

Self-Certification Program Audit & Appeal Process, Customer

<u>Purpose</u>

All self-certified projects are subject to audit by the Planning & Development Department (P&D) to determine if the plans and/or projects are in compliance with the requirements of the Phoenix Building Construction Code and other ordinances and codes adopted or followed by the city of Phoenix. The audit will also measure the efficiency of the Self-Certification Program. The audits may be conducted prior to the issuance of the permit or after the issuance of the permit. There are two types of audits: random and automatic. Audit review time frames will be the same as traditional plan review. Current time frames can be viewed at: https://www.phoenix.gov/content/dam/phoenix/pddsite/documents/trt/external/dsd trt pdf 0046

Random Audit Process

The Department will perform audits on randomly selected projects that are allowed in the Self-Certification Program and listed under "Original Program – Random Audit" on the Audit Guidelines Chart contained in Section D of the Self-Certification Rules and Regulations. The random audits will be conducted as follows:

- In general, one out of twenty projects submitted through the Self-Certification program will be selected for a random audit.
- 2. A field inspection conducted by the department finds that the plans permitted under the Self-Certification permit program are not in compliance with the requirements of the Phoenix Building Construction Code or other codes or ordinances of the city of Phoenix.
- 3. The Building Official maintains the authority to identify any project for random audit.

Automatic Audit Process

P&D will perform audits on <u>all</u> new projects that are allowed in the Self-Certification Program and listed under "Automatic Audit" on the Audit Guidelines Chart contained in Section D of the Self-Certification Rules and Regulations.

Review Criteria

Each self-certified project selected for an audit, whether random or automatic, will be audited for compliance with the Phoenix Building Construction Code and all other applicable codes, supplements, amendments, ordinances or standards. The auditor for each discipline will complete the review in accordance with the scoring system described in the "Self-Certification Program Auditing and Appeal Procedures."

<u>Important Note</u>: Fire construction plan review is not included in the Self-Certification Program. Separate review, permits and inspections must be completed for compliance to the Phoenix Fire Code.

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For more information or for a copy of this publication in an alternate format, contact Planning & Development at 602-262-7811 voice or TTY use 7-1-1.

Scoring (Evaluation) System

The audit system includes the following details and procedures (evaluation measures):

- 1. For each applicable plan review discipline, review for relevance and applicability of all plan review corrections entered by the applicable auditor;
- 2. For each applicable plan review discipline, group by subject matter, all building code violations identified in such plan review corrections to eliminate repetitive comments addressing essentially the same building code violation;
- For each applicable plan review discipline, and except as otherwise provided, assign a point value of "1" to each such subject-matter group into which such plan review corrections have been categorized;
- 4. For each applicable plan review discipline:
 - a. Tally the applicable point value(s) assigned to each group into which plan review corrections have been categorized to determine the numeric auditing grade for that discipline;
 - b. If such numeric auditing grade exceeds the cap on numeric auditing grades, adjust such numeric auditing grade accordingly to determine the final numeric auditing grade for that discipline; and
 - c. Enter the applicable final numeric auditing grade for such discipline on P&D's master audit spreadsheet.
- 5. After a final numeric auditing grade has been determined for each applicable discipline, add all such final numeric auditing grades together to determine the audited project's final cumulative auditing grade. Enter the audited project's final cumulative auditing grade on P&D's master audit spreadsheet; and
- 6. Based on the audited project's final cumulative auditing grade, determine whether the audited project "failed" or "passed" the audit.

Audit Results

Review corrections categorized as administrative violations of the Phoenix Building Construction Code and all other applicable codes, ordinances, or standards referenced in the Review Criteria Section above shall be assigned a point value of "0" for purposes of grading an audit. Such administrative violations include, but are not limited to, the following: application-related and fee-related violations; missing engineering or architectural stamps; missing or incorrect contractor information. Notes will document the violations to identify areas that the Self-Certified Professional may need additional training and direction.

<u>Audit Point System – Buildings:</u>

A point shall be scored for each building code violation. Within each applicable plan review discipline, a cap shall be set on the numeric auditing grade assigned for that discipline, as follows:

Plan Review Discipline	Applicable Cap on Points
Architecture	No limit on points
Structural	No limit on points
Electrical	8 points
Energy	3 points
Accessibility	3 points
Plumbing	5 points
Mechanical	5 points

<u>Audit Point System - Grading & Drainage, Landscape, Parking Lots:</u>

A point shall be scored for each violation of the Zoning Ordinance, City Code or development requirements. Within each applicable plan review discipline, a cap shall be set on the numeric auditing grade assigned for that discipline, as follows:

Plan Review Discipline	Applicable Cap on Points
Site Plan	No limit on points
Civil (G&D/Storm Water)	No limit on points
Landscape	5 points
Traffic (Parking)	8 points
Site Fire	8 points

Determining Final Audit Results

If the final cumulative audit grade is ten (10) points or more for projects with valuations of less than \$2.5 million, such project shall be deemed to have failed the audit.

