



**STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY
OFFICE OF THE PROFESSIONS**

89 Washington Avenue, Albany, NY 12234

Thursday September 12, 2024 – 9:30a to 12:30p

OPEN SESSION AGENDA

CALL TO ORDER

INTRODUCTIONS

NYSED OPD DISCUSSION ON FEE-SPLITTING AND PROFIT SHARING

APPROVAL OF JUNE 13, 2024 MEETING MINUTES

CHAIR / VICE-CHAIR REPORTS

EXECUTIVE SECRETARY REPORT

- **Board Office Report**
- **NCEES Annual Meeting**
- **Public Member Vacancy**

COMMITTEE CHAIR REPORTS & BUSINESS

- **Professional Engineering**
- **Land Surveying**
 - **1/22-1/24: NYSAPLS Conference Ethics & Application Prep Presentations**
 - **9/13-9/14: Land Survey NYS Exam Prep Course.**
- **Geology**
 - **11/12: NYSCPG Ethics Presentation – Geology Days**
- **Access & Outreach to the Professions**
 - **9/28/24 - 12p - Ethics Presentation – NYSSPE**
 - **10/2/24 – 12p - PE Application Prep Presentation – NYSSPE**
- **Education**
 - **Education Proposal Reviews**
- **Legislation**
- **Project Delivery Methods**

CONTINUING BUSINESS

- **Practice Guidelines & FAQ Review**
- **NYS Land Survey Exam**

NEW BUSINESS

- **2025 Chair and Vice-Chair Nominations**
- **2025 Board Meeting Dates**
- **2025 Events and Outreach**
 - **NEGSA – 3/27-3/30**
 - **E-Week – 2/13-2/14**
 - **NYCDOB**
 - **Future Cities**
- **NCEES Mutual Recognition Agreement**
- **Application Forms**
- **Design Build Review**

ADJOURNMENT

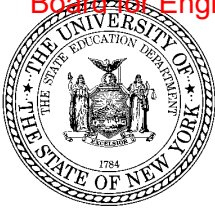
Next meeting Thursday December 5th – 9:30a

Rules of the Board of Regents
General Provisions for Design Professionals

Section 29.3(a)(6):

"Unprofessional conduct shall also include, in the professions of architecture and landscape architecture, engineering, land surveying and geology:

permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, subcontractor or consultant. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment, or personnel services used by a professional licensee constitutes a percentage of or is otherwise dependent upon the income or receipts of the licensee from such practice. This provision shall apply in lieu of Section 29.1(b)(4) of this Part;"



**STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY
OFFICE OF THE PROFESSIONS**

89 Washington Avenue, Albany, NY 12234

June 13, 2024 - 9:30 A.M.

OPEN SESSION MINUTES

Primary Board Members Present:

- M. Noviello, P.E., L.S. (Chair)
- J. Martin, P.E. (Vice Chair)
- D. D'Angelo, P.E., arrived at 9:33 A.M.
- P. VanHaverbeke, L.S.
- L. Woods, P.E.
- A. Friedman, P.T.
- W. Kelly, P.G.
- J. Patota, P.G., left at 1:05 P.M.
- T. Mitchell, P.E., left at 11:29 A.M., returned at 11:34 A.M.
- R. Nogle, P.E.
- R. Watt, P.G.
- J. Janora, P.G.
- G. Marcus, P.E.
- F. Flanagan, L.S.
- S. Alampalli, P.E., arrived at 9:38 A.M.
- R. Frandina, P.E., L.S.
- D. Franz, P.G.
- B. Holbitter, L.S., left at 11:08 A.M., returned at 11:11 A.M.

Extended Board Members Present:

- None

Primary Board Members Absent:

- S. Porter, L.S.
- M. Rygel, P.G.

Department Personnel:

- E. Greppo, P.E. – Executive Secretary (ES)
- K. Fitzgerald – Associate in Professional Education
- J. O'Brien – Education Program Assistant II, attended 9:35 A.M. to 9:55 A.M.

Visitors:

- Mark Kriss – NYSSPE
- Emily Whalen – NYSAPLS, left at 12:02 P.M.

- John Nadeau – NYSCPG
- Campbell Wallace – NYSCPG
- Kate Knight – Catalyst Government Relations, representing Rochester Institute of Technology, arrived at 10:11 A.M., left at 1:00 P.M.

1. Call to Order – Open Session

Chair Noviello called the Open Session to order at 9:31 A.M.

2. Introductions

Board members, department staff, and guests provided brief introductions.

3. Meeting Minutes

The Open Session meeting minutes from the March 7, 2024 Board meeting were reviewed.

Motion – Mitchell/Kelly: Approve March 7, 2024 meeting minutes.
PASSED UNANIMOUSLY.

4. Chair and Vice Chair Reports

Chair Noviello reminded, for LS Chair and general Board awareness, that surveyors must verify boundaries as part of revising, updating, or altering existing surveys, a visual inspection alone is not sufficient. Section 29.3(a)(9) of the Rules of the Board of Regents was referenced as it pertains to this requirement.

Chair Noviello mentioned that at the NYSSPE Summer meeting, which he attended, the topic of a reputed agreement between DEC and NYSED related to onsite project inspections was discussed. The ES will review and involve the PE Committee as necessary if follow-up is required.

Observations were mentioned of planning boards reputedly accepting geologic reports and/or testimony from non-PGs. ES will review and will engage PG committee, as appropriate.

*ES Note: Requests for professional misconduct or practice investigations should be made directly to NYSED OPD

Vice Chair Martin deferred commentary to committee reports.

5. Executive Secretary Report

A certificate of appreciation was awarded to Board Member Friedman for her 5-year tenure as the Board's Public Member. Her previous service to NYSED, including within the Board Office, was also acknowledged. Several Board Members also shared their gratitude. This is Member Friedman's final board meeting before her term expires in September 2024.

Extended Member Joe Pasaturo, PE has returned to active status on the Board. His current extended term runs until 9/30/2026.

On March 20, 2024, a new B.E. in Chemical Engineering was registered and approved by the Department. The program will be offered at Lebanese American University.

On April 12, 2024, format and curricular changes for the B.S. in Surveying and Geomatics Engineering Technology were approved by the Department. This program is offered at Alfred State College (SUNY College of Technology).

The Northeast NCEES Zone Meeting was held May 2-4, 2024, in Washington, D.C. The ES, along with Members Holbitter and Nogle attended. At the meeting, among other things, the zone membership approved a motion to create a committee to study engineering technology for inclusion in model law as a pathway to licensure.

The NCEES Annual meeting will be held August 14-17 in Chicago:

- Participants will include the ES, Chair Noviello, Vice-Chair Martin & members Nogle, Marcus, Alampalli and VanHaverbeke. A NYSED law enforcement representative is also expected to attend the law enforcement program portion of the meeting. Attendance for all participants is fully funded by NCEES.
- All informational materials for the 2024 annual meeting motions full committee report are expected to be available from NCEES by July 1. ES will circulate to the board membership once available. A joint PE/LS committee meeting for will be scheduled for July to review annual meeting motions.
- A mutual recognition agreement is expected to be signed by NCEES and the UK Engineering Council at the annual meeting. The Board may be asked to study the agreement and provide technical comments at a later date.

The biannual 'New Board Member' Office of Professional Discipline training will be offered in a live virtual format on 6/20/2024. Any Board Members may reach out to the ES if they would like to attend as a refresher.

ES provided a reminder that the so-called 'all experience pathway' for licensure ended as of 4/6/2024. The full fee and Form 1 must have been on file by midnight 4/6/2024 for an applicant to preserve this former licensure pathway.

The Employee Stock Ownership Plan (ESOP) law change goes into effect on July 22nd. The statute will adjust the allowances of ESOPs in design professional corporations. An advisory notice and guidance materials/form updates will be published by the Department by that date. The Board Office will also directly notify stakeholder associations (such as ACEC) at that time.

The Board Office will explore ways to enhance outreach to applicants on matters of licensure and professional practice, as it pertains to NYSED's authority.

