

INDIAN AFFAIRS MANUAL

Part 25

Safety and Risk Management Program

Chapter 2 Design Review, Final Inspection, and Certificate of Occupancy Program Page 1

1.1 Purpose. This chapter establishes Indian Affairs (IA) policy for the Design Review, Final Inspection, and Certificate of Occupancy program to ensure that buildings and life safety systems meet adopted safety and health codes, policy, and mandatory standards prior to occupancy.

1.2 Scope. This policy applies to all offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including offices reporting to the AS-IA, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).

1.3 Policy. It is the policy of IA to ensure that all new construction, renovation, modification, reconstruction, change of use, change of occupancy, addition, and installation of life safety systems, building systems, and seating systems comply with federal laws and regulations, Department of the Interior (DOI) policies, and adopted codes and mandatory standards.

1.4 Authority.

A. Statutes and Regulations.

- 1) 29 U.S.C. 15, Occupational Safety and Health
- 2) 29 CFR 1910, Occupational Safety and Health Standards
- 3) 29 CFR 1926, Safety and Health Regulations for Construction
- 4) 36 CFR 1191, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Guidelines (ADAABAG)

B. Guidance.

- 1) 485 DM 6: Inspections and Abatement, Safety and Occupational Health Program
- 2) National Fire Protection Association (NFPA) Codes and Standards, Numbers 1 through 8506
- 3) IA Safety, Health and Accessibility Design Guidelines for Architects, Engineers and Design Firms
- 4) IA Final Inspection and Certificate of Occupancy Guidelines

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- 5) IA Safety and Health Adopted Codes, Policy and Mandatory Standards.

C. Handbooks.

Additional program information is further detailed in the BIA Safety and Health Handbook for Field Operations (Oct. 5, 2004), and is incorporated into this IAM chapter by reference. The handbook can be found here: <https://www.bia.gov/policy-forms/handbooks>

1.5 Responsibilities.

- A. **Deputy Assistant Secretary – Management (DAS-M)** oversees the Office of Facilities, Property, and Safety Management (OFPSM) and ensures the Safety and Risk Management Program (SRMP) complies with all applicable laws, regulations, policies, and procedures.
- B. **Director, Office of Facilities, Property, and Safety Management (OFPSM)** reports to the DAS-M and is responsible for oversight, policy, and procedures governing IA facilities management and construction, property, safety, and risk management, including the administration and management of the Design Review, Final Inspection, and Certificate of Occupancy Program.
- C. **Chief, Division of Safety and Risk Management (DSRM), OFPSM** is responsible for:
 - 1) serving as the Authority Having Jurisdiction (AHJ) and delegating final inspections to authorized DSRM Inspectors;
 - 2) developing and retaining a staff of qualified and trained plan examiners and inspectors;
 - 3) certifying individuals nominated by BIA Regional Directors (RDs) and BIE Associate Deputy Directors to serve as authorized DSRM Inspectors;
 - 4) issuing Certificates of Occupancy, where applicable;
 - 5) maintaining records of all inspections, results, plans filed, surveys, and certificates of occupancy issued;
 - 6) reviewing architectural and engineering design documents for new construction, renovation, modification, reconstruction, change of use, change of occupancy, addition, new life safety systems, building systems, seating systems, and playground/play area equipment for compliance with federal laws, DOI policy, and the

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standards and codes adopted in this policy;

- 7) conducting final inspections for new construction, renovation, modification, reconstruction, change of use, change of occupancy, and installation of new life safety systems, building systems, new seating systems, and playground/play area equipment; and
- 8) completing the final inspection report and submitting it within 15 calendar days after the conclusion of the inspection to the appropriate IA Project Manager or Point of Contact for dissemination.

D. RDs and BIE Deputy Bureau Director (DBD), School Operations Division are responsible for nominating individuals to serve as an authorized DSRM Representative. Upon successful completion of the inspector training and approval by the DSRM, the individual may serve as the authorized representative and perform the functions of a DSRM Inspector.

