

NO. 43 OF 2011

THE ENGINEERS ACT

SUBSIDIARY LEGISLATION

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THE ENGINEERS RULES

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THE ENGINEERS RULES

[Legal Notice 18 of 2019]

PART I – PRELIMINARY PROVISIONS**1. Citation**

These Rules may be cited as the Engineers Rules.

2. Interpretation

In these Rules unless the context otherwise requires—

"academic award" means any certificate, diploma, degree in engineering and/or its equivalent which is recognized by the Board for registration;

"Act" means the Engineers Act (Cap. 530);

"continuing professional development" means systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties throughout one's working life;

"examination" means professional training report, professional interview or professional examination or a combination thereof;

"foreign person" has the same meaning as under section 2, section 22 and 23 of the Act and includes engineering consulting firm;

"professional award" means any certificate issued by an engineering professional body which is recognized by the Board as furnishing sufficient guarantee of professional experience in engineering;

"professional development unit" means a unit of measure for effort invested in continuing professional development;

"relevant authority" means the Engineers Board of Kenya, National Construction Authority, Institution of Engineers of Kenya, Kenya Bureau of Standards or any other engineering institution recognized by a written law;

"structured continuing professional development activity" means a course or activity that has a specific objective and measurable outcome and has been accredited as such by the Board;

"structured training" means a mentored activity with a defined content, method and duration accredited by the Board that involves systematic improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties;

"temporary professional engineer" is a foreign person who has come into the country for purposes of executing engineering services for a defined period of time;

"unstructured continuing professional development activity" means an activity that involves self-directed learning, reading, discussion, participation in a learning activity that is approved by the Board;

"unstructured training" means a mentored activity without a defined content, method and duration approved by the Board that involves improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the execution of professional and technical duties;

"works" means the works in connection with which the client has engaged the Consulting Engineer to perform professional services.

[Subsidiary]

PART II – REGISTRATION OF ENGINEERS

3. Registration as a professional or consulting engineer

A person who wishes to be registered as a professional or consulting engineer under section 17 of the Act shall—

- (a) in the case of a professional engineer—
 - (i) submit an application for registration in FORM EBK1 set out in the First Schedule;
 - (ii) provide certified copies of certificates and such other documents as are necessary to prove qualification for registration under section 16(a) of the Act;
 - (iii) demonstrate achievement of practical experience in engineering field for a period of not less than three years as a graduate engineer; and
 - (iv) undertake such professional examinations as the specified in the Second Schedule.
- (b) in the case of a consulting engineer—
 - (i) submit an application for registration in FORM EBK 2 set out in the First Schedule;
 - (ii) provide certified copies of certificates and such other documents as are necessary to prove qualification for registration under section 16(b) of the Act;
 - (iii) demonstrate the achievement of practical experience as a registered professional engineer for a period of not less than five consecutive years immediately preceding the application; and
 - (iv) undertake and pass a professional interview to satisfy the Board on the applicants professional competency.

4. Registration as a Graduate Engineer

(1) A person who wishes to be registered as a graduate engineer under section 18 of the Act shall—

- (a) submit an application for registration in FORM EBK 3 set out in the First Schedule;
- (b) provide certified copies of degree certificates or its equivalent from a recognized university; and
- (c) provide proof of Kenyan citizenship or Permanent residence of Kenya.

(2) The application for registration and all certificates and such other documents submitted for the purposes of registration shall be in English and where applicable, all translations shall be in English and by competent authorities.

5. Engineering consulting firm

(1) A person who wishes to register an engineering consulting firm under section 21 of the Act shall—

- (a) submit an application for registration in FORM EBK 4 set out in the First Schedule;
- (b) provide certified copies of such documents as are necessary to prove qualification for registration under section 21(a) and (b);
- (c) provide proof that object of the firm must be consulting engineering services;
- (d) provide proof of citizenship of the shareholders or partners;
- (e) provide certified copies of PIN, VAT and valid Tax compliance certificates of the firm; and
- (f) provide evidence of existence of a bank account in the name of the firm.

(2) An applicant shall in addition to the requirements of paragraph (1) provide—

- (a) in the case of a sole proprietorship—
 - (i) proof that the sole proprietor is a licensed consulting engineer; and
 - (ii) a copy of proof the registration certified by the Registrar-General of the Business Registration Service.
 - (b) in the case of a partnership—
 - (i) a copy of proof the registration certified by the Registrar-General of the Business Registration Service;
 - (ii) proof that the managing partner is a licensed consulting engineer;
 - (iii) proof that other partner(s) is either licensed consulting or professional engineer.
 - (c) in case of a limited liability company—
 - (i) a copy of proof the registration certified by the Registrar-General of the Business Registration Service;
 - (ii) proof that the principal shareholder is a consulting engineer;
 - (iii) proof that least fifty-one per cent of the shares of the engineering consulting firm are held by consulting engineers and that of the remaining forty-nine per cent, not less than twenty-four per cent of the shares are held by professional or consulting engineers and not more than twenty-five per cent of the shares be held by any person, or anybody corporate or any person and body corporate; and
 - (iv) list of directors.
 - (d) in the case of a foreign firm proof that the firm is incorporated in Kenya and at least fifty one percent of its shares are held by Kenyan citizen(s) who shall be consulting engineers.
- (3) The day-to-day affairs of the engineering consulting firm shall be under the control and management of a person who—
- (a) is a Consulting Engineer with Practicing licence; and
 - (b) is authorized under a resolution of the board of directors of the engineering consulting firm to make all final engineering decisions on behalf of the consulting firm in respect of the requirements under the Act or any other law relating to the supply of professional engineering services or works by engineering consulting firm.
- (4) An engineering consulting firm may to apply for renewal of the licence in the prescribed form and submitting an undertaking that—
- (a) the firm has not been black listed by any government agency; and
 - (b) the list of engineers serving with the company is accurate.
- (5) For the purposes of section 20(1) of the Act, principal shareholder means a single individual or group of individuals holding at least fifty-one per cent of the shares in the firm.
- (6) An Engineering Consulting Firm shall have at least one registered Consulting engineer working in the specialized discipline in which an Engineering Consulting Firm wishes to practice in.
- (7) The application for registration of engineering consulting firms shall be made in writing and in English language in the prescribed form.
- (8) An Engineering Consulting firm shall, within thirty days of the occurrence of any change of its sole proprietorship, or the composition of its partners, board of directors or its shareholders, notify the Board of the change and submit to the Board—
- (a) a copy of proof of change certified by the Registrar General of the Business Registration Service; and
 - (b) proof that the change has not affected the requirements for registration of the firm under the Act.

[Subsidiary]

(9) Any person who operates an Engineering Consulting firm that is not registered by the Board commits an offence and on conviction shall be liable to a fine of five hundred thousand shillings or to imprisonment for a term not exceeding two years or both.

6. Temporary registration

(1) A foreign person who wishes to register as a temporary professional engineer under section 23 of the Act shall submit an application for registration in FORM EBK 5 set out in the First Schedule.

(2) An application under paragraph (1) shall be accompanied by—

- (a) proof of registration as a professional engineer from the country where he practices engineering;
- (b) a certified copy of valid practicing license and valid professional membership from the country of origin;
- (c) proof of previous professional engineering services rendered or works done and completed in the past three years;
- (d) a letter of recommendation from the employer clearly stating the specific project the engineer seeks to offer services and the duration of such services; and
- (e) a detailed career report on professional practice stating engineering services provided and client details.

7. Renewal of temporary registration

(1) At least three months before the expiry of a temporary registration, a foreign person may apply for the renewal of temporary registration in the prescribed form.

(2) An application under paragraph (1) shall be accompanied by—

- (a) a copy of the current practicing licence issued by the Board;
- (b) an employment contract for the period for which a renewal is sought;
- (c) proof that the applicant has maintained a good standing as a foreign person engineer or firm;
- (d) proof of skills transfer to local engineers where such requirement formed basis of registration;
- (e) the fees prescribed in the Third Schedule.

8. Accredited checker

(1) A person who wishes to register as an accredited checker under section 24 of the Act shall submit an application for registration in FORM EBK 6 set out in the First Schedule.

(2) An application under paragraph (1) shall be accompanied by—

- (a) an updated detailed curriculum vitae; and
- (b) certified copies of certificates and other relevant documents as are necessary to prove qualification for registration under section 24(2) of the Act.

(3) A person registered as an accredited checker shall have the powers to evaluate, analyze and review the engineering designs and perform such original calculations with a view to determining the adequacy of the design and compliance with safety requirements.

(4) A report prepared by an accredited checker shall include, but not limited to—

- (a) codes of practice used for the works being checked;
- (b) standards and specifications of materials adopted for the works;
- (c) analysis of the safety features checked;
- (d) observations or suggestions for amendments or alternative solutions on designs consistent with his terms of reference and applicable standards, codes, and local by-laws and regulations; and

- (e) any other engineering detail that might have a bearing on the adequacy and safety of the works.

(5) The registration of an accredited checker shall be valid for one year and upon expiry an accredited checker may apply for renewal in the prescribed form and pay the fees prescribed to the Board.

(6) An Accredited Checker shall take full responsibility for the integrity, thoroughness and competence of his report and recommendations.

(7) An accredited checker shall be required to submit a written report annually detailing the tasks undertaken during the year ended in performance as an accredited checker for renewal of registration.

9. Application for registration

(1) The application for registration and all certificates and such other documents submitted for the purposes of registration shall be in English and where applicable, all translations shall be in English and by competent authorities.

(2) An application under these Regulations shall be accompanied by the application fees prescribed in the Third Schedule.

(3) The Board may, while processing an application, require an applicant to submit original certificates or documents for authentication.

(4) The Board may require an applicant to furnish such further information or evidence of eligibility for registration as it may specify.

(5) The Board may require the applicant to attend in person for the evaluation to determine the standards of competence.

(6) The Board shall determine applications under this regulation based on the evaluation criteria determined by the Board.

(7) The Board shall recognize professional registration by a foreign body with which the Board has a mutual recognition agreement.

10. Identification documents on Registration by the Board

(1) The Board shall issue every registered professional engineer consulting engineer with a practicing identity card.

(2) Every professional or consulting engineer shall carry the practicing identity card issued under paragraph (1) when practicing and produce it to the Registrar or his designated persons upon request and in any case not later than twenty-four hours after the requirement.

(3) A practicing identity card issued under paragraph (1) shall be valid for a period of three years.

(4) The Board shall, issue an official rubber stamp to every professional and consulting engineer registered under the Act on payment of the fees prescribed in the Third Schedule.

(5) The rubber stamp issued under paragraph (4) shall be used for approving or certifying engineering documents including design calculations, drawings, technical reports and other engineering documents.

(6) A professional engineer or a consulting engineer shall sign and date and affix the rubber stamp issued under paragraph (4) on any approval or certification given by the professional engineer or a consulting engineer.

(7) A professional engineer or a consulting engineer who fail to use rubber stamps issued under paragraph (4) and to be used as per paragraph (5) and (6) commits an offence.

(8) An official rubber stamp issued to a person with temporary registration shall be valid for the period of registration and such validity shall be inscribed on the stamp.

(9) The Board shall issue to engineering consulting firms stickers and site instructions books upon payment of a prescribed fee.

[Subsidiary]

11. Loss, destruction or mutilation of documents

(1) The holder of a certificate of registration or a practicing licence or any other document issued by the Board shall notify the Board, as soon as is practicable, of the loss, destruction or mutilation of the certificate of registration or a practicing licence or any other document.

(2) Where a registration certificate or practicing licence has been defaced or become obliterated, no duplicate shall be issued unless the original is returned to the Registrar.

(3) A duplicate of an extract of a registration certificate or practicing licence may be issued upon applicants upon—

- (a) the submission of a police loss report and;
- (b) the payment of the prescribed fees.

12. Renewal of Licence

A person who wishes to renew a licence shall apply to the Board for renewal of the licence.

13. Annual subscription fees

(1) Every person registered under the provisions of the Act shall be required to pay the annual licence fees prescribed in the Third Schedule on 1st January of every calendar year.

(2) The Board shall impose a five per cent penalty for every calendar month on outstanding annual licence fees for a licence which has not been renewed for a year or longer.

PART III – COMPLAINTS AND DISCIPLINE BY THE BOARD

14. Complaints and disciplinary proceedings

(1) A person who wishes to make a complaint in accordance with section 53(1) of the Act against a professional engineer, consulting engineer or an engineering consulting firm shall make the complaint in writing to the Registrar, who shall then refer that complaint to the Board.

(2) Where the Board has received a complaint under paragraph (1) and is satisfied that there may be sufficient grounds for the complaint, it shall establish, an *ad hoc* Inquiry Committee, to investigate the complaint.

(3) An Inquiry Committee established under paragraph (2) shall consist of—

- (a) three consulting engineers with adequate expertise in the area of inquiry, appointed by the Board;
- (b) two Consulting Engineers nominated by Institution of Engineers of Kenya with expertise in the area of inquiry; and
- (c) secretary to the Inquiry Committee appointed by the Registrar who shall be an ex official member.

(4) Before the commencement of an inquiry, the Registrar shall send, by registered post to the last known address, a notice to the professional engineer, consulting engineer or engineering consulting firm whose conduct is being inquired into stating—

- (a) the complaint against the professional engineer, consulting engineer or engineering consulting firm;
- (b) that the professional engineer, consulting engineer or engineering consulting firm may be required to attend and give evidence before the Inquiry Committee, where required to do so.

(5) The Inquiry Committee shall investigate the complaint within a period of four weeks of establishment and submit a report together with its recommendations, to the Board for its consideration.

(6) Subject to the provisions of the Act and these Regulations, the Inquiry Committee may regulate its own procedures.

(7) Upon receipt of a report and recommendations under paragraph (6), the Board shall, where it is satisfied that there are grounds for the complaint—

- (a) cause a charge containing the facts of the complaint alleged to have been committed by the Professional Engineer, Consulting Engineer or Engineering Consulting Firm to be sent by registered post to him or it at his or its last known address;
- (b) require the professional engineer or engineering consulting firm to provide a written response regarding the complaint within the period of at least fourteen days from the date of notice, specified in the notice; and
- (c) request the Professional Engineer, Consulting Engineer or Engineering Consulting Firm to attend the hearing to be convened by the Board in pursuance of section 53 of the Act.

(8) Where the professional engineer, Consulting Engineer or Engineering Consulting firm, without reasonable excuse, fails to attend the hearing convened by the Board, the Board may proceed to hear the case notwithstanding the absence of the professional engineer, consulting engineer or engineering consulting firm, if the Board is satisfied that paragraph (1) has been complied with.

15. Reinstatement to the register

(1) Any engineer or engineering consulting firm practice whose name has been removed from the Register pursuant to an order of the Disciplinary Committee or Board under section 53(6)(c)(i) who appeals shall, if the appeal is allowed under section 54, forthwith be reinstated in the Register and be issued with a certificate of registration by the Registrar.

(2) Any person whose name has been removed from the Register pursuant to section 29 of the Act may be reinstated in the Register and be issued with a certificate of registration by the Registrar—

- (a) after making an application for reinstatement and pay the fees prescribed in the Third Schedule and penalties, where applicable; and
- (b) upon satisfying such conditions as may be determined by the Board.

(3) The Registrar shall, in so far as is practicable, bring every application for reinstatement before the Board for its consideration at its first meeting after receiving the application.

(4) Any person whose name has been removed from the Register pursuant to an order of the Board under subsection 53(6)(c)(i) and who has not appealed against that order or whose appeal has been dismissed, may apply for reinstatement in the Register after the expiration of not less than six months from the date of the order of removal or cancellation of licence or from the date of the decision of the appeal.

(5) The Board upon receipt of satisfactory evidence of proper reasons application for reinstatement under paragraph (4) and upon reimbursement to it of all expenditure incurred by it arising out of the proceedings leading to the removal or cancellation of and shall, upon payment of the prescribed fee issue a certificate of registration to the person.

PART IV – PROVISIONS RELATING TO TRAINING AND CONTINUOUS PROFESSIONAL DEVELOPMENT

16. Evaluation of foreign awards

(1) Pursuant to the provisions of Section 7(1)(i) of the Act, the Board shall evaluate the following local and foreign awards, degrees or programs for recognition by the Board—

- (a) certificates from institutions and programmes accredited by relevant academic accreditation institutions;
- (b) foreign awards, degree or program recognized by academic accreditation bodies in the country of origin; or
- (c) certificates from institutions offering engineering training programmes.

[Subsidiary]

(2) A graduate or professional engineer who requires evaluation for purposes of recognition under paragraph (1)—

- (a) original certificates and academic transcript;
- (b) copies of the detailed program curriculum, handbook or courses' outlines.

(3) The Board shall undertake evaluation of the awards using such evaluation methods and tools of set by the Board.

(4) The outcome of the evaluation shall determine whether an award, degree or program shall be recognized by the Board.

17. Accreditation of engineering programs

Pursuant to the provisions of section 7(1)(1) of the Act, the Board shall carry out accreditation and approval of engineering programs in Kenya in accordance with the Fourth Schedule.

18. Continuing Professional Development for engineers

Pursuant to section 7(1)(o) of the Act the Board shall cause Continuing Professional Development for engineers to be held in accordance with the Fifth Schedule.

19. Conduct of professional examinations for engineers

(1) Pursuant to section 7(1)(n) of the Act, the Board shall conduct professional examinations for engineers in accordance with the Second Schedule.

(2) The Board shall conduct professional examination through such panels as may be established and constituted by the Board from time to time.

(3) A person who wishes to take professional examinations shall apply in writing and pay application and professional examination fees prescribed in the Third Schedule.

PART V – GENERAL PROVISIONS

20. Notification of change of address

A Registered engineer or firm shall, within one month of any change of postal and physical address as entered in the Register, notify the Registrar, in writing, of such change.

21. Code of ethics and conduct for engineers

(1) Every engineer shall to adhere and uphold the code of ethics and conduct for engineers as provided under the Sixth Schedule.

(2) Every engineer shall, upon registration, make an undertaking to adhere and uphold the code of ethics and conduct for engineers.

22. Fees charged for professional services

The engineers and engineering consulting firms registered under the Act shall charge such fees, for engineering services rendered, as shall be determined by the Board from time to time.