6. Professional Engineering (PE) Committee Report

Chair Martin stated that there are 96 P.E. exam and endorsement applications in queue. New Board members have been trained in application reviews and are encouraged to reach out with any questions that may arise. There are currently over 33,000 registered Professional Engineers in New York.

The ES shared that two P.E. lunchtime seminars are expected to be held this fall and hosted by NYSSPE. An Ethics Presentation Seminar will be held on September 25th and a PE Application

Preparation Seminar will be held on October 2nd. Information on both will soon be shared with the Board for their feedback and comments.

7. Land Surveying (LS) Committee Report

Chair Holbritten shared that the committee met on 4/2, 4/0, 4/23 & 5/13. Meeting topics included setting the exam pass point and working on several exam challenges.

There were some subject areas that were noted as poorly performing; this information has been shared with NYSAPLS to inform their examination preparation course.

Several application review training sessions were held for new LS Board members.

ES communicated that the LS committee is meeting on June 24th to select items for the Fall 2024 NYS-specific exam. The ES is in early conversations with NYSAPLS related to NYSED practice guidelines and NYSAPLS MTS.

8. Professional Geology (PG) Committee Report

Chair Patota noted that the committee has been meeting regularly (3/28, 4/18, 4/25, 5/9, 5/23) on various topics related to the regulated practice of geology in NYS and for onboarding the newer PG membership. She mentioned that the regulated practice is diverse nationally. Even though the principles are the generally similar, geographic differences matter insofar as public protection.

Outreach to agencies (e.g. DOT) may be coordinated as well as a presentation at Engineer Week, with a focus on the differing authority between Professional Engineers and Professional Geologists.

The Board will present on practice ethics during Geology Days (November 11 – November 13, 2024), specific to the regulated practice and the standard of care of professional geology in NYS.

Members Franzi and Kelly reported on their attendance at The Geological Society of America's 2024 Northeastern Section Meeting in Manchester, NH, from March 17-19, 2024. Many of the 1,000+ attendees were students, faculty, and consultants. A booth was maintained with information on PG licensure in NYS, a video slide show, as well as handouts from NYSED, NYSCPG and ASBOG. Over 70 students left their contact information at the booth and have been provided licensure information from the Board office since the meeting.

ES shared that he and Member Kelly presented a license application process online seminar to DEC on May 15, 2024 hosted by NYSCPG. Over 300 people attended the 2-hr seminar and Q&A session. The International Council on Regulation (ICOR) Consortium is developing guidelines on practice overlap. ICOR is made up of NCEES, NCARB, CLARB & CIDQ. ES will reach out to ICOR representation to inquire about professional geology practice overlap. ABSOG is not currently an ICOR member.

9. Access & Outreach to the Professions Committee Report

Chair Woods referenced the outreach presentation mentioned in the geology committee report.

The committee continues to revise and refresh a STEM presentation that is intended to assist in high school outreach. Once finished, it will be distributed to the Board for review and comments.

Joint online seminars with NYSSPE will be held this fall as noted in the PE committee report.

10. Education Committee Report

Chair Mitchell stated that discussion regarding several ongoing and new education program proposals will be covered in Executive Session. A committee meeting will be held before the next Board meeting to discuss the Education Review process, procedures, and onboard new committee members. ES added that a joint LS and Education committee meeting was held on March 28, 2024.

11. Legislation Committee Report

Chair Martin commented that the current NYS legislative session has ended. The committee is tracking various bills in varying stages of the legislative process. These bills in-part include legislation involving engineering technology licensure requirements, permitting certain not-for-profit corporations engaged in engineering for certain conservation efforts to do business or provide professional engineering, land surveying, and the so-called professional geology 'ladder bill,' which proposes, among other things, to sunset the existing all-experience pathway.

12. Project Delivery Methods Committee Report

Chair D'Angelo reported that the committee will continue monitoring Qualifications Based Selection (QBS), progressive design build (MTA, NYC), and other design-build matters.

13. Continuing Business

The NCEES Annual Meeting was discussed within the Executive Secretary's Report.

14. New Business

ES provided time for association representatives to provide comments. E. Whalen noted that NYSAPLS Young Professionals Committee representative would like to meet with the LS Committee to gather information to be used as a peer resource. ES will reach out and attempt to integrate into a future committee meeting.

Guest M. Kriss shared that S9849/A10543 (relates to authorizing the use of certain alternative project delivery methods) passed both houses. ES will follow-up with project delivery methods Chair D'Angelo to review.

Guest C. Wallace provided context that professional geology would not have been included in bills introduced before geology became a regulated profession (such as a bill involving implementation of a statute of repose). In such cases, amendments may be requested to include geology.

A9936/S9455 - Geology "Ladder Bill" Technical Review Comment Solicitation

The Board was solicited for technical review comments on two-house bill A9936/S9455.

ES shared that A9936/S9455 is currently in both Senate and Assembly Higher Education Committees. Bill proposes to sunset the 12-year all-experience pathway. The "Intern Geologist"

title (gained after passing the fundamentals exam) would also be adjusted to “Geologist in Training,” which is more aligned with national terminology.

The Board discussed the bill and provided comments for internal NYSED review.

The following context was provided during the discussion of comments:

- All other jurisdictions in the US regulating Geology as a licensed profession (approximately 32) require a bachelor’s degree or higher in Geological Sciences.
- The 12-year experience pathway was reputedly adopted from the PE regulations in page at the time PG licensure bill was developed.
- When geology became a regulated profession, there was a concern for access to the profession for existing practitioners.
- Clarification of the bill language was requested related to the following:
 - “...each full year of study in geology deemed satisfactory to the department may, at the discretion of the board, be accepted in lieu of up to two years of the required twelve years of experience.”

S1049/A5051 - Engineering Technology (ET) Bill Technical Review Comment Solicitation

The Board was solicited for technical review comments on two-house bill S1049/A5051.

ES shared that the bill proposes, among other things, to make equal the licensure requirements for engineering and engineering technology bachelor program graduates from ABET accredited institutions. Currently engineering and engineering technology program graduates must demonstrate to the Board four (4) and six (6) years, respectively, of qualifying engineering experience.

ES shared that the bill is currently in both Senate and Assembly Higher Education Committees. There was a ‘lobby day’ in Albany on May 7th where several schools were in Albany to meet with the legislature and NYSED to express their support of the bill.

The Board discussed the bill and provided comments for internal NYSED review. While various opinions were posed, the Board voiced many concerns regarding the intentions of the bill that will require further discussion.

The following additional context was provided during the discussion of comments:

Guest M. Kriss commented that a formal position has not been reached at NYSSPE. The association may defer to NYSED to guide their position.

Guest K. Knight noted the following:

- R.I.T. offers both engineering and ET programs.
- ET is an option, in part, for students who did not have access to calculus in high school and may not otherwise qualify for a traditional engineering program.
- There are 10 post-secondary institutions in NYS with ET programs that are working in concert in support of the bill.
- If legislation is passed, the Board will still review applications to against the regulatory criteria and approving qualifying experience.
- ET curricula are generally known as applied and practical, whereas engineering curricula are more theoretical.

- Both engineering and ET programs are ABET-accredited and prepare the graduate for licensure, but in different ways.

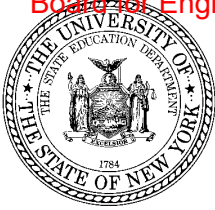
15. Resolution for Executive Session and Adjournment

Motion – Nogle/Martin: Move to break for ten (10) minutes at 1:07 P.M. and reconvene thereafter for Executive Session.

PASSED UNANIMOUSLY.

Respectfully Submitted,

Eric Greppo, PE
Executive Secretary



**STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY
OFFICE OF THE PROFESSIONS**

89 Washington Avenue, Albany, NY 12234

June 13, 2024

~following open session~

EXECUTIVE SESSION MINUTES

Primary Board Members Present:

- M. Noviello, P.E., L.S. (Chair)
- J. Martin, P.E. (Vice Chair)
- D. D'Angelo, P.E.
- P. VanHaverbeke, L.S.
- L. Woods, P.E.
- A. Friedman, P.T., arrived at 1:25 P.M.
- W. Kelly, P.G.
- J. Patota, P.G.
- T. Mitchell, P.E.
- R. Nogle, P.E.
- R. Watt, P.G., arrived at 1:18 P.M.
- J. Janora, P.G.
- G. Marcus, P.E.
- F. Flanagan, L.S.
- S. Alampalli, P.E.
- R. Frandina, P.E., L.S.
- D. Franz, P.G.
- B. Holbritter, L.S., arrived at 1:18 P.M.

