

Job Aid

Implementation of *Recovery Interim Policy FP-104-009-11, Consensus-Based Codes, Specifications and Standards for Public Assistance*

Purpose

This document defines the roles and responsibilities to implement the *Recovery Interim Policy FP-104-009-11, Consensus-Based Codes, Specifications and Standards for Public Assistance* (Interim Policy). The information outlined in this document is intended to provide procedural guidance for the following:

- Applicant responsibilities
 - Identify applicable consensus-based codes, specifications and standards (referred to as codes, specifications and standards in this document)
 - Describe work required by applicable codes, specifications and standards
 - Justify exception from consensus-based codes, specifications and standards requirement (if applicable)
 - Demonstrate compliance
 - Opt-in (Only applicable for Applicants in disasters declared prior to Nov. 6, 2019)
- Recipient responsibilities
 - Inform Applicants and ensure compliance with Interim Policy
 - Approve Applicant opt-in notifications
- FEMA responsibilities
 - Provide information to Recipients
 - Inform Applicants about policy
 - Ensure Applicants identify applicable codes, specifications and standards
 - Review and incorporate applicable codes, specifications and standards
 - Review and approve exceptions from consensus-based codes, specifications and standards requirement
 - Confirm Applicant opt-in eligibility

Applicant Responsibilities

Identify applicable codes, specifications and standards

For each damage item, Applicants must identify the applicable codes, specifications and standards required under the Interim Policy.

Applicants must upload to the project in Grants Portal the specific citation for the codes, specifications and standards that is applicable to the damaged facility, element or component being restored.

If a locally adopted code, specification or standard as defined in the Implementation section B.2. of the Interim Policy applies, the Applicant must provide in on the project information and documentation to substantiate that the locally adopted code, specification or standards:

- Is equivalent to or more stringent than the consensus-based code, specification or standards.
- Meets FEMA’s eligibility criteria as defined in Chapter 2, Section VII.B.1 of the PA Program and Policy Guide V3.1 (2018).

Applicants must upload to the project in Grants Portal a copy of the locally-adopted code, specification or standard and identify the section that contains the equivalent or more stringent requirement that is applicable to the damaged facility, element or component being restored.

Applicants should identify codes, specifications and standards and provide supporting information prior to beginning scope of work and cost estimate development.

Describe work required by applicable codes, specifications and standards

While FEMA, the Recipient and Applicants are inspecting damages and gathering documentation to support eligibility, Applicants should develop a description of the work required by applicable codes, specifications and standards. The description should:

- Identify specific damage inventory line item numbers and associated elements or components affected and describe how each code, specification and standard applies.
- Clearly describe the work related to the codes, specifications and standards and provide design drawings, component lists, or other similar documentation.
- Include dimensions and quantities for all components.
- Describe the direct relationship between disaster-related damage and any upgrades to undamaged elements.

If a consensus-based code, specification or standard allows for discretion or for variances in the facility design to be appropriate for the facility’s location, identify the adjustments to the work and the section of the code, specification or standard that allows for the chosen design or construction variation.

If an Applicant chooses to develop the project scope of work and cost estimate, they are responsible for ensuring that applicable codes, specifications and standards are incorporated and fully documented (as described above).

Justify exception from consensus-based codes, specifications and standards requirement (if applicable)

Applicants are responsible for justifying a finding that an applicable consensus-based codes, specifications and standards is technically infeasible, would create an extraordinary burden on the Applicant or would otherwise be inappropriate for the facility.

Applicants submit a letter with the justification through the Recipient. The Recipient forwards the letter with their recommendation to the Federal Coordinating Officer (FCO) (while the JFO is active) or to the Regional Administrator (if the JFO has closed).

The letter needs to include the following information:

- Title of the consensus-based code, specification or standard.
- How the code, specification or standard applies to the facility, element or component.
- Explanation of how the code, specification or standard is technically infeasible or would create an extraordinary burden on the Applicant or would otherwise be inappropriate for the facility.

Demonstrate compliance

Applicants are responsible for demonstrating that a facility that is subject to the Interim Policy is compliant with the applicable consensus-based codes, specifications and standards.