23. Format of the Register

(1) In addition to the details required to be shown in the Register under sections 27(2) the Register shall show the following details against the name of a person or firm whose name is entered in the Register—

- (a) gender; and
- (b) Identity Card Number or Passport Number.

(2) Pursuant to section 27(1) the Board shall maintain an electronic Register with a back-up hard copy of the Register in the Parts set out in the Seventh Schedule.

24. General penalty

A person who commits an offence under these Rules to the Engineers Act (Cap. 530) for which no specific penalty is provided for is liable to a fine of not exceeding twenty thousand shillings or such term of imprisonment for a term not exceeding six months, or both.

25.

[Spent]

FIRST SCHEDULE

[r. 3]

FORMS

(r. 3(a)(i))

FORM EBK 1



ENGINEERS BOARD OF KENYA

Enhancing Professionalism

THE REGISTRAR

ENGINEERS BOARD OF KENYA

P. O. BOX 30324-00100

NAIROBI

APPLICATION FOR REGISTRATION AS A PROFESSIONAL ENGINEER

Surname

Other Names

Title (Dr., Mr., Mrs., Miss)

Birth Date Gender Male # Female #

Any form of disability No # Yes # (Specify)

Nationality

Postal Address Telephone

Email Address

Academic Qualifications

Discipline

Date of registration as a Graduate Engineer Registration No.

Name of Employer and Address

.....

Note: All information to be printed in English Language.

EDUCATION:

<i>School or university</i>	<i>Location</i>	<i>From</i>	<i>To</i>	<i>Diploma/degree received</i>	<i>Month and year</i>
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Engineers

[Subsidiary]

Note— The application must be accompanied by two coloured Passport Size Photos, IEK Membership, certified copies of the original Degree Certificate, Engineers Board of Kenya Certificate, and a copy of the National ID/Card or Passport all duly certified by a Commissioner of Oaths whose names and address are fully displayed on the Rubber Stamp.

SPECIAL QUALIFICATIONS:

.....
.....

MEMBERSHIP OF ENGINEERING INSTITUTION:

.....
.....

EXPERIENCE:

I submit below a chronological history of my practical experience including the name and address of each company and description of each position held. (A separate sheet may be used if necessary). This should be certified by one of the referees named below.

.....
.....

REFERENCE:

I append the names and addresses of three Professional Engineers, to whom reference may be made regarding my experience and character.

- 1.
- 2.
- 3.

An applicant's supervisor should be listed as one of the referees. Persons named as referees MUST be Professional Engineers and with a current valid Annual Licence.

Payments to be made through CHEQUES, BANKERS CHEQUES, OR DEPOSITS TO NATIONAL BANK OF KENYA A/C NO. 01001031539000 HILL PLAZA BRANCH, NAIROBI AND ORIGINAL SLIP SENT TO THE BOARD.

1. I attach my application fee of KSh. 10,000 payable to the Engineers Board of Kenya which I understand is not refundable.

2. I hereby declare that the foregoing statements are true in every respect and that I have read the Engineers Act (Cap. 530) and understood that, if registered, I shall be bound thereby and by any amendments thereto so long as my name remains on the Register

Signature of applicant.....
Date.....

FOR OFFICIAL USE ONLY

Deposit receipt No Date of
Registration

Registration Number Candidate notification date
GPK (L) Revised 2019

FORM EBK 2

(r. 3(b)(ii))



ENGINEERS BOARD OF KENYA

Enhancing Professionalism

No.....

APPLICATION FOR REGISTRATION AS A CONSULTING ENGINEER

THE REGISTRAR

ENGINEERS BOARD OF KENYA

P. O. BOX 30324-00100

NAIROBI

All information to be Printed in the English

Surname.....

Other Names.....

Title (Eng., Dr., Mr., Mrs., Miss).....

Birth Date..... Gender Male # Female #

Any form of disability No #Yes # (Specify).....

Nationality

Postal AddressTelephone.....

Email Address.....

Academic Qualifications

Discipline

Date of registration as a Professional Engineer

Name of Current Employer and Address

EDUCATION

School or university	Location	From	To	Diploma/ Degree Received	Month and year
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Note:- The application must be accompanied by two coloured Passport Size Photos, certified copies of the original Diploma/Degree, Certificate, Engineers Board of Kenya Certificate, Corporate Member IEK and a copy of the National ID/Card or Passport

Engineers

[Subsidiary]

all duly certified by a Commissioner of Oaths whose names and address are fully displayed on the Rubber Stamp.

SPECIAL QUALIFICATIONS:

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.....

MEMBERSHIP OF ENGINEERING INSTITUTION:

.....
.....

EXPERIENCE:

I submit below my experience in a chronological order including the name and address of each employer and description of projects carried out. (A separate sheet may be used if necessary). This should be certified by one of the referees named below.

.....
.....

REFERENCE:

I append the names and addresses of three Consulting Engineers, to whom reference may be made regarding my experience and character.

- 1.
- 2.
- 3.

An applicant's supervisor should be listed as one of the referees. The Referees must be registered with the Board as Professional Consulting Engineers with current valid annual licences.

Payments to be made through CHEQUES, BANKERS CHEQUES, OR DEPOSITS TO NATIONAL BANK OF KENYA A/C NO. 01001031539000 HILL PLAZA BRANCH, NAIROBI AND ORIGINAL SLIP SENT TO THE BOARD.

1. I attach my application fee of KSh. 20,000 payable to the Engineers Board of Kenya which I understand is not refundable.

2. I hereby declare that the foregoing statements are true in every respect and that I have read the Engineers Act (Cap. 530) and understood that, if registered as a Consulting Engineer, I shall be bound thereby and by any amendments thereto so long as my name remains on the Register of Consulting Engineers.

Signature of applicant

Date

Deposit/receipt No. Date of Registration

For office use only

Registration Number Candidate notification date

FORM EBK 3

(r. 4(1)(a))



ENGINEERS BOARD OF KENYA

Enhancing Professionalism

APPLICATION FOR REGISTRATION AS A GRADUATE ENGINEER No

THE REGISTRAR

ENGINEERS BOARD OF KENYA

P. O. BOX 30324-00100

NAIROBI

All information to be Printed in the English

Surname.....

Other Names.....

Title (Dr., Mr., Mrs., Miss).....

Birth date.....Gender #Male #Female

Any form of disability No # Yes # (Specify)

Nationality.....

Postal address..... Mobile.....

Email Address.....

Academic qualifications.....

Discipline.....

Name of employer and address.....

EDUCATION:

School or University	Location	From	To	Degree received	Month and Year
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Note:- The application must be accompanied by two coloured Passport Size Photos, certified copies of the original degree Certificate, 'O' Level certificate and a copy of the National ID/Card or Passport all duly certified by a Commissioner of Oaths whose names and address are fully displayed on the Rubber Stamp. Graduates from Foreign universities, please attach certified copies of the transcripts, address/email address of the university and the contact person.

Payments to be made through CHEQUES, BANKERS CHEQUES, OR DEPOSITS TO NATIONAL BANK OF KENYA A/C NO. 01001031539000 HILL PLAZA BRANCH NAIROBI AND ORIGINAL SLIP SENT TO THE BOARD.

1. I attach my application fee of KSh.. 4,000 payable to the Engineers Board of Kenya which I understand is not refundable.

Engineers

[Subsidiary]

2. I hereby certify that the foregoing statements are true and correct and that I have read the Engineers Act (Cap. 530) and understand that, if registered, I shall be bound thereby and by any amendments thereto so long as my name remains on the Register for Graduate Engineers.

Signature
Date

Deposit receipt No Date of Registration.....

For office Use only

Registration Number Candidate Notification Date

GPK (L)

Revised 2019

FORM EBK 4

(r. 5(1)(a))



ENGINEERS BOARD OF KENYA

Enhancing Professionalism

APPLICATION FOR REGISTRATION AS AN ENGINEERING CONSULTING FIRM

(To Be Completed By the Applicant in Block Letters)

Name of *sole proprietorship/partnership/body corporate:.....

Registered Address:.....

Physical Address (Location of Registered office)

Tel No.: Fax No.:

E-mail: Mobile No.:

PIN Reg. No.: VAT Reg. No.:

House No.: Block No.:

LR No.: Street Name:

Town/City:

1. DETAILS OF *SOLE PROPRIETOR/PARTNERS IN THE PARTNERSHIP:

(Where space provided is insufficient, please attach annexed sheet. Also attach copies of detailed CV's, certified copies of passport photographs and certified copies of ID card / Passport)

Table with 3 columns: Name, Discipline, Professional Registration No. and 3 rows of dotted lines for data entry.

2. BOARD OF DIRECTORS IN THE BODY CORPORATE:

(Where space provided is insufficient, please attach annexed sheet. Also attach copies of detailed CV's, certified copies of passport photographs and certified copies of ID card / Passport.)

Name	Discipline	Professional Registration No.
.....
.....
.....

3. LIST OF SHAREHOLDERS IN THE BODY CORPORATE:

(Where space provided is insufficient, please attach annexed sheet.)

Name	Discipline	Professional Registration No. & Identity Card No.	Shares held
.....

4. LIST OF SERVICES PROPOSED TO BE OFFERED BY THE *SOLE PROPRIETORSHIP/PARTNERSHIP/BODY CORPORATE

(Where space provided is insufficient, please attach annexed sheet.)

.....
.....

5. INFORMATION ON EMPLOYEES IN THE SOLE PRPRIETORSHIP/PARTNERSHIP/ BODY CORPORATE

(i) Number of engineers

Graduate Engineers:.....

Employed Professional Engineers:.....

Accredited Checkers:.....

(ii) Number of Technical Support Staff:.....

(iii) Number of Administrative Staff:.....

(iv) Others:

6. PARTICULARS OF EQUIPMENT/FACILITIES OWNED:

(e.g. computers and accessories, Communications equipment, drawing office, surveying or other instruments etc.)

Name of equipment	Quantity	Ownership (produce evidence)	Remarks
.....

7. NAME AND ADDRESS OF YOUR BANKERS:.....

8. DOCUMENTS TO BE ATTACHED WITH THIS APPLICATION FORM:

(i) Memorandum and Articles of Association certified by the Registrar of Companies;

(ii) Statutory Declaration of *sole proprietor/all partners in the partnership/all directors and shareholders in the body corporate;

(iii) Certified copies of certificates of Incorporation and Registration of business

(iv) Certified copies of Practicing Licenses of the Engineers employed

(v) Processing fee in case of Local Firms for the amount of KSh. 2,000 and registration fee for the amount KSh. 30,000 in bank draft/bankers cheques made payable to the Engineers Board of Kenya of which I understand is not refundable.

Engineers

[Subsidiary]

(vi) Processing fee in case of Foreign Firms for the amount of US dollars 150 and application fee for the amount of US Dollars 500 which I understand is not refundable.

(vii) Past experience in Engineering Consultancy.

Name of person having Power of Attorney:.....

EBK Registration No:.....

Signature:.....

Date:.....

Stamp / Seal:.....

FOR OFFICE USE ONLY

Approved/Not approved.....

Date of Registration.....

Registration Number.....

Firm Registration Date.....

Signature Date

PENALTY

Any person, sole proprietorship, partnership or body corporate who procures or attempts to procure registration or a certificate of registration by knowingly making or producing or causing to be made or produced false or fraudulent declaration, certificate, application or representation whether in writing or otherwise, shall be liable to a fine not exceeding One Million Kenya Shillings.

GPK (L)

FORM EBK 5

(r. 6(1))



ENGINEERS BOARD OF KENYA

Enhancing Professionalism

THE REGISTRAR

ENGINEERS BOARD OF KENYA

P. O. BOX 30324-00100

NAIROBI

APPLICATION FOR REGISTRATION AS A TEMPORARY PROFESSIONAL ENGINEER

PERSONAL PARTICULARS

Surname

Other Names

Title (Dr., Mr., Mrs., Miss)

Birth Date Gender Male # Female #

Any form of disability No # Yes # (specify)

Nationality

Postal Address Mobile

Academic Qualifications

Email Address

Discipline

Date of registration as a Professional Engineer

Registration No.

Name of Registering/Licensing Body

Name of Employer and Address

.....

1. PROJECT PARTICULARS

Name of Client:

Name of Project/Works/Services

Date of Commencement Date of Completion

NOTE: All information to be printed in English Language.

Revised 2018

2. EDUCATION

School or university	Location	From	To	Diploma/ Degree received
-----------------------------	-----------------	-------------	-----------	---

Note:- The application must be accompanied by two coloured Passport Size Photos, certified copies of the original Diploma/Degree Certificate, a copy of the National ID/ Card or Passport all duly certified by a Commissioner of Oaths whose names and address are fully displayed on the Rubber Stamp.

SPECIAL QUALIFICATIONS:

.....

.....

MEMBERSHIP OF ENGINEERING INSTITUTION:

.....

.....

EXPERIENCE:

.....

.....

REFERENCE

I append the names and addresses of three Professional Engineers, to whom reference may be made regarding my experience and character.

1.

Engineers

[Subsidiary]

- 2.
- 3.

If possible an applicant's supervisor should be listed as a referee. Persons named as referees MUST be Professional Engineers and with a current valid Annual Licence.

3. CONFIRMATION BY EMPLOYER

I being the authorized person for hereby confirm that is proposed to offer services as For the

Payments to be made through CHEQUES, BANKERS CHEQUES, OR DEPOSITS TO NATIONAL BANK OF KENYA A/C NO. 01001031539000 HILL PLAZA BRANCH, NAIROBI AND ORIGINAL SLIP SENT TO THE BOARD.

- 1. I attach my application fee of Ksh.150,000 payable to the Engineers Board of Kenya which I understand is not refundable.
- 2. I hereby declare that the foregoing statements are true in every respect and that I have read the Engineers Act (Cap. 530) and understood that, if registered, I shall be bound thereby and by any amendments thereto so long as my name remains on the Register.

If registered, I shall be bound as long as my name remains on the Register.

Signature of applicant.....
Date.....

FOR OFFICE USE ONLY

Deposit receipt No Date of Registration
Registration Candidate notification date
Number

GPK (L)
Revised 2019

FORM EBK 6

(r. 8(1))



ENGINEERS BOARD OF KENYA

___ Enhancing Professionalism ___
No

APPLICATION FOR REGISTRATION AS AN ACCREDITED CHECKER

THE REGISTRAR
ENGINEERS BOARD OF KENYA
P. O. BOX 30324-00100
NAIROBI

All information to be Printed in English.
Surname.....

Engineers

[Subsidiary]

Other Names.....
 Title (Eng., Dr., Mr., Mrs., Miss).....
 Birth Date..... Gender Male# Female #
 Any form of disability No Yes (specify).....
 Nationality.....
 Postal AddressTelephone.....
 Email Address.....
 Academic Qualifications.....
 Discipline.....
 Date of registration as a Consulting Engineer.....
 Name of Current Employer and Address.....

EDUCATION:

School or university	location	From	To	Diploma/ Degree received	Month and year
----------------------	----------	------	----	--------------------------	----------------

Note:- The application must be accompanied by two coloured Passport Size Photos certified copies of the original Diploma/Degree Certificate, Engineers Board of Kenya Certificate, Corporate Member IEK and a copy of the National ID/Card or Passport all duly certified by a Commissioner of Oaths whose names and address are fully displayed on the Rubber Stamp.

SPECIAL QUALIFICATIONS:

.....

MEMBERSHIP OF ENGINEERING INSTITUTION:

.....

EXPERIENCE:

I submit below my experience in a chronological order including the name and address of each employer and description of projects carried out. (A separate sheet may be used if necessary). This should be certified by one of the referees named below.

.....

REFERENCE:

I append the names and addresses of three Consulting Engineers, to whom reference may be made regarding my experience and character.

Engineers

[Subsidiary]

- 1.
- 2.
- 3.

An applicant's supervisor should be listed as one of the referees. The Referees must be Registered with the Board as Professional Consulting Engineers with current valid annual licences.

Payments to be made through CHEQUES, BANKERS CHEQUES, OR DEPOSITS TO NATIONAL BANK OF KENYA A/C NO. 01001031539000 HILL PLAZA BRANCH, NAIROBI AND ORIGINAL SLIP SENT TO THE BOARD.

1. I attach my application fee of KSh.. 25,000 payable to the Engineers Board of Kenya which I understand is not refundable.

2. I hereby declare that the foregoing statements are true in every respect and that I have read the Engineers Act (Cap. 530) and understood that, if registered as an accredited checker, I shall be bound thereby and by any amendments thereto so long as my name remains on the Register of Accredited Checkers.

Signature of applicant.....
Date

Deposit receipt No. Date of Registration

For office
use only

Registration Number Candidate notification date

GPK (L) Revised 2019

FORM EBK 7

(s. 22(a))



ENGINEERS BOARD OF KENYA

Enhancing Professionalism

APPLICATION FOR REGISTRATION AS A FOREIGN ENGINEERING CONSULTING FIRM

(To Be Completed By the Applicant in Block Letters)

Name of *sole proprietorship/partnership/body corporate:.....

Registered Address:.....

Physical Address (Location of Registered office).....

Tel No:..... Fax No:.....

E-mail:..... Mobile No:.....

PIN Reg. No:..... VAT Reg. No.....

House No:..... Block No:.....

LR No:..... Street Name:.....

Engineers

[Subsidiary]

Town/City:.....

1. DETAILS OF PARTNERS IN CASE OF PARTNERSHIP:

(Where space provided is insufficient, please attach annexed sheet. Also attach copies of detailed CV's, certified copies of passport photographs and certified copies of ID card / Passport)

Name	Discipline	Professional Registration No.
.....
.....
.....

2. LIST OF SHAREHOLDERS IN THE BODY CORPORATE:

(Where space provided is insufficient, please attach annexed sheet.)

Name	Discipline	Professional Registration No. & Identity Card No.	Shares held
.....

3. BOARD OF DIRECTORS IN THE BODY CORPORATE:

(Where space provided is insufficient, please attach annexed sheet. Also attach copies of detailed CV's, certified copies of passport photographs and certified copies of ID card / Passport.)

Name	Discipline	Professional Registration No.
.....
.....
.....

4. LIST OF SERVICES PROPOSED TO BE OFFERED BY THE FIRM

(Where space provided is insufficient, please attach annexed sheet.)

.....
.....