Extended Board Members Present:

- None

Primary Board Members Absent:

- S. Porter, L.S.
- M. Rygel, P.G.

Department Personnel:

- E. Greppo, P.E. – Executive Secretary (ES)
- K. Fitzgerald – Associate in Professional Education

1. Call to Order – Executive Session

Chair Noviello called the Executive Session to order at 1:17 P.M.

2. Meeting Minutes

The Executive Session meeting minutes from the March 7, 2024 Board meeting were reviewed.

Motion – Mitchell/Martin: Approve March 7, 2024 meeting minutes.
PASSED UNANIMOUSLY.

3. Education Proposal Reviews

Education Committee Chair Mitchell addressed several outstanding education program proposals. ES clarified that comment responses are pending from the respective post-secondary institutions except for one which is currently Board committee review.

An Education Committee meeting will be scheduled and held before the next Board meeting to detail the education review processes related to the scope of review, along with general procedures. The existing comment form will be reviewed and updated as appropriate during this meeting. New committee members are required to attend. Any interested Board Members are encouraged to attend.

4. Continuing Business

New York State specific land surveying exam subject areas that have been poorly performing are under internal review. The Board will utilize this information to inform the exam preparatory course offered through NYSAPLS.

NYSAPLS is holding an exam review workshop September 12 – 13, 2024. ES asked that LS committee members coordinate to cover attendance at workshop in an auditing/observational function.

5. Waiver Requests

Two (2) waiver requests of the NCEES FE examination were reviewed by the Board considering each applicant's licensure qualifying criteria.

Motion – Mitchell/Marcus: Grant FE waiver to Applicant 1.
PASSED UNANIMOUSLY.

Motion – Martin/Kelly: Grant FE waiver to Applicant 2.
PASSED UNANIMOUSLY.

6. New Business

Two (2) draft internal memos are under review by Board membership related to fee splitting and various definitions related to plan amendments. Draft comments will be circulated as they are received.

A discussion on fee splitting and professional/non-professional subcontracting, as it pertains to professional misconduct, will be hosted at the next Board meeting for membership educational purposes.

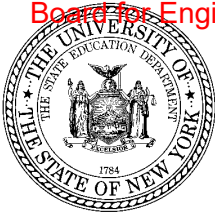
7. Adjournment

Motion – Mitchell/Alampalli: Move to adjourn at 1:52 P.M.
PASSED UNANIMOUSLY.

Respectfully Submitted,

Eric Greppo, PE
Executive Secretary

DRAFT



**STATE BOARD FOR ENGINEERING, LAND SURVEYING AND GEOLOGY
OFFICE OF THE PROFESSIONS**

Board Office Report – September 2024

Board Member Board of Regents (Re)Appointments:

- Joanne Darcy Crum, LS – Extended Member 7/16/24-7/15/29

Licenses:

- PE application queue: 86 as of 8/27/24
- New Licensees (Year-to-Date thru July 2024):
 - PE: 1,079 / LS: 14 / PG: 11
- Total Licensees (July 1, 2024):
 - PE: 34,198
 - LS: 1,390
 - PG: 1,115

Education Program Approvals:

- RPI - PhD Health Sciences Engineering (August 15, 2024)

NYSED/OP/Staff Activities:

- NCEES Annual Meeting (August 13-17, 2024 – Chicago, IL)
 - Sreenivas Alampalli, PE
 - Walter Bowler, Esq. – NYSED OPD
 - Eric Greppo, PE -
 - Gary Marcus, PE
 - John Martin, PE
 - Rosaleen Nogle, PE
 - Matthew Noviello, PE, LS
 - Pat VanHaverbeke, LS

Office of Professional Discipline:

- Adam Robert Taddonio:
 - **Profession:** Professional Engineer; License No. 093453
 - **Regents Action Date:** July 15, 2024
 - **Action:** Application for consent order granted; Penalty agreed upon: 5 years stayed suspension, 5 years' probation, \$5,000 fine.
 - **Summary:** Licensee did not contest the charge of filing eight professionally certified applications with the New York City Department of Buildings, while professional certification privileges were surrendered, in violation of the New York Administrative Code.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY
12234

Division of Professional Education
Professional Education Program Review
Education Building
89 Washington Avenue, 2nd Floor, West Wing
Albany, NY 12234
Tel. (518) 474-3817, ext. 360

Revised Letter

August 15, 2024

Martin A. Schmidt
President
Rensselaer Polytechnic Institute
110 8th Street
Troy, NY 12180

Dr. Dennis Charney
President
Icahn School of Medicine at Mount Sinai
1 Gustave L Levy Place
New York, NY 10029

Dear President Schmidt and President Charney:

This letter is in response to the request to register the Ph.D. program in *Health Sciences in Engineering* to be offered jointly at Rensselaer Polytechnic Institute and Icahn School of Medicine at Mount Sinai.

I am pleased to inform you that on the basis of our review, the program detailed on the attached listing from the Inventory of Registered Programs is registered for general purposes under Subchapter A of the Regulations of the Commissioner of Education (Chapter II of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York) until September 1, 2025. After that date, registration will be extended annually until the Department's next review is conducted.

New registration is required for any existing curriculum in which major changes are made that affect its title, focus, design, requirements for completion, or mode of delivery. Therefore, prior to initiating significant changes in this program, please contact this office.

I wish you and your colleagues success with the program.

Sincerely,

Mei Zhou, Ph.D.
Director

Attachment

cc: D. Nevo, P. Schnepf

NEW YORK STATE EDUCATION DEPARTMENT
INVENTORY OF REGISTERED PROGRAMS
REGISTRATION CHANGE REPORT

08/16/2024

459500 RENSSELAER POLYTECH INST

PROG

CODE	PROGRAM TITLE	HEGIS	AWARD
43906	HEALTH SCIENCES ENGINEERING	0905.00	PHD
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FORMAT ADDED	- DAY	FOR AWARD = PHD	FOR INSTID = 448000
FORMAT ADDED	- STD	FOR AWARD = PHD	FOR INSTID = 448000
INST ID ADDED	- 448000 ICAHN SCHLOFMED @ MTSINAI		

NEW YORK STATE EDUCATION DEPARTMENT
INVENTORY OF REGISTERED PROGRAMS
REGISTRATION CHANGE REPORT

08/16/2024

448000 ICAHN SCHLOFMED @ MTSINAI

PROG CODE	PROGRAM TITLE	HEGIS	AWARD
43906	HEALTH SCIENCES ENGINEERING		NOT-GRANTING
M/I	WITH 459500 RENSSELAER POLYTECH INST	0905.00	PHD
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INST ID ADDED	- 448000 ICAHN SCHLOFMED @ MTSINAI		



Summary of Actions at the 2024 NCEES Annual Meeting

The Council took the following actions at the NCEES annual meeting business sessions on August 15 and 16, 2024. All motions referenced are found in the 2024 *Action Items and Conference Reports*, which is available for download from the Member Resources section of ncees.org, under Board Resources/Annual meeting. Complete information on the motions will be published in the official meeting minutes.

2023 Minutes

The Council approved the published minutes of the 2023 annual meeting.

Consent Agenda

The Council removed three items from the published consent agenda for separate consideration with the committee reports. The remaining items, shown here, were adopted on the consent agenda:

- Special Committee on Bylaws: Motions 1–36
- Advisory Committee on Council Activities: Motions 2–12
- Committee on Education: Motions 1–6
- Committee on Examination Policy and Procedures: Motions 2–19
- Committee on Examinations for Professional Surveyors: Motion 1
- Committee on Finances: Motions 1–3, 6
- Committee on Uniform Procedures and Legislative Guidelines: Motions 1–23
- Engineering Licensure Task Force: Motion 2
- Surveying and Mapping Sciences Licensure Task Force: Motion 2

Officer Elections

The Council elected Elizabeth Beckett Johnston, P.E., of Alaska, 2024–25 president-elect. She will serve as NCEES president in 2025–26.

