

THE ETHICS OF THE LOW BID SURVEY

By Dennis J. Mouland, USDA Forest Service

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I'D HEARD the story so many times before, I wanted to go and hide. The landowner was sitting across the table from me, his lawyer eloquently expounding on the virtues of law, smugly confident of the great injustice done to his client by the big bad government surveyors. The discussion usually begins on a friendly note; everyone wants to resolve the problem at minimal expense (lawyers jargon for "give up now and we'll be merciful"). But as the plats come out on the table and the Manual is opened to section subdivisions, the tone makes a strange transformation.

An education process is usually the next phase, as the lawyer (in spite of his impressive discourse) as well as the landowner are in need of counselling from a number of view points. First, they must understand the basics of the survey system and the laws relating to it. The lawyer's face begins to have that "Oh, I remember that" look, and his eloquence begins to fade. With patience and compassion you explain that in almost any section, you must have all four of the quarter corners to subdivide the section. I shown them on a map which corners that would include. The landowner has a puzzled look, realizing that his "surveyor" never went to some of those locations.

Secondly, you have to begin to prepare them for the really big shock - they got the shaft from their surveyor. The landowner tries to explain that he "paid that guy \$1,000," and therefore the survey must be accurate, besides, the surveyor had all these electronic gadgets and a calculator that beeped. How did this happen? I then have to explain that having been in the surveying business myself for 14 years, I couldn't imagine anyone breaking down that section for under \$3,000, even if all the corners are locatable. A spirit of anger enters the room, the "I've been screwed" look appears. I ask how he chose a surveyor, and almost every time the answer is: "I called two or three in the phone book and went with the cheapest." I ask, did they give you a price right then over the phone, or did they come out and look the job over? "Oh no, they gave me a price right then."

I explain the processes required by law. They say "Only the government can afford to do it that way." (A feeling held by some of our own profession, but a

poor response to what the law says *must* be done.) They start to see the natural results of getting a low bid survey. They ask how this could happen? I try to tactfully respond, "You got what you paid for." The lawyer's eyes return to that money-making glisten as he realizes there is still a case to pursue but with a different target. The landowner leaves the meeting with only one firm concept in his mind - Land Surveyors are a bunch of jerks, certainly undeserving of such adjectives as professional.

We claim that we operate under certain professional ethics, but I wonder, what are the ethics of a low bid? Unless the client is fully versed in the work to be done, and understands the time, cost, and procedures required, he cannot make an intelligent decision, and almost always gets taken. The end loser in this scenario is you and I, the land surveyors who really want to do it right. We all look like a bunch of jerks.

There are only a couple of reasons why any surveyor might be able to do a job much cheaper than the norm. One is if he or she had just completed a job in the same area and had some information that the others would not have. This of course would not occur if he had obeyed the spirit of the law and recorded a plat, which would make all the information public, but that is another subject for another day. Another reason one might be much lower than the norm is if he does not identify the entire scope of the job. Many times clients get a bid which includes "clearing the boundary line", and another bid to "survey" the boundary. The client thinks these are the same, but the surveyor who is going to "clear" is more expensive for obvious reasons. The client may actually want the lines cleared to build fence but goes with the low bidder, thinking all the proposals are the same scope. We should be sure we understand exactly what they want and bid very clearly.

But the vast majority of ways surveyors are able to "cut costs" is by simply taking shortcuts. There are a number of ways to do this; you ignore records research (a very time-consuming activity sometimes), you assume all the corners are locatable, you ignore checks on your field work, or you intentionally low-ball the job and make all the normal things (like plats, clearing, descriptions and monuments) all add-ons. There are no

other ways to come in with a very low bid and still make any money.

Land surveyors are making decisions on which of these shortcuts to take every day. What ethics are being violated here? Almost all of them. Not only is the client being deceived as to the scope of work but he is being cheated out of the opportunity to protect his most valued asset - his land. We as a profession have allowed this "evil" to defraud thousands of unsuspecting landowners. Go back and look at the fundamental principles that ACSM has established in the "Code of Ethics". Low bidding is very unprofessional, yet that's the way we get 90 percent of all our survey work!

I realize the agency I work for contracts for surveying services in this same fashion. Although I see a big difference with bidding for a job with an agency that knows exactly what it wants, needs and how it must be done, I agree that the current system encourages unprofessional acts. We are determined to make changes in that process. But we make up less than one percent of all surveying activity in the country.

It is going to take a commitment on the part of all of us to absolutely refuse to take any work on a phone bid. We must face the fact that occasionally we must turn down work, knowing they will go elsewhere, simply to preserve the integrity of our firm and our profession. I'd love to see the day when some client calls every LS in the phone book and can't get anyone to bite; they all insist that they need time to study the area, make a brief search in the records, maybe even look for some corners, before they will give a price - a price that fits the exact scope of the work, both technically and legally. Too often our price is guided by the client's budget or the "get it at any price" syndrome. Remember there are only a few ways to shortcut and they all violate the very principles that granted you a license to begin with. If it cannot be done properly at a fair price, forget it.

The ethics of a low bid are zero. If all of us were doing the job in the same professional and complete manner, then we as a profession would rise in stature and income together. Let's strive for this and actively pursue those who refuse to practice ethically from our profession. ●