



GOVERNMENT OF PUERTO RICO
PUERTO RICO HOUSING FINANCE AUTHORITY

OVERSIGHT & QUALITY ASSURANCE PROGRAM – ACCESSIBILITY STANDARDS

*VOLUNTARY COMPLIANCE AGREEMENT: (CASE#02-20-0030-4/#02-20-0016D),
2017-VCA-CA & PRHFA AFFORDABLE HOUSING PROGRAMS*

PUERTO RICO HOUSING FINANCE AUTHORITY

SEPTEMBER 22ND, 2021

[Table of Contents](#)

INTRODUCTION 3

COMMON TERMINOLOGY & DEFINITIONS 4

SCOPE 9

APPLICABILITY 9

ROLES & RESPONSIBILITIES. 10

 Developer.10

 Project Manager.11

 Resident Inspector.12

 Project Engineer.14

 Architect Accessibility Designer/Certifier.15

 Quality Control Inspector.16

 Accessibility Coordinator (Section 504/ADA Coordinator)17

 Neutral Accessibility Consultant (NAC)18

 PRHFA Project Monitor.18

COMPLIANCE EVALUATION..... 19

 Pre-Construction/Rehabilitation/Retrofit Phase19

 Construction/Rehabilitation/Retrofit Phase21

 Project Closeout24

PROTOCOLS & PROCEDURES..... 26

QUALITY CONTROL MONITORING 30

TRAINING 32

APPENDIXES 33

INTRODUCTION

The following document constitutes the Oversight and Quality Assurance Program (Quality Assurance Program) providing internal controls, procedures, protocols, and processes to ensure compliance with the Accessibility Standards set forth in the Voluntary Compliance Agreement (VCA) between the US Department of Housing and Urban Development (HUD), Rio Plata Development and Puerto Rico Housing Financing Authority (PRHFA) (“Rio Plata VCA”). The plan was developed to define the functions and activities required to ensure compliance with Accessibility Standards.

This plan describes the control procedures and protocols to be implemented for compliance with the Accessibility Standards defined as the Fair Housing Act (FHA), Section 504, Uniform Federal Accessibility Standard (UFAS), and American Disabilities Act (ADA). The Quality Assurance Program (QAP) includes the necessary protocols, assessment tools, checklists, and standards to ensure compliance with the Accessibility Guidelines for existing and new housing developments financed by the Puerto Rico Housing Finance Authority’s affordable housing program and housing developments listed in the 2017 VCA-CA.

COMMON TERMINOLOGY & DEFINITIONS

The common terms that are used throughout the quality assurance program are included in this section, defined as follows:

- **Abatement.** Any measure designed to permanently eliminate lead-based paint, asbestos, or any other hazardous material in accordance with standards established by the U.S. Environmental Protection Agency (EPA) pursuant to Title IV of the Toxic Substances Control Act (TSCA).
- **Accessibility Standards.** For purposes of Section 504, the accessibility standard shall be the Uniform Federal Accessibility Standards (UFAS) for design, new construction, and substantial alterations, including alterations to achieve program accessibility, since July 11, 1988, or the Alternative Accessibility Standard, which incorporates the 2010 ADA Standards for Accessible Design as defined in 28 C.F.R. § 35.104, and the eleven (11) HUD exceptions. For purposes of the ADA, for new construction, alterations, and alterations to achieve program accessibility, the 2010 ADA Standards for Accessible Design shall apply.
- **Alternative Accessibility Standard.** Means and refers to the Alternative Accessibility Standard for new construction set out in HUD’s Notice at 79 Fed. Reg. 29,4671 (May 23, 2014), when used in conjunction with: the new construction requirements of 24 C.F.R. Part 8, including 24 C.F.R. § 8.22; and the new construction requirements of 28 C.F.R. Part 35, including the 2010 Standards for Accessible Design, as defined at 28 C.F.R. § 35.104 and as applied to public entities (excluding any elevator exceptions).
- **American Disabilities Act (ADA).** The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. New and existing construction or alteration must be accessible to ensure that people with disabilities have an equal opportunity to participate of have equal living housing.

