DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
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NAVFACINST 3540.1A
CHE
13 August 2004

NAVFAC INSTRUCTION 3540.1A

ACQ FYI 04-023

From: Commander, Naval Facilities Engineering Command

Subj: POLICY FOR PROFESSIONAL LICENSING OF ENGINEERS AND ARCHITECTS

Ref: (a) NAVFAC P-329, Policy Reference Book of 1 March 87
(b) NAVFAC P-68, NAVFAC Acquisition Supplement (NFAS) of 1 March 02
(c) NAVFACINST 3540.1, Policy for Professional Licensing of Engineers and Architects of 11 July 03
(d) United States Office of Personnel Management (OPM) Operating Manual for Qualifications Standards for General Schedule Positions of 22 March 99
(e) Department of the Navy Implementation Directive 630-01

1. Purpose. To establish policy regarding professional licensing of the Naval Facilities Engineering Command's (NAVFAC) Engineering Community workforce.

2. Cancellation. All previously issued NAVFAC policies, instructions, and guidelines relating to professional licensing of engineers and architects are superseded by this instruction, including reference (a) Function 3D – Program Management – Professional Registration, reference (b) paragraph 36.602-2(b), and reference (c).

3. Background.

a. The Department of the Navy relies on NAVFAC to be its facilities, installation, and contingency engineers. NAVFAC supports the Department of the Navy in all matters related to engineering, design, construction, maintenance, and operation of shore-based facilities. NAVFAC's Engineering Community workforce, which includes both architects and engineers, is responsible for protecting the public health, safety, and welfare, the environment, and real property assets. Fulfilling this mission requires that NAVFAC employ a world-class engineering workforce. NAVFAC is also on call to provide engineering assistance to forward-deployed Seabees. Professional licensing is an important measure of the competence, dedication, and professionalism of the NAVFAC Engineering Community workforce and is widely recognized by our Clients and the general public. As in the private sector, NAVFAC fulfills the role of the building official/authority having jurisdiction and is in "responsible charge" (i.e., independent control and direction of the investigation or design of professional engineering work, or the direct engineering control of such projects) of work performed in-house or by contract.

b. Licensure as a Professional Engineer (P.E.) or Registered Architect (R.A.) is the statutory process through which a person achieves the legal requirements sufficient to be permitted by law to practice engineering or architecture in a jurisdiction, typically a state. Licensing boards typically require successful completion of national examinations and developmental experience, involving progressively increasing levels of responsibility gained under the technical oversight of a licensed professional. Licensure is a legal requirement for those who are in responsible

charge of engineering/architectural work, performed in-house or by contract, be they principals or employees. Licensing and registration are the terms used, often interchangeably, in state statutes to establish these requirements.

4. Policy.

a. It is the policy of NAVFAC to recruit, hire, professionally develop, and maintain a professional Engineering Community workforce of the highest caliber.

b. NAVFAC architects and engineers appointed as voting members of architectural/ engineering slate and selection boards (SSBs) and technical evaluation boards (TEBs) shall be licensed engineers (P.E.) or architects (R.A.). The requirement for licensing of board members may be waived only by the NAVFAC Component Command's Commander/Commanding Officer or Chief Engineer. The Command's Chief Environmental Engineer is authorized to waive the licensing requirement of board members for environmental SSBs and TEBs. All such waivers are on a case-by-case basis and are granted only for the duration of the respective panel. Waivers may be granted only to an individual who is actively pursuing professional licensing, has at least two years of engineering/architectural experience, and has passed an initial written examination required toward licensing (e.g., Fundamentals of Engineering - Engineer in Training, Architectural Registration Exam section). The licensing requirement for the chairperson position on all such boards shall not be waived. For slate and selection boards involving planning contracts, community/urban planners licensed by the American Institute of Certified Planners are considered equivalent. Regardless of waivers granted, only the Contracting Officer may officially appoint board members. However, in no case shall contracting officers appoint NAVFAC architects and engineers as board members to architectural/engineering slate and selection boards or technical evaluation boards unless the members are licensed or have been granted a waiver by the appropriate authority identified above.

c. Professional licensing is required for any position, regardless of grade, in responsible charge of engineering/architectural work, whether performed in-house or by contract. To ensure minimally acceptable professional quality standards and to enable the professional development, licensing, and community management of members of the engineering community, unlicensed engineers and architects must receive technical and professional oversight from licensed engineers and architects as designated by the NAVFAC Component Command's Chief Engineer. Professional licensing is required for any position that requires the incumbent to sign and/or apply a P.E./R.A seal to drawings or other documents.

d. By virtue of the level of independent control and direction and the scope of work assignments consistent with the grade structure of NAVFAC's Engineering Community workforce, all individuals in engineer and architect positions at or above the grade of GS-13 whose duties and responsibilities meet the requirements outlined in reference (d) must be professionally licensed. All positions currently classified in an engineering/architectural series will be reviewed by 31 January 2005. For employees who possess P.E./R.A., addendums will be added to position descriptions that have been found to meet the criteria of reference (d). For employees who do not possess P.E./R.A., the requirement for registration should be waived for the duration of the employee's incumbency in accordance with reference (d). Unlicensed engineers and architects currently graded GS-13 and above may not be considered for promotion or reassignment into engineering or architectural positions requiring P.E./R.A. until

they are licensed. At the time positions become vacant and are under recruitment, the position description will be reviewed. Those that are in responsible charge of engineering/architectural work or are responsible for overseeing those in responsible charge of such work will be changed to reflect the P.E./R.A. requirement before recruitment. Those positions that are not in responsible charge of engineering/architectural work or are not responsible for overseeing those in responsible charge of such work will be classified appropriately. Licensing of engineers and architects below the grade of GS-13 is strongly encouraged. For all employees, excused absence may be granted to sit for the examination as outlined in reference (e). This provision does not cover time spent preparing for such examinations.

5. Applicability. This instruction applies to all engineers, architects (i.e., GS-8XX) under the cognizance of the Commander, Naval Facilities Engineering Command. It also applies to related professional series (e.g., Community Planners, GS-0020) per paragraph 4.b.

6. Responsibilities. NAVFAC Commands shall implement the organizational structure and business processes that ensure responsible charge oversight of engineering/architectural work by licensed engineers and architects. Organizational structure and business processes shall provide for oversight of the work of unlicensed engineers and architects by licensed engineers and architects in the appropriate discipline area of expertise (e.g., civil, electrical, mechanical), to meet the requirements for responsible charge of engineering/architectural work (whether prepared in-house or by contract) and to support their eligibility to sit for licensing exams. Individual supervisors and component community managers are responsible for advocating and enabling professional licensing of NAVFAC's engineering community. NAVFAC Component Command Engineering Community Managers are responsible for ensuring that position descriptions for engineering community workforce positions graded GS-13 and above, and all positions, regardless of grade, in responsible charge of engineering/architectural work, whether performed in-house or by contract, include the requirement for an active P.E. or R.A. license in a state or territory of the United States.

7. Action.

a. NAVFAC Commands shall review and adjust their organizational structure and business processes to meet the above responsibilities. Commanders and Commanding Officers shall report the results of their review, with a plan and schedule for full implementation of this policy, to the NAVFAC Chief Engineer by 1 December 2004, and update that status report by 1 December, each subsequent year.

b. Community managers and supervisors shall establish mentoring plans for junior-level and intern engineers/architects to support their progression toward professional licensing.

c. Community Management plans shall address continuing education to support engineer/architect professional licensing requirements.

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