If the final cumulative audit grade is twenty (20) points or more for projects with valuations of \$2.5 million or greater, such project shall be deemed to have failed the audit.

Notification to Self-Certified Professional

P&D shall notify the Self-Certified Professional in writing of the results of any audit conducted under these rules.

- 1. Notify the Self-Certified Professional and Owner of Record in writing; and
- 2. Identify the audit number applicable to the audited project.
- 3. State, for each plan review discipline auditing the project, the applicable final numeric audit grade for such discipline.
- 4. State the audited project's final cumulative auditing grade.

- 5. Provide an explanation of the Self-Certified Professional's appeal options.
- 6. State that if an appeal application has not been timely submitted or if the Self-Certified Professional fails to appear at a timely requested plan review meeting or an appeal hearing, the Self-Certified Professional shall be deemed to have waived his or her right to dispute the results of the audit.
- 7. Notify the Self-Certified Professional that all Phoenix Building Construction Code violations or violations to other ordinances and codes adopted or followed by the city of Phoenix identified in the plan review comments entered for such audited project must be corrected by following the directions for follow-up contained in the notification.
- 8. State the date by which the corrections must be submitted.
- 9. Notify the Self-Certified Professional that if the corrections to the Phoenix Building Construction Code and other ordinances and codes followed by the city of Phoenix identified in the code correction comments have not been corrected or resolved by the date indicated on the notification, the Building Official or City Manager's Representative may, without further notice, suspend the Self-Certified Professional's Self Certification privileges until such time that such Phoenix Construction Code violations are corrected or resolved.
- 10. Notify the Self-Certified Professional that if it is determined that the building code and/or city ordinance violation(s) identified in the plan review comments pose a threat to the public health, safety or welfare, the permit may be revoked. Neither a TCO nor a CofO shall be issued until all life safety corrections are submitted and approved.

Appeal Process

If the Self-Certified Professional of an audited project disputes the results of the audit or disputes the accuracy or applicability of any code or ordinance correction comment entered in connection with such audit, the Self-Certified Professional of record has the right to call the Team Leader to discuss and/or:

1. Plan Review Meeting

Request an informal meeting within seven (7) calendar days from audit completion/decision to review the matter with the Team Leader and/or auditor(s). The Self-Certified Professional will indicate in writing which comments (s)he is appealing and provide justification at least three business days prior to the meeting.

2. Administrative Review

File an administrative review application within three (3) business days from plan review meeting completion/decision. Single family or duplex projects must pay \$300 and all other projects must pay \$450 to file an application for an administrative hearing with the Building Official or City Manager's Representative.

3. Appeal to Development Advisory Board

If the Self-Certified Professional disputes the results of the Building Official or City Manager's Representative, an appeal request to the Development Advisory Board must be provided in writing within ten (10) calendar days of a hearing decision. The fee to file an appeal to the Development Advisory Board is \$600 for the first appeal item plus \$300 each additional appeal item.

The Self-Certified Professional of an audited project shall be deemed to have waived his or her right to dispute the results of an audit if such Self-Certified Professional fails to submit, in the time specified above, a written request for a meeting to review the results of such audit or does not submit an administrative review request.

If the Self-Certified Professional submits a written request for a review meeting in a timely manner but fails to appear at such meeting, P&D may, upon a showing of good cause, reschedule such meeting. For purposes of this rule, the term "timely manner" means the date identified in the notification.

Appeal Results

If, as a result of a plan review meeting, it is determined that a disputed plan review correction is accurate and applicable to the audited project such that a revision to permit is required for the project or that the results of an audit are correct, and the Self-Certified Professional agrees with such determination, such mutual understanding between the plan examiner and Self-Certified Professional shall be memorialized in writing. If the Self-Certified Professional does not agree, and would like to pursue it further, an administrative review application must be submitted within three (3) working days of the plan review meeting.

If, as a result of a plan review meeting or an administrative review, it is determined that a disputed plan review correction is not accurate or applicable to the audited project or that the results of an audit are incorrect, the Building Official or City Manager's Representative shall inform the Self-Certified Professional in writing and, if applicable, shall resolve the matter by not requiring the Self-Certified Professional to address the particular correction(s).

If, as a result of a plan review meeting or an administrative review, a determination will change the results of an audit, the Self-Certified Professional may request that the Building Official or City Manager's Representative recalculate the final cumulative audit grade of the project. Upon receipt of such request, the Building Official or City Manager's Representative shall recalculate the final cumulative audit grade accordingly and shall notify the Self-Certified Professional in writing of the results of such recalculation.

The Self-Certified Professional's Self-Certification privileges shall be revoked by the Building Official if:

- 1. The Self-Certified Professional fails three audits within a three-year period,
- 2. Fails to take all remedial measures within such Self-Certified Professional's control to bring the required plans and any construction thereunder into compliance with the city of Phoenix Building Construction Code and other city ordinances.