ENGINEERS BOARD OF KENYA

Enhancing Professionalism

GUIDELINES FOR THE USE OF THE PROFESSIONAL ENGINEER'S STAMP

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Note:

The Guidelines for the Use of the Professional Engineer's Stamp has been developed with reference and extracts from other jurisdictions notably;

1. Quality Management Guidelines Use of Seal-British Columbia
2. Use of Professional Engineer's Seal-Ontario, Canada
3. Guideline for Use of Professional Seal-New Brunswick
4. Authentication of Documents Use of Professional Seals-Saskatchewan, Canada
5. The Professional Engineers Registration (Professional Engineers' Seals) Regulations, 2006-Jamaica
6. Proper Use of the PE Seal in Maine- Maine
7. The Engineers Registration Regulations, 2009-Tanzania

Definitions

In these Guidelines, unless the context otherwise requires

"Act" means the Engineers Act, 2011

"Approval" means a formal way of verifying correctness of engineering documents

"As-built drawings" means—

a) drawings, prepared by the contractor for approval by the professional engineer, which clearly show 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 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;

"Board" means the Engineers Board of Kenya established under section 3 of the Act.

"Certification" means affixing of the professional stamp, signature and date.

"Employer" means any person, public body, firm, corporation or company who or which has entered into a contract of service to employ a professional engineer

"Engineering documents" means a work product that expresses engineering work, typically as a result of an analysis as design process, such as engineering drawings, specifications, designs, design calculations, reports, opinions, judgement and certifications;

"Engineering drawings" means the type of technical drawings used to define the requirements for engineering products, artefacts, or processes. They describe specifications in line with acceptable standards. They include; preliminary and detailed design drawings, working and installation drawings, and instructions.

“For the record documents” means documents which describe the completed engineering work and include manuals and specifications

"Licence" means an annual practising licence issued under section 32 of the Act or a licence issued in another country and is recognized in Kenya;

"Professional engineer" means a person registered as such under section 16 of the Act;

"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;

“Project” means the project of which the works form a part;

“Public” means consumers of the professional engineering services and works;

"Register" means the Register of registered persons and firms kept by the Registrar in accordance with section 27 of the Act;

“Relevant authority” means the Engineers Board of Kenya, National Construction Authority, Institution of Engineers of Kenya, Kenya Bureau of Standards, or any other institution or agency recognized by law.

“Retention” means to store certified documents so that they can be found later on request, without having been altered.

“Rules” means the Engineers Rules, 2019

“Stamp” When used as a noun, it refers to a rubber stamp issued by the Board. When used as a verb, it refers to the application of the professional stamp, signature and date by the professional engineer to whom the stamp has been issued to by the Board.

“Unauthorized” means without authority or permission.

“Unauthorized use” means any use other than the one for which the professional engineer explicitly affixed his/her stamp to the document.

“Verify” means a formal way of examining the correctness of an engineering document against the set standards.

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

1.0 The Engineers Board of Kenya

1.1 Mandate

The Engineers Board of Kenya is a statutory body established under Section 3 (1) of the Engineers Act, 2011. The Board is responsible for the registration of engineers and engineering consulting firms, regulation of engineering professional services, setting of standards, development, and the general practice of engineering in Kenya.

1.2 Legal Basis

Rule 10(4-8) of the Engineers Rules 2019 states as follows: -

(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.

2.0 Introduction

The Engineers Board of Kenya has exclusive authority and mandate to establish guidelines for the use of the professional engineers' stamp.

The emphasis in these guidelines is on the use of stamps to indicate professional responsibility for engineering documents. It is intended that formal confirmation of responsibility be a key step in the quality control procedures for any person authorized to offer professional engineering services.

The basic purpose of the stamps is to identify and/or verify engineering documents which have been prepared by and/or involving work that has been performed by, or under the supervision of, a professional engineer.

Signing and stamping of an engineering document by a professional engineer certifies that the professional engineering services rendered have been completely, adequately and/or reliably performed.

3.0 Purpose of the Guidelines

The purpose of this guideline is to provide professional engineers with guidelines for the proper use of the stamp. The stamp is the distinctive mark of the profession and an indication to recipients and users of engineering documents that the content of the engineering documents was prepared by or under the supervision of a professional engineer.