5. FORMATION ON EMPLOYEES IN THE SOLE PRPRIETORSHIP/PARTNERSHIP/ BODY CORPORATE

- (i) Number of engineers.....
- Graduate Engineers:..... Employed
- Professional Engineers:..... Consulting Engineers:.....
- Temporary Engineers:..... Accredited Checkers:.....
- (ii) Number of Technical Support Staff:.....
- (iii) Number of Administrative Staff:.....
- (iv) Others:.....

6. PARTICULARS OF EQUIPMENT/FACILITIES OWNED:

(e.g. computers and accessories, Communications equipment, drawing office, surveying or other instruments etc.)

Name of equipment	Quantity	Ownership (produce evidence)	Remarks
.....

7. AND ADDRESS OF YOUR BANKERS:

8. DOCUMENTS TO BE ATTACHED WITH THIS APPLICATION FORM:

Engineers

[Subsidiary]

- (i) Memorandum and Articles of Association certified by the Registrar of Companies;
- (ii) Statutory Declaration of all partners in the partnership/all directors and shareholders in the body corporate:
- (iii) Certified copies of certificates of Incorporation and Registration of business
- (iv) Certified copies of Practicing Licenses of the Engineers employed
- (vi) Application fee of KSH 500,000.00 which I understand is not refundable
- (vii) Past experience in Engineering Consultancy.

Name of person having Power of Attorney:.....

EBK Registration No:.....

Signature:.....

Date:.....

Stamp / Seal:.....

FOR OFFICE USE ONLY

Approved / Not Approved.....

Date of Registration.....

Registration Number.....

Firm Registration Date.....

Signature.....Date.....

PENALTY

Any person, sole proprietorship, partnership or body corporate who procures or attempts to procure registration or a certificate of registration by knowingly making or producing or causing to be made or produced false or fraudulent declaration, certificate, application or representation whether in writing or otherwise, shall be liable to a fine not exceeding One Million Kenya Shillings.

GPK (L) Revised 2019

SECOND SCHEDULE

[r. 3(1)(a)(iv), 19(1)]

PROFESSIONAL EXAMINATIONS

1.0 Administration of Professional Examination

1.1 The Board shall administer professional examinations for professional competence leading to registration as Professional engineers.

1.2 The Board shall administer professional examinations in different disciplines of engineering and in accordance with the requirements as prescribed in this Schedule.

1.3 The mode of examinations shall be in the form of—

- (a) written examination;
- (b) detailed professional training report as may be determined by the Board; and
- (c) professional interview.

1.4 A candidate may be exempted from paragraph 1.3(a) where the Board is satisfied that the professional training report and professional interview are adequate for purposes of professional examination.

1.5 A candidate shall be eligible to sit for the professional examination after serving for a period of not less than three years as a graduate engineer.

1.6 A candidate shall be examined for competence in his/her discipline of education in engineering and training.

1.7 A candidate shall pay application and professional examination fees provided in the Third Schedule.

1.8 The Board shall make a decision on examination results. The pass mark shall be fifty per cent.

1.9 The Board may review its decision on examination results upon appeal by the applicant.

1.10 The Board's decision after the appeal shall be final and binding.

1.11 Every report forming part of examinations shall be written in English. The Professional interviews shall be conducted in English.

1.12 The Board may refer any applicant to do additional practical training to fill in the gaps identified during the conduct of Professional exams.

1.13 A candidate wishing to sit for the examinations shall make an application in writing and in English to the Board in the prescribed form and pay the prescribed fee. However—

- (a) if an application in relation to this regulation is made electronically, the supporting documents referred to in subregulation shall be submitted to the Board by registered mail or by hand delivery;
- (b) an application shall not be considered duly completed for purposes of in this regulation, unless all documents are received by the Board;
- (c) an application for professional examination shall be valid only for the scheduled examinations applied for; or
- (d) A candidate may request once in writing for postponement of examination atleast fourteen (14) days before the date of the examination.
- (e) Subject to subparagraph (c), a candidate who does not appear for the examinations applied for, shall be required to make a fresh application.

1.14 Professional interviews shall be conducted in English.

1.15 The Board shall require that all original certificates, design drawings, design calculations and any other relevant documentation shall be presented during professional interviews.

1.16 Information of the date, time and venue of the examinations shall be given to the candidates not later than three months before the examinations.

1.17 The Board shall inform the candidates on the results within ninety days after the examination.

1.18 A candidate found to be cheating shall be disqualified and disciplinary action taken against him or her as may be determined by the Board.

THIRD SCHEDULE

[(r. 7(2)(e), 9(2), 10(4), 13(1),15(2)(a), 19(3)]

FEEES PAYABLE

<i>Category</i>	<i>Application Fee (KSh.)</i>	<i>Annual Fees (license/subscription/levy) (KSh.)</i>
Graduate Engineers	4,000	4,000
Professional Engineers	10,000	10,000
Consulting Engineers	20,000	20,000
Temporary Engineers	150,000	150,000

Engineers

[Subsidiary]

Consulting Firms	30,000	30,000
Foreign Consulting Firms	500,000	750,000
Professional examinations	15,000	
Accredited Checker	25,000	25,000
Accreditation of University	300,000	-
Engineering Programme		
Engineers Stamp	5,000	
Engineers Training Levy (annual)	-	5,000
Engineers ID fee	2,000	-
License/ Certificate/	2,000	-
Engineers ID replacement Fee		
Search/ Extract fee per folio	500	-
Stickers	5,000	-
Site instruction booklet	7,500	-
Reinstatement fee	5,000	-

FOURTH SCHEDULE

[r. 17]

ACCREDITATION OF ENGINEERING PROGRAMS

1.0 General rules on accreditation

1.1 Programmes will be considered for accreditation if they are offered by an institution of higher learning that is either a public university or a private university with a charter granted by the President of the Republic of Kenya as per Section 19(1)(a) of the Universities Act (Cap. 210).

1.2 For purposes of accreditation, a programme is characterized by a curriculum that is regarded as an entity by the institution and that can be considered independently. All options in the programme are examined. Following the principle that a programme is only as strong as its "weakest link," the programme is accredited only if all options meet the established criteria.

1.3 To be accredited a programme must include the word "engineering" in its title and the title must be properly descriptive of the curriculum content. If a programme, by virtue of its title, becomes subject to the accreditation requirements for two or more programme than the programme named, the Board must have evidence that the programme name is appropriate for all students graduating in the programme regardless of the option taken. Furthermore, the Board must have evidence that all options contain a significant amount of the curriculum content.

1.4 Any change in the title of an accredited programme requires approval by the Board for that programme's continued accreditation.

1.5 The institution must verify that the Board curriculum content criteria are met by all students. The institution must also verify that students have demonstrated competence in the courses taken to satisfy the criteria. It is the responsibility of each institution to provide an acceptance definition of competence.

1.6 Any significant change in an accredited programme must be reported to the Board. Any change which alters the circumstances under which the programme was accredited may necessitate an immediate assessment.

1.7 The evaluation of the programme is based on detailed data provided by the institution and on the collective opinion of the members (of the visiting team, if necessary). The accreditation decision is made by the Board based on qualitative and quantitative considerations.

1.8 The Board shall determine the accreditation category of each academic engineering programme.

1.9 Accreditation of a programme is granted for a specific term, the maximum being five years. Institutions shall be required to give a one years' notice before the expiry of five years. The accreditation term ends on June 30 of the specified year. The term of accreditation is subject to review for cause at any time.

1.10 The Board may grant accreditation for less than five years where the term of accreditation of the programme is intended to coincide with the term of accreditation of other programmes at the institution or where the Board considers that there are areas of concern.

1.11 The Board may at any time, audit and review accreditation status of the programmes offered by engineering training institutions. The Board may withdraw or discontinue accreditation where an institution fails to comply with terms of accreditation. An institution whose accreditation has been withdrawn or discontinued shall no longer refer the programme as being accredited.

1.12 Changes in an accredited programme which violate the conditions under which accreditation was granted by the Board may lead to an immediate reassessment of the programme and/or termination of accreditation. Such changes include but are not limited to changes in; Programme design, Student admission criteria, faculty establishment, facilities and curriculum. Accreditation is granted if the Board judges that, at the time of the decision, the programme meets the published Board criteria.

2.0 Procedures of Accreditation of Programs

2.1 Submission of accreditation application.

2.1.1 An institution seeking accreditation of a programme shall submit to EBK a Request for Accreditation (RFA). The RFA must be signed by the Institutions Chief Executive Officer (Vice Chancellor) and must be accompanied by:

- (a) Details of the proposed programme including a detailed presentation on the objectives and relevance of the proposed programme and the proposed curriculum.
- (b) Details of faculty members including -Detailed recent curriculum vitae (C.V) and certified copies of their certificates and testimonials.
- (c) Details of the physical training infrastructure, laboratories, workshops, libraries, lecture halls etc.
- (d) Proof of payment for the individual programme at the fees prescribed in the Third Schedule. The Accreditation Fee Schedule will be posted on the EBK web site by 31st March of each year. The institution will receive an invoice for fees associated with the accreditation. Payment is due 45 days from date of the invoice.

2.1.2 All submissions and correspondences to the Board shall be in English.

2.1.3 An institution shall submit an application for accreditation of a programme not less than six months prior to the launch of a programme to allow adequate time for evaluation of submissions and accreditation visits.

2.2 Evaluation of submissions

2.2.1 The Board shall carry out a preliminary examination of the submitted documents to establish that:

- (a) The submissions are complete in all respects.
- (b) The submissions meet the minimum requirements with regards to curriculum content and faculty staff establishment.

[Subsidiary]

2.2.2 The shall communicate to the applying institution on the sufficiency or otherwise of the submissions.

2.3 Initiation and Timing of Accreditation Visit.

2.3.1 An accreditation assessment shall be initiated by the invitation of an institution. An accreditation visit to assess or reassess an engineering programme shall be scheduled not later than three (3) months after the Board has certified that an institution's submissions are complete and responsive to the Board's accreditation criteria. A request from the institution for such a visit must be received by the Board Secretariat within one (1) month of the Board's confirmation of the sufficiency of the submissions as indicated under item 2.2.1.

2.4 Selection of Visiting Team

2.4.1 The Board's academics qualifications committee (AQC) shall select a visiting team; the chair of the AQC shall be the chair of the visiting team, except where otherwise determined by the Board. The other members of the visiting team shall be incorporated by the AQC except for the member(s) selected by the Board. All visiting team members must be professional engineers.

2.4.2 Where a member of the visiting team has an interest in the institution applying for accreditation, that member shall disclose the fact and shall not take part forthwith in the visit, provided that if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the visiting team may permit the member to participate in the deliberations subject to such restrictions as it may impose.

2.4.3 The Institution shall be notified of the visiting team. A request for a replacement on the visiting team may be made by the institution only for good cause.

2.5 Preparation for Accreditation Visit

2.5.1 Two (2) months before the date of an accreditation visit, the Board Secretariat shall send to the institution documentation required for the visit. This documentation shall include: a questionnaire to be completed by the institution, details regarding procedures to be followed before, during and after the visit, documentation required by the visiting team and the Board and a schedule of the events for the entire process which concludes with the Board's accreditation decision report to the institution.

2.5.2 Copies of the questionnaire, with supporting documentation, completed by the institution must be received by each visiting team member and the Board Secretariat at least five weeks (5) before the visit. If adequate documentation is not received as required, the Board, in consultation with the visiting team chair, shall cancel the visit.

2.6 Accreditation Visit

2.6.1 An accreditation visit shall typically span over three days. The visit shall provide an opportunity for the visiting team to assess qualitative factors such as intellectual atmosphere and morale, professional attitudes and quality of staff and students. The visit shall provide the opportunity for such activities as—

- (a) interviews with appropriate senior administrative officers, including the Vice-Chancellor, the Dean of engineering and the chairs of the departments responsible for the programmes;
- (b) interviews with individuals and groups of faculty members to evaluate professional attitudes, motivations, morale and the balance of opinions concerning theoretical and practical elements of the curriculum;
- (c) interviews with individuals and groups of students;
- (d) tours of physical facilities such as laboratories, workshops, libraries and computing facilities to evaluate their effectiveness;
- (e) A review of recent examination papers, laboratory instruction sheets, student transcripts (anonymous, if necessary), student reports and

theses, models or equipment constructed by students and other evidence of student performance; and

(f) evidence of Research undertaken by Academic Staff.

2.6.2 Before the end of the visit, the visiting team shall meet with the Dean and the chairs of departments responsible for the programmes to review the perceived strengths and weaknesses of the programmes and to indicate any areas of concern.

2.7 Visiting Team Report

2.7.1 The chair of the visiting team, working with the team members shall prepare a report on the programme(s) visited. This report shall include: perceived strengths and weaknesses; areas of conformance to and deviation from the Board criteria, as interpreted by the visiting team; matters of concern (both for the present and for the future); and, suggestions for improvement, if any. No recommendations for Board accreditation action will be included in the report.

2.7.2 The visiting team's findings, as outlined in the report, shall be submitted to the Board for review within thirty (30) days of its conclusion. The Board shall then send to the institution for comment and reaction and to ensure accuracy and completeness. This will also provide opportunity for the institution to advise on improvements being implemented in the current academic year. The Board may communicate with both the institution and the visiting team Chair with the intent of ensuring that the programme dossier is complete.

2.8 Accreditation Decision

2.8.1 The accreditation decision shall be made by the Board as the result of information gained from the accreditation visit process or from the reports submitted by the institution at the request of the Board.

2.8.2 In arriving at an accreditation decision following the visit, the Board shall consider the accreditation history, the information included in the completed questionnaire, the visiting report, the institution's response to the visiting team report, any further clarifying correspondence and any other relevant information.

2.8.3 The Board shall make a decision on the application for the accreditation of a programme:

- The Board may grant full accreditation for a period not exceeding five (5) years.

- In the case where, in the assessment of the Board, there are areas requiring improvement, but do not adversely compromise the overall quality of the training, the Board may grant a limited-term accreditation (not exceeding two years) provided that the institution submits an acceptable implementation programme addressing the shortcomings.

The limited accreditation may be extended (to a maximum of five years) subject to receipt of a report which convinces the Board that the matters giving rise to its concern have been resolved adequately. After reviewing the report, the Board may extend the limited accreditation or may issue a Notice of Termination of Accreditation.

The Board may also decline to grant accreditation to a programme where in the determination of the Board, there is significant deficiency in the capacity of an institution to offer the engineering programme.

2.9 Communication of accreditation decision

2.9.1 Following the Board accreditation decision, the institution shall be notified of the decision through the Dean and the Vice Chancellor. The Dean shall be provided with a comprehensive explanation for it. The institution will be expected to inform students and staff of the process of accreditation and of the accreditation status of the programme.

2.10 Notice of Termination of accreditation

2.10.1 If the Board determines that significant weaknesses exist in a currently accredited

[Subsidiary]

programme, a Notice of Termination of Accreditation shall be issued within three (3) months of that determination. The Notice of Termination of Accreditation shall be copied to the Ministry of Education, Science and Technology, the Commission of University Education and the Kenya Universities and Colleges Central Placement Service.

2.10.2

A Notice of the Termination of Accreditation shall specify that the accreditation of the programme is extended for a maximum of three years at which time the accreditation is terminated unless the determines, before that date, that the matters giving rise to its concerns have been resolved adequately. To determine whether these matters have been resolved an accreditation visit and a report shall be presented to the Board. If the Board determines that matters giving rise to its concerns have not been resolved adequately, the accreditation of the programme shall be terminated on the date specified in the Original Notice of Termination of Accreditation. If the Board determines that the matters giving rise to its concerns have been resolved adequately, accreditation shall be extended for an appropriate period and no loss of accreditation will have occurred.

2.11 Request for an Early Revisit

2.11.1

In the event that an unaccredited programme is denied accreditation, the institution may submit a request for an early re-visit. This request, accompanied by a description of positive changes that have been implemented, must be received by the Board Secretariat within 60 days of the notification to the institution of the accreditation action of the Board. If the Board is satisfied that positive changes of the substance have been made, a revisit will be scheduled immediately following the decision to deny accreditation. The Institution applying for a revisit shall bear all the costs associated with the visit.

3.0 Formal Review

3.1 In the event of a decision by the Board to terminate the accreditation of a programme or to deny accreditation to an unaccredited programme, the institution may apply for a formal review of the Board's decision. Copies of the document setting out these procedures shall be made available upon request.

4.0 Informal Evaluation or Visit

4.1 If requested by an institution, the Board will assist to arrange for an informal visit to an unaccredited programme at an appropriate time in its development. The purpose of the evaluation or visit is to provide comment and advice to the institution with respect to the programme.

4.2 No undertaking is given by the Board as to the eventual accreditation of the programme. A report is presented to the institution and no report is presented to the Board. The cost of

such an evaluation for the visit, including nominal compensation for the visitors or persons who are asked to carry out evaluation, is borne by the institution seeking accreditation of its programme(s).

4.3 Records and deliberations of the Board are kept confidential. The list of accredited programmes maintained by the Board includes only those programmes that have been accredited by the Board, together with the effective dates. The list will be made available on request and will be published in the annual report of the Board.

Documents describing policies and procedures of the Board will also be maintained by the Board Secretariat and will be made available upon request.

5.0 Accreditation Criteria

5.1 A programme will be subjected to criteria that will cover the following six main areas:

- (a) programme design;
- (b) programme curriculum content;
- (c) faculty staff establishment;
- (d) institution's training Facilities and infrastructure;
- (e) training duration; and
- (f) quality assurance.

5.2 Programme Design

5.2.1 A programme should be intellectually credible, coherent and should meet national needs, needs of students and other stakeholders. The programme should maintain an appropriate balance of theoretical, practical and experiential knowledge and skills.

5.2.2 Emphasis is placed on qualitative evaluation of the programme and the overall environment in which the programme is presented.

5.2.3 Major importance is attached to the quality of the educational experience as reflected by the quality of the students, the faculty, the support staff, the administration, the laboratories, workshops, library, the computing facilities and other supporting facilities. The quality of the educational experience is also reflected by the morale and commitment of faculty, support staff and students.