Committee and Task Force Motions

The following are the results for the remaining committee and task force motions:

- Advisory Committee on Council Activities—Motion 1: adopted as amended (amendment struck the title “Ethics and Good Character” and inserted “Professional Ethics”)
- Committee on Examination Policy and Procedures—Motion 1: removed from consent agenda and adopted as amended [amendment struck parenthetical language “(such as exam, module, division, or section)”]; Motion 20: removed from consent agenda and adopted
- Committee on Finances—Motion 4: adopted; Motion 5: adopted
- Committee on Member Board Administrators—Motion 1: withdrawn by committee; Motion 2: withdrawn by committee
- Engineering Licensure Task Force—Motion 1: adopted as amended [amendment added the words “being applied to” after “board” in introductory sentence of 130.10 B.2.b and at the end of (3)(a) in 130.10 B.2.b].
- Surveying and Mapping Sciences Licensure Task Force—Motion 1: removed from consent agenda and adopted

Zone Motions

- Northeast Zone—Motion 1: adopted

Unfinished Business

- Approval of Budgets: The Committee on Finance’s motion to approve the 2024–25 operating and capital budgets was adopted as updated.

MOTIONS

NZ Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following language into *Model Law* 130.10 B and to make additional modifications throughout the *Model Law* and *Model Rules* to include the general premise that an ETAC/ABET degree is allowed to satisfy the education requirements for engineering licensure:

130.10 General Requirements for Licensure

B. Engineering

1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

- a. Graduating from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master's program accredited by EAC/ABET, [graduating from an engineering technology program of four years or more accredited by the Engineering Technology Accreditation Commission of ABET \(ETAC/ABET\)](#), or meeting the requirements of the NCEES *Engineering Education Standard*
- b. Passing the NCEES Fundamentals of Engineering (FE) examination

2. Licensure as a Professional Engineer

The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering, signifying the area in which the engineer has demonstrated competence.

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

(1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

- (a) A degree in engineering from an EAC/ABET-accredited bachelor's program
- (b) A degree in engineering from an EAC/ABET-accredited master's program
- (c) A degree in engineering technology from an ETAC/ABET-accredited bachelor's program
- ~~(ed)~~ A bachelor's, master's, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual's education must be shown to meet the NCEES *Engineering Education Standard*.
- (2) Examination Requirements
An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination, and any jurisdiction-specific examination.
- (3) Experience Requirements
An individual seeking licensure as a professional engineer shall present evidence of a specific record of four years of progressive engineering experience after a qualifying degree is conferred as described in a(1)~~(a)~~, a(1)(b), or a(1)(d) above or evidence of a specific record of six years of progressive engineering experience after a qualifying degree is conferred as described in a(1)(c). This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering. The following educational criteria may apply as a substitute to the length of experience set forth above:
 - (a) An individual with a master's degree in engineering acceptable to the board: three years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a) or a(1)~~(ed)~~ above
 - (b) An individual with a master's degree in engineering acceptable to the board: five years of experience after the qualifying bachelor's degree is conferred as described in a(1)(c) above
 - ~~(bc)~~ An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: two years of experience
 - (ed) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: four years of experienceA graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice.
Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

Rationale

Throughout the Northeast Zone, the ETAC/ABET degree is accepted as a valid qualification for licensure together with meeting experience requirements. All jurisdictions in the zone accept the four-year ETAC/ABET degree, except the District of Columbia, which follows the *Model Law*.

The jurisdictions in the Northeast Zone have found practicing engineers with an ETAC/ABET degree to be equally competent to professional engineers with an EAC/ABET degree.

The American Society for Engineering Education (ASEE) strongly endorses the acceptance of the ETAC/ABET baccalaureate degree and notes that a 2017 report by the National Academy of Engineering indicates that ETAC/ABET baccalaureate programs have significantly more economically disadvantaged students than EAC/ABET engineering programs and the lack of a clear pathway to licensure erects an unnecessary barrier to full participation in the engineering profession.

The proposed change acknowledges the prevalence of practicing professional engineers with an ETAC/ABET degree throughout the nation. The National Society of Professional Engineers (NSPE) reported in 2018 that there were 40 jurisdictions that have a path for ETAC/ABET degree holders. Adjusting the *Model Law* to reflect current practice will promote comity and decrease barriers to mobility among states. This change will provide an opportunity for jurisdictions that currently do not recognize ETAC/ABET degrees for licensure to amend their laws and accept these degrees.

STATE OF NEW YORK

9849

IN SENATE

June 4, 2024

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the New York city public works investment act, in relation to authorizing the use of certain alternative project delivery methods

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (a) of section 2 of chapter 749 of the laws of
2 2019, constituting the New York city public works investment act, as
3 amended by section 4 of part AA of chapter 58 of the laws of 2022, is
4 relettered subdivision (a-1) and a new subdivision (a) is added to read
5 as follows:

6 (a) "Alternative project delivery contract" shall mean any project
7 delivery method authorized by this act, including design-build and
8 construction manager build, pursuant to which one or more contracts for
9 the provision of design and construction services, or construction
10 management and construction services, are awarded through an open and
11 competitive method of procurement.

12 § 2. Section 3 and section 6 of chapter 749 of the laws of 2019,
13 constituting the New York city public works investment act, are amended
14 to read as follows:

15 § 3. Any contract for a public work undertaken pursuant to a project
16 labor agreement in accordance with section 222 of the labor law may be
17 [~~a design-build~~] an alternative project delivery contract in accordance
18 with this act.

19 § 6. Construction with respect to each contract entered into by an
20 authorized entity pursuant to this act shall be deemed a "public work"
21 to be performed in accordance with the provisions of article 8 of the
22 labor law, as well as subject to sections 200, 240, 241 and 242 of such
23 law and enforcement of prevailing wage requirements pursuant to applica-
24 ble law or, for projects or public works receiving federal aid, applica-
25 ble federal requirements for prevailing wage. Any contract entered into
26 pursuant to this act shall include a clause requiring the selected
27 design builder or construction manager builder to obligate every tier of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD15832-02-4

contractor working on the public work to comply with the project labor agreement referenced in section three of this act, and shall include project labor agreement compliance monitoring and enforcement provisions consistent with the applicable project labor agreement.

§ 3. Subdivisions (c) and (d) of section 9 of chapter 749 of the laws of 2019, constituting the New York city public works investment act, are amended to read as follows:

(c) Employees of authorized entities using [~~design-build~~] alternative project delivery contracts serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this act shall be construed to affect (1) the existing rights of employees of such entities pursuant to an existing collective bargaining agreement, (2) the existing representational relationships among employee organizations representing employees of such entities, or (3) the bargaining relationships between such entities and such employee organizations.

(d) Without limiting contractors' obligations under [~~design-build~~] alternative project delivery contracts to issue their own initial certifications of substantial completion and final completion, public employees of authorized entities shall review and determine whether the work performed by contractors is acceptable and has been performed in accordance with the applicable [~~design-build~~] alternative project delivery contracts, and if such public employees so determine, such public employees shall accept contractors' substantial or final completion of the public works as applicable. Performance by authorized entities of any review described in this subdivision shall not be construed to modify or limit contractors' obligations to perform the work in strict accordance with the applicable [~~design-build~~] alternative project delivery contracts or the contractors' or any subcontractors' obligations or liabilities under any law.

§ 4. Chapter 749 of the laws of 2019, constituting the New York city public works investment act, is amended by adding a new section 13-a to read as follows:

§ 13-a. (a) For purposes of this section:

(1) "Construction manager build" shall mean a project delivery method whereby a construction manager:

(i) serves as part of a team in conjunction with the owner in the design phase of the project;

(ii) under the oversight of the owner, acts as the single source of responsibility to bid, select and hold construction contracts on behalf of the owner during the construction phase; and

(iii) manages the construction project on behalf of the owner.