By affixing the stamp, the professional engineer assumes responsibility and is answerable for the quality of the work presented therein.

Proper use of the stamp is essential, not only for complying with the Engineers Act, 2011 and the Engineers Rules 2019, but also for assuring the public that the stamp represents the profession's commitment to set standards.

The procedures outlined in these guidelines are intended to make professional engineers aware of the level of diligence that is commensurate with the level of responsibility expected of them.

Use of the stamp should be done only after the professional engineer has evaluated and accepted the responsibility that he/she is assuming.

4.0 Recommended Procedures for Use of the Stamp

4.1 Purpose of the Stamp

The stamp constitutes the distinctive mark of a professional engineer and must be used to identify all work prepared and signed by a professional engineer, or under his/her direct supervision as part of professional engineering services offered to the consumer.

It gives assurance that the work meets the standards of professionalism expected of a professional engineer who takes responsibility for their judgments and decisions based on their knowledge, skills and ethical conduct.

Affixing a stamp to an engineering document is a statement by a professional engineer to the intended recipient and/or consumer of the engineering document that it can rely upon the contents of the engineering document.

However, the stamp is not and should not be considered a certification mark or warranty of correctness but a 'mark of reliance', that the opinions, judgments, or designs in the engineering documents are held to high standards of knowledge, skill and ethical conduct.

4.2 Custody and Control of the Stamp

A professional engineer must always retain full control over the use of the stamp and such authority shall not be delegated.

The stamp remains the property of the Board and is to be returned upon request.

4.2.1 Withdrawal of the Stamp

A professional engineer whose name has been removed from the register, whose registration has been suspended, or whose license has been cancelled or suspended shall surrender the stamp to the Board forthwith on his/her being informed of the removal, cancellation or suspension.

In the event of the demise of a professional engineer his/her stamp shall be invalidated.

4.2.2 Loss of the Stamp

If the stamp is lost or stolen, the professional engineer should notify the Board immediately.

Replacement of stamps shall be done at a fee prescribed by the Board.

4.3 Procedures for Use of the Stamp

The use of the stamps is governed by Rule 10 (4), (5) & (6) of the Engineers Rules 2019 which state as follows:

(4) The Board shall issue an official rubber stamp to every professional & 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.

Use of the stamp gives either or all of the following assurances to the consumers of professional engineering services: -

a) Authorship – signing and stamping identifies the engineering documents created by or under the supervision of a professional engineer.
b) Responsibility – signing and stamping establishes that the professional engineer identified by the stamp assumes professional responsibility for the contents of the engineering document or the portion of the contents of the document he/she prepared and acknowledges that he/she can be held accountable for those contents;
c) Reliance – by signing and stamping an engineering document a professional engineer attests to the fact that consumers of professional engineering services can rely on the designs, decisions, opinions, judgments or other professional statements expressed therein.

The stamp used on a document is the impression of the rubber stamp issued by the Board to all professional engineers. The stamp must be clear and legible when applied to the document.

4.3.1 What to Stamp

Professional engineers must stamp all final engineering documents that are within the practice of professional engineering services. Affixing the stamp to a document does not turn it into something that is "within the practice of professional engineering".

A professional engineers stamp shall be used to stamp the following documents: -

- Final engineering drawings, specifications, estimates, design calculations, plans, designs, reports, notes and manuals;
- Engineering site instructions, sketches, documents and plans attached to a main contract;
- Reports conveying an opinion on an engineering subject, including an interim or preliminary report;
- Studies containing technical information or engineering direction; and
- Final design drawings setting out layout and details, final estimates of quantities and final engineering certificates.

4.3.2 What not to stamp

A professional engineers stamp shall not be used to stamp:

- Draft plans
- Draft specifications
- Draft reports
- Other preparatory documents, unless so required by law
- Permit applications
- Documents relating to engineering works for which a professional engineer was not involved, either directly or in a supervisory capacity.
- "As built" drawings; and
- "For the record" documents.