5.2.4 The distinctive features, which determine if a course is accredited, are—

- (a) appropriate depth and breadth of technical content, with emphasis on fundamentals and inclusion of relevant mathematics and engineering science;
- (b) application of scientific and engineering principles to the solution of practical problems of engineering systems and processes;
- (c) an introduction to good engineering practice and the properties, behaviour, fabrication and use of relevant materials and components;
- (d) mandatory inclusion of design studies (including manufacturing, reliability, maintainability, quality assurance as well as economic aspects) as an expression of the practical application of theory and accumulated experience;
- (e) emphasis on methods of practical problem solving using the latest technology;
- (f) technical decision making, its commercial and economic implementation; the ability to use technical information's services; knowledge of government regulations and labour management as well as other obligations of the engineer to his profession, community and the environment;
- (g) communication skills and the ability to seek further education and stay up to date with new developments; and
- (h) significant industrial involvement.

[Subsidiary]

5.2.5 The Programme's admissions criteria shall be in conformity with the Kenya Universities and Colleges Central Placement Service established by section 55(1) of the Universities Act (Cap. 210) The criteria and the qualifications shall be as follows:

5.2.6 Kenya Certificate of Secondary Education (KCSE): The Programmes are for direct entry of qualified Kenya Certificate of Secondary Education (KCSE) graduate. A KCSE candidate should have obtained a minimum aggregate grade of C+, obtained at least a C+ in English/Kiswahili and a minimum C+ in each of the following subjects:

Mathematics, Physics and Chemistry.

5.2.7 The policy for admitting individual students with advanced standing must ensure that the foregoing requirements for curriculum content are satisfied.

5.3 Curriculum Content

5.3.1 The criterion for curriculum content assures a foundation in mathematics and basic sciences, a broad preparation in engineering sciences and engineering design and an exposure to non-technical subjects that complement the technical aspects of the curriculum. Judgment is applied to both the qualitative and quantitative criteria requirements in each instance. To satisfy accreditation requirements, an engineering programme must include at least a minimum of each of the curriculum components specified in this section.

5.3.2 On an hourly basis, accreditation Units (AU) are defined as; activity which is granted academic credit and for which the associated number of hours corresponds to the actual contact time of that activity:

- (a) One hour of lecture (corresponding to 60 minutes of activity) = 1 AU
- (b) One hour of laboratory, workshop or tutorial work = 0.5 AU.

5.3.3 Mathematics and Basic Sciences:

- (a) A minimum of 840 AU of a combination of Mathematics and Basic Sciences. Within this combination, each of mathematics and basic sciences must not be less than 390 AU. This leaves 60 AU for any combination of mathematics and basic sciences that may be deemed desirable.
- (b) Mathematics include appropriate elements of linear algebra, differential and integral calculus, differential equations, probability, statistics, numerical analysis and discrete mathematics.
- (c) The basic (natural) sciences components of the curriculum must include elements of physics and chemistry; elements of life sciences and earth sciences may also be included in this category. These subjects are intended to impart an understanding of natural phenomena and relationships through the use of analytical and/or experimental techniques.

5.3.4 Engineering Sciences and Engineering Design

- (a) A minimum of 2100 AU of a combination of engineering sciences and engineering design. Within this combination, each of engineering sciences and engineering design must not be less than 600 AU. This leaves 900 AU for any combination of engineering sciences and engineering design that may be deemed desirable.
- (b) Engineering science subjects normally have their roots in mathematics and basic sciences, but carry knowledge further towards creative applications. This may involve the development of mathematical or numerical technique, modelling, simulation and experimental procedures. Application to the identification and solution of practical engineering problems is stressed. Such subjects include the applied aspects of strength of materials, fluid mechanics, thermodynamics, electrical and electronic circuits, soil material science, geosciences, environmental studies and other subjects pertinent to the discipline. In addition, the

curriculum should include engineering science content which imparts an appreciation of important elements of other engineering disciplines.

- (c) Engineering design integrates mathematics, basic sciences, engineering sciences and complementary studies in developing elements, systems and processes to meet specific needs. It is a creative, interactive and often open-ended process subject to, and, depending upon the discipline. These constraints may relate to economic, health, safety, environmental, societal or other pertinent interdisciplinary factors.
- (d) The engineering curriculum must culminate in a significant design experience which is based on the knowledge and skills acquired in earlier course work and which preferably gives students an exposure to the concepts of team work and project management. A research project may be interpreted as engineering design provided it can be clearly shown that the elements of design, as noted in the definition, are fulfilled in the completion of the project.
- (e) Appropriate content requiring the application of computers must be included in the engineering sciences and engineering design components of the curriculum.

5.3.5 Complementary Studies

- (a) A minimum of 450 AU of studies in humanities, social sciences, arts, management, engineering economics, communication and some elements of Law that complement the technical content of the curriculum should be incorporated in the curriculum. While considerable latitude is provided in the choice is suitable course considered to be essential in the education of an engineer, the curriculum must include studies in engineering economics and on the impact of technology on society, and subject matter that deals with central issues, methodologies and thought processes of the humanities and social sciences. Provision must also be made to develop each student's capability to communicate adequately, both orally and in writing.
- (b) Language courses must be included within complementary studies provided they are not taken to fulfil an admission requirement. However, course content should be used to satisfy the requirements for subject matter that deals with central issues, methodologies and thought processes of the humanities and social sciences.
- (c) The entire programme must include a minimum of 3,400 AU. It is expected that accredited programmes will continue to have additional AUs to demonstrate innovation and to achieve the special goals that particular engineering school may have for an education in engineering.
- (d) Appropriate laboratory and workshop experience must be an integral component of the engineering curriculum. Instruction in safety procedures must be included in students' laboratory.
- (e) Each programme must ensure that students are made aware of the role and responsibilities of the professional engineer in society. Appropriate exposure to ethics, equity, public and workers safety and health considerations and concepts of sustainable development and environmental stewardship must be an integral component of the engineering curriculum.
- (f) The curriculum prepares students to learn independently and must appropriately expose them to engineering research and development or other innovative engineering activities.

5.4 Criterion Three: Faculty Staff Establishment

- 5.4.1 The character of the educational experience is influenced strongly by the engineering competence and outlook of the faculty. The faculty devoted to the programme must be large enough to cover, by experience and interest, all of the

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curricular areas of the programme. Even though a faculty may include full-time and part-time members, there must be a sufficient number of full-time faculty members to ensure adequate levels of students-faculty interaction, student counselling and faculty participation in the development, control and administration of the curriculum. Faculty teaching loads should allow time for adequate participation in research and professional development activities. Under no circumstances should a programme be critically dependent on one individual. The engineering faculty must assume the responsibility of assuring that students receive proper curricular and career counselling.

5.4.2 The Dean of Engineering (or equivalent officer) and the Chair of an engineering department (or equivalent officer) are expected to provide effective leadership in engineering education and to have achieved a high standing in the engineering community. They are expected to be professional engineers registered as Professional Engineers by the Engineers Board of Kenya.

5.4.3 Faculty teaching courses in the engineering curriculum are expected to have high level of competence and to be dedicated to the aims of engineering education. The overall competence of Faculty is judged by such factors as the level of academic education and its members, the diversity of their backgrounds, the nature and extent of their non-academic experience, their ability to communicate effectively, their scientific and professional publications, their degree of participation in the profession,

scientific and learned societies and their special interest in the students' curricular and extra-curricular activities. Where applicable their dedication to the profession is expected to be reflected in their registration as professional engineers in Kenya.

5.4.4 Faculty teaching courses which are primarily engineering science and engineering design are expected to be taught by registered professional engineers in Kenya.

5.4.5 The Engineering Faculty Board (or equivalent engineering body) must have effective control of the engineering programme even if it is administered within another Faculty.

5.4.6 Responsibility for initiating changes in the curriculum of the engineering programme may be placed in a curriculum committee at the departmental or Faculty level and in some cases, may be in the hands of an inter-disciplinary committee or board. It is expected that a majority of the members of such a body be registered professional engineers in Kenya.

5.5 Institution's Training Facilities and Infrastructure

5.5.1 The applying institution shall demonstrate that at a minimum it has:

- (a) Suitable and adequate learning venues where the programme is offered, including lecture halls, laboratories, workshops and sufficient library resources.
- (b) There are safety and health policy and guidelines especially with respect to laboratory and workshop practice.

Suitable and sufficient IT infrastructure is available as determined by the nature of the programme. This includes functionally appropriate hardware (computers and printers), software (programmes) and databases. The infrastructure should be properly maintained and continuously upgraded and adequate funds are available for this purpose. Students and staff are trained in the use of the technology required for the programme.

5.6 Duration of Training

5.6.1 The Institution must ensure that a degree programme leading to the award of an engineering degree shall be five (5) years covering the curriculum approved by the Board.

5.7 Quality Assurance System

5.7.1 The Institution applying for accreditation of its engineering programme(s) must demonstrate that a quality assurance system is in place to assure the achievement

of programme outcomes and to provide for continuous improvement of its systems and processes.

- 5.7.2 The quality assurance processes should include among others but not limited to—
- (a) student admission;
 - (b) teaching and learning;
 - (c) assessment and evaluation;
 - (d) examination regulations and criteria for pass/fail;
 - (e) external examination; and
 - (f) programme and curriculum review.

FIFTH-SCHEDULE

[r. 18]

CONTINUING PROFESSIONAL DEVELOPMENT

1.0 Continuing Professional Training and Development

Pursuant to section 7(1)(q) of the Act the Board shall develop and implement continuing professional development courses for engineers.

2.1 Submission of accreditation application.

Every practicing engineer shall obtain a minimum of fifty professional development units in every calendar year which shall comprise a minimum of forty professional development units in structured activities and ten from unstructured activities.

2.2 Where an engineer exceeds the annual requirement of fifty professional development units in the year under review, a maximum of fifteen excess professional development units may be carried forward into the following year.

2.3 An engineer who has not obtained sufficient professional development units in the year under review shall not be allowed to renew his annual practicing licence.

2.4 Where an engineer has failed to meet the prescribed professional development units requirements or has not submitted returns for three consecutive years, the Board shall remove his name from the register.

2.5 An engineer whose name has been removed from the register under this paragraph shall be required to obtain sixty professional development units within one year before reinstatement.

2.6 An engineer may be exempted from continuous professional development requirements if he experiences disabilities, prolonged illness or other extenuating circumstances which prevent him from practicing.

3.0 Records

Every engineer shall submit to the Board their annual CPD activities in the format provided not later than three months following the end of the calendar year under review, for assessment.

4.0 Activities

4.1 The Board shall recognize the following structured activities as contributing to the professional development of practising engineers as prescribed by the Board from time to time—

- (a) formal activities;
- (b) participation;
- (c) presentations;
- (d) contributions to knowledge; and

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- (e) work-based activities.

4.2 The Board shall recognize unstructured activities as contributing to the professional development of practising engineers as prescribed and approved by the Board and may include but not limited to the following informal activities—

- (a) self-directed study;
- (b) attendance at conferences and industry trade shows;
- (c) seminars, technical presentations, facilitated technical field trips and tours;
- (d) attendance at meetings of technical, professional or managerial associations or societies; and
- (e) structured discussion of technical or professional issues with one's peers.

5.0 Accreditation

5.1 A person or institution wishing to provide an approved activity in a calendar year shall apply to the Board in writing to become an accredited provider, upon the payment of the requisite fees.

5.2 On exceptional cases, the Board may consider a request from an engineer who wishes to claim units for participating in an activity that is not provided by the Board or an accredited provider.

5.3 If an engineer wishes to claim units for participating in an activity that is not provided by the Board or an accredited provider, that engineer shall apply in writing to the Committee.

SIXTH SCHEDULE

[r. 21(1)]

CODE OF CONDUCT AND ETHICS

CODE OF CONDUCT AND ETHICS FOR REGISTERED PROFESSIONAL AND CONSULTING ENGINEERS

PURSUANT to section 7(1)(u) of the Engineers Act (Cap. 530), the Engineers Board of Kenya issues this Code of Conduct and Ethics for registered engineers, to be observed by and binding upon all engineers.

1. Citation

This Code may be cited as the Code of Conduct and Ethics for Engineers.

2. Application

This Code of Conduct and Ethics shall apply to all engineers and firms registered under the Engineers Act (Cap. 530).

3. Fundamental principles

Every Engineer shall uphold and advance the integrity, honour and dignity of the engineering profession by—

- (a) using their knowledge and skill for the enhancement of human welfare;
- (b) being honest and impartial, and serving with fidelity the public, their employers and clients; and
- (c) striving to increase the competence and prestige of the engineering profession; and supporting the professional and technical societies of their disciplines.

4. Fundamental canons

An Engineer shall—

- (a) hold paramount the safety, health and welfare of the public in the performance of their professional duties;
- (b) perform services only in the areas of their competence;
- (c) issue public statements only in an objective and truthful manner;
- (d) act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest;
- (e) build their professional reputation on the merit of their services and shall not compete unfairly with others;
- (f) act in such a manner as to uphold and enhance the honour, integrity and dignity of the profession; and
- (g) continue their professional development throughout their careers and shall provide opportunities for the professional development of those engineers under their supervision.

5. Obligations to society

(1) An engineer shall at all times recognize that their primary obligation is to protect the safety, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their employer or client and such other authority as may be appropriate.

(2) An engineer shall approve only those engineering documents which are in conformity with appropriate standards.

(3) An engineer shall not permit the use of their name or firm name nor associate in business ventures with any person or firm which they have reason to believe is engaging in fraudulent or dishonest business or professional practices.

(4) An engineer shall be objective and truthful in professional reports, statements or testimony.

(5) An engineer may express a professional opinion on technical subjects only when that opinion is founded upon competence in the subject matter.

(6) An engineer shall take all reasonable steps to avoid waste of natural resources, damage to the environment and wasteful damage or destruction of the products of human skill.

6. Obligations to employer or client

(1) An engineer shall act in professional matters for each employer or client as faithful agents or trustees.

(2) An engineer shall disclose all known or potential conflicts of interest which could influence or appear to influence their judgment or the quality of their services to their employers or clients.

(3) An engineer shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(4) An engineer shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients for which they are responsible.

(5) An engineer shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law.

(6) An engineer in public service as members, advisors or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organizations in private or public engineering practice.

(7) An engineer shall avoid improper solicitation of professional employment and shall not, in the circumstances—

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- (a) falsify or permit misrepresentation of their, or their associates, academic or professional qualifications, or exaggerate their degree of responsibility; or
- (b) offer, give, solicit or receive, either directly or indirectly, any financial contribution in any amount intended to influence the award of a contract.

(8) An Engineer whose professional advice is not accepted shall take all reasonable steps to ensure that persons overruling or neglecting his advice are aware of the dangers the engineer believes may result from such overruling or neglect.

(9) A practicing engineer shall endeavor to understand and take all reasonable steps to inform his clients and employers of societal and environmental consequences of actions or projects in which he is involved and to interpret issues to the public in an objective and truthful manner.

7. Integrity of an engineer

An engineer shall be guided in all professional relations by the highest standards of integrity and shall—

- (a) admit and accept their own errors when proven wrong and refrain from distorting or altering the facts in an attempt to justify their decisions; and
- (b) not accept outside employment to the detriment of their regular work or interest.

(2) An engineer shall at all times strive to serve the public interest and shall in the process—

- (a) seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health and wellbeing of their community; and
- (b) endeavor to extend public knowledge and appreciation of engineering and its achievements and to protect the engineering profession from misrepresentation and misunderstanding.

(3) An engineer shall avoid all conduct or practice which is likely to discredit the profession or deceive the public.

8. Disclosure of information

An engineer shall not disclose confidential information concerning the business affairs or technical processes of any present or former client or employer without his consent.

9. Conflict of interest

An engineer shall not be influenced in their professional duties by conflicting interests and shall not accept—

- (a) financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product; or
- (b) commissions or allowances, directly or indirectly from contractors or other parties dealing with clients or employers of the Engineer in connection with work for which the Engineer is responsible.

10. Compensation

An engineer shall uphold the principle of appropriate and adequate compensation for those engaged in engineering work.

11. Unfairness

(1) An engineer shall not compete unfairly with other engineers by attempting to obtain employment or professional engagements by taking advantage of a position, or by criticizing other engineers, or by other improper or questionable methods.

(2) An engineer shall not request, propose, or accept a professional commission under circumstances in which the engineer's professional judgment may be compromised.

(3) An engineer shall not attempt to injure, maliciously or falsely, directly or indirectly,

the professional reputation, prospects, practice or employment of other engineers, not indiscriminately criticize other engineer's work.

(4) An engineer who believes that others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

12. Engineering practice

(1) An engineer shall undertake assignments only when qualified by education or experience in the specific technical fields involved.

(2) An engineer shall not affix his or her signature to any plans or documents dealing with subject matter in which the engineer is not competent.

(3) An engineer engaged in private practice shall not review the work of another engineer for the same client, except with the knowledge of such other engineer, or unless the connection of such engineer with the work has been terminated.

(4) An engineer in governmental, industrial or educational employment is entitled to review and evaluate the work of other engineers when so required by their employment duties.

(5) An engineer in sales or industrial employment is entitled to make engineering comparisons of represented products with products of other suppliers.

(6) An engineer shall accept personal responsibility for all professional activities under their charge and shall—

- (a) conform to state registration laws in the practice of engineering; and
- (b) not use association with a non-engineer, a corporation, or partnership, as a 'cloak' for unethical acts, but must accept personal responsibility for all professional acts.

13. Recognition of proprietary interests

(1) An engineer shall give credit for engineering work of those to whom credit is due, and will recognize the proprietary interests of other engineers.

(2) An engineer using designs supplied by a client shall recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.

14. Cooperation, development and advancement of engineers

An engineers shall cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers and students, and will endeavor to provide opportunity for the professional development and advancement of engineers under their supervision and in that case shall—

- (a) encourage engineering employees' efforts to improve their education;
- (b) encourage engineering employees to attend and present papers at professional and technical society meetings; and
- (c) encourage engineering employees to become registered at the earliest possible date.

15. Advertisement or writing of articles for publication

No engineer shall in self laudatory language or in any manner derogatory to the dignity of the engineering profession, advertise or write articles for publication.

16. Breach of Code of Conduct

No engineer shall assist, induce or be involved in the breach of this code of conduct and ethics but shall do all necessary endeavors to support those who seek to uphold it and report immediately any unethical engineering decisions or practices by Engineers and others to the Board.

17. Penalties

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An engineer who fails to observe any provisions in this Code of Conduct and Ethics commit an offence under the Act and shall be liable to penalties as prescribed under the Act.