(2) "Department" shall mean the New York city department of design and construction.

(b) This section may only be applied to:

(1) Design-build contracts solicited by the department that have an estimated cost of not less than ten million dollars, are undertaken pursuant to a project labor agreement in accordance with section 222 of the labor law and in connection with a project that is primarily related to:

(i) water or sewer infrastructure, and primarily consists of the replacement of existing, or installation of new, water mains or sewers or the installation of assets to manage stormwater flow, or a combination of the foregoing; or

1 (ii) coastal resiliency, and primarily consists of flood walls,
2 deployable gates, the relocation or protection of existing infrastruc-
3 ture from flooding, or a combination of the foregoing; or

4 (2) Construction manager build contracts solicited by the department
5 that have an estimated cost of not less than five million dollars, are
6 undertaken pursuant to a project labor agreement in accordance with
7 section 222 of the labor law and in connection with a project for the
8 construction or renovation of a cultural institution located on publicly
9 owned real property on behalf of the New York city department of
10 cultural affairs or a public library in the city of New York.

11 (c) Notwithstanding any general, special, or local law, rule, or regu-
12 lation to the contrary, a contractor selected by the department to enter
13 into a construction manager build contract pursuant to this section
14 shall be selected through the two-step method described in subdivision
15 (a) of section four of this act. The department may use the types of
16 contracts identified in subdivision (b) of section four of this act for
17 contracts procured using the construction manager build delivery method.

18 (d) Where the department determines in writing that it is in the best
19 interest of the public to solicit proposals using the design-build
20 contract delivery method in connection with a project that meets the
21 criteria set forth in paragraph one of subdivision (b) of this section,
22 without generating a list pursuant to the process set forth in paragraph
23 one of subdivision (a) of section four of this act, the department shall
24 release, evaluate and score a request for proposals pursuant to the
25 procedure set forth in subdivision (e) of this section. To the extent
26 consistent with applicable federal law, the department shall consider,
27 when soliciting proposals and awarding any contract pursuant to this
28 section, the participation of (i) entities that are certified as minori-
29 ty- or women-owned business enterprises pursuant to article fifteen-A of
30 the executive law, or certified pursuant to local law as minority- or
31 women-owned business enterprises, and (ii) small business concerns iden-
32 tified pursuant to subdivision (b) of section one hundred thirty-nine-g
33 of the state finance law. In addition, nothing in this section shall be
34 deemed to supersede any pre-qualification guidelines or requirements
35 otherwise authorized by law for the department.

36 (e) The request for proposals shall set forth the public work's scope
37 of work, and other requirements, as determined by the department, which
38 may include separate goals for work under the contract to be performed
39 by businesses certified as minority- or women-owned business enterprises
40 pursuant to article fifteen-A of the executive law or certified pursuant
41 to local law as minority- or women-owned business enterprises. The
42 request for proposals shall also specify the criteria to be used to
43 evaluate the responses and the relative weight of each of such criteria.
44 Such criteria shall include the proposal's cost, the quality of the
45 proposal's solution, the qualifications and experience of the proposer,
46 and other factors deemed pertinent by the department, which may include,
47 but shall not be limited to, the proposal's manner and schedule of
48 project implementation, the proposer's ability to complete the work in a
49 timely and satisfactory manner, maintenance costs of the completed
50 public work, maintenance of traffic approach, and community impact. A
51 contract awarded pursuant to this section shall be awarded to a respon-
52 sive and responsible proposer, which, in consideration of these and
53 other specified criteria deemed pertinent, offers the best value, as
54 determined by the department. The department may engage in negotiations
55 or other discussions with all qualified proposers that have expressed
56 interest in response to the request for proposals released pursuant to

subdivision (d) of this section, provided that such department maintains a written record of the conduct of negotiations or discussions and the basis for every determination to continue or suspend negotiations, and, provided, further, that if such department determines for a particular contract or for a particular type of contract that it is in the best interest of the public to negotiate or enter into discussions with fewer proposers, it shall make such a determination in writing. If such department enters into such negotiations, such department shall allow all proposers to revise their proposals upon conclusion of negotiations, and shall evaluate any such revised proposals using the criteria included in the request for proposals. The request for proposals shall include a statement that proposers shall designate in writing those portions of the proposal that contain trade secrets or other proprietary information that are to remain confidential; that the material designated as confidential shall be readily separable from the proposal. Nothing in this section shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost. All proposals submitted shall be scored according to the criteria listed in the request for proposals and such final scores shall be published on the authorized entity's website after registration of such contract or the date upon which such contract may be implemented, if registration requirements do not apply.

(f) The reporting requirement set forth in section thirteen of this act shall apply to contracts procured pursuant to this section, provided that the requirement that such report include a list of responding entities shall not apply to any contract where no such list was generated. Such report shall include a description of the scope of work for each project, whether the project used the design-build or construction manager build method as described in subdivision (b) of this section, the percentage of alternative project delivery contracts that used the methods described in subdivision (b) of this section, the type of contract described in subdivision (b) of section four of this act that was used to procure the project, information regarding the total contract price upon contract award, the total contract price upon final completion of the project, the department's initial projected estimate of the cost of the project and the participation rate of and total dollar value of monies paid to minority- and women-owned business enterprises and small business concerns under alternative project delivery contracts.

§ 5. Section 14 of chapter 749 of the laws of 2019, constituting the New York city public works investment act, as amended by section 4 of part AA of chapter 58 of the laws of 2022, is amended to read as follows:

§ 14. This act shall take effect immediately and shall expire and be deemed repealed eight years after such date, provided that, public works with requests for qualifications or requests for proposals issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal.

§ 6. This act shall take effect immediately; provided, however, that this act shall not apply to any public work for which a request for proposals was issued prior to the date on which this act takes effect; and provided further, however, that the amendments to chapter 749 of the laws of 2019 made by sections one through four of this act shall not affect the expiration and repeal of such chapter and shall be deemed repealed therewith.

PURPOSE OR GENERAL IDEA OF BILL:

Authorizes the City of New York to use construction manager build and progressive design build in limited instances.

SUMMARY OF PROVISIONS:

Sections one and three of this bill amend section 2 of Chapter 749 of the laws of 2019, constituting the New York City Public Works Investment Act (the "PWIA"), to create new definitions for the terms "alternative project delivery contract" and "construction manager build" to facilitate the PWIA's incorporation of new capital project delivery methods. "Alternative project delivery contracts" would be defined to include

design-build and construction manager build ("CM Build") contracts.

Section four of the bill authorizes the Department of Design and Construction (DDC) to use two-step construction manager build contracts on certain construction and renovation projects for cultural institutions and libraries. It also authorizes DDC to use one-step design-build on certain water and sewer infrastructure projects and coastal resiliency projects.

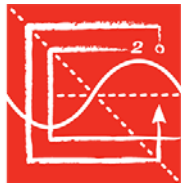
Section five is the effective date.

JUSTIFICATION:

Public infrastructure is foundational to New York City, but for far too long New Yorkers have accepted that the building of public works is slow and inefficient. However, the City argues that when it used alternative delivery tools in the recent past, such as during the COVID emergency when procurement regulations were significantly relaxed, its ability to deliver public infrastructure was transformed for the better: they indicate that DDC delivered facilities in months instead of years, within budget, and with increased M/WBE participation. For example, during the COVID emergency, DDC built COVID testing sites in an average of seven days with 55% MWBE utilization and built three permanent healthcare facilities in an average of 192 days with 46% MWBE utilization.

The City seeks authorization to use these alternative procurement authorizations in additional situations. They argue that alternative project delivery tools change the equation by fostering collaboration among all parties, selecting teams based on quality in addition to price, and allowing some steps to proceed in parallel. Additionally, they argue these tools improve coordination and make for more collaborative contracting, avoiding lengthy delays and claims.

Based on these experiences, the City requests authorization to expand the use of these alternative procurement methodologies.