4.3.3 Manner of Stamping

A professional engineer's stamp shall be:

a) Conspicuously affixed to an engineering document and signed and dated;
b) Positioned –
   i) In the case of design drawings, in the allotted space on the plan;
   ii) In the case of specifications, on the first page or cover sheet of the section to be certified;
   iii) In the case of reports, next to the title of the author or the signature on the report, wherever the signature appears; and
   iv) In the case of other engineering documents, in a conspicuous place on the engineering document
c) Affixed where a project covers a single category of engineering, by the professional engineer who has technical responsibility thereof;
d) Affixed by each of the respective professional engineers where a project involves more than one category of engineering and they shall state in bold capital letters the discipline for which he/she is signing.

4.4 Stamping Fees

Stamping of engineering documents is an integral part of the role of a professional engineer and cannot be considered an additional service. No fee shall be charged for affixing the stamp to engineering documents prepared by the professional engineer during the course of employment or as part of professional engineering services provided to consumers.

5.0 Management of Engineering Documents

5.1 Document Approval

Engineering documents should be issued for use as the final step in a document approval process, requiring the approving professional engineer to stamp the documents, only after verifying it, for accuracy and completeness.

5.2 Control of Stamped Documents

Organizations which have professional engineers in their employ should implement document management processes that prevent the possibility of:

- Altering stamped documents without the knowledge of the author;
- Unauthorized removal, duplication and/or use of the stamp; and
- Unauthorized use of the document.

To provide this protection, the document management process should incorporate the following.

a) Procedures that ensure all engineering documents have been prepared by or under the supervision of a professional engineer;
b) A stamping procedure to ensure that all engineering documents are signed and stamped by the professional engineer taking responsibility for the work, before any documents are issued to the public;
c) Procedures that ensure data integrity by prohibiting unauthorized and/or undocumented changes;
d) Procedures to identify unauthorized copies of the final documents and to prevent their being stamped;
e) Procedures to ensure that all engineering documents that are not final should be marked as superseded and/or destroyed;
f) Records' retention procedure to ensure that the records to be retained as selected by the professional engineer responsible for stamping the documents.
g) Establish document retention period; and
h) Protection of records against loss or inadvertent destruction.

5.3 Electronic Transmission of Engineering Documents

When transmitting engineering documents electronically, steps must be taken to ensure the integrity of the documents and authenticating marks (stamps and signatures). Engineering document(s) that are to be transmitted electronically shall be printed, signed and dated and the stamp affixed to the original document which shall then be scanned before issuing electronically.

Document originators must also be able to provide a paper copy of the electronically transmitted documents to the document recipients for purposes of authentication of the validity of the transmitted documents.

5.4 Retention of Engineering Documents

The Engineers Act, 2011 does not require that engineers retain engineering documents for a set period.

The Board will develop practice notes prescribing the period for retention of engineering documents. In the meantime, retention of engineering documents is to be done at the discretion of the engineer, employer, or client and/or as informed by the contract.

All stamped hard copies and electronic format documents must be stored in a manner that prevents unauthorized use of the engineering documents and/or professional engineers' stamp. Unauthorized use is defined as any use other than the one for which the professional engineer explicitly affixed his/her stamp to the document.

Though all documents and the contents created by an employee professional engineer should remain the property of the employer, no stamped engineering document should be used without the permission of the professional engineer who stamped it except for the purpose for which it was created.

6.0 Professional Responsibility and Liability

6.1 Professional Responsibility

Professional responsibility refers to the professional engineer's obligation to conduct themselves in accordance with the technical, legal, and ethical standards of the profession. The stamp is an indication of who is taking professional responsibility for the content of an engineering document. By affixing the stamp a professional engineer agrees to take responsibility and to be accountable to the Board for any deficiency of skill, knowledge, advice, opinion or judgement found in his/her work.

The use of the stamp is not optional and failing to stamp an engineering document is a violation of the Engineers Rules 2019.

6.2 Professional Liability

Failure to comply with the Engineers Act, 2011, Engineers Rules 2019 and these Guidelines regarding the stamping of engineering documents is an offense and shall lead to disciplinary action by the Board which may include, but not limited to, the removal from the Register.

7.0 Penalty for Misuse of the Stamp

A person who misuses the stamp commits an offence under the Engineers Act 2011 and is liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term not exceeding two years, or both as provided under the General penalty clause in section 57 of the Act.