SEVENTH SCHEDULE

[r. 23(2)]

PARTS OF THE REGISTER

Part A - This shall contain the names, addresses and other particulars required under section 27(1) of the Act and regulation 22(1) of Graduate Engineers;

Part B - This shall contain the names, addresses and other particulars required under section 27(1) of the Act and regulation 22(1) of Professional Engineers;

Part C - This shall contain the names, addresses and other particulars required under section 27(1) of the Act and regulation 22(1) of Consulting Engineers;

Part D - This shall contain the names, addresses and other particulars required under section 27(1) of the Act and regulation 22(1) of Engineering consulting firms;

Part E - This shall contain the names, addresses and other particulars required under section 27(1) of the Act and regulation 22(1) of Accredited Checkers;

Part F - This shall contain the names, addresses and other particulars required under section 27(1) of the Act and regulation 22(1) of Temporary Engineers;

**ENGINEERS (SCALE OF FEES FOR
PROFESSIONAL ENGINEERING SERVICES) RULES**

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TYPICAL PERCENTAGE CHARGES IN A CONSORTIUM WHERE ENGINEER IS NOT LEAD CONSULTANT

TYPICAL PERCENTAGE CHARGES INA CONSORTIUM WHERE ENGINEER IS LEAD CONSULTANT

PERCENTAGE CHARGES IN MECHANICAL ENGINEERING

PERCENTAGE CHARGES IN CIVL ENGINEERING

PERCENTAGE CHARGES IN ELECTRICAL ENGINEERING

PERCENTAGE CHARGES IN AGRICULTURAL AND CHEMICAL ENGINEERING

PERCENTAGE CHARGES IN MARINE ENGINEERING

PERCENTAGE CHARGES IN MINING ENGINEERING WHERE MINING ENGINEER IS LEAD CONSULTANT

THIRTEENTH SCHEDULE — PERCENTAGE CHARGES IN AEROSPACE ENGINEERING WHERE AEROSPACE ENGINEER IS LEAD CONSULTANT

PERCENTAGE CHARGES WITH REGARD TO THE STAGES OF WORK

The minimum fees payable with regard to the stage(s) of work where the professional engineer is required to design and document but services don't include construction supervision

MINIMUM CHARGE WHERE ENGINEER REVIEWS WORK

Engineers' Time Charge Minimum Rates

Engineering consultancy services and typical deliverables by lead consultants

Appointment of professional engineer as the principal agent of the client.

Categories of engineers for which time-based fees shall apply

Engineering Disciplines

ENGINEERS (SCALE OF FEES FOR PROFESSIONAL ENGINEERING SERVICES) RULES

[Legal Notice 20 of 2022]

1. Citation

These Rules may be cited as the Engineers (Scale of Fees for Professional Engineering Services) Rules.

2. Interpretation

In these Rules unless the context otherwise requires—

"Act" means the Engineers Act (Cap. 530);

"contractor" means any person, firm or company engaged under a contract with the client to perform any work or to supply goods in connection with the works or both, and includes a sub-contractor;

"engineer" has the meaning assigned to it in section 2 of the Act;

"engineering discipline" includes—

- (a) aerospace engineering services;
- (b) agricultural engineering services;
- (c) biomedical or medical engineering services;
- (d) chemical engineering services;
- (e) civil and structural engineering services;
- (f) electrical engineering services;
- (g) electronic and telecommunications engineering services;
- (h) marine engineering services;
- (i) mechanical engineering services;
- (j) mechatronic engineering;
- (k) mining engineering services; and
- (l) any other engineering discipline as may be determined by the Board;

"engineering systems" include any engineering services, which are outside the direct ambit of the conventional civil, structural, mechanical and electrical engineering services, such as but not limited to; lifts, escalators and other transportation systems in buildings, security systems, access control, structured cabling and other ICT systems, video conferencing, public address systems and other telecommunication systems; generators, electrical sub-stations, solar and other renewable energy sources, integrated building/parking management systems, extensive civil works etc;

"firm" has the same meaning assigned to it in section 2 of the Act;

"project" means the project of which the works form a part;

"professional engineering services" means engineering services and advice in connection with any feasibility study, planning, survey, design, sketch, drawing, specifications, construction, commissioning, operation, maintenance, supply of specialized engineering equipment and management of engineering works or projects and includes any other engineering services approved by the Board;

"record drawings, as-installed drawings or as-built drawings" means—

- (a) drawings, prepared by the contractor for approval by the professional engineer, which show clearly the general scheme and the details of the engineering system in the Project as completed such as all aspects and details of the engineering works as carried out by the contractor, including

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schematics, diagrams, with the correct dimensions, routes and arrangement;
and

- (b) comprehensive labelling of all cables, switch and control gear, control or power distribution cables must be provided.

In addition, all required operating instructions of all panels, boards, control panels and equipment and others as required, must be submitted;

"stage" means a stage of standard professional engineering services set out in Part III of these Rules;

"tender drawings" means the drawings prepared by the professional engineer with sufficient detail to enable those persons tendering to interpret correctly the design of the works and to submit competitive bids for the execution of the works;

"working drawings" means the drawings, prepared by the contractor for approval by the professional engineer, which shows details of the contractor's proposals for the execution of the engineering project; and

"works" means—

- (a) the activities on a project for which contractors are under contract to the client to perform or are intended to be performed, including the supply of materials, goods and equipment; and
- (b) the works in connection with which the client has engaged the professional engineer to perform professional services.

3. Scope

These Rules shall apply to professional engineering services offered by an engineer or a firm.

4. Object of the Rules

The object of these Rules is to—

- (a) prescribe the framework for determining minimum fees by an engineer or a firm;
- (b) prescribe the minimum fees chargeable by an engineer or a firm for professional engineering services;
- (c) prevent the undercutting of fees by and among engineers and firms who offer professional engineering services; and
- (d) ensure the provision of quality professional engineering services by engineers and firms and, thereby, ensure the safety and welfare of the public and enhancement of socio- economic development of Kenya.

5. Application of scale fees

(1) An engineer or a firm shall not be paid less than the fees specified in these Rules.

(2) The fees payable under these Rules shall be determined by taking into account the following—

- (a) project complexity;
- (b) monetary value of the works;
- (c) duration of the project;
- (d) level of risk and responsibility of the engineer or firm;
- (e) level of skills, experience and expertise required;
- (f) technology required;
- (g) duplication of works, if any;
- (h) client's requirements; and
- (i) scope of the project.

PART II – STANDARD PROFESSIONAL ENGINEERING SERVICES

6. Inception stage

(1) For projects where the nature, form and function of the facility has not been defined through previous investigations, professional engineering services at the inception stage of the project include—

- (a) consultations with the client or the client's authorised representative;
- (b) conducting site investigations of the proposed project;
- (c) carrying out preliminary investigations, route location, planning and a level of design appropriate to allow decisions on feasibility;
- (d) consultations with any local or approving authorities, the public and stakeholder groups in connection with the proposed works;
- (e) advising the client on any statutory and regulatory requirements and approvals, environmental management, surveys, investigations and analysis and any reports that may need to be submitted; and
- (f) conducting searches to obtain and collate data, drawings and plans relating to the works.

(2) Key deliverables for professional engineering services under subrule (1) are reports on—

- (a) technical and financial feasibility and related implications;
- (b) consents and approvals; and
- (c) information on the project.

(3) For projects where the nature, form and function of the facility has been defined through previous investigations and reports, the professional engineering services at the inception stage of the project include—

- (a) investigating data and information relevant to the works and considering any reports relating to the works;
- (b) the development of a clear project brief including project objectives, priorities, constraints, assumptions, and strategies;
- (c) advising the client on the procurement strategy of the project and criteria that could significantly influence the project lifecycle cost;
- (d) advising the client on the required rights, consents and approvals;
- (e) defining the scope of works and services of the project through site inspections, surveys, analyses, tests and other similar investigations;
- (f) determining the necessary information available for the project such as data, drawings, and plans; and
- (g) concluding the terms of agreement with the client.

(4) The key deliverables for professional engineering services under subrule (3) are—

- (a) a signed agreement with the client;
- (b) an agreement with the client on the scope of works and services; and
- (c) a report on project requirements.

7. Preliminary design stage

(1) In the preliminary stage, the engineer or firm shall be responsible for preparing and finalising the project concept in accordance with the brief, including project scope, scale and function including preliminary programme.

(2) Professional engineering services at the preliminary stage include the—

- (a) establishment of the concept design criteria;
- (b) preparation of the initial concept design and related documentation, process designs and preliminary designs for approval by authorities and the client, and for costing;

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- (c) advising the client on further or special analyses, surveys, tests and in-depth investigations required to supplement the available information;
 - (d) arranging for investigations, and certifying the amount of any payments to be made by the client to persons, firms or companies carrying out the investigations under the engineer's or firm's direction, and advising the client on the results of the investigations;
 - (e) establishing the access, utilities, services and connections required for the design;
 - (f) determining any projects' risks and establishing mitigation measures;
 - (g) establishing local authorities' or regulatory authorities' requirements and incorporate the requirements into the design to ensure conformity;
 - (h) co-ordinating design interfaces with any other consultants involved in the project;
 - (i) consulting the lead consultant, if any, appointed by the client in connection with the overall direction of the project and documentation programme; and
 - (j) liaising, co-operating and providing the necessary information to the client, lead consultant and other consultants involved to enable the client consider the professional engineer's proposals including cost estimates and life cycle costs as required, with alternative proposals.
- (3) Key deliverables at the preliminary design stage include—
- (a) concept design;
 - (b) preliminary design;
 - (c) cost estimates; and
 - (d) reports on investigations or surveys.

8. Detailed design stage

(1) In the detailed design stage, the engineer or firm shall develop the approved concept to finalise the design, outline specifications, cost plan, financial viability and programme for the project.

- (2) Professional engineering services at the preliminary stage include—
- (a) conducting a review of the documentation programme with the lead consultant and other consultants involved;
 - (b) incorporating the clients' and authorities' detailed requirements into the design;
 - (c) incorporating any other consultants' designs and requirements into the design;
 - (d) preparing the design development drawings including technical details and specifications;
 - (e) computing the cost of any risks involved and the risks' implications on the project;
 - (f) preparing detailed estimates of project implementation costs;
 - (g) liaising, co-operating and providing necessary information to the lead consultant and other consultants involved; and
 - (h) submitting the required design documentation to local authorities and regulatory authorities for approval.
- (3) Key deliverables at the detailed design stage include—
- (a) detailed design drawings, and in the case of final detailed design drawings, the designs shall be stamped and signed by the design engineer and professional engineer;
 - (b) clear and complete contract drawings, schedules and bills of quantities;
 - (c) project specifications;

- (d) local authorities' and regulatory authorities' submission drawings and reports; and
- (e) detailed estimates of project costs.

9. Tender stage

(1) During the tender stage, the engineer or firm shall provide the following professional engineering services—

- (a) checking cost estimates and adjusting designs and documents where appropriate to remain within the budget agreed with the client;
- (b) the formulation of the procurement strategy for contractors or assisting the lead consultant in the formulation of the strategy, where applicable;
- (c) the preparation of tender drawings or documentation for procurement;
- (d) the review of designs, drawings and schedules in accordance with the approved budget;
- (e) assisting the client in calling for tenders, negotiation of prices, or assisting the lead consultant in calling for tenders or negotiating prices, where applicable.
- (f) assisting the client in tender evaluation;
- (g) advising the client on, and preparing, formal contract documents including the letter of acceptance for carrying out the works or any part of them; and
- (h) the assessment of samples and products for compliance and the design intent.

(2) Key deliverables during the tender stage include—

- (a) specifications and stamped working drawings;
- (b) tender documentation including priced tenders;
- (c) tender evaluation reports and recommendations; and
- (d) priced contract documentation.

10. Contract administration stage

(1) The professional engineering services offered by an engineer or a firm at the contract administration stage include—

- (a) witnessing the site handover;
- (b) issuing project documentation in accordance with the documentation schedule;
- (c) examining and approving the contractor's proposals and working drawings relating to the works;
- (d) carrying out contract administration procedures in terms of the contract;
- (e) attending site, technical and progress meetings;
- (f) inspecting works for conformity with the contract;
- (g) witnessing and reviewing inspections, tests and mock-ups carried out on-site and off-site;
- (h) preparing schedules of predicted cash flow and proactive estimates of proposed variations for client decision-making;
- (i) maintaining proper and accurate records of site activities;
- (j) advising the client on special inspections and the appointment of site staff;
- (k) preparing any further designs and drawings relating to the works;
- (l) establishing and maintaining a financial control system;
- (m) making such visits to the site as may be necessary to ascertain the performance of site staff and that the works are executed generally according to contract or in accordance with good engineering practice;
- (n) giving all necessary instructions relating to the works to the contractor;

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- (o) preparing and issuing all certificates as may be required in the contract;
- (p) performing any duties which the engineer or firm may be required to perform under any document that the engineer or firm has prepared for the execution of the works;
- (q) preparing or approving the as-built record, as necessary;
- (r) adjudicating and resolving contractual or financial claims by the contractor;
- (s) delivering to the client such records and manufacturer's manuals, guarantee certificates and warranties as are reasonably necessary to enable the client to operate and maintain the works on completion;
- (t) inspecting the works and issuing practical completion and defects lists;
- (u) arranging for the delivery of all test certificates including electrical certificates of compliance, statutory and other approvals, as-built drawings and operating manuals; and
- (v) deciding any dispute or difference arising between the client and the contractor in connection with the works and submitted to the engineer or firm for determination:

Provided that the engineer or firm shall not be responsible for advising the client if the client takes any steps in or towards any arbitration or litigation in connection with the works.

(2) Key deliverables during the contract administration and construction stage include—

- (a) construction documentation and schedules of predicted cash flow;
- (b) contract instructions;
- (c) estimates for proposed variations and variations for payment certificates;
- (d) minutes of site meetings;
- (e) progress reports;
- (f) project completion report;
- (g) defects list;
- (h) certificates of compliance; and
- (i) financial control reports.

11. Close-out stage

The professional engineering services offered by an engineer or a firm at the close-out stage include—

- (a) conducting inspections and verification of defects;
- (b) receiving, commenting and approving relevant payment valuations and completion certificates;
- (c) preparation or acquisition of operations and maintenance manuals, guarantees and warranties;
- (d) preparation or acquisition of as-built drawings and documentation;
- (e) preparation of project final accounts; and
- (f) preparation and issuance of the project completion report.

PART III – ADDITIONAL PROFESSIONAL ENGINEERING SERVICES

12. Additional professional engineering services of a general nature

The additional professional engineering services to be provided by an engineer or firm, if requested or consented to by the client, include—

- (a) enquiries not directly concerned with the works and its subsequent utilisation;
- (b) preparing any report or other additional documents required for consideration of proposals for the carrying out of alternative works;

- (c) carrying out work in connection with any additional application made by the client for any order, sanction, licence, permit or other consent, formal approvals, or authorisation necessary to enable the works to proceed including the making of such revisions as may be required as result of changes in policy, undue delay, or other causes beyond the engineer's or firm's control;
- (d) carrying out works and services arising from the failure of a client, contractor or any other relevant person to perform the required duties adequately and in a timely fashion;
- (e) additional services, duties or work resulting from project scope changes, alterations or instructions by the client, or the client's duly authorized agents, requiring the engineer or firm to advise upon, review, adapt or alter completed designs or any other documentation or change the scope of services or duties;
- (f) checking and advising on any part of the project not designed by the engineer or firm or reviewing the work of another engineer or firm;
- (g) preparing interim or other reports or detailed valuations including estimates or cost analysis based on measurement or forming an element of a cost planning service;
- (h) carrying out detailed inspection, reviewing and checking of designs and drawings, preliminary estimates for works not prepared by the engineer or firm and submitted by architects, quantity surveyors, contractors and other parties other than those contained in tender or similar documents prepared by the engineer or firm;
- (i) carrying out any works after abandonment of a contract by the contractor or upon the failure of the contractor to properly perform any contract or upon delay by the client in fulfilling his obligations or in taking any other step necessary for the due execution of the works;
- (j) advising the client and carrying out works after taking any steps in or towards any litigation or arbitration relating to the works;
- (k) negotiating any contract or sub-contract with a contractor selected other than by competitive tendering including checking and agreeing on the quantities and net costs of materials and labour, arithmetical checking and agreeing on the added percentages to cover overhead costs and profit;
- (l) providing project management services or construction management services;
- (m) carrying out special cost investigations or detailed valuations including estimates or cost analysis based on measurement or forming an element of a cost planning service;
- (n) preparing drawings for manufacture and installation or detailed checking of such for erection or installation of works as well as detailed operation and maintenance manuals and other documents describing the design and operation of the works;
- (o) preparing builder's work drawings, record drawings or any detailed schedules where necessary; and
- (p) any other additional services of whatever nature specifically agreed to in writing between the engineer or firm and the client.

13. Additional professional engineering services of a specialist nature

An engineer or firm may provide additional professional engineering services of a specialist nature including—

- (a) obtaining specialist technical advice on any abnormal aspects of the works;
- (b) investigations on the nature and strength of existing works and the making of model tests or special investigations;

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- (c) obtaining architectural, legal, cost consultancy, financial and other professional services for the client;
- (d) providing services in connection with the valuation, purchase, sale or leasing of land and the obtaining of wayleaves;
- (e) geotechnical and geospatial services, topographical and environmental surveys, analyses, tests and site or foundation or other investigations, model tests, laboratory tests and analyses carried out on behalf of the client;
- (f) carrying out special inspections or tests as may be recommended by the professional engineer; and
- (g) carrying out commissioning procedures or performance tests.

14. On-site supervision

(1) The engineer or firm shall be in full control of, and be responsible for, the supervision of the works on-site.

(2) If, in the opinion of the engineer or firm, the nature of the works under rules 13 (e) and (f) warrants full-time or part-time on-site supervision in addition to the site visits made by the engineer or firm, the engineer or firm shall—

- (a) advise the client of the fact; and
- (b) advise the client of the desired qualifications and experience which the site staff shall possess.

(3) All site staff shall be under the control of, and take instructions from, the engineer or firm only.

15. Construction monitoring

(1) If the construction monitoring is deemed to be insufficient by the engineer or firm, the engineer or firm may, with the prior written consent of the client, appoint or make available additional staff for such construction monitoring as are necessary to the extent specifically defined and agreed with the client.

(2) The additional staff shall report to and take instructions from the engineer, firm or an authorized representative of the engineer or firm only, and shall be deemed to be in the employ of the engineer or firm.