E. IA Project Managers and Points of Contact are responsible for:

- 1) complying with the IA Safety, Health and Accessibility Design Guidelines for Architects, Engineers and Design Firms and the IA Final Inspection and Certificate of Occupancy Guidelines;
- 2) submitting to the DSRM all applicable design documents for review and approval prior to construction or installation of building systems, life safety systems, playground/play area equipment, and seating systems;
- 3) requesting a final inspection by the DSRM using the “Request for Final Inspection/Re-Inspection and Certificate of Occupancy” form;
- 4) verifying, prior to requesting final inspection, that the contractor has substantially completed the project and the architect has been given an opportunity to review the project work;
- 5) ensuring the architect has signed and issued the “Declaration of Substantial Completion” form;
- 6) verifying that all work is complete, including site work (i.e., sidewalks, accessible routes, ramps, stairs, parking areas, and playground/play area equipment), and that all systems (i.e., fire detection alarm, automatic sprinkler protection, emergency systems, heating, ventilation and air conditioning systems, water systems, elevator, etc.) are fully operational and have been acceptance tested in accordance with this policy;

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- 7) submitting to the DSRM all certifications and documentation, as applicable, at least 30 calendar days prior to the proposed final inspection date(s). Final inspections will not be scheduled until the DSRM receives all required certifications and documentation;
- 8) certifying, by written memorandum, that all contractors and personnel have been notified of the final inspection date, time, location, and their attendance has been confirmed. This certification must be submitted to the DSRM at least seven (7) calendar days before the scheduled final inspection;
- 9) submitting to the DSRM the “Certification of Permanently Corrected Deficiencies” form with hard copy photographic documentation validating that all deficiencies have been permanently corrected. Each photograph must be labeled to correlate with the identified deficiency item number as depicted in the final inspection report; and
- 10) continuing to monitor for completion all project work and deficiencies identified during final inspection until the issuance of the certificate of occupancy.

1.6 Definitions.

- A. Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) Guidelines (ADAABAG)** outline the scope and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the ADA. Requirements must be applied during the design, construction, and alteration of buildings and facilities. The ABA requires access to facilities designed, built, altered, or leased with federal funds. Federal agencies are responsible for ensuring compliance with ABA standards when funding the design, construction, alteration, or leasing of facilities.
- B. Authority Having Jurisdiction (AHJ)** is the Chief, DSRM who has the delegated authority to determine, mandate, and enforce IA-adopted safety and health codes, policy, and mandatory standards.
- C. Building Systems** are the elevator, platform lift, stairway chairlift components, etc.
- D. Certificate of Occupancy** is a document issued by the AHJ certifying that the building and occupancy are in accordance with the provisions of IA-adopted safety and health codes, policy, and mandatory standards, and permits the occupancy of the building for its intended purpose.

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- E. Design Documents Review** is a process performed by the IA AHJ to ensure that design documents are reviewed and approved for compliance with IA-adopted safety and health codes, policy, and mandated standards.
- F. Final Inspection** is an inspection made when the building, new building systems, new life safety systems, or new seating systems are completed and ready for use or occupancy.
- G. Life Safety Systems** are fire alarm systems, automatic sprinkler protection systems, stationary fire pumps, clean agent extinguishing components, etc.
- H. Playground/Play Area Equipment** refers to equipment intended for use in play areas, such as a seesaw, merry-go-round, swing-set, slide, jungle gym, chin-up bars, sand-box, spring rider, trapeze rings, playhouses, mazes, etc.
- I. Seating Systems** consist of bleachers, fixed seating, and grandstand components.

1.7 Standards, Requirements, and Procedures.

A. Occupational Safety and Health Standards Compliance

The U.S. Department of Labor's (DOL) Occupational Safety and Health Standards are adopted as the DOI standards to the extent that they are applicable to Departmental operations.

