



**US Army Corps
of Engineers®**

ENGINEERING AND CONSTRUCTION BULLETIN

No. 2021-5

Issuing Office: CECW-CE

Issued: 20 Apr 21

Expires: 20 Apr 23

SUBJECT: Interpretation of UFC 1-200-01, Delegation of Building Official/Authority Having Jurisdiction (BO/AHJ) Responsibilities, and Waiver/Exemption/Equivalency Approvals

CATEGORY: Directive and Policy

1. References:

a. Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, Department of Defense Unified Facilities Criteria, 29 May 2002.

b. MIL-STD-3007G, Department of Defense Standard Practice, Unified Facilities Criteria, Facilities Criteria, and Unified Facilities Guide Specifications, 01 November 2019

c. Unified Facilities Criteria (UFC) 1-200-01, DoD Building Code with Change 1, 1 October 2020

d. UFC 3-600-01, Fire Protection Engineering for Facilities, Change 5, 24 September 2020

e. Department of Defense Directive 4270.5, Military Construction with Change 1, 31 August 2018

2. Purpose. This ECB provides direction and guidance for delegation of BO and AHJ responsibilities. This ECB also provides the waiver, exemption, and equivalency process related to life safety and fire protection design and construction criteria.

3. Applicability. This ECB applies to all programs and projects using Unified Facilities Criteria (UFC) in design or construction in which the Army is a stakeholder, including both Military and Civil Works design and construction.

4. Policy: UFC 1-200-01, Change 1 clarifies assignment of responsibilities for the Building Official (BO)/Authority Having Jurisdiction (AHJ). The BO/AHJ represents the DoD design and construction agent responsible for accomplishing the project, and exercises authority to interpret and apply criteria to work in progress, evaluate compliance with criteria, and accept finished work that is in compliance with criteria.

a. UFC 1-200-01, Change 1 does not identify the BO/AHJ within each service. The authority to delegate this responsibility lies with the Engineering Senior Executive Panel (ESEP) member for each service. For projects where the Army is the design and construction agent, the BO/AHJ is hereby delegated to the government employee that is the chief of the technical organization

ECB No. 2021-5

Subject Interpretation of UFC 1-200-01, Delegation of Building Official/Authority Having Jurisdiction (BO/AHJ) Responsibilities, and Waiver/Exemption/Equivalency Approvals

responsible for the construction of the project. For USACE, this is the Chief of Engineering and Construction¹ at the District or Center responsible for the project.

b. UFC 1-200-01, Change 1 identifies the BO/AHJ authorities to interpret criteria, evaluate compliance, and accept finished work that is in compliance with the criteria, and to use alternative materials, designs, or methods of construction. It also identifies authorities to choose between design options, use approved equivalent standards, and employ design options not specifically addressed in criteria in collaboration with the Component Technical Representative (CTR). When determining alternate materials, designs, or methods, the BO/AHJ assumes risk on behalf of the Army and the project sponsor.

c. For equivalencies related to fire protection or life safety, the BO/AHJ must obtain approval from the Army Component Technical Representative for Fire Protection Engineering (CFPE), HQ USACE Engineering and Construction Division Fire Protection Engineer, or other technical representative as designated by the HQ USACE Chief of Engineering and Construction Division. The CFPE or other technical representative will seek concurrence with the CFPE or CTR for the project sponsor.

d. For all waivers and exemptions to the DoD Building Code, the BO/AHJ must obtain approval from the Army Engineering Senior Executive Panel (ESEP) member, HQ USACE Chief of Engineering and Construction Division in addition to the ESEP member for the project sponsor and/or installation on which the project is located. See Table 1.

Table 1: Delegation of UFC Authorities within the Army

	BO/AHJ For USACE: District E&C Chief ¹ For other Army: Chief of the local technical organization (e.g. DPW)	CFPE or Designated Technical Representative For all Army: HQ USACE Engineering and Construction Division Fire Protection Engineer (or other designated technical representative)	ESEP For all Army: HQ USACE Chief of Engineering and Construction Division
Interpretation of UFC	X		
Evaluate Compliance with UFC	X		
Accept Finished Work In- compliance with UFC	X		
Equivalencies, not Related to Fire Protection or Life Safety	X		
Equivalencies, Related to Fire Protection or Life Safety		X	
Waivers or Exemptions			X

e. MIL-STD-3007G references Regulatory or Functional Authority concurrence with waiver or exemption requests prior to ESEP waiver or exemption signature authority final approval. The Regulatory or Functional Authority is any responsible party that by policy, law, or other

¹ For Districts and Centers without a Chief of Engineering and Construction, the BO/AHJ is assigned to the Chief of Engineering. While the BO/AHJ may delegate related duties, the ultimate BO/AHJ responsibility remains with the assignee specified herein.

