



Permitting and Inspections Department  
Michael A. Russell, MS, Director

## Third Party Plan Review Program

### Overview

The Third Party Plan Review Program will allow large and/or complex projects to be submitted to a qualified Third Party Plan Review Agency (Agency) as an alternative to the Permitting and Inspection Department (PID) standard plan review process. This will reduce permitting turnaround time and allow PID to improve the customer experience.

The scope of authority for Third Party Plan Review includes only plan review for compliance with construction codes. It does not include reviews that fall under the purview of other City of Portland or State of Maine authorities (including Zoning, Planning, Historic Preservation, Public Works and Maine State Fire Marshal). The PID will continue to perform the field inspections and certify compliance with the approved plans.

### Third Party Reviewer Certification

In order to participate in the Third Party Plan Review Program, each Agency must first be certified by the PID.

The minimum qualifications to consider an Agency for certification are:

1. The employment of at least one Plan Reviewer with a minimum of 5 years of commercial plan review experience.
2. All Plan Reviewers must have the following minimum qualifications:
  - a. Current State of Maine registration as a Professional Engineer or Architect,
  - b. Current International Code Council (ICC) certifications: Building Plans Examiner, Mechanical Plans Examiner, Plumbing Plans Examiner, Electrical Plans Examiner, Fire Plans Examiner, and
  - c. Demonstrated knowledge of Building Code, Mechanical Code, Plumbing Code, Electrical Code, Fire Code, Elevator Code, Energy Conservation Code and ADA accessibility requirements.

The PID reserves the right to refuse to certify Agencies, even if they meet the minimum qualifications, for good cause.

An application for certification must include the following:

1. A detailed statement of the Agency's qualifications.
2. A list of the qualified plan reviewers who will certify, supervise and/or perform the Third Party Plan Review, and their qualifications. This shall include a resume showing all professional licenses and certifications, ICC certifications, years of commercial plan review experience and types of projects.
3. A quality assurance plan for contracted plan review, including the reporting of nonconforming items to the owner/designer, providing timely reports of each review and submitting a final signed report.



Permitting and Inspections Department  
Michael A. Russell, MS, Director

4. A notarized sworn affidavit, signed by an authorized representative of the Agency, attesting that the Agency and its Plan Reviewers will remain independent of conflicts of interest.
5. Proof of Professional Liability Insurance coverage.

An Agency will be issued an approval letter once it is certified to participate in the Program. After certification is obtained, the Agency has an obligation to immediately notify PID in writing of any application information changes, including personnel.

### Third Party Plan Review Process

1. Request to Use Third Party Review Agency. The permit applicant for the project must request, at the time of PID permit application submission, to use a Third Party Plan Review Agency for a project. To do so, the applicant must submit a "Request to Use a Third Party Plan Review Agency" form in an electronic format with all required application materials, including drawings, documents and supplemental materials to PID. The same Agency must be used for the entire construction code review for the project, including architectural, structural, mechanical, electrical, plumbing, energy and fire protection, as required. If the requested Agency has not already been certified by the PID, the Agency must complete that process before the application may proceed.
2. Approval by the City of Third Party Review. The City will approve or deny the use of the requested Agency for the particular project. PID reserves the right to recall any project assigned to an Agency for the following reasons:
  - a. A lack of performance,
  - b. Significant material violation of this manual or construction codes,
  - c. Quality control issues or
  - d. Applicant complaints.
3. Review by the City. The City will conduct its review for requirements outside the scope of the Third Party Review, such as Zoning and Historic Review. Once the initial City review is complete, if approved, the PID will issue a "Notice to Proceed" to the applicant, authorizing the commencement of the Third Party Plan Review.
4. Transmission to the Agency. Upon receipt of the Notice to Proceed, it is the permit applicant's responsibility to transmit all required documents to the Agency for review and to provide any additional information to the Third Party Plan Reviewer, as requested. The permit applicant is also solely responsible for the cost of any Third Party Plan Review.<sup>1, 2</sup>

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<sup>1</sup> The compensation paid to the Agency for its plan review services shall not be contingent upon or affected by the conclusions reached by the Agency or the contents of any of the deliverables described in this policy.

<sup>2</sup> The applicant may request a refund of a portion of the building permit fee paid to PID, when the permit applicant elects to use Third Party Plan Review, once the permitted work has been completed to the satisfaction of PID and the permit has been closed. At its discretion, PID may issue a partial refund for the cost of the review of plans by the Agency.



Permitting and Inspections Department  
Michael A. Russell, MS, Director

5. Transmission of Final Documents to PID. After completion of the Third Party Review, the permit applicant shall transmit all final documents in an electronic format to the PID. The final documents submitted to PID shall include the following:
  - a. Approval Certification Letter,
  - b. All Code Deficiency Reports, and
  - c. A final set of permit drawings. Each sheet of the final permit drawings shall contain the Agency's review stamp.
6. Permit Issuance. Approval by the Agency does not automatically guarantee the issuance of the permit. The permit will be issued only once PID has verified that required final documents have been submitted and all other City reviews have been completed and City Codes complied with to the satisfaction of PID.