As soon as feasible, but no later than when requesting project closeout, Applicants should provide the Recipient with written certification from a registered engineer, design professional or other qualified individual that confirms that all PA-funded work was completed in accordance with the codes, specifications and standards identified by the Applicant for that project.

Opt-in (Only applicable for disasters declared prior to Nov. 6, 2019)

As defined in Requirements section A.2 of the Interim Policy, Applicants who desire to opt-in to the policy should submit a notification to FEMA to elect to participate. Notifications should be signed and submitted to the Recipient for review and approval. If needed, the Applicants' PDMG or current FEMA Regional contact can assist the Applicant in coordinating with their Recipient.

Notifications must be received by FEMA no later than **May 4, 2020**.

The opt-in notification document is provided in Appendix B of the Interim Policy.

Recipient Responsibilities

Inform Applicants and ensure compliance with Interim Policy

Recipients inform Applicants about the Interim Policy and the associated documentation requirements. Recipients ensure Applicants comply with the policy requirements.

Approve Applicant opt-in notifications

Recipients must review and, if in agreement, approve and sign Applicants' opt-in notifications and forward approval to PDMG or Regional staff, as applicable, by **May 4, 2020**¹.

¹ For Applicants in events declared prior to November 6, 2019 and who have not yet participated in an RSM, the opt-in notifications must be received by FEMA staff within 180 days of the date of the RSM.

FEMA Responsibilities

Provide information to Recipients

Regional staff, the IBD or PAGS provide briefing content to Recipients to present during Applicant Briefings. The material will introduce the Interim Policy and alert Applicants of their role and responsibilities to comply with the policy.

Inform Applicants about policy

During Recovery Scoping Meetings, PDMGs inform Applicants of the Interim Policy and Applicants' responsibilities for implementing the policy. PD TFLs, PAGSs and IBDs are responsible for ensuring that PDMGs have received proper guidance and informational material on the Interim Policy.

Ensure Applicants identify applicable codes, specifications and standards

During the PDMG Scope and Cost Routing step in Phase 2 and before submitting a project to a Public Assistance Consolidated Resource Center (CRC), PDMGs ensure that Applicants:

- Identified and documented the applicable codes, specifications and standards for a facility.
- Complete the Scope Survey Questionnaire in Grants Portal for each damage.
- Provide adequate documentation, including but not limited to design drawings, component lists, or other similar information to describe the work.

PAGSs (in consultation with CRC Specialists if necessary) review locally-adopted codes, specifications and standards for eligibility if an Applicant submits them as equivalent or more stringent alternatives to those required under the Interim Policy. FEMA staff evaluate the eligibility based on the PA Program and Policy Guide (Chapter 2, Section VII.B.1, V3.1 (2018)).

Review and incorporate applicable codes, specifications and standards

Once a project is submitted to the CRC in Phase 3, CRC Costing, Document Validation, or Technical Specialists review the information and documentation provided by Applicants to ensure that applicable codes, specifications and standards are incorporated in the scope of work and cost estimate.

CRC Costing, Document Validation, or Technical Specialists ensure that all projects:

- Identify specific elements or components affected and describe how each code, specification or standard applies (include Damage Inventory line item numbers).
- Clearly describe the work related to the codes, specifications and standards.
- Include dimensions and quantities for all components.
- Describe a direct relationship between disaster-related damage and any upgrades to undamaged elements.

If additional information or documentation is needed to complete the project scope of work or cost estimate, CRC Specialists contact the PDMG via the Request for Information process.

Review and approve exceptions from consensus-based codes, specifications and standards requirements

The FCO, Regional Administrator, or an authorized delegate reviews and approves Applicant letters submitted to request an exception from a consensus-based code, specification or standard. The reviewer may consult with technical specialists at a CRC if needed.

Confirm Applicant opt-in eligibility

PDMGs or Regional staff, as applicable, confirm that Applicants who opt in to the Interim Policy:

- Are eligible to participate in the Interim Policy, as defined in Requirements section A.2. of the Interim Policy.
- Submit the notification to FEMA within the time frame defined in the Interim Policy.
- Ensure opt-in form is attached to the applicable project(s) in Grants Manager.