the experience, skills, resources, etc.;</p> <p>12.2. They must fairly compete with other registered Firms, Partnerships and quantity surveyors by means of promoting the principle of 'selection of quantity surveyors by client' upon the basis of merit, not only on the basis of fees alone;</p> <p>12.3. They must provide professional services of high standard;</p> <p>12.4. They engage in the provision of services in which they are qualified and not claim to have the experience or expertise that they do not possess;</p> <p>12.5. They do not do anything carelessly or maliciously to injury, either indirectly or directly, the prospects, reputation or business of other quantity surveyors;</p> <p>12.6. There is clarity on the precise scope and nature of the services that is requested by the Client;</p> <p>12.7. There is clarity by the client on the exact nature of service to be provided by the quantity surveyor;</p> <p>12.8. No letter of engagement or agreement that is entered into for services which a quantity surveyor has not a reasonable expectation to fulfill by nature of competence, resources and ability;</p> <p>12.9. Where a quantity surveyor needs specialist expertise in order to assist with the discharge of the agreed services, he/she must inform and get consent from the client before any agreement is entered into with any specialist;</p> <p>13. They do not want attempt to replace or replace another firm, partnership or quantity surveyor who or which has been awarded a contract;</p> <p>13.1 An agreement for the provision of services and conditions must be duly signed by both parties and be in writing, as well as the terms of any of this type of agreement shall reasonable, fair and lawful;</p> <p>14. Quantity surveying practices which are single disciplinary must be controlled by at least two thirds or more registered quantity surveyors in terms of the shareholding, directorship, number and voting power;</p> <p>15. In the event where a quantity surveying practice is dissolved or closes down due to disability, death or for whatever reason, the Council will assist the client with appointment of another quantity surveyor and protect the interest of the client;</p> <p>16. When providing professional services or executing their mandate as employees, quantity surveyors must always apply the known standards or professional best practice as published in Botswana or elsewhere. Quantity surveyors who choose to not apply best practice or standards to any professional task must only do so for good reason and be able to explain such actions;</p> <p>17. Quantity surveyors must be aware of the content of any new amendments to existing Acts and the content of any new Acts which affects quantity surveying work, as well as guideline or requirements issued by the Council, every now and then, on Continuous Professional Development or conditions of engagement;</p>

**ANNEXURE B:
ETHICS APPROVAL LETTER**



Faculty of Engineering, Built Environment and Information Technology

Fakulteit Ingenieurswese, Bou-omgewing en
Inligtingtegnologie / Lefapha la Boetšenere,
Tikologo ya Kago le Theknolotši ya Tshedimošo

Reference number: EBIT/151/2019

Miss P Botha
Department: Construction Economics
University of Pretoria
Pretoria
0083

Dear Miss P Botha

FACULTY COMMITTEE FOR RESEARCH ETHICS AND INTEGRITY

Your recent application to the EBIT Research Ethics Committee refers.

Approval is granted for the application with reference number that appears above.

1. This means that the research project entitled "Inadequate implementation of the Code of Conduct and Ethical Standards in the South African Quantity Surveying Industry" has been approved as submitted. It is important to note what approval implies. This is expanded on in the points that follow.
2. This approval does not imply that the researcher, student or lecturer is relieved of any accountability in terms of the Code of Ethics for Scholarly Activities of the University of Pretoria, or the Policy and Procedures for Responsible Research of the University of Pretoria. These documents are available on the website of the EBIT Research Ethics Committee.
3. If action is taken beyond the approved application, approval is withdrawn automatically.
4. According to the regulations, any relevant problem arising from the study or research methodology as well as any amendments or changes, must be brought to the attention of the EBIT Research Ethics Office.
5. The Committee must be notified on completion of the project.

The Committee wishes you every success with the research project.

Prof JJ Hanekom

Chair: Faculty Committee for Research Ethics and Integrity
FACULTY OF ENGINEERING, BUILT ENVIRONMENT AND INFORMATION TECHNOLOGY