IA adopts and issues safety standards consistent with public safety laws and regulations of state and municipal governments when they do not conflict with DOI or IA policy, particularly as applied to construction; boiler and pressure vessel operations; installation and inspection of wiring; elevator safety codes; motorized equipment safety; occupational safety and health regulations; and sanitation codes. In addition, IA has adopted such safety standards as may apply to IA operations that are issued by the following nationally recognized professional organizations:

- The American National Standards Institute
- The American Society of Mechanical Engineers
- The American Society of Testing and Materials
- The National Fire Protection Association

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B. General Requirements

- 1) All new construction, major renovations, alterations or modifications, including delivery method projects such as off-site construction (modular or portable) buildings, Design-Bid-Build, Design-Build, and Construction Management at Risk, must be reviewed by the DSRM for compliance with IA-adopted safety and health codes, policy, and mandatory standards.
- 2) New construction must conform to the standard and code edition in effect on the date the design contract is awarded. If the construction contract is bid within five (5) years from that date, the project will be redesigned utilizing current IA-adopted safety and health codes, policy, and mandatory standards.
- 3) IA facilities operation, planning, programming, design, construction, alteration, and remodeling must comply with the IA Safety and Health Inspection Program.
- 4) Whenever facility occupancy is changed, either through use, program change, remodeling, redecorating, or relocation, the responsible official must request a final inspection by submitting to the DSRM the "Request for Final Inspection/Re-Inspection and Certificate of Occupancy" form prior to occupancy.
- 5) After installation of new building systems, life safety systems, seating systems; completion of new construction; facilities, improvement and repair; minor improvement and repair; or rehabilitation, renovation, or alternation projects, the DSRM, or its authorized representative, will conduct a final inspection. Identified deficiencies will be listed in the final inspection report or punch list. Deficiencies that appear on a contractor's punch list should not be encoded into IA's facilities management system.
- 6) The DSRM final inspection is not a construction contract quality assurance inspection.
- 7) The DSRM final inspection will determine compliance with IA-adopted codes safety and health codes, policy, and mandatory standards. If applicable, the AHJ will issue the appropriate certificate of occupancy or certificate compliance.

C. Design Documents Review Requirements

- 1) The DSRM will review all design documents, including construction plans and

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specifications, for preliminary, completed, and final construction phases. All IA-funded construction, including related construction documents, must meet IA-adopted safety and health codes, policies, and mandatory standards. Three complete sets of the design documents for each phase must be submitted to the DSRM. A copy will be retained by the DSRM and the remaining copies will be provided to the IA Project Manager or Point of Contact and the designer of record.

- 2) Preliminary Construction Documents (70%) must be submitted to the DSRM for review for compliance with IA-adopted safety and health codes, policy, and mandatory standards.
- 3) Completed Construction Documents (99%) must be submitted to the DSRM for review for compliance with IA-adopted safety and health codes, policy, and mandatory standards.
- 4) Final Construction Documents (100%) must be submitted to the DSRM for review and approval for compliance with IA-adopted safety and health codes, policy, and mandatory standards prior to construction.
- 5) Construction Contract Change Orders must be submitted to the DSRM for review and approval prior to installation.
- 6) Shop Design Documents, including fire detection alarm systems; automatic sprinkler protection systems; stationary fire pumps; cooking equipment fire suppression system; emergency stand-by generator systems; elevators; platform lifts; stairway chairlifts; fixed seating; grandstand/bleacher seating; and playground/play area equipment must be submitted to the DSRM for review and approval prior to installation.

D. Final Inspection Requirements

- 1) Contractors and sub-contractors must be present for the entire duration of the final inspection and will be released at the DSRM Inspector's discretion.
- 2) DSRM Inspectors may cease, postpone, or cancel inspections at any point during the on-site inspection, with IA AHJ approval. For example, if the DSRM Inspector deems the project incomplete, or when personnel are not available to test their respective systems, the DSRM Inspector may cancel the inspection.

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- 3) If a final inspection is ceased, postponed, or cancelled for any reason, the final inspection will be rescheduled. The inspection will be rescheduled after the Project Manager and DSRM have coordinated corrective actions and scheduling. The Project Manager must submit a new "Request for Final Inspection/Re-Inspection and Certificate of Occupancy" form.