ECB No. 2021-5

Subject Interpretation of UFC 1-200-01, Delegation of Building Official/Authority Having Jurisdiction (BO/AHJ) Responsibilities, and Waiver/Exemption/Equivalency Approvals

official authority, is required to approve deviations from the UFC on behalf of the project sponsor. More than one Regulatory or Functional Authority may be required to approve waivers or exemptions.

f. Table 2 below shows examples of how various roles are filled under different design and construction relationships.

Table 2: Examples of Responsibilities under Different Design and Construction Relationships

Design and Construction Agent	Project Sponsor	BO/AHJ	CTR	CFPE	ESEP Waiver or Exemption Signature Authority
USACE	Air Force	USACE District Chief of Engineering and/or Construction (E&C) ¹	Sponsor Designated	E&C Division, HQ USACE	Deputy Chief of Staff for Logistics, Engineering and Force Protection, Headquarters U.S. Air Force and Chief, Engineering and Construction (E&C) Division, Headquarters United States Army Corps of Engineers (HQ USACE)
USACE	IMCOM	USACE District Chief of E&C ¹	Sponsor Designated	E&C Division, HQ USACE	Chief, E&C Division, HQ USACE
USACE	USACE	USACE District Chief of E&C ¹	Sponsor Designated	E&C Division, HQ USACE	Chief, E&C Division, HQ USACE
USACE	DoDEA on Air Force Base (DoD Agency)	USACE District Chief of E&C ¹	Sponsor Designated	E&C Division, HQ USACE	Chief, E&C Division, HQ USACE and Deputy Chief of Staff for Logistics, Engineering and Force Protection, Headquarters U.S. Air Force
USACE	NGA not on a Military Base (DOD Agency)	USACE District Chief of E&C ¹	Sponsor Designated	E&C Division, HQ USACE	Chief, E&C Division, HQ USACE
USACE	VA (non-DoD Agency) ²	USACE District Chief of E&C ¹	Sponsor Designated	E&C Division, HQ USACE	Chief, E&C Division, HQ USACE
NAVFAC	USACE	NAVFAC	USACE Project Sponsor	NAVFAC	Chief, E&C Division, HQ USACE
NAVFAC	IMCOM	NAVFAC	IMCOM Project Sponsor	NAVFAC	Chief, E&C Division, HQ USACE
Army Garrison Department of Public Works (DPW)	IMCOM	Local DPW Director	Sponsor Designated	E&C Division, HQ USACE	Chief, E&C Division, HQ USACE
Army Garrison DPW	Navy	Local DPW Director	Sponsor Designated	E&C Division, HQ USACE	Chief Engineer, Naval Facilities Engineering Command (NAVFAC) and Chief, E&C Division, HQ USACE

² Per UFC 1-200-01, “UFC will be used for all DoD projects and work for other customers where appropriate.” In instances where UFC are used for non-DoD project sponsors, responsibilities will be assigned in the same manner as DoD project sponsors. Where UFC are not required the interagency memorandum of agreement should be used to establish roles and responsibilities.

ECB No. 2021-5

Subject Interpretation of UFC 1-200-01, Delegation of Building Official/Authority Having Jurisdiction (BO/AHJ) Responsibilities, and Waiver/Exemption/Equivalency Approvals

g. Per MIL-STD 3007G, approved waiver requests are temporary, normally less than one year; approved exemptions are permanent. Granted approvals for waivers, exemptions, or life safety or fire protection equivalencies apply only to the situation specifically identified in the signed memorandum. Each new situation requires a new approval.

h. Nothing in this policy is intended to interfere with additional review requirements. Coordinate additional required reviews before submitting equivalency or waiver/exemption requests to HQ USACE.

5. Procedure for Submitting Requests

a. **All Non-USACE Organizations:** For waiver, exemption, or life safety or fire protection equivalencies, submit a memorandum signed by the BO/AHJ to WERequests@usace.army.mil. A template is provided as an attachment to this ECB. All memoranda should be signed by the BO/AHJ and should contain the following information:

- i. Description of the issue
- ii. Relevant code and sections to be reviewed
- iii. Description of risk-mitigating factors
- iv. POC for the request
- v. Supplemental data and drawings as attachments

b. **All USACE Organizations:** For waiver, exemption, life safety or fire protection equivalencies, submit a memorandum signed by the BO/AHJ to the Waiver and Exemption Request System (<https://usace.dps.mil/sites/KMP-FPE/SitePages/WERequests.aspx>). The WERequests system provides additional guidance, points of contact, and request status tracking.

6. **Date of Applicability.** This ECB is effective immediately.

7. **Point of Contact.** HQUSACE point of contact for this ECB is Dr. Christopher Thompson, Chief of the Military Engineering Branch, CECW-EC, (202) 761-4492.

//S//

PETER L. STURDIVANT, P.E.
Chief, Engineering and Construction
US Army Corps of Engineers

Encl.

Attachment 1 – Waiver/Exemption Request Form Template