

A/E Pass Rate - Final list of "plan review failures not really failures"

1. Wrong interpretation resulting in an in-house reversal either by a Code Administrators decision or by the Department's appeal process, will not count.
2. Utility backflow related turndowns do not count.
3. Defects related to City, Towns or other local agency reviews (non NCB-E-M-P Code reviews) do not count.
4. Interpretations which are determined by the Director to fall in a "grey area". DOI interpretations will clarify/dictate the interpretation and prevail.
5. Failures relative to the three (3) year code cycle will not count inside the transition period
 - 5.1 Interim code changes issued by the BCC will be posted on meckweb and the AE will be required to make the document code compliant;
 - however AE's will not be charged as a failure for a three month period from date posted on the department website.
6. Coordinate errors impacting M-E-P (Mechanical, Electrical, Plumbing) driven by a code interpretation error will apply only to the primary (error originating) discipline.
 - Other disciplines will not collect a defect.
7. Accessibility not on "A" sheet, or other comments on non-seal holder sheets, will not count.
 - Applies if defect is not the responsibility of the A/E to provide; for example an item that was the responsibility of the Civil Engineer such as parking space signage.
8. The AE disagrees w/ County interp, but changes the plan to expedite permit. If the subsequent appeal finds in favor of the AE (department interp is wrong) it does not count as a defect.
9. If a plan review defect impacts two disciplines, the AE causing the problem will be held accountable, not the other disciplines.
10. A field generated failure is not a chargeable failure in the AE pass rate.
11. A plan review defect covered by Interactive Review or Approved as Noted criteria, but not picked up, will not count for the involved discipline.
12. Plan Reviewer hand-off after preliminary review and conflicting interpretation (disagrees with preliminary review agreement) will not count with these conditions:
 - a) the item must have been covered in the prelim review, the interp agreed to and documented formal preliminary meeting notes received by the Department;
 - b) the plans must not change (must match plans in prelim review).
13. Appendix B typing errors will not count as a defect if it is a typo, or if it is the last item standing in the review, or should have been picked up by AAN or Interactive Review.
14. Regarding new comments on 2nd cycle, if not driven by scope change, will not count as a defect.
15. If the AE disagrees w/ cycle one B-E-M-P code interpretation, appeals and prevails, the appeal causing defect will not count. (similar to items #1 and #8)
16. If an NCBC defect is caused by a local ordinance requirement it will not count.
 - Intended to apply to conflicts between the state building code and local ordinances; does not apply to local NCFPC amendments.
17. Any metal buildings that are in compliance with Option B/B.6 (reaction calculations)

Note: see pages 2 thru 4 for record of AE-Department discussion/concerns on each item above

A/E Pass Rate Subcommittee / Plan Review Task Force discussion notes on "failures not really failures"				
Challenge	Comment	Resolution (comments from MCCE)	Implementation (comments from AE)	final language
Failures that should not be considered failures.	Wrong interpretation resulting in an in-house reversal.	If an interpretation is found to be incorrect by the Formal Appeal process, the failure should be reversed to a pass.		1. Wrong interpretation resulting in an in-house reversal either by a Code Administrators decision or by the Department's appeal process, will not count.
	Utility backflow related turndowns do not count.			2. Utility backflow related turndowns do not count.
	No defects from City or Towns.	Needs further study.	Deals with only BEMP does not apply to local ordinance issues or agencies. Utility related Backflow related turndowns in plumbing do not count.	3. Defects related to City, Towns or other local agency reviews (non NCB-E-M-P Code reviews) do not count.
	Any "grey area" interpretation. Must define "grey area".	Need to determine what is the gray area with in the code. (Further Study)(Case by case basis)	More assistance from AE to determine gray areas to discuss in consistency teams. Industry considers the code to be more gray than MCCE does. Code vs. submission guidelines gray areas. This may be a moving target. DOI interpretations will clarify/dictate the interpretation. RULE: DOI interpretations will prevail. RULE: Other items at the discretion of the director.	4. Interpretations which are determined by the Director to fall in a "grey area". DOI interpretations will clarify/dictate the interpretation and prevail.
	Failures relative to the three (3) year code cycle.	In every transition between code cycle we would make every effort to verify what code is being used. Transition period of 6 months	What happens when BCC issues interim changes between cycles? On a periodic basis, AE not failed for the interpretation, however it will need to be compliant, until posted on meckpermit, grace period of three months after it is posted. Once interpretation is posted on meckweb, the AE will be required to make the document code compliant, however, will not be charged as a failure, for a three month period from effective date. Need to define effective date (DOI vs. when it was posted on meckpermit)	5. Failures relative to the three (3) year code cycle will not count inside the transition period 5.1 Interim code changes issued by the BCC will be posted on meckweb and the AE will be required to make the document code compliant, however AE's will not be charged as a failure for a three month period from date posted on the department website.
	Coordinate errors impacting M-E-P (Mechanical, Electrical, Plumbing) driven by a code interpretation error.	If there was a code Interpretation that causes addition failures with in other trades and it was in error, a correction to all designers that where turned down would be made.	Do not penalize the other trades for the primary trades mistake.	6. Coordinate errors impacting M-E-P (Mechanical, Electrical, Plumbing) driven by a code interpretation error will apply only to the primary (error originating) discipline. Other disciplines will not collect a defect.
	Accessibility not on "A" sheet, or other comments on non-seal holder sheets.	In the case of an Accessibility item that was not shown on the " A " sheet and it was not the responsibility of the A/E to provide, it should not be reflected on the A/E score. Example: for an item that was the responsibility of the Civil Engineer for H.C signage.		7. Accessibility not on "A" sheet, or other comments on non-seal holder sheets, will not count. Applies if the defect is not the responsibility of the A/E to provide; for example an item that was the responsibility of the Civil Engineer such as parking space signage.