- **Critical Path Method (CPM).** Project management technique utilized for planning which details a schedule of project activities that defines critical and non – critical tasks.
- **Construction.** The action of building something, can be applied to rebuilding, modernization, retrofitting, rehabilitation, alteration, substantial alteration, construction of new or existing housing developments.
- **Covered Housing Developments.** Means and applies to housing developments as referred to in the Voluntary Compliance Agreement, which includes all of the properties that receive federal financial assistance from the U.S. Department of Housing and Urban Development.
- **Developer.** Entity who owns, operates, and manages directly or through contractual or other arrangements a Development which was recipient of federal financial assistance from HUD and said funds are administered by Puerto Rico Housing Finance Authority.
- **Davis–Bacon Act of 1931.** United States Federal Law that establishes the requirement for paying the local prevailing wages to Contractors and Subcontractors performing construction work on Federally Funded or Assisted contracts in excess of \$2,000.00 for the construction, alteration, or repair of public buildings or public works.
- **Fair Housing Act (FHA).** Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act, prohibits discrimination in the sale, rental, and financing of dwellings based on race, color, religion, sex and national origin. In 1988, Congress passed the Fair Housing Amendments Act. The Amendments expand coverage of Title VIII to prohibit discriminatory housing practices based on disability and familial status. It is unlawful to deny the rental or sale of a dwelling unit to a person because that person has a disability. People with disabilities cannot be discriminated against by the design of the built environment. The Fair Housing Act established design and construction requirements for multifamily housing built for first occupancy after March 13, 1991, to create public, common use spaces and facilities more accessible to people with disabilities.

- **Housing Developments.** means and refers to the multi-family housing development which was recipient of federal financial assistance from HUD administered by Puerto Rico Housing Finance Authority.
- **Housing Unit with Hearing/Vision Features.** Housing Unit that complies with 24 C.F.R. § 8.22 and all applicable provisions of UFAS or the comparable provisions of the Alternative Accessibility Standard, including but not limited to the 2010 Standards for Accessible Design. Hearing/Vision Features include but are not limited to visual alarms, auxiliary alarms, telephone volume controls and hearing aid compatibility, protections against protruding objects, stairway requirements, protections against exposed pipes and surfaces, audible alarms, signage, push button controls for telephones, consumer information, and range, cooktop and oven controls.
- **Housing Unit with Mobility Features.** Housing Unit that is located on an Accessible Route and complies with the requirements of 24 C.F.R. § 8.22 and all applicable provisions of UFAS or the comparable provisions of the Alternative Accessibility Standard, including but not limited to §809.2 through §809.4 of the 2010 Standards for Accessible Design. A Housing Unit with Mobility Features can be approached, entered, and used by persons with mobility disabilities, including individuals who use wheelchairs.
- **Individual or Person with a Disability.** An individual who has a physical or mental impairment that substantially limits one or more major life activities such as caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing, or learning.
- **Neutral Accessibility Consultant or NAC.** The NAC refers to a professionally credentialed expert such as architects, civil engineers or structural engineers who is retained and paid by PRHFA and approved in advance by HUD as having the requisite specialized knowledge, skills, experience, and expertise to successfully perform all of the NAC responsibilities and functions set out in the VCA Agreement.
- **PRHFA Project Monitor.** Shall mean the person designated by the PRHFA to monitor the Agreement between PRHFA and Project Team.

- **Project Manager.** The Project Manager is the developer’s representative responsible for the field operation particularly the supervision of all construction work, including but not limited to the evaluation and recommendations of changes, preparation of reports, analysis of schedules, claims and dispute evaluation and recommendation, and the supervision of any required relocation activities related to the construction work.
- **Project Team.** The project development team is composed of the following representatives: Developer, Project Manager, Project Engineer, Resident Inspector, Accessibility Coordinator, Designer/Accessibility Certifier, Quality Assurance/Quality Control Inspector and Accessibility Coordinator.
- **Quality Control Inspector (QCI).** The quality control inspector is responsible for verifying and implementing the quality control process and protocols required for compliance with the Accessibility Standards.
- **Puerto Rico Housing Financing Authority (PRHFA).** a public corporation and governmental instrumentality of the Government of Puerto Rico that Administers federal financial assistance funds distribution, subject to compliance with the requirements of the Accessibility Standards.
- **Respondent Rio Plata.** owns, operates, and manages directly or through contractual or other arrangements the affordable housing development “Rio Plata,” which was awarded funding through the Housing Trust Fund (HTF), a type of federal financial assistance administered by Puerto Rico Housing Finance Authority (PRHFA). Respondent Rio Plata also receives project-based rental assistance which is another form of federal financial assistance.
- **Scheduler.** The scheduler’s duty is to interact with the project team and task managers to develop and update detailed schedules, costs information and identification of variances from the original plan. A monthly report evaluating the project schedule progress, the project performance, identifying problem areas and providing an updated CPM is required. The Scheduler is to be part of the General Contractor Firm.