NCEES



MUTUAL RECOGNITION AGREEMENT

**BETWEEN THE NATIONAL COUNCIL OF
EXAMINERS FOR ENGINEERING AND
SURVEYING (USA) AND THE ENGINEERING
COUNCIL (UK)**

MUTUAL RECOGNITION AGREEMENT

Between

The National Council of Examiners for Engineering and Surveying (NCEES, USA) and the Engineering Council (UK) together “the parties”.

To facilitate mobility of engineering professionals through streamlined Professional Registration/Membership processes.

1. PARTIES

NCEES is a not-for-profit organization with a mission to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public. NCEES members are the engineering and surveying licensure boards from all 50 U.S. states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands.

The Engineering Council was incorporated by Royal Charter in 1981 to regulate the engineering profession in the UK.

2. DEFINITIONS

Within this document, the following definitions apply:

- 2.1 “Mutual recognition” means the process of establishing the competence of an individual for independent practice in an engineering occupational role as a requirement of Professional Registration/Licensure.
- 2.2 “Home Jurisdiction” means the jurisdiction in which an engineer making application under this agreement already holds Professional Registration/Licensure.
- 2.3 “Host Jurisdiction” means the jurisdiction to which an engineer applies for Professional Registration/Licensure under the terms of this Agreement.
- 2.4 “Professional Registration/Licensure” means recognition by a Signatory or Participating Authority awarded on the basis of a demonstration of competence for independent practice through a professional review based on the competency framework UK-SPEC or a US Member Board PE License, in combination with the International Professional Engineer title (IntPE).
- 2.5 “Participating Authority” means a UK Professional Engineering Institution (PEI) licensed by the Engineering Council to award CEng that has ratified this agreement. A list of current Participating Authorities will be maintained by the Engineering Council and provided to NCEES This list is shown in Appendix 3.
- 2.6 “Participating Member Board” means a US Licensing Authority that has opted into this agreement. Participating states agree to accept an NCEES record from a UK Chartered Engineer that has been gained via this agreement. A current list of Participating Member Boards will be maintained by NCEES and be provided to The Engineering Council. This list is shown in Appendix 4.

- 2.7 Nothing in this agreement supersedes national or state legislation as applicable in the jurisdiction of the Participating Authority or Participating Member Board.

3. PURPOSE AND SCOPE

- 3.1 This Agreement provides for a streamlined process by which engineers with Professional Registration/Licensure in their home jurisdiction in this agreement can gain recognition in the host jurisdiction. The agreement is intended to provide
- a streamlined route to the UK Chartered Engineer title for US Professional Engineers with a state license and
 - a streamlined route to a US Member Board Professional Engineer license for UK Chartered Engineers.
- 3.2 This Agreement is intended to streamline the admission pathway in the host jurisdiction for engineers holding a Professional Registration/Registered Professional Title/License in the home jurisdiction. This Agreement aims to:
- minimise duplication of assessment processes
 - recognise jurisdictional differences and organizational autonomy
 - maintain confidence in the quality of Professional Registration/Licensure decisions in both jurisdictions
 - avoid restrictions on the cross-border provision of a service.
- 3.3 This Agreement covers engineers who have been admitted to any of the following Professional Registrations:
- 3.3.1 Professional Engineer
- Chartered Engineer (CEng), who also holds the title International Professional Engineer (IntPE), awarded by the Engineering Council, UK
 - Professional Engineer (PE), licensed in a participating US Member Board, who also holds the title International Professional Engineer (IntPE), awarded by NCEES. This is also known as an NCEES International Registered Professional Engineer (IRPE)
 - The requirements for attaining IntPE/IRPE in each jurisdiction are set in Appendix 1
- 3.4 Nothing in this Agreement shall apply to individual practice or malpractice disputes.
- 3.5 Engineers who have gained Professional Registration/Licensure in the home jurisdiction through another mutual recognition pathway, containing exemptions from the usual assessment process, are not eligible for the pathways set out in this agreement.

4. MUTUAL RECOGNITION PROVISIONS

- 4.1 The parties agree to apply processes and criteria consistent with the mutual recognition pathways set out in Appendix 2 when considering applications for Professional Registration/Licensure from engineers who hold /Professional Registration/Licensure in the home jurisdiction.

4.2 The Parties respect jurisdictional autonomy and recognise that there may be additional criteria imposed relevant to:

4.2.1 local jurisdictional practices, or the legislative or regulatory framework.

4.2.2 discipline-specific requirements of a Participating Authority or Participating Member Board.

5. DISCIPLINE AND ENFORCEMENT

5.1 Both Parties and all Participating Authorities and Participating Member Boards will cooperate to the extent possible on disciplinary and enforcement issues.

5.2 An application for Professional Registration/Licensure made under this Agreement must include a question requiring the applicant to disclose any sanctions related to the practice of engineering in other jurisdictions. Information regarding sanctions may be considered in the assessment process.

5.3 An application for Professional Registration/Licensure can only be made under this Agreement if the applicant provides written permission for parties to distribute and exchange assessment information and any information regarding sanctions between all involved jurisdictions.

5.4 Failure to fully disclose or provide any of the required information may be the basis for denial of the application, or for sanctions, including revocation of the Professional Registration/Licensure.

5.5 Each jurisdiction will take appropriate action in accordance with their rules and regulations if an engineer violates the standards of that jurisdiction. Each jurisdiction shall promptly report sanctions to the other jurisdiction in which it knows the engineer is recognised via an appropriate alert mechanism.

5.6 A jurisdiction will take appropriate action, subject to its own rules and regulations and the principle of natural justice, related to a sanction that is reported to them by another jurisdiction.

6. IMMIGRATION AND VISA ISSUES

6.1 Professional Registration/Certification granted under this Agreement in a Host Jurisdiction does not preclude the need to conform to applicable immigration and visa requirements of the Host Jurisdiction.

7. INFORMATION EXCHANGE

7.1 The Parties will notify each other and provide copies of any major changes in policy, criteria, procedures and programmes that might affect this Agreement.

7.2 The Parties will provide an annual report to each other on all applicants who have applied pursuant to the terms of this Agreement.

7.3 The Parties will from time-to-time undertake mutual observation of processes and procedures. This shall be done routinely as part of the renewal of the agreement.

8. DISPUTE RESOLUTION

- 8.1 The Parties to this Agreement will at all times endeavour to agree on the interpretation and application of this Agreement and will make every attempt through co-operation and consultation to arrive at a mutually satisfactory resolution of any matter that might affect its operation. If a dispute arises that cannot be resolved through informal discussions within sixty (60) days of when the dispute arises, the Parties will attempt to resolve the dispute through non-binding mediation and/or another form of alternative dispute resolution as may be agreed upon by the Parties, prior to any Party resorting to litigation.
- 8.2 The Parties may request in writing consultation with the other Party regarding any actual or proposed measure or any other matter that it considers might affect the operation or interpretation of this Agreement.

9. TERM OF AGREEMENT

- 9.1 This Agreement will come into effect when signed by the Parties.
- 9.2 This Agreement supersedes all other such mutual recognition agreements between NCEES, the Engineering Council and the Participating Authorities.
- 9.3 The Parties will review and update the Agreement and recommend changes where appropriate at least every five (5) years. This Agreement may be amended, however, only with the written consent of both Parties.

10. TERMINATION

- 10.1 A Party or any Participating Authority may withdraw from this Agreement six (6) months after it provides written notice of withdrawal to the other Party. If a Participating Authority withdraws, the Agreement will remain in force for the remaining Participating Authorities.
- 10.2 If at any time all Participating Authorities have withdrawn from the Agreement, the Agreement will automatically terminate.
- 10.3 Any registrant approved or in the process of being assessed at the time of the Agreement being terminated will be treated as if this Agreement is still in existence.

NCEES

Engineering Council

Date Executed:

APPENDIX 1

The requirements for attaining IntPE/IRPE in each jurisdiction.

