

## **Q&A: Third-Party Plan Review and Inspections during COVID-19**

### **Q: Which of the Governor's Executive Orders apply to third-party development permitting plan review and inspections?**

**A:** The [Governor's Executive Orders](#) 3-20-20.02 and 3-30-20.02 apply to development plan review and inspections. (Note: Double check expiration dates on Executive Orders as they are subject to revision.)

- Order 3-20-20.02 states, in part, that applicants “have the option of retaining private professional providers immediately to provide the required plan review or inspection in accordance with O.C.G.A. 8-2-26(g)(5).”
- Order 3-30-20.02 states, in part, that Order 3-20-20.02 is amended “to allow for the immediate use of private professional providers in accordance with Code Section 8-2-26(g)(4)-(5) to provide the required plan review or inspection for project identified by Code Section 8-2-26(g)(17).”

Note that all other development requirements (permit applications, approvals by all other applicable agencies, fee payments, permit issuance/preconstruction meetings, code compliance activities, and CO issuance) still apply.

GMA encourages cities to work with developers and their private plan reviewers and inspectors to establish templates for affidavits, inspection reports, and other required documents. This is an opportunity to “test drive” the private professional provider review process.

### **Q: Does GMA have a model ordinance for cities to pre-qualify third-party providers?**

**A:** Yes, GMA created a model ordinance, prequalification manual, and application to assist cities that wish to implement a third-party prequalification process based on the provisions in [O.C.G.A. Section 8-2-26\(g\)\(15\)](#).

### **Q: If a city adopts a pre-qualification ordinance after the date of the Governor's Executive Order, will it be enforceable immediately?**

**A:** No, it will not be enforceable immediately. If a city adopts a pre-qualification ordinance on a date after the Governor's Executive Order, the requirements of the ordinance will not become effective until the Governor's Executive Order expires. Please check with your city attorney regarding the enforceability of any parts of the ordinance that are not in conflict with the Governor's Orders.

### **Q: Is there a list of private professional providers for plan review or inspection services?**

**A:** Yes. The American Council of Engineering Companies (ACEC) of Georgia has compiled an [ACEC GA List](#) of providers who are qualified to provide private plan review and inspection services. The

list should not be considered exhaustive of all providers of these services is ACEC GA the only source for this information.

**Q: If city facilities are closed to the public and an electronic system is not in place, how do private professional providers get access to development records such as approved site plans, conditions of zoning, prior inspections, etc.?**

**A:** City staff and private professional providers will need to work out a process to share the needed information in a “no contact” setting. For plan reviews, a pre-submittal coordination virtual meeting or call is recommended to discuss the particulars of the project.

### **Third-Party Plan Review and Inspections – General Q&A**

**Q: Do the provisions of O.C.G.A. 8-2-26(g) apply to applications for land disturbance permits?**

**A:** Yes, they apply to all applications except those exempted in O.C.G.A. 8-2-26(g)(17)

**Q: Can a city issue a Stop Work Order if non-compliant activities are taking place on a project site?**

**A:** Yes, a city can issue a Stop Work Order or other code compliance actions for violations of building and development related codes.

**Q: Does the state law specify minimum insurance requirements for private professional providers?**

**A:** Yes, O.C.G.A. 8-2-26(g)(11) requires that “All private professional providers providing plan review or inspection services pursuant to this subsection shall secure and maintain insurance coverage for professional liability (errors and omissions) insurance. The limits of such insurance shall be not less than \$1 million per claim and \$1 million in aggregate coverage for any project with a construction cost of \$5 million or less and \$2 million per claim and \$2 million in aggregate coverage for any project with a construction cost of more than \$5 million. Such insurance may be a practice policy or project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the private professional provider. If the insurance is project-specific, it shall continue in effect for two years following the issuance of the certificate of final completion for the project. A local enforcement agency, local building official, or local government may establish, for private professional providers working within that jurisdiction, a system of registration listing the private professional providers within their stated areas of competency. The permit applicant shall verify compliance with the insurance requirements of this paragraph.

**GMA requests that cities share their experiences with private professional providers with us so that we can pass along best practices and lessons learned.**