	Agrees w/ County to expedite permit and later finds department is wrong.	If an interpretation is found to be incorrect by the Formal Appeal process, the failure should be reversed to a pass.	Can still appeal and the appeal decision governs	8. The AE disagrees w/ County interp, but changes the plan to expedite permit. If the subsequent appeal finds in favor of the AE (the department interp is wrong) the AE does not collect a defect.
	Plan Review defect impacts two (2) disciplines.	When a defect bridges two trades it should be determined what discipline is requiring the item and only go against that A/E Professional .	AE that caused the problem will be held accountable, not the other trades. Same as above	9. If a plan review defect impacts two disciplines, the AE causing the problem will be held accountable, not the other disciplines.
	A field generated failure is not a chargeable failure in the AE pass rate.		Expedite the RTAP and do not charge for the RTAP. Bring this to the consistency team for the appropriate trade.	10. A field generated failure is not a chargeable failure in the AE pass rate.
	Not picked up but covered by Interactive Review or Approved as Noted.	The plans examiners will make every effort to utilize AAN and Interactive Review. If an individual strongly feels one of these programs could have been used and was not, it may be appealed to MCCE and if it is found to be valid, a failure can be changed to a pass.		11. A plan review defect covered by Interactive Review or Approved as Noted criteria, but not picked up, will not count for the involved discipline .
	Plan Reviewer hand-off after preliminary review and conflicting interpretation (disagrees with preliminary review agreement) with notes and without notes.	If there is a legitimate code defect, it should be counted as a failure if AAN and Interactive Review can not be utilized. If it is an item that was discussed and an agreement on how to handle the situation was made between the plans examiner and the A/E in formal preliminary minutes and notes, the item can be brought through the formal appeal process and if found to be correct, the item will be a pass.	Preliminary agreement documented in meeting notes, as long as the plans do not change, it will not be a failure, even if appeal does not agree with A/E.	12. Plan Reviewer hand-off after preliminary review and conflicting interpretation (disagrees with preliminary review agreement) will not count with these conditions: a) the item must have been covered in the prelim review, the interp agreed to and documented formal preliminary meeting notes received by the Department; b) the plans must not change (must match plans in prelim review).
	Appendix B type errors.	Interactive Review will assist in the goal of approving projects in one review cycle. This will assist both industry and MCCE by reducing the number of times the project needs to be in the system.	If this is a typo, or if this is the last item standing in the review, or should have been picked up by AAN or Interactive Review it will not be a failure.	13. Appendix B type errors will not count as a defect if it is a typo, or if it is the last item standing in the review, or should have been picked up by AAN or Interactive Review.
	What about new comments on 2nd cycle? Not driven by scope change. Not driven by owner (assume RTAP is a separate event).	The use of AAN and Interactive Review will be a priority for MCCE plans examiners. As with every situation, hindsight is better than foresight, but we strive to utilize these tools as effectively as possible for those conditions. And this should not be a failure to the A/E Professional		14. Regarding new comments on 2nd cycle, if not driven by scope change, will not count as a defect.
	Disagree w/ cycle one (1) code interpretation.	If there is a disagreement on a code section we have an appeal process that should be utilized.	Utilize the appeal process. (see above descriptions)	15. If the AE disagrees w/ cycle one B-E-M-P code interpretation, appeals and prevails, the appeal causing defect will not count. (similar to items #1 and #8)
	NCBC defect caused by local ordinance required (not CFD).	This will have to be a case by case basis. (Further Study)	This does not apply to local ordinances. If a local ordinance causes a change it will not be a failure.	16. If an NCBC defect is caused by a local ordinance requirement it will not count. This is intended to apply to conflicts between the state building code and local ordinances. I does not apply to local NCFPC amendments.
	Should be utilized when waiting for reaction calculations from manufacturer			17. Any metal buildings that are in compliance with Option B/B.6 (reaction calculations)