Requirement	NCEES International Registered Professional Engineer (IntPE)	Engineering Council CEng IntPE
Registration /Licensure	Be a citizen or permanent resident currently licensed as a professional engineer in a U.S. state or territory	Be currently registered as a Chartered Engineer and member of a UK PEI
Discipline	Hold a record clean of disciplinary action	Be currently in good standing with your PEI and have no disciplinary action outstanding
Underpinning Knowledge and Understanding	Have a degree from an EAC ABET-accredited engineering program, or an accredited degree recognised under the Washington Accord.	An accredited degree recognised under the Washington Accord, or equivalent academic qualification
Experience	Have at least seven years of qualifying experience, including two years in responsible charge of significant engineering work	Have at least seven years of qualifying experience, including two years in responsible charge of significant engineering work
Assessment	Have passing scores on the NCEES FE and PE examinations	1) Have demonstrated underpinning engineering knowledge and understanding to UK/European Masters level in their discipline 2) Have demonstrated that they meet the UK standard of competence and commitment set out in UK-SPEC through: a) Professional Review part 1: assessment of discipline-specific documentary evidence b) Professional Review part 2: in-depth interview by two trained assessors, including applicant presentation 3) Approval from registration committee
Competence	NCEES Model Rules and IPEA professional competences	UK-SPEC Chartered Engineer Competences and IPEA professional competences
Continuing Professional Development	Have met the applicable continuing professional competency (CPC) requirements of the jurisdiction(s) where you are licensed. If the jurisdiction does not have a CPC requirement, the applicant must comply with the NCEES CPC Standard	Carry out and record the Continuing Professional Development (CPD) necessary to maintain and enhance competence in their own area of practice
Discipline-specific and jurisdictional requirements (e.g., local laws, ethics exam)	Handled at Member Board level	Handled by PEI

APPENDIX 2

MUTUAL RECOGNITION PATHWAYS

The Professional Registration/Licensure processes of the Parties are as follows:

a) NCEES requirements to obtain an NCEES Record as the Host Jurisdiction

An NCEES Record is a verified compilation of information an applicant is required to submit to a state licensing board as part of the licensure application process. Each completed Record is a verified compilation of an applicant's official academic transcripts, full employment history, professional references, and exam results.

The NCEES Record is designed to meet the licensure requirements of most states. Since licensure requirements vary from state to state, there may be times when a Record holder must submit additional information to a state licensing board to satisfy its licensure requirements. This may include information about their education, references, existing licenses, or experience information.

Standard application requirements	Required under the Agreement Y/N	Notes
Submission of an application form	Yes	Create online NCEES record
References	Yes, but can be UK registrants.	Five references who can reflect the character and diversity of your experience and are personally acquainted with your professional reputation. For engineering applicants, references must be engineers who are licensed in the United States.
Education information	Yes	Details for each college, university, and technical school attended, including transcripts. NCEES accepts the UK PEI assessment of the academic base as meeting NCEES/IntPE requirements.
Professional Experience	Yes	Chronological listing of work experience beginning with graduation from a university
Competence assessment	No	Already meets IntPE requirements
FE and PE exam verification	No	Exempt under the agreement
CPD review	In line with Member Board requirements	IntPE CPD requirements already met
Local knowledge and/or discipline specific practice assessment (e.g., local laws and ethics exam)	In line with Member Board requirements	
Approval by NCEES Member Board	Yes	

b) Engineering Council requirements for registration as a Chartered Engineer (CEng) as the Host Jurisdiction

The Engineering Council was incorporated by Royal Charter in 1981 to regulate the engineering profession in the UK. The standards of professional competence and commitment are set out in the UK Standard for Professional Engineering Competence (UK-SPEC). This standard requires registrants to make a commitment to recording their CPD activities. Participating Authorities undertake random samples of professionally active registrants' CPD records on an annual basis.

Standard application requirements	Required under the Agreement (Y/N)	Notes
Submission of an application form	Yes	In English
Academic assessment	No	Applicants are required to provide copies of academic qualifications
Holistic competence assessment	No	
Local knowledge and/or discipline specific practice assessment	Yes	Any assessment is normally to be restricted to situations where UK-specific knowledge or discipline-specific requirements are applied as standard to home candidates
Professional Review Interview	No	Any assessment of Local Knowledge or current competence may involve an interactive interview
CPD review	In line with UK Participating Authority requirements	Registrants are required to ensure their CPD records are up to date. UK Participating authorities undertake annual random samples of professionally active registrants' CPD records and provide feedback.
Registration (Professional Registration/Membership) Committee Approval	Yes	

Assessment Process

On receipt of an application through this agreement, the Host Jurisdiction/Participating Authority will contact the Home Jurisdiction/Participating Authority to request confirmation of Professional Registration/Certification status, and registration/licensure date and date of being admitted to the international register (IntPE).

Interactive assessments or professional review interviews will only be used if their purpose is to assess local knowledge and/or discipline specific practice.

Written assignments or formal examinations may also be valid mechanisms for assessing local knowledge or discipline specific practice if they are used for the same purpose for assessing local engineers in the host jurisdiction.

Appendix 3

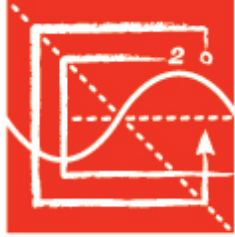
List of UK Participating Authorities (subject to ratification)

1. BCS, The Chartered Institute for IT
2. British Institute of Non-Destructive Testing (BINDT)
3. Chartered Association of Building Engineers (CABE)
4. Chartered Institution of Building Services Engineers (CIBSE)
5. Chartered Institution of Civil Engineering Surveyors (CICES)
6. Chartered Institution of Highways & Transportation (CIHT)
7. Chartered Institute of Plumbing and Heating Engineering (CIPHE)
8. Chartered Institution of Water and Environmental Management (CIWEM)
9. Energy Institute (EI)
10. Institution of Agricultural Engineers (IAgrE)
11. Institution of Civil Engineers (ICE)
12. Institution of Chemical Engineers (IChemE)
13. Institution of Engineering Designers (IED)
14. Institution of Engineering and Technology (IET)
15. Institute of Explosives Engineers (IExpE)
16. Institution of Fire Engineers (IFE)
17. Institution of Gas Engineers and Managers (IGEM)
18. Institute of Highway Engineers (IHE)
19. Institute of Healthcare Engineering and Estate Management (IHEEM)
20. Institution of Lighting Professionals (ILP)
21. Institute of Marine Engineering, Science & Technology (IMarEST)
22. Institution of Mechanical Engineers (IMechE)
23. Institute of Measurement and Control (InstMC)
24. Institution of Royal Engineers (InstRE)
25. Institute of Acoustics (IOA)
26. Institute of Materials, Minerals and Mining (IOM3)
27. Institute of Physics (IOP)
28. Institute of Physics and Engineering in Medicine (IPEM)
29. Institution of Railway Signal Engineers (IRSE)
30. Institution of Structural Engineers (IStructE)
31. Institute of Water
32. INCOSE UK, the UK Chapter of the International Council on Systems Engineering (INCOSE)
33. Permanent Way Institution (PWI)
34. Nuclear Institute (NI)
35. Royal Aeronautical Society (RAeS)
36. Royal Institution of Naval Architects (RINA)
37. Safety and Reliability Society (SaRS)
38. The Society of Operations Engineers (SOE)
39. The Welding Institute

Links are found here: <https://www.engc.org.uk/peis>

Appendix 4

List of Participating US Member Boards



NCEES

Understanding the Mutual Recognition Agreement

Between NCEES and the U.K. Engineering Council

Executive Summary

In response to increasing interest from government bodies, employers, and professional associations, there has been a concerted effort to explore the feasibility of mutual recognition of professional qualifications between the United Kingdom and the United States. This intention was articulated by the U.K. Prime Minister's opening remarks in the Atlantic Declaration at the White House on June 8, 2023: *"An agreement to work towards mutual recognition of more professional qualifications in areas like engineering..."*

Beginning in June 2023, the National Council of Examiners for Engineering and Surveying (NCEES) began working with the Engineering Council (EngC) to develop a mutual recognition agreement (MRA) to facilitate this objective. EngC, established by Royal Charter, governs the engineering profession in the United Kingdom, setting and upholding internationally recognized standards of professional competence and dedication for the public benefit.