(3) Where any changes regarding the persons utilized for additional on-site monitoring or their remuneration is necessary, the utilization of such persons or their remuneration shall be agreed to in writing with the client prior to the implementation of the changes.

(4) If, for any reason, no additional staff or inadequate staff for construction monitoring is appointed, the engineer or firm shall provide additional services, including additional site visits, as required and agreed to in writing with the client before commencement thereof.

16. Duties of the professional engineer during construction monitoring

The duties of the engineer or firm for the following four defined levels of construction monitoring, respectively, shall be as follows—

- (a) at Level 1—
 - (i) monitoring the outputs from any other party's quality assurance programme against the requirements of the plans and specifications;
 - (ii) visiting the works at the frequency agreed to with the client to review important materials, critical work procedures or completed elements or components; and
 - (iii) being available to advise the contractor on the technical interpretation of the plans and specifications;
- (b) at Level 2—

- (i) promptly review a sample of each important work procedure or construction material for compliance with the requirements of the plans and specifications;
 - (ii) samples of important completed works before enclosure or completion as appropriate;
 - (iii) visit the works at the frequency agreed to with the client to review important materials, critical work procedures or completed elements or components; and
 - (iv) be available to provide the contractor with technical interpretation of the plans and specifications;
- (c) at Level 3—
- (i) maintain a part-time presence on site as agreed with the client to review random samples and review important completed work prior to enclosure or on completion as appropriate
 - (ii) where the engineer or firm is the sole consultant or principal agent, carry out such administration of the project as is necessary on behalf of the client
 - (iii) be available to provide the contractor with technical interpretation of the plans and specifications;
- (d) at Level 4—
- (i) maintain a full-time on-site presence to review work procedures, construction materials for compliance with the requirements of the plans and specifications, and completed work before enclosure or on completion as appropriate;
 - (ii) where the engineer or firm is the sole consultant or principal agent, carry out such administration of the project as is necessary on behalf of the client; and
 - (iii) be available to provide the contractor with technical interpretation of the plans and specifications.

17. Occupational safety and health duties

Where the client requires the engineer or firm to undertake duties relating to any provisions of the Occupational Safety and Health Act (Cap. 236A) and any other relevant Regulations on behalf of the client, the additional professional services may include—

- (a) arranging, formally and in writing, for the contractor to provide documentary evidence of compliance with all the requirements of the Occupational Safety and Health Act (Cap. 236A); and
- (b) the execution of the duties of the client, as the client's appointed agent, as contemplated in the Occupational Safety and Health Act (Cap. 236A).

18. Quality assurance system

(1) Where the client requires that quality management system or quality assurance services in addition to the construction monitoring services be applied by the engineer or firm to the project, the additional services shall be in addition to the standard services provided by the engineer or firm.

(2) The client and engineer or firm shall define and separately agree to in writing on the provision of a quality management system or quality assurance services.

(3) The quality management system or quality assurance services may include conducting of technical and financial audits of an ongoing or already commissioned project.

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19. Lead professional engineer

Where the client has appointed more than one engineer or firm and appoints one engineer or firm to lead the other engineers or firms so appointed, the lead engineer or firm may provide the following services—

- (a) responsibility for the overall administration of all sections of professional services provided by the team including parts of the services which fall within the ambit of the other engineers or firms;
- (b) responsibility for the overall co-ordination, programming of design and financial control of all the works included in the services; or
- (c) processing certificates or recommendations for payment of contractors.

20. Engineering management services

(1) For the purposes of this rule, "engineering management" means the application of management principles to the engineering practice including technical problem-solving ability of engineering and the organizational, administrative and planning abilities of management for the purpose of overseeing the operational performance of a complex engineering-driven enterprise or project.

(2) Where the client requires the engineer or firm to undertake duties of an engineering management nature on behalf of the client, the additional services and respective deliverables shall be in accordance with the Eighteenth Schedule.

21. Dispute resolution

Where the client requires the engineer or firm to, on the client's behalf, offer professional services relating to dispute resolution, the extent of, and fees for the services, shall be as agreed to between the client and the engineer or firm subject to these Rules.

22. Principal agent of the client

(1) A client may appoint an engineer or firm as the principal agent of the client for the purposes of project management.

(2) An engineer or firm appointed under subrule (1) shall be responsible for the services specified in the Nineteenth Schedule and the deliverables thereof.

PART IV – SCALE FEES FOR STANDARD PROFESSIONAL ENGINEERING SERVICES

23. Determination of scale fees

(1) The following factors may be taken into consideration when determining the fees for professional engineering services—

- (a) project complexity;
- (b) monetary value of the works;
- (c) the duration of the project;
- (d) the level of risk and responsibility;
- (e) the level of skills, experience and expertise required;
- (f) the technology required;
- (g) any duplication of works;
- (h) the client requirements; and
- (i) the scope of the project.

(2) Subject to the factors in subrule(1), the client and engineer or firm shall agree on the applicable fees at the time of the engagement of the engineer or firm or as soon as possible thereafter, but in all cases prior to the engineer or firm rendering any services to the client.

(3) Where the standard professional engineering services required on a project relate to more than one engineering discipline, a separate fee for the services in each discipline shall be agreed on between the client and engineer or firm.

(4) The fees for services shall be set out in writing in the agreement between the client and the engineer or firm and agreed on in any of the following ways—

- (a) percentage fee based on the cost of works or cost of the project;
- (b) fees for additional professional engineering services in addition to fees charged for the standard professional engineering services;
- (c) time-based fees calculated in man-hours or man-months; or
- (d) reimbursable expenses.

(5) In a case where the scope of works is uncertain, the fees shall be based on time and reimbursable expenses.

(6) In the case where the location, size and nature of the works has been previously defined through previous investigations that have formed part of the client's normal practise or have been the subject of previous separate engagements paid for on a time and cost basis, the fees may be determined using schedules based on the cost of the works or cost of the project

(7) In the case where the application of schedules under subrule (6) would not be appropriate, the fees may be determined as time- based.

24. Minimum fees for standard professional engineering services

The engineer or firm, in performing the standard professional engineering services specified in Part III of these Rules, shall be paid in accordance with one or a combination of the modes of remuneration provided for in rule 23 (4), taking into account the different stages or parts of the project.

25. Payment to be based on the cost of works

(1) The actual percentage fee that is applicable shall depend on the general factors applicable to all project types outlined in the First Schedule and specific factors applicable to each project type.

(2) The fee paid to the engineer or firm shall be an amount equal to the product of the total cost of the works or the cost of the project and the percentage determined from the scale of fees set out in the Second Schedule.

(3) This rule shall not apply to supervision, which shall be on full fees as determined under the relevant Schedule.

26. Minimum fees for engineering projects

(1) The minimum fees for standard professional engineering services in the different engineering disciplines pertaining to engineering projects shall be determined based on the nature and scope of the projects.

(2) The minimum fees determined under subrule (1) shall be for specific cost of works in respect of which the services were rendered on the project but shall not include costs related to the report stages specified under Part III which shall be reimbursed on a time basis in accordance with rule 23 (7).

(3) All costs of works in respect of which the services are shall not include reimbursable expenses by the professional engineer.

(4) For standard professional engineering services relating to a description of the works mentioned in the first column of the Third Schedule, the proportion of the basic fee relating to the specific item calculated in terms of this rule shall be multiplied by the category factor mentioned against that description in the second column of Third Schedule.

(5) Subrule (4) shall apply to all other works but not the works specified in the Fourth Schedule.

(6) For professional services relating to building projects, where the building units are based on one design for which one set of drawings and specifications can be reused without alteration or with only minor modification, the fees shall reduce in accordance with the Fourth Schedule.

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(7) Subrule (6) shall not apply to supervision which shall be on full fees as calculated using the relevant Schedule.

27. Professional fees under engineering disciplines

(1) The professional fee for professional services rendered under an engineering discipline for an engineering project shall be determined in accordance with the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Schedules.

(2) With regard to electrical services, mechanical services and civil engineering services where the interior fit-out, large-scale housing projects and extensive civil works respectively are required as part of the services, rule 26 and the Third Schedule shall apply:

Provided that the percentage shall be at least four per cent of the cost of the project, depending on the engineering discipline.

28. Engineering discipline

The engineering services that comprise engineering disciplines shall include the services and activities specified in the Twenty-first Schedule.

29. Services provided partially or in stages

(1) For the purpose of this rule—

"cost of works" means the fair estimate amount or value of the works at the onset inclusive of value added tax and all applicable taxes, as certified or which would, normally, be certifiable for payment to contractors (irrespective of who actually carries out the works) in respect of the works designed, specified or administered by the professional engineer, before deduction of liquidated damages or penalties, including—

- (a) escalation, assuming continuity of the project through to completion where delays occur in the project cycle the client and the professional engineer should come to an agreement on the escalation that will be applicable to various stages of services;
- (b) a *pro rata* portion of all preliminary and general items applicable to the works; and
- (c) the cost of new materials, goods or equipment, or a fair valuation of any labour, of such material, goods or equipment as if new whether supplied new or otherwise by, or to, the client and including the cost or a fair evaluation of the cost of installation, but does not include—
 - (i) administration expenses incurred by the client;
 - (ii) costs incurred by the client under the agreement between the client and the professional engineer for professional engineering services for the works;
 - (iii) salaries, travelling, out of pocket and office expenses of resident site staff, unless the works are carried out by direct labour;
 - (iv) interest on capital during construction, and cost of raising moneys required for carrying out the construction of the works;
 - (v) cost of land and way leaves;
 - (vi) external services designed, documented and supervised by others including power and water authority mains; and

"cost of the project" means all costs of all elements of the project including value added tax.

(2) The fees for professional services rendered over more than one stage of a project shall be apportioned in accordance with the Fourteenth Schedule.

(3) Notwithstanding subrule (2), the percentage used shall be adjusted for each stage through negotiation based on the work involved in each stage, the value added in each stage and any commercial considerations.

(4) Interim payments shall be calculated on basis of the cost of works or any portion thereof or the cost of the project, but before allowing for any modifications to the design by the client after approval.

(5) For the purpose of calculating fees for interim payments under subrule (4) for design stage services, the cost of works or cost of the project shall be the professional engineers' reasonable estimate of the value of the works designed after deducting contingency sums and provisional sums.

(6) Where not all the stages of the standard professional engineering services are provided for by the professional engineer, the fee is, subject to rule 26, calculated as a percentage of the total fees calculated under this rule, which percentage is the sum of the percentage points appropriate to each stage as set out in the Fifteenth Schedule or Sixteenth Schedule for the respective stages of the project.

(7) Where the professional engineer is required to conduct supervision during implementation of the project, the fees charged shall be time-based.

30. Time-based fees

(1) Time based fees shall—

- (a) be inclusive of all fees charged by the professional engineer; and
- (b) incorporate allowances for—
 - (i) overhead charges incurred by the professional engineer as part of normal business operations;
 - (ii) the payroll costs of all technical staff including management;
 - (iii) payments to administrative, clerical, and secretarial staff used to support professional and technical staff; and
 - (iv) all other costs incurred by the business in general and not on a specific project only.

(2) Time-based fees may be calculated on hourly basis, daily basis or monthly basis as provided for the categories of engineers specified in the Twentieth Schedule.

(3) The minimum applicable time-based fee under the Seventeenth Schedule shall be applied as follows—

- (a) hourly rates shall be applicable for projects with a total input not exceeding forty hours or one week;
- (b) daily rates shall be applicable for projects with a total input between forty hours and two hundred hours; and
- (c) monthly rates shall be applicable for projects exceeding two hundred hours.

PART V – FEES FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES

31. Fees for additional professional engineering services

The fees for an engineer or firm who renders any of the additional professional services under Part IV of these Rules shall be determined as follows—

- (a) the input of partners and consultants shall be paid at the hourly rate or rates agreed between the client and the engineer or firm;
- (b) the time spent by partners, consultants, technical and supporting staff in travelling in connection with additional professional engineering services shall be paid as provided in rule 31; and
- (c) the engineer or firm shall not be entitled to any payment in respect of time spent by secretarial staff or by staff engaged on general accountancy or administration duties in the engineer's or firm's office.

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PART VI – OTHER PAYMENTS FOR PROFESSIONAL ENGINEERING SERVICES

32. Reimbursable expenses

(1) Minor disbursements shall be charged at the minimum rate of eight per cent of the professional fees and include—

- (a) local telecommunication costs;
- (b) long distance telecommunication costs;
- (c) routine production of drawings and documents;
- (d) local travel expenses within a radius of twenty-five kilometres from the engineer's or firm's registered office;
- (e) courier and messenger services;
- (f) standard software and computer costs; and
- (g) office supplies.

(2) Other disbursements shall be charged at the minimum rate of ten per cent of the professional fees and include—

- (a) travel expenses for travel outside the local area by appropriate means;
- (b) living expenses for personnel engaged in the project;
- (c) project-related advertising costs;
- (d) specialised project-specific computer software or services;
- (e) use of specialised equipment;
- (f) testing services;
- (g) approvals, permits, licenses and specific tasks applied to fees;
- (h) project-specific insurance, if required by the client;
- (i) any other third-party expenses paid by the engineer or firm on the client's behalf; and
- (j) production of tender documents and other non-routine documents.

(3) Sub-consultant expenses shall be charged at cost of the engineer's or firm's fees plus five per cent.

(4) The client and engineer or firm shall review the projected expenses before the start of the project and agree on the applicable disbursements category and reimbursement method.

33. Preparation of bills of quantities in building works

The following fees shall be applicable for the preparation of bills of quantities by engineers or firms in respect of building works—

- (a) for taking out and preparing bills of quantities—
 - (i) in the case of new works, the rate shall be two-point-five per cent of the cost of the works; and
 - (ii) in the case of alteration works, the rate shall be three-point-five per cent of the cost of the works;
- (b) for measuring and making up accounts of variations upon contracts including pricing and agreeing totals with contractors or subcontractors, the rate shall be—
 - (i) three per cent of the gross amount of the addition; and
 - (ii) one-point-five per cent of the gross amount of omission less the total of the provisional sums omitted or work omitted as a whole;
- (c) for measuring from drawings and specifications and preparing bills of quantities of labour only or materials only, the fee shall be charged at twice the rate prescribed in subrule (a);
- (d) for pricing of bills of quantities, the rate shall be zero-point-five per cent of the cost of works;

- (e) for preparing approximate quantities and estimating upon the same, the rate shall be zero-point-five per cent of the cost of the works;
- (f) for surveying work in progress, taking particulars and reporting for interim payments, the rate shall be zero-point-five per cent upon each valuation, less the amount of any previous valuations upon which fees shall have been paid;
- (g) for taking particulars on-site and writing specifications for works of alteration or repair, the rate shall be seven-point-five per cent of the cost of works;
- (h) for measuring from completed works and preparing bills of quantities, the rate shall be three per cent of the cost of works;
- (i) for preparing a full cost analysis, the rate shall be zero-point-five per cent of the cost of works; and
- (j) for preparing and giving information to another professional consultant to enable him or her to incorporate the engineering services quantities in the main bills of quantities, the rate shall be one-point-five per cent of the cost of works.

34. Payment for alteration or modification of designs

If, after the completion of the inception stage under rule 6, any design whether completed or in progress or any specifications, drawings or other documents prepared in whole or in part by the professional engineer is required to be modified or revised on instructions from the client, or by reason of circumstances which could not reasonably have been foreseen by the engineer or firm, the engineer or firm shall be paid—

- (a) an additional fee by the client in accordance with rule 26 (2) calculated in accordance with the Third Schedule; and
- (b) any appropriate reimbursements as specified in rule 31.

35. Payment for site supervision

The engineer or firm shall, in addition to any other fees, be reimbursed by the client for—

- (a) payroll costs incurred by the engineer or firm on engineer's or firm's own staff who have been seconded to the site in the discharge of the engineer's or firm's responsibilities under rule 14 of in accordance with the rates set out in the Fourteenth Schedule;
- (b) the expenses of the engineer or firm paid to site staff who have been specially recruited by the engineer or firm in the discharge of the engineer's or firm's responsibilities under rule 14 in accordance with the rates set out the Fourteenth Schedule;
- (c) all other expenditures actually incurred by the engineer or firm in connection with the selection, engagement and employment of site staff;
- (d) the actual cost of providing the site office accommodation, furniture, telephones, equipment and transport as may be reasonably necessary for the use of the engineer's or firm's site staff; and
- (e) for the actual running costs of the site accommodation and facilities including any stationery, telephone calls, telegrams, telex, facsimile, courier services, postage stamps and other telecommunication services where they are not provided by the client.

36. Payment when works are damaged or destroyed

If, at any time before completion of the works, any part of the works or any materials, plant or equipment, whether incorporated in the works or not, are damaged or destroyed, resulting in additional work being required to be carried out by the engineer or firm, the engineer or firm shall be remunerated on time basis for the additional works together with any other reimbursements as specified in rule 14.

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37. Payment following termination or suspension by the client

(1) If the works or engineer's or firm's services are terminated or suspended by the client, except where the termination or suspension is due to the engineer's or firm's default or negligence, the engineer or firm shall be paid the following sums, which sums shall not include the amount of payments previously made to the engineer or firm—

- (a) a sum deductible from the stage of professional services completed at the time of termination or suspension in accordance with rule 28;
- (b) a disruption charge equal to one-sixth of the difference between the sum, which would have been payable to the engineer or firm under rule 25 (2) or (3) based on the nature of works, whichever may be applicable:

Provided that the professional services have advanced beyond the preliminary stage; and

- (c) amounts due to the engineer or firm under Parts IV and V.

(2) If the engineer or firm is required to recommence professional services after a suspension by the client, the engineer or firm shall be paid for the performance the professional services the sum payable to the engineer or firm under rule 26 (2) or (3), whichever may be applicable, and any payments under subrule (1) (a) or (c) of this rule shall be treated as payments on account:

Provided that the engineer or firm shall retain as an additional payment the disruption charge referred to in subrule (1) (b).

(3) If tendering for the works or any part thereof is, or is likely to be, delayed for more than nine months or postponed at the request of the client, then for the purpose of computing the fee to be paid to the engineer or firm for professional services, the applicable cost of the works shall be the estimated cost of the works or any relevant part of them at the time of completion of the designs.

