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of Engineers®**

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

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. UFC 1-200-01, DoD Building Code with Change 4, 17 DEC 2024

d. DoDD 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. It also provides the waiver and exemption approval process for the Unified Facilities Criteria (UFC). This ECB delegates specific authority to adjudicate *equivalencies* to local Districts, Centers, and offices performing and overseeing design work. The UFC aim to establish consistent quality standards and permit the use of materials, design, or construction methods beyond those specified, provided the local office approves. Use of these equivalencies to promote innovative solutions that provide equivalent quality, strength, effectiveness, fire resistance, durability, and safety is *encouraged*. These delegations and processes are intended to enhance innovation and expedite decision-making that leads to effective project delivery.

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.

a. UFC 1-200-01 states that the Building Official (BO)/Authority Having Jurisdiction (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.

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b. The authority to delegate the BO/AHJ 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 responsible for the design and construction of the project. For USACE, this is the Chief of Engineering and Construction¹ at the District or Center responsible for the project. While the BO/AHJ may delegate related duties, the ultimate BO/AHJ responsibility remains with the assignee specified herein.

c. UFC 1-200-01 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 should appropriately manage, communicate, and document the risk on behalf of the Army and the project sponsor.

d. For all waivers and exemptions to the DoD Building Code for which the Army is a project sponsor or landholder, the BO/AHJ must obtain approval from the Army Engineering Senior Executive Panel (ESEP) member, HQ USACE Director of Engineering and Construction. See Table 1 for a summary of delegated responsibilities within the Army.

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)	ESEP For all Army: HQ USACE Director of Engineering and Construction
Interpretation of UFC	X	
Evaluate Compliance with UFC	X	
Accept Finished Work In-compliance with UFC	X	
Equivalencies	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 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. For all waivers and exemptions to the DoD Building Code for which USACE is the design and construction agent for another DoD agency, the BO/AHJ must send notification to, but need

¹ For Districts and Centers without a Chief of Engineering and Construction, the BO/AHJ is assigned to the Chief of Engineering.

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not seek approval of, the HQ USACE Director of Engineering and Construction in addition to seeking approval from the ESEP member for the project sponsor and/or installation on which the project is located. Use the process in Section 5 to send notifications.

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

h. 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.

i. Waiver and exemption requests are encouraged when the BO/AHJ believes that the UFC provision prevents an approach that benefits the Army and the stakeholder.

j. Communication of Waivers, Exemptions, and Equivalencies is important to a learning-organization. Districts are encouraged to reach out to appropriate subject matter experts,

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 unless the memorandum of agreement specified otherwise.

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Communities of Practice, and Centers of Expertise in resolving design challenges. Use the procedure for submitting requests in Section 5 to submit notifications, request assistance, or to document use of an equivalency that would help future development of criteria.

k. 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 waivers or exemptions, 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 contain the following information:

- i. Project name and location
- ii. Percent complete for design or construction
- iii. Date 35% design was completed for design bid build or date of Request for Proposal for design build
- iv. Description of the issue
- v. Relevant DoD building code and sections to be reviewed
- vi. Description of risk-mitigating factors
- vii. POC for the request
- viii. Supplemental data and drawings as attachments

b. **All USACE Organizations:** For waivers, exemptions, or for notification of waiver/exemption request to another service, 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 Division, (202) 761-4492.

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THOMAS P SMITH, P.E.
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Encl.

Attachment 1 – Waiver/Exemption Request Form Template