E. Certificate of Occupancy Requirements

- 1) The IA Certificate of Occupancy is issued in strict accordance with NFPA 5000 - Building Construction and Safety Code.
- 2) No building erected, altered, or relocated, or for which a change of occupancy has been made, will be used in whole or in part until a Certificate of Occupancy has been issued by the AHJ certifying that the building and occupancy are in accordance with the provisions of the NFPA 5000, IA-adopted safety and health codes, policy, and mandatory standards.
- 3) Once the building is in compliance with the provisions of NFPA 5000, IA-adopted safety and health codes, policy, and mandatory standards, the AHJ will issue the Certificate of Occupancy for the building.
- 4) A Certificate of Occupancy will be issued when the following conditions have been met:
 - a. the completed project meets the conditions of the approved construction documents, including all amendments, and all prior approvals;
 - b. all necessary inspections have been completed, and the completed project meets the requirements of NFPA 5000, IA-adopted safety and health codes, policy, and mandatory standards;
 - c. all violations have been corrected;
 - d. all protective devices and equipment required to be installed by NFPA 5000 are operational; and
 - e. all quality assurance programs required by chapter 40 of NFPA 5000 have been completed.

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- 5) A temporary Certificate of Occupancy may be issued by the AHJ for use of portions of a building prior to completion of the entire building if:
 - a. the completed portions of the building meets the conditions of the approved construction documents, including all amendments, and all prior approvals;
 - b. all necessary inspections for the completed portions of the building have been completed and meet the requirements of NFPA 5000, IA-adopted safety and health codes, policy, and mandatory standards;
 - c. all violations of the completed portions of the building have been corrected;
 - d. all protective devices and equipment in the completed portions of the building required to be installed by NFPA 5000 continue to be operational; and
 - e. all quality assurance programs required by chapter 40 of NFPA 5000 have been completed.

F. Revocation of Certificate

- 1) When any building or portions of a building are being used contrary to the provisions of NFPA 5000, IA-adopted safety and health codes, policy, or mandatory standards, the AHJ may revoke a Certificate of Occupancy and order such use or occupancy discontinued and the building or portions of the building vacated. The AHJ must provide written notice of the revocation of the certificate to the person(s) using or causing to be used such buildings or portions of the building. Continued use of the building, or portions of the building, after the Certificate of Occupancy has been revoked, is a violation of NFPA 5000, IA-adopted safety and health codes, policy, and mandatory standards.
- 2) Upon correction(s) of the deficiencies identified in the written notice of the revocation, the Official in Charge will complete and submit to the DSRM the "Request for Final Inspection/Re-Inspection and Certificate of Occupancy" form. If the building passes final inspection by the DSRM, the AHJ will reissue the Certificate of Occupancy for the building.

1.8 Reports and Forms.

- A.** The Designer of Record completes and submits the "Declaration of Substantial Completion" form to the IA Project Manager. This form is the standard American Institute of Architects (AIA) form available on their website.

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AIA charges a fee for the form and it is the common industry document accepted by IA. The form is available here: www.aia.org

- B.** All other forms mentioned herein are located on the IA Forms webpage here: <https://www.bia.gov/policy-forms/online-forms> (on the 'Indian Affairs Specific Forms and Guidance' tab).

Additional information and resources are available on the IA Safety Management System (a.k.a. IA Safety Connect) SharePoint site here: <https://doimspp.sharepoint.com/sites/bia-ems/iasafety>. This site is accessible to all IA employees through the following: 1) BIA Office 365 Active Directory Accounts [for users with a bia.gov email address], 2) BIE employees with existing Office 365 accounts, or 3) by invitation by going to: <https://tinyurl.com/ia-connect>

Approval

JASON FREIHAGE

Digitally signed by JASON
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Date: 2020.06.16 17:00:05 -04'00'

6/16/20

Jason Freihage
Deputy Assistant Secretary – Management

Date