(4) If the works are suspended or postponed after the tenders have been called, the fees payable to the engineer or firm shall be as follows—

- (a) for the inception stage, preliminary design stage, detailed design stage and tender stage, the fees shall be computed on the lowest acceptable tender:

Provided that if no acceptable tender is received, then the fees shall be computed on the estimate made by the engineer or firm of the cost of the works at the date of calling for tenders;

- (b) if the works subsequently resume and the tenders are recalled, the total fees payable to the professional engineer, which shall include the fees paid under subrule (2), shall be as follows—
 - (i) for the inception stage, preliminary design stage, detailed design stage and tender stage, the fees shall be computed in accordance with subrule (2); and
 - (ii) for the contract administration and construction stage, the fees shall be computed on the final contract sum of the works at the time of the completion of the works.

(5) If the engineer or firm is required to perform any additional services in connection with the resumption of professional services under this rule, the engineer or firm shall be paid for the performance of the additional professional services on a time basis in accordance with rule 13 and any appropriate reimbursements in accordance with rule 31.

38. Payment following termination by the professional engineer

If there is a termination by the engineer or firm of professional services, except where the termination was occasioned by the default or negligence of the engineer or firm, the engineer or firm shall be entitled to be paid the sums specified in rule 36 (1) and (c) after deducting any payments previously made to the engineer or firm.

PART VII – MISCELLANEOUS PROVISIONS

39. Offences and penalties

Where an engineer or a firm charges fees that are lower than the fees prescribed by these Rules, that engineer or firm commits an offence and shall be liable, on conviction, to the penalty prescribed under section 57.

40. Disputes as to fees

(1) Where a dispute arises as to the fees chargeable under these Rules in relation to professional services rendered by an engineer or a firm to or on behalf of a client, the aggrieved party may apply to the Board in writing for a determination of the matter.

(2) An application under subrule (1) shall be made within fourteen days of the dispute arising and be accompanied by any relevant documents.

(3) A party that makes an application under subrule (1) shall notify the other party or parties of the application within seven days of the application and the notification shall be accompanied by a copy of the application and accompanying documents.

(4) The Board shall consider and determine the application within twenty-one days of the notification under subrule (3):

Provided that before making a determination, the Board—

- (a) shall hear the parties in person or through representatives; and
- (b) may request additional information from any of the parties relating to the dispute.

(5) The Board's determination shall be in writing and may—

- (a) affirm that the fees in dispute are the fees payable to the engineer or firm; or
- (b) set aside the fees in dispute and substitute therefor fees that, in its opinion, are reasonable and just in the circumstances.

(6) A party that is dissatisfied with the determination of the Board may appeal to the High Court.

FIRST SCHEDULE

[r. 25(2)]

Percentage charges based on Cost of Works for professional engineering services

(Applicable to all engineering disciplines)

Cost of Works in Kshs.	Fee as percentage of Cost of Works
Up to 20,000,000	10.00 per cent of the cost of works up to Kshs. 2,000,000
From 20,000,000 up to 40,000,000	Kshs. 2,000,000 plus 7.00 per cent of balance over Kshs. 20,000,000
From 40,000,000 up to 80,000,000	Kshs. 3,400,000 plus 6.75 per cent of balance over Kshs. 40,000,000
From 80,000,000 up to 160,000,000	Kshs. 6,100,000 plus 6.00 per cent of balance over Kshs. 80,000,000
From 160,000,000 up to 320,000,000	Kshs. 10,900,000 plus 5.00 per cent of balance over Kshs. 160,000,000
From 320,000,000 up to 640,000,000	Kshs. 18,900,000 plus 3.75 per cent of balance over Kshs. 320,000,000
From 640,000,000 up to 1,250,000,000	Kshs. 30,900,000 plus 3.60 per cent of balance over Kshs. 610,000,000

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From 1,250,000,000 up to 2,500,000,000	Kshs. 52,860,000 plus 3.50 per cent of balance over Kshs. 1,250,000,000
From 2,500,000,000 up to 5,000,000,000	Kshs. 96,610,000 plus 3.25 per cent balance over Kshs. 2,500,000,000
From 5,000,000,000 up to 7,500,000,000	Kshs. 177,860,000 plus 2.70 per cent of balance over Kshs. 2,500,000,000
From 7,500,000,000 up to 12,500,000,000	Kshs. 245,360,000 plus 2.30 per cent of balance over Kshs. 5,000,000,000
From 12,500,000,000 up to 25,000,000,000	Kshs. 360,360,000 plus 2.20 per cent of balance over Kshs. 12,500,000,000
Above 25,000,000,000	Kshs. 635,360,000 plus 2.17 per cent of balance over Kshs. 25,000,000,000

SECOND SCHEDULE

[r.25 (1)]

General factors influencing fees (Applies to all the engineering disciplines)

<i>Description of works</i>	<i>Influencing factors</i>	<i>Typical factor the basic fee is multiplied with</i>
Alteration of existing works	Where major alterations requiring extensive assessments and investigations of the existing works will be involved, which cost has little to do with the cost of works	1.50
Duplication and repetitive work	Where complete designs can be duplicated and reused for a different project or site but alteration is required on the drawings and/or specifications. In addition, whether elements of a design can be repeated extensively resulting in a substantial reduction in effort or all elements must be designed individually. <i>Only applicable to design, not supervision.</i>	0.25 to 1.0
Integration with existing works	Where there is minimal alteration or where there is extensive integration with many detailed surveys required to facilitate good integration and involving extensive re-use of the existing works	0.85 to 1.50 (Time-based fees can be used where applicable)

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Project administration	Where it is simple administration with few organisations involved or where many parties are involved with complex administration, many meetings, many interfaces and communications.	1.0 to 1.50
Project complexity	Simple projects where the designs are based on well, established common practises and industry standards (typical projects) or whether complex projects where the works call for the application of new, unusual or untried techniques and systems (extensive works)	1.0 to 1.50
Level of risk, liability and responsibility	Where the level of risks are low or where the levels of risk is high and with hazardous undertakings	1.0 to 1.35

 THIRD SCHEDULE

[rr. 26(4), 33(b)]

Typical factors by which basic fee is multiplied with based on the description of works with regard to different engineering disciplines.

A. Civil and Structural Engineering Services Pertaining to Engineering Projects

1. The basic fee for standard professional engineering services in the disciplines of civil and structural engineering, pertaining to engineering projects, is determined from the First Schedule. The fee is applicable to the specific costs of the works in respect of which the services were rendered on the project excluding the report stage described in rule 6 which is normally reimbursed on a time basis.
2. The following additional fee is typically applicable to the value of the reinforced concrete and structural steel portions of the works, inclusive of the costs of concrete, reinforcing, formwork, structural steel work and any pro-rata preliminary and general amounts. Where structures of identical design are repeated on the same project, the combined cost is normally cumulated for the determination of the cost of the reinforced concrete and structural steel works.
3. In cases where structures require individual design, a separate additional fee is normally calculated for each structure based on the cost of the reinforced concrete or structural steel work for that structure. The additional fee is the sum of the primary fee and a figure between 1.5% to 5% as agreed between the Client and the professional engineer.
4. To calculate the fee for railway track work in terms of this part, fifty per cent of the cost of the permanent way materials is normally excluded from the cost of the works in view of the limited design input normally required for these elements, but the full cost of ballast and

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equipment specially designed by the professional engineer is normally included in the cost of the works.

5. For standard professional engineering services relating to a description of the works mentioned in the first column of the table in paragraph 9, the proportion of the basic fee relating to the specific item calculated in terms of paragraphs 1, 2, and 3 is normally multiplied by the category factors mentioned against that description in the second column of the table. In cases more than one of the descriptions in paragraph 9 applies, the effective factor will typically be the product of the factors involved.

6. These factors do not apply when fees are a lump sum or on a time basis.

7. In the case of road works, where the road traverses both rural and urban areas, an adjustment *pro-rata* to the length of road in rural and urban area is normally made.

8. In the case of road rehabilitation, a combination of factors applies depending on the situation of the road (rural or urban) and the category factor for alterations to existing works.

9. Category factors for road works:

<i>Description of the Works</i>	<i>Typical factor by which basic fee is multiplied</i>
Rural roads (single carriageways), excluding bridges	0.85
Rural freeways and dual carriageways, excluding bridges	0.95
Freeways and dual carriageways through existing peri-urban areas, excluding bridges	1.00
Single Carriageways through existing urban areas	1.00
Freeways and dual carriageways through existing urban areas	1.25
Dual carriageways and complex roadways with bridges	1.40
Gravel roads:	1.25 to
Primary roads	1.50
Secondary roads	1.00 to
Informal roads	1.25
	0.75 to
	1.00
Water and wastewater treatment works	1.25
Services (Excluding roads) for existing informal settlements including roads and to reduced standards or supplies	1.25 to
Water and sanitation in rural areas	1.50
Alterations to existing works.	1.35
Only applicable to the fees on the portion or section of works affected)	1.50
Mass concrete foundations, brickwork and cladding designed and detailed by the consulting engineer (Only applicable to the design portion of the fees on such works)	0.33
Duplication of works (Only applicable to the design portion of the fees on duplicated works)	0.25 to 1.0

B. Civil Engineering Services Pertaining to Building Projects

1. The basic fee for standard professional engineering services in the discipline of civil engineering, pertaining to building projects, is determined from the table in paragraph 2. The fee is applicable to the specific cost of the works in respect of which the services were

rendered on the project excluding the report stage described in rule 6 which is normally reimbursed on a time basis.

2. Basic fee for standard professional engineering services in the disciplines of civil engineering pertaining to building projects:

<i>Service</i>	<i>% charge on cost of project</i>
Civil	1.0% to 1.5%
Structural	3.5% to 4.5%
Engineering systems	1.5% to 2.0%

3. For standard professional engineering services relating to a description of the works mentioned in the first column of the table in paragraph 4, the proportion of the basic fee relating to the specific item calculated in terms of paragraphs 1 and 2 is normally multiplied by the category factor mentioned against that description in the second column of the table. In case more than one of the descriptions below applies, the effective factor will typically be the product of the factors involved. These factors do not apply when fees are a lump sum or on a time basis.

4. Category factors for civil engineering pertaining to building projects:

<i>Description of the Works</i>	<i>Typical factor by which basic fee is multiplied</i>
Alterations to existing works (Only applicable to the fees on the portion or section of works affected)	1.25
Internal water and drainage for buildings upon specific agreement with the client to render such services	1.25
Duplication of works (Only applicable to the design portion of the fees on duplicated works)	0.25 to 1.0
Large scale housing estates and extensive civil works	1.50

C. Structural Engineering Services Pertaining to Building Projects

1. The basic fee for standard professional engineering services in the discipline of structural engineering, pertaining to building projects, is determined from the table in paragraph 2. The fee is applicable to the specific cost of the works in respect of which the services were rendered on the project excluding the report stage described in rule 6 which is normally reimbursed on a time basis.

2. Basic fee for standard professional engineering services in the disciplines of structural engineering pertaining to building projects:

<i>Service</i>	<i>% charge on cost of project</i>
Structural	3.5% to 4.5%
Engineering systems	1.5% to 2.0%

3. For standard professional engineering services relating to a description of the works mentioned in the first column of the table in paragraph 4, the proportion of the basic fee relating to the specific item calculated in terms of paragraphs 1 and 2 is normally multiplied by the category factor mentioned against that description in the second column of the table. In case more than one of the descriptions below applies, the effective factor will typically be the product of the factors involved. These factors do not apply when fees are a lump sum or on a time basis.

4. Category factors for civil engineering pertaining to building projects:

<i>Description of the Works</i>	<i>Typical factor by which basic fee is multiplied</i>
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Alterations to existing works (Only applicable to the fees on the portion or section of works affected)	1.25
Mass concrete foundations, brickwork and cladding designed and detailed by the consulting engineer (Only applicable to the design portion of the fees on such works)	0.33
Duplication of works (Only applicable to the design portion of the fees on duplicated works)	0.25 to 1.0

D. Mechanical Engineering Services pertaining to Engineering Projects

1. The basic fee for standard professional engineering services in the discipline of mechanical engineering, pertaining to engineering projects is determined from the First Schedule. The fee is applicable to the specific cost of the works in respect of which the services were rendered on the project excluding the report stage described in rule 6 which is normally reimbursed on a time basis.

2. For standard professional engineering services relating to a description of the works mentioned in the first column of the table in paragraph 3, the proportion of the basic fee relating to the specific item calculated in terms of paragraph 1 is normally multiplied by the category factor mentioned against that description in the second column of the table. In case more than one of the descriptions below applies, the effective factor will typically be the product of the factors involved. These factors do not apply when fees are a lump sum or on a time basis.

3. Category factors for mechanical engineering pertaining to engineering projects:

<i>Description of the Works</i>	<i>Typical factor by which basic fee is multiplied</i>
Alterations to existing works (Only applicable to the fees on the portion or section of works affected.)	1.25
Wet services, for domestic hot and cold water and drainage pipe work inside buildings.	1.25
Duplication of works (Only applicable to the design portion of the fees on duplicated works)	0.25 to 1.0

E. Electrical Engineering Services pertaining to Engineering Projects

1. The basic fee for standard professional engineering services in the discipline of electrical engineering, pertaining to engineering projects, is determined from the First Schedule. The fee is applicable to the specific cost of the works in respect of which the services were rendered on the project excluding the report stage described in rule 6 which is normally reimbursed on a time basis.

2. For standard professional engineering services relating to a description of the works mentioned in the first column of the table in paragraph 3, the proportion of the basic fee relating to the specific item calculated in terms of paragraph 1 is normally multiplied by the category factor mentioned against that description in the second column of the table. In case more than one of the descriptions below applies, the effective factor will typically be the product of the factors involved. These factors do not apply when fees are a lump sum or on a time basis.

3. Category factors for electrical engineering pertaining to engineering projects:

<i>Description of the Works</i>	<i>Typical factor by which basic fee is multiplied</i>
Alterations to existing works (Only applicable to the fees on the portion or section of works affected.)	1.25
Wet services, for domestic hot and cold water and drainage pipe work inside buildings.	1.25
Duplication of works (Only applicable to the design portion of the fees on duplicated works)	0.25 to 1.0

F. Mechanical Engineering pertaining to Building Projects

1. The basic fee for standard professional engineering services in the discipline of mechanical engineering or wet services, pertaining to Building Projects, is determined from the table in paragraph 2. The fee is applicable to the specific cost of the works in respect of which the services were rendered on the project excluding the report stage described in rule 6 which is normally reimbursed on a time basis.

2. Basic fee for standard professional engineering services in the disciplines of mechanical engineering pertaining to building projects:

<i>Service</i>	<i>% charge on cost of project</i>
Mechanical Engineering systems	2.0% to 2.5%
	1.5% to 2.0%

3. For standard professional engineering services relating to a description of the works mentioned in the first column of the table in paragraph 4, the proportion of the basic fee relating to the specific item calculated in terms of paragraphs 1 and 2 is normally multiplied by the category factor mentioned against that description in the second column of the table. In case more than one of the descriptions in paragraph 4 applies, the effective factor will typically be the product of the factors involved. These factors do not apply when fees are a lump sum or on a time basis.

4. Category factors for mechanical engineering pertaining to building projects:

<i>Description of the Works</i>	<i>Typical factor by which basic fee is multiplied</i>
Multi-tenant installations	1.25
Alterations to existing works (Only applicable to the fees on the portion or section of works affected)	1.25
Wet services, for domestic hot and cold water and drainage pipe work inside buildings.	1.25
Duplication of works (Only applicable to the design portion of the fees on duplicated works)	0.25 to 1.0
For projects where the cost of the works exceeds Ksh. 30,000,000 and where bills of quantities are not required from the professional engineer and all financial, tender and contractual matters are dealt with by the Quantity Surveyor or other parties.	0.75
As above, but bills of quantities for are not required from the professional	0.90

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engineer and all financial, tender and contractual matters are dealt with by the professional engineer (e.g. lump sum, nominated or selected sub- contracts, etc.)

G. Electrical Engineering services pertaining to Building Projects

1. The basic fee for standard professional engineering services in the discipline of electrical engineering, pertaining to building projects, is determined from the table in paragraph 2. The fee is applicable to the specific cost of the works in respect of which the services were rendered on the project excluding the report stage described in rule 6 which is normally reimbursed on a time basis.

2. Basic fee for normal services in the disciplines of electrical engineering pertaining to building projects

<i>Service</i>	<i>% charge on cost of project</i>
Electrical	2.0% to 2.5%
Engineering systems	1.5% to 2.0%

3. For standard professional engineering services relating to a description of the works mentioned in the first column of the table in paragraph 4, the proportion of the basic fee relating to the specific item calculated in terms of paragraphs 1 and 2 is normally multiplied by the category factor mentioned against that description in the second column of the table. In case more than one of the descriptions below applies, the effective factor will typically be the product of the factors involved. These factors do not apply when fees are a lump sum or on a time basis.

4. Category factors for electrical engineering pertaining to building projects

<i>Description of the Works</i>	<i>Typical factor by which basic fee is multiplied</i>
Multi-tenant installations	1.25
Alterations to existing works (Only applicable to the fees on the portion or section of works affected)	1.25
Duplication of works (Only applicable to the design portion of the fees on duplicated works)	0.25 to 1.0
For projects where the cost of the works exceeds KES 30,000,000 and where bills of quantities are not required from the professional engineer and all financial, tender and contractual matters are dealt with by the Quantity Surveyor or other parties.	0.75
As above, but bills of quantities for are not required from the professional engineer and all financial, tender and contractual matters are dealt with by the consulting engineer (e.g. lump sum, nominated or selected sub-contracts, etc.)	0.90

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FOURTH SCHEDULE

[r. 26 (6)]

Typical factor for Repetitive Work/Duplication of Works applied in design in buildings including structural, electrical and mechanical engineering services (These factors do not apply to supervision of the works, where full fee will be as per Schedule 1 or time-based)

	Number of units	Factors
1	The first one unit	1.0 per unit
2	The next 4 units	0.6 per unit
3	The next 5 units	0.35 per unit
4	The next 15 units	0.30 per unit
5	The remainder	0.25 per unit

FIFTH SCHEDULE

[r. 27 (1)]

TYPICAL PERCENTAGE CHARGES IN A CONSORTIUM
WHERE ENGINEER IS NOT LEAD CONSULTANT

Typical percentage charges in building projects (in a consortium, where the engineer is not the lead consultant)-This excludes engineering systems such as internal fitouts/fittings, extensive civil works, and large-scale housing estates.