The core objective of this agreement is to optimize mobility for Chartered Engineers (CEngs) in the United Kingdom and Professional Engineers (P.E.s) in the United States. By simplifying administrative procedures, eliminating redundant assessments, and seeking cost-efficient approaches, the aim is to facilitate seamless movement for professionals between our jurisdictions. Such an agreement is beneficial to safeguarding the public health, safety, and welfare for both nations by having individuals licensed in the proper jurisdictions. This mutual recognition also fosters increased opportunities for individuals and businesses, promoting trade, knowledge exchange, and collaboration while addressing skills shortages in critical sectors.

The MRA builds on the foundation laid by both organizations as founding members of the International Engineering Alliance (IEA) and the International Professional Engineers Agreement (IPEA). The IPEA has an agreed-upon set of professional competencies that individuals must meet to be on a member country's section of the International Professional Engineers Register. The means for assessing the competencies may vary from country to country, but in the end, all individuals on a register possess the established professional competencies. For example, the United States uses the Principles and Practice of Engineering (PE) exam to assess, while the United Kingdom uses a structured process involving experience reviews and an oral examination.

In summary, P.E.s on the NCEES international register will qualify for licensure as a CEng in the United Kingdom. CEngs on the EngC international register will qualify for licensure as a P.E. in a U.S. jurisdiction that participates in the MRA. Someone on the U.K. register is substantially equivalent to someone on the U.S. register and vice versa. This reciprocal recognition streamlines the licensure process, bypassing redundant traditional requirements on both sides, though local jurisdictional or discipline-specific criteria may still apply.

Given the decentralized nature of engineering licensure in the United States, each NCEES engineering member board must independently decide on participation in the MRA. NCEES stands ready to assist with information and guidance, facilitating any necessary legislative or regulatory adjustments. Moreover, British Consulates are available to provide support to interested boards throughout the process. Like the old saying "if there is a will, there is a way," if a member board has the will, we can show the way.

Timeline of the MRA

April 2023

- CEO David Cox attends formal signing of an MRA between the National Council of Architectural Registration Boards (NCARB) and the United Kingdom at the invitation of the British Embassy. He is informed by the British Ambassador to the United States that the U.K. Prime Minister will be discussing the desire for a similar agreement with engineers in June during his visit to the United States.
- CEO Cox informs the NCEES board of directors (BOD) and is directed to proceed with preliminary discussions.

June 2023

- The U.K. Prime Minister makes remarks in the Atlantic Declaration at the White House, expressing his desire for an engineering agreement.
- CEO Cox begins initial conversations with EngC in Taiwan at an IEA meeting. An initial framework for an MRA is developed.

August 2023

- NCEES BOD is updated on June work.
- British Consulate representatives address the Council and the Member Board Administrator Forum at the NCEES annual meeting in Boston.

October 2023

- Initial draft is completed and presented to boards of directors for NCEES and EngC. The boards provide feedback.

November 2023

- Second draft is completed and distributed to NCEES BOD, and feedback is received.

December 2023

- Third draft is completed and distributed to NCEES BOD in preparation for London visit.

February 2024

- The British invite a delegation of 11 member boards to London to discuss the draft MRA, meet with government officials, review the U.K. processes with EngC, etc., and provide feedback.
- Final draft is completed and approved by NCEES BOD.

March 28, 2024

- Final draft is approved by EngC BOD.

MRA

The draft MRA is attached as Appendix A. The following are highlights:

- P.E.s on the NCEES international register will qualify for licensure in the United Kingdom as a CEng. CEng.s on the EngC international register will qualify for licensure as a P.E. in a U.S. jurisdiction that participates in the MRA. Someone on the U.K. register is substantially equivalent to someone on the U.S. register and vice versa.
- An applicant qualifying under the MRA will not have to meet overarching traditional requirements, such as a CEng being required to take the Fundamentals of Engineering (FE) and PE exams, or a P.E. undergoing the stringent experience review/mapping to competencies and the oral exam. However, applicants still may need to meet local jurisdictional or discipline-specific requirements.
- The parties will cooperate with each other regarding disciplinary and enforcement issues related to individuals licensed or applying under the MRA.
- The MRA does not preclude the need to conform to applicable immigration and visa requirements.
- The parties will provide an annual report to each other on the applicants who have applied under the terms of the MRA.
- The parties will review and update the MRA at least every five years based on their experiences.

IEA/IPEA Basics

EngC and NCEES both became founding members of the [IEA](#) and the IPEA in 1997. Participation by NCEES was approved by the Council prior to that signing. The IEA has engineering-related accords and agreements. The accords cover education, and the agreements deal with licensure. In the United States, ABET is the member of accords, and NCEES is the member of agreements. In many countries, including the United Kingdom, one entity covers both.

The IEA is a global organization comprised of members from 41 jurisdictions within 29 countries, across seven international agreements. These international agreements govern the recognition of engineering educational qualifications and professional competence. Through the educational accords and competence agreements, members of the IEA establish internationally bench-marked standards for engineering education and expected competence for engineering practice.

A professionally competent person has the attributes necessary to perform the activities within the profession to the standards expected in independent employment or practice. The professional competence profile records the elements of competence necessary for performance that the professional is expected to be able to demonstrate at the stage of attaining licensure. Professional competence can be described using an agreed-upon set of attributes.

Each member maintains an international register of individuals who meet these agreed-upon professional competencies and other requirements of the IPEA, including a minimum of seven years of experience, proof of continuing education, and no disciplinary actions. Each member is audited every six years to ensure compliance with the agreement.

To be placed on the NCEES international register, an individual must have an NCEES Record and be a Model Law Engineer, which requires an engineering degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), passage of the FE and PE exams, at least four years of experience, and no disciplinary actions. That individual then goes through further evaluation to ensure seven years of experience and a record of continuing education. The only exception is that those without an EAC/ABET-accredited engineering degree can still be on the international register if they have a degree from a Washington Accord program. Our PE exam is the assessment tool used to determine that an individual has met the agreed-upon competencies. NCEES has mapped each PE exam specification and related materials against the IPEA competencies to make sure there are no gaps.

EngC also has a detailed process for placing a CEng on their register. Again, those individuals must have at least seven years of experience, proof of continuing education, and no disciplinary actions. The educational requirement is basically our equivalent of an engineering master's degree. They assess meeting of the competencies through evaluating everyone's experience record to map actual work to each of the competencies and then conducting an oral exam (like a thesis defense). During that interview, the applicant orally connects different parts of the experience record to each competency. On average, an applicant obtains approximately 10 years of experience to meet all the competencies.

Individuals on both registers have been assessed and determined to possess the competencies required under the IPEA. Therefore, individuals on both registers are determined to be substantially equivalent, and the processes in making that determination are substantially equivalent and are subject to audit under the IPEA terms. Both NCEES and EngC are just completing their six-year audit and have received preliminary notice of passage.

Next Steps

NCEES and EngC still must work out logistics, such as U.K. applicants obtaining an NCEES Record so that we can transmit all their information to any member board to which they apply, and the equivalent for U.S. applicants going to the United Kingdom. We will also need to establish fees that we both intend to be reasonable and approximately the same in the United States and United Kingdom. Any individual state or jurisdictional fees will still apply, as with any candidate.

Since engineering licensure decisions are made at the state level in the United States, each individual NCEES engineering member board must decide whether to participate in the MRA. NCEES encourages member boards to participate and can assist with additional information and help in the determination of any law or rules changes that may be necessary. Many boards have flexible language that would allow them to participate without any changes. If you have the will, NCEES and the British Consulates will assist in helping you with the way.

We are planning a ceremonial signing for interested member boards at the British Consulate in Chicago during the NCEES annual meeting in August. All a member board needs to do to take part is express an interest in pursuing participation in the MRA. It is not required that the member board be ready to participate at that time. Some boards may need law or rule changes and other meetings and process changes that will take time to complete. There is no time requirement imposed on member boards' participation.

Appendices

- A. Mutual Recognition Agreement
- B. IEA Graduate Attributes and Professional Competencies
- C. Delegation of U.S. Engineering State Board Members
- D. EngC Introduction
- E. U.K. Standard for Professional Engineering Competence and Commitment
- F. EngC Disciplinary Procedure Guidance