### **Third Party Plan Review Agency Responsibilities**

1. Review Assigned Work. The Agency shall review the materials submitted for compliance with all applicable codes and standards. Materials for review shall include, but not be limited to, the following:
  - a. Architectural Construction Plans
  - b. Electrical Engineering Construction Plans
  - c. Fire Protection/Life Safety Construction Plans
  - d. Elevator Engineering Construction Plans
  - e. Mechanical Engineering Construction Plans (Energy Conservation too)
  - f. Plumbing Engineering Plans
  - g. Structural Engineering Plans
  - h. Project Specifications
  - i. Manufacturer's Installation Instructions
2. Plan Review Code Deficiency Report. The Agency shall create a Plan Review Code Deficiency Report containing a list of non-complying items for each project and round of review. At a minimum, the report shall specify:
  - a. Agency's name and address
  - b. Name and contact information for the Plan Reviewer(s), including email.
  - c. Project address.
  - d. Discipline(s) for which plan review was performed.
  - e. List of items found to be non-compliant with code sections referenced.
  - f. Corresponding response from a design professional confirming that nonconforming items were corrected.

For each noted non-compliance item, the Code Deficiency Report shall cite the relevant code section(s), and the nature and the location of the deficiency. The Agency shall forward a copy of each Code Deficiency Report to the owner or designated recipient(s). Following completion of a Code Deficiency Report, the Agency shall communicate with



Permitting and Inspections Department  
Michael A. Russell, MS, Director

the owner or designated representatives to clarify the requested corrections required for code compliance.

3. Third Party Plan Review Approval Certification Letter. The Agency shall issue an Approval Certification Letter, which shall be signed and sealed by the plan reviewer. The Third Party Approval Certification Letter shall attest that:
  - a. The construction plans of the project were reviewed under the Plan Reviewer's direct supervision and in the disciplines identified in the certification;
  - b. It is the professional judgment of the Plan Reviewer that, to the best of his/her knowledge, the plans reviewed for the disciplines identified were designed in accordance with all applicable codes based upon the Third Party Plan Review performed and substantiating reports.
  - c. By undertaking a Third Party Plan Review, the Agency acknowledges that it is in compliance with all of the conditions of this program and attests that the personnel involved are qualified in accordance with the applicable statutes, regulations and this program
4. Access to Third Party Plan Review Agency. The Agency shall cooperate with PID and the applicant and/or designated representative with scheduling meetings and/or calls to provide updates and clarification of Third Party Plan Reviews.
5. Conflicts of Interest. It shall be the responsibility of the Third Party Plan Reviewer to immediately disclose any potential conflicts of interest between the Agency and the parties connected to the project.
6. Due Diligence. The Agency shall exercise due diligence in the discharge of the duties assigned to the Agency by law and regulation and shall refrain from any arbitrary or capricious action that would unduly penalize or benefit the owner or permit applicant whose project is under the Third Party Plan Review. The Agency shall abide by the highest ethical standards in the discharge of duties as an Agency.

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## Request to Use a Third Party Plan Review Agency

You may choose a qualified Third Party Plan Review Agency to review project plans and documents for compliance with construction codes. This is an alternative to the standard plan review process by the Permitting and Inspection Department (PID) and the selected agency must be approved by PID before they begin. All permit applications are subject to reviews of other municipal and state authorities (including Zoning, Planning and Urban Development Department, Historic Preservation and Public Works Department), and must be completed prior to the Third Party Review. The PID will continue to perform the field inspections and certify compliance with the approved plans.

You may be eligible for a partial refund of your building permit application cost. After the third party agency completes your review, please apply for a partial refund by submitting the final documentation and paid invoice to [permitting@portlandmaine.gov](mailto:permitting@portlandmaine.gov). The information submitted will be reviewed for completeness and a refund determination will be made by the Department Director.

**Location Address:** \_\_\_\_\_

**Tax Assessor's CBL:** \_\_\_\_\_ **Date of Request:** \_\_\_\_\_  
Chart #                  Block #                  Lot #

**Owner Name:** \_\_\_\_\_ **Phone:** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Applicant Name** (if different): \_\_\_\_\_ **Phone:** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Third Party Plan Review Agency:** \_\_\_\_\_

**Agency Contact Name:** \_\_\_\_\_ **Phone:** (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Project Description:**

*I hereby certify the following:*

- *I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent.*
- *I understand that the same agency must be used for the entire construction code review for the project.*
- *I understand that I am responsible for initiating and coordinating the review process and payment with the selected Third Party Plan Review Agency.*

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_