Professional engineering service(s)	Percentage charge on the cost of the project
Civil	1.0 per cent to 1.5 per cent
Structural	3.5 per cent to 4.5 per cent
Electrical	2.0 per cent to 2.5 per cent
Mechanical	2.0 per cent to 2.5 per cent

SIXTH SCHEDULE

[r. 26 (1)]

TYPICAL PERCENTAGE CHARGES IN A CONSORTIUM
WHERE ENGINEER IS LEAD CONSULTANT

Typical percentage charges in projects that are predominantly structural engineering in nature and scope (structural engineer as the lead consultant)

Professional engineering service(s)	Percentage charge on the cost of the project
Structural	7.0 per cent to 10.0 per cent
Civil	2.5 per cent to 3.5 per cent
Electrical	2.0 per cent to 2.5 per cent
Mechanical	2.0 per cent to 2.5 per cent

SEVENTH SCHEDULE

[r. 26 (1)]

PERCENTAGE CHARGES IN MECHANICAL ENGINEERING

Percentage charges in projects that are predominantly mechanical engineering in nature and scope (mechanical/mechatronics as the lead consultant)

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Professional engineering service(s) percentage charge on the cost of the project

Mechanical/mechatronics	7.0 per cent to 10.0 per cent
Structural	2.0 per cent to 2.5 per cent
Electrical/electronics	3.5 per cent to 4.5 per cent
Civil	2.0 per cent to 2.5 per cent

EIGHTH SCHEDULE

[r. 26 (1)]

PERCENTAGE CHARGES IN CIVIL ENGINEERING

Percentage charges in projects that are predominantly civil engineering in nature and scope (civil engineers as the lead consultant)

Professional engineering service(s) Percentage charge on the cost of the project

Civil	7.0 per cent to 10.0 per cent
Structural	2.0 per cent to 3.0 per cent
Electrical	2.0 per cent to 2.5 per cent
Mechanical	2.0 per cent to 2.5 per cent

NINTH SCHEDULE

[r. 26 (1)]

PERCENTAGE CHARGES IN ELECTRICAL ENGINEERING

Percentage charges in projects that are predominantly electrical, electronic and telecommunications engineering in nature and scope (electrical engineer as the lead consultant)

Professional engineering service(s) Percentage charge on the cost of the project

Electrical	7.0 per cent to 10.0 per cent
Structural	2.0 per cent to 2.5 per cent
Civil	2.0 per cent to 2.5 per cent
Mechanical	2.5 per cent to 3.5 per cent

TENTH SCHEDULE

[r.26 (1)]

PERCENTAGE CHARGES IN AGRICULTURAL AND CHEMICAL ENGINEERING

Percentage charges in projects that are predominantly agricultural and chemical engineering in nature and scope (agricultural/chemical engineer as the lead consultant)

Professional engineering service(s) Percentage charge on the cost of the project

Agricultural and chemical	7.0 per cent to 10.0 per cent
Civil and Structural	2.0 per cent to 2.5 per cent
Mechanical	2.5 per cent to 3.5 per cent
Electrical	2.5 per cent to 3.5 per cent

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ELEVENTH SCHEDULE

[r. 27 (1)]

PERCENTAGE CHARGES IN MARINE ENGINEERING

Percentage charges in projects that are predominantly marine engineering in nature and scope (marine engineer as the lead consultant)

Professional engineering service(s)	Percentage charge on the cost of the project
Marine	7.0 per cent to 10.0 per cent
Civil and Structural	2.5 per cent to 3.5 per cent
Mechanical	2.5 per cent to 3.5 per cent
Electrical	2.5 per cent to 3.5 per cent

TWELFTH SCHEDULE

[r. 26 (1)]

PERCENTAGE CHARGES IN MINING ENGINEERING
WHERE MINING ENGINEER IS LEAD CONSULTANT

Percentage charges in projects that are predominantly mining engineering in nature and scope (mining engineer as the lead consultant) Professional engineering service(s)

Professional engineering service(s)	Percentage charge on the cost of the project
Mining	7.0 per cent to 10.0 per cent
Civil and Structural	2.5 per cent to 3.5 per cent
Mechanical	2.5 per cent to 3.5 per cent
Electrical	2.5 per cent to 3.5 per cent

THIRTEENTH SCHEDULE

PERCENTAGE CHARGES IN AEROSPACE ENGINEERING
WHERE AEROSPACE ENGINEER IS LEAD CONSULTANT

Percentage charges in projects that are predominantly aerospace engineering in nature and scope (aerospace engineer as the lead consultant)

Professional engineering service(s)	Percentage charge on the cost of the project
Aerospace	7.0 per cent to 10.0 per cent
Mechanical	2.5 per cent to 3.5 per cent
Civil and Structural	2.5 per cent to 3.5 per cent
Electrical	2.5 per cent to 3.5 per cent

FOURTEENTH SCHEDULE

[r. 28 (1)]

PERCENTAGE CHARGES WITH REGARD TO THE STAGES OF WORK

The minimum fees payable with regard to the stage(s) of work (Applicable for to all engineering disciplines)

Item	Stage of Work	Fee Payable
1	Feasibility and Preliminary Design Stage	30 per cent

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2	Detailed Design Stage	45 per cent
3	Supervision of Construction and/or Installation	25 per cent

FIFTEENTH SCHEDULE

[r. 28 (5)]

The minimum fees payable with regard to the stage(s) of work where the professional engineer is required to design and document but services don't include construction supervision

<i>Item</i>	<i>Stage of Work</i>	<i>Fee Payable (percentage of the cost apportioned to the particular stage)</i>
1	Feasibility and Preliminary Design Stage	60 per cent
2	Detailed Design Stage	40 per cent

SIXTEENTH SCHEDULE

[r. 28 (5)]

MINIMUM CHARGE WHERE ENGINEER REVIEWS WORK

The minimum fees payable with regard to the stage(s) of work where the professional engineer is required to conduct review of the design and documentation but services don't include construction supervision

<i>Item</i>	<i>Stage of Work</i>	<i>Fee Payable (percentage of the cost apportioned to the particular stage)</i>
1	Review of Feasibility and Preliminary Design Stage	40 per cent
2	Review of Detailed Design Stage	60 per cent

SEVENTEENTH SCHEDULE

[r. 29 (3)]

Engineers' Time Charge Minimum Rates

Categories of Engineers/ Positions	Rates in Kshs.		
	Hourly	Daily	Monthly
E1	12,500	75,000	1,250,000
E2	10,500	63,000	1,050,000
E3	8,500	51,000	850,000
E4	7,000	42,000	700,000
E5	4,500	27,000	450,000

EIGHTEENTH SCHEDULE

[r. 20]

Engineering consultancy services and typical deliverables by lead consultants

1. Stage 1 Services

- (a) Facilitate development of a clear project brief;
- (b) Establish the procurement policy for the project;
- (c) Assist the client in the procurement of necessary and appropriate other consultants including the clear definition of their roles and responsibilities;
- (d) Establish in conjunction with the client, other consultants and all relevant authorities, the site characteristics, rights and constraints for the proper design of the intended project;
- (e) Define the consultant's scope of work and services;
- (f) Conclude the terms of the agreement with the client;
- (g) Facilitate a schedule of the required consents and approvals;
- (h) Prepare, co-ordinate and monitor a project initiation programme;
- (i) Facilitate client approval of all Stage 1 documentation.

2. Typical Stage 1 deliverables

- (a) Project brief
- (b) Agreed scope of work
- (c) Agreed services
- (d) Project procurement policy
- (e) Signed agreements
- (f) Integrated schedule of consents and approvals
- (g) Project initiation programme
- (h) Record of all meetings

3. Stage 2 services

- (a) Assist the client in procurement of the other consultants
- (b) Advise the client on the requirement to appoint a health and safety consultant
- (c) Communicate the project brief to the other consultants and monitor the development of the concept and viability
- (d) Agree format and procedures for cost control and reporting by the other consultants
- (e) Prepare a documentation programme and indicative construction programme
- (f) Co-ordinate concept and viability documentation for presentation to the client for approval
- (g) Facilitate approval of the concept and viability by the client
- (h) Facilitate approval of the concept and viability by statutory authorities

4. Typical Stage 2 deliverables

- (a) Signed consultant/client agreements
- (b) Indicative documentation programme and construction programme
- (c) Approval by the client to proceed to Stage 3

5. Stage 3 services

- (a) Agree and implement communication processes and procedures for the design development of the project
- (b) Assist the client in the procurement of the necessary other consultants including the clear definition of their roles and responsibilities

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- (c) Prepare, co-ordinate, agree and monitor a detailed design and documentation program
- (d) Conduct and record consultants' and management meetings
- (e) Facilitate input required by health and safety consultant
- (f) Facilitate design reviews for compliance and cost control
- (g) Facilitate timeous technical co-ordination
- (h) Facilitate client approval of all Stage 3 documentation

6. Typical Stage 3 deliverables

- (a) Additional signed client/consultant agreements
- (b) Documentation programme
- (c) Record of all meetings
- (d) Approval by the client to proceed to Stage 4

7. Stage 4 services

- (a) Recommend and agree procurement strategy for contractors, subcontractors and suppliers with the client and the other consultants
- (b) Prepare and agree the procurement programme
- (c) Advise the client, in conjunction with the other consultants on the appropriate insurances
- (d) Co-ordinate and monitor preparation of procurement documentation by consultants in accordance with the project procurement programme
- (e) Manage procurement process and recommended contractors for approval by the client
- (f) Agree the format and procedures for monitoring and control by the quantity surveyor of the cost of the works
- (g) Co-ordinate and assemble the contract documentation for signature

8. Typical Stage 4 deliverables

- (a) Procurement programme
- (b) Tender/contract conditions
- (c) Record of all meetings
- (d) Obtain approval by the client of tender recommendation(s)
- (e) Contract documentation for signature

9. Stage 5 services

- (a) Arrange site handover to the contractor
- (b) Establish construction documentation issue process
- (c) Agree and monitor issue and distribution of construction documentation
- (d) Instruct the contractor on behalf of the client to appoint subcontractors
- (e) Conduct and record regular site meetings
- (f) Monitor, review and approve the preparation of the construction programme by the contractor
- (g) Regularly monitor performance of the contractor against the construction programme
- (h) Adjudicate entitlements that arise from changes required to the construction programme
- (i) Receive, co-ordinate and monitor approval of all contract documentation provided by contractor(s)
- (j) Agree quality assurance procedures and monitor implementation thereof by the other consultants and the contractors

- (k) Monitor preparation and auditing of the contractor's health and safety plan and approval thereof by the health and safety consultant
- (l) Monitor preparation of the environmental management plan by the environmental consultant
- (m) Establish procedures for monitoring scope and cost variations
- (n) Monitor, review, approve and issue certificates
- (o) Receive, review and adjudicate any contractual claims
- (p) Monitor preparation of financial control reports by the other consultants
- (q) Prepare and submit progress reports
- (r) Coordinate, monitor and issue practical completion lists and the certificate of practical completion
- (s) Facilitate and expedite receipt of the occupation certificate where relevant

10. Typical stage 5 deliverables

- (a) Signed contracts
- (b) Approved construction programme
- (c) Construction documentation
- (d) Payment certificates
- (e) Progress reports
- (f) Record of meetings
- (g) Certificate(s) of practical completion

11. Stage 6 services

- (a) Co-ordinate and monitor rectification of defects
- (b) Manage procurement of operations and maintenance manuals, guarantees and warranties
- (c) Manage preparation of as-built drawings and documentation
- (d) Manage procurement of outstanding statutory certificates
- (e) Monitor, review and issue payment certificates
- (f) Issue completion certificates
- (g) Manage agreement of final account(s)
- (h) Prepare and present the project close-out report

12. Typical stage 6 deliverables

- (a) Completion certificates
- (b) Record of necessary meetings
- (c) Project close-out report

NINETEENTH SCHEDULE

[r.22]

Appointment of professional engineer as the principal agent of the client.

1. Stage 3 services

- (a) Prepare, co-ordinate, agree and monitor a detailed design and documentation programme
- (b) Assisting with or participating in contemplated or actual mediation, arbitration or litigation proceedings.

2. Stage 3 deliverables

- (a) Detailed design and documentation programme

[Subsidiary]

3. Stage 4 services

- (a) Recommend and agree procurement strategy for contractors, subcontractors and suppliers with the client and the other consultants
- (b) Prepare and agree the procurement programme
- (c) Advise the client, in conjunction with the other consultants on the appropriate insurances
- (d) Manage procurement process and recommended contractors for approval by the client
- (e) Agree the format and procedures for monitoring and control by the quantity surveyor of the cost of the works
- (f) Co-ordinate and assemble the contract documentation for signature

4. Stage 4 deliverables

- (a) Procurement programme
- (b) Tender/contract conditions
- (c) Contract documentation for signature

5. Stage 5 services

- (a) Arrange site handover to the contractor
- (b) Establish construction documentation issue process
- (c) Agree and monitor issue and distribution of construction documentation
- (d) Instruct the contractor on behalf of the client to appoint subcontractors
- (e) Conduct and record regular site meetings
- (f) Monitor, review and approve the preparation of the construction programme by the contractor
- (g) Regularly monitor performance of the contractor against the construction programme
- (h) Adjudicate entitlements that arise from changes required to the construction programme
- (i) Receive, co-ordinate and monitor approval of all contract documentation provided by contractor(s)
- (j) Agree quality assurance procedures and monitor implementation thereof by the other consultants and the contractors
- (k) Monitor preparation and auditing of the contractor's health and safety plan and approval thereof by the health and safety consultant
- (l) Monitor preparation of the environmental management plan by the environmental consultant
- (m) Establish procedures for monitoring scope and cost variations
- (n) Monitor, review, approve and issue certificates
- (o) Receive, review and adjudicate any contractual claims
- (p) Monitor preparation of financial control reports by the other consultants
- (q) Prepare and submit progress reports
- (r) Coordinate, monitor and issue practical completion lists and the certificate of practical completion

6. Stage 5 deliverables

- (a) Signed contracts
- (b) Approved construction programme
- (c) Construction documentation
- (d) Payment certificates

- (e) Progress reports
- (f) Record of meetings

7. Stage 6 services

- (a) Co-ordinate and monitor rectification of defects
- (b) Manage procurement of operations and maintenance manuals, guarantees and warranties
- (c) Manage preparation of as-built drawings and documentation
- (d) Manage procurement of outstanding statutory certificates
- (e) Monitor, review and issue payment certificates
- (f) Issue completion certificates
- (g) Manage agreement of final account(s)
- (h) Prepare and present the project close-out report

8. Stage 6 deliverables

- (a) Completion certificates
- (b) Record of necessary meetings
- (c) Project close-out report

TWENTIETH SCHEDULE

[r. 29 (2)]

Categories of engineers for which time-based fees shall apply

1. E1 – Specialist Registered as a Consulting Engineer with the Board

- (a) A recognised authority or top practitioner in a field of major importance
- (b) Exercises general authority over a group of highly qualified professionals engaged in complex engineering applications.

2. E2 – Principal Registered as a Consulting Engineer with the Board

- (a) A partner, sole proprietor, a director or a member who jointly or with other partners bears the risks of the business
- (b) Provides strategic guidance in planning and executing a project and has authority over several related professional groups in different fields

3. E3 – Senior Engineer Registered with the Board as a professional engineer or consulting engineer

- (a) Has adequate expertise and relevant experience performing work of engineering nature (at least 5 years as a registered professional engineer)
- (b) Successfully managed large projects, responsible for a large site team. Has demonstrated that they can successfully manage a team.

4. E4 – Engineer Registered with the Board as a professional engineer

- (a) Demonstrate that they are able to take responsibility for project work with limited/minimal supervision
- (b) Demonstrate that they have been responsible for varied engineering assignments of limited scope and complexity including project managers or resident engineers of a small project or responsible for a section in a larger project.

5. E5 – Graduate Engineer University graduate registered with the Board as a graduate engineer

[Subsidiary]

TWENTY-FIRST SCHEDULE

[r. 28]

Engineering Disciplines

1. Aerospace engineering services

Design, development, testing and production of aircraft and space crafts and related systems including—

- (a) aeronautical engineering services which deal with the development of systems and products relating to aircraft that operate within Earth's atmosphere; and
- (b) astronautical engineering services which deal with the design, development, and deployment of objects in space.

2. Agricultural engineering services

Design, construction and improvement of farming equipment, machinery and systems including soil management, erosion control, farm drainage, water supply and irrigation, processing technology and value addition to food and animal products.

3. Biomedical or medical engineering services

Application of engineering principles and design concepts to medicine and biology for healthcare purposes including diagnosis, monitoring and therapy.

4. Chemical engineering services

Design and development of processes to produce, transform and transport products from raw materials into useful and beneficial products.

5. Civil and structural engineering services

Design, construction, supervision and maintenance of the physical and naturally-built environment including public works which are categorized as civil engineering works, water engineering works, structural engineering services using reinforced concrete and structural steel works, and structural engineering services for structural building works.

6. Electrical, electronic and telecommunication engineering services

- (a) Electrical engineering services: Design, installation supervision and maintenance of electrical control systems, machinery and equipment. These include high voltage (HV), medium voltage (MV), low voltage (LV), extra-low voltage (ELV) systems and related reticulation and accessories.
- (b) Electronic and telecommunications engineering services: Design, installation supervision and maintenance of electronic, telecommunications, radio communications and Information Communication & Telecommunication (ICT) systems and detailing the terminations, signals and interconnections of the electronic components as distinct from conventional High Voltage (HV), Medium Voltage (MV) and Low Voltage (LV) systems and related reticulation;

7. Marine engineering services

Design, development, operation and maintenance of watercraft propulsion and on-board systems or structures including boats, ships, submarines, off-shore platforms and drilling equipment, and oceanographic technologies.

8. Mechanical engineering services

Design, construction, installation and maintenance of plants, equipment and systems and may be classified as general mechanical engineering services; and mechanical engineering building services.

9. Mechatronics engineering services

Efficient and effective integration of precision mechanical and electrical engineering systems, electronic control, information systems (computer science) for the design and production of intelligent or smart products, processes and systems.

10. Mining engineering services

Extraction of minerals from underneath, above or on the ground;