- **Section 3.** A provision of the Housing and Urban Development Act of 1968 as amended by Section 3 Final Rule of September 28, 2020, which requires that, to the greatest feasible extent, employment and other economic opportunities generated by HUD funds be directed to low- and very low-income residents. 24 CFR Part 75 establishes the standards and procedures to be followed by Public Housing Authorities to ensure that the requirements of Section 3 are met.
- **Section 504 of the Rehabilitation Act of 1973 (Section 504):** Section 504's focus is to eliminate discriminatory behavior toward people with disabilities and to provide physical accessibility, thus ensuring that people with disabilities will have the same opportunities in federally funded programs as do people without disabilities. Generally, the UFAS is the design standard for providing physical accessibility, although other standards which provide equivalent or greater accessibility may be used.
- **Uniform Federal Accessibility Standards (UFAS).** Design requirements developed under the Architectural Barriers Act (ABA) that contain requirements for new construction and alterations, including scoping provisions, which indicate what must be accessible, and technical provisions, which specify how access is achieved. The Access Board develops and maintains the guidelines upon which UFAS are based.
- **U.S. Department of Housing and Urban Development (HUD).** The Federal agency responsible for the enforcement of compliance with the Voluntary Compliance Agreement.
- **Voluntary Compliance Agreement (CASE#02-20-0030-4/#02-20-0016D).** PRHFA-HUD-Rio Plata Development agreement signed on March 26, 2021, that requires, among other things, the retrofit of the existing facilities to ensure physical accessibility at the Rio Plata Development and verify compliance with the Accessibility Standards for Rio Plata Housing and all covered housing developments under the 2017 VCA.

SCOPE

Puerto Rico Housing Financing Authority (PRHFA) requested DC Engineers Services, P.S.C. (DC Engineers) to provide protocols, assessment tools, checklists, and standards for ensuring accessibility of Rio Plata Housing Development, covered housing developments listed in the 2017 VCA-CA and Puerto Rico Housing Finance Authority's affordable housing programs.

The Oversight & Quality Assurance and Oversight Program include the functions to be performed by Subrecipients and Owners to ensure the quality and consistency with applicable accessibility requirements. The Quality Assurance Program will ensure that all professionals involved in the project tasks and activities have a clear understanding of the scope and objectives of the project and all the federal and local regulations that must be implemented in order to comply with the Accessibility Standards.

APPLICABILITY

Recipients of federal financial assistance from HUD, as defined at 24 C.F.R. § 8.3, are subject to the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), Title II of the Americans with Disabilities Act (ADA), and its implementing regulations, 28 C.F.R. Part 35. See 28 C.F.R. §35.104 and Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (the Fair Housing Act).

ROLES & RESPONSIBILITIES.

The Project Team shall follow this Quality Assurance Program to ensure compliance with the Accessibility Standards. All deliverables will be reviewed by the PRHFA Monitor for completeness and accuracy before submitted to the Puerto Rico Housing Finance Authority.

Each project team member is responsible for the overall quality of the project. The roles required for the Accessibility Improvements for each project will consist of at least the following staff:

- Developer
- Project Manager
- Resident Inspector
- Project Engineer
- Accessibility Certifier / Designer
- Quality Control Inspector
- Accessibility Coordinator
- Neutral Accessibility Consultant(s) (NAC)
- PRHFA Project Monitor

The specific responsibilities and duties of these individuals are described as follows:

Developer. The developer is responsible for procuring and completing all the work associated with the construction alterations. PRHFA will not procure nor sign contracts with Inspectors, Sub- Contractors, Third Parties and Designers. The Developer must provide all contractual and supporting documents forms as requested by PRHFA.

- a. The Developer will procure, contract, and manage all resources needed by PRHFA for compliance with the Accessibility Standards.
- b. Complete and submit all the permits and endorsements required for construction, alterations, or renewal of accessible housing units.
- c. Coordinate inspection and works with the Accessibility Rights Coordinator to ensure that all work and activities follow the Accessibility Standards.

- d. Keep communication and coordination with the project designer and the project manager to be aware of any change in the project design or in the management team.
- e. Developer must provide the final approval of the payment requests, changes in the scope and any other modification that may result during the site accessibility improvements.

Project Manager. The Project Manager is the individual responsible for all field operation particularly the inspection of all construction work, including but not limited to the evaluation and recommendations of changes, preparation of reports, analysis of schedules, claims and dispute evaluation and resolution recommendations. Project Manager is also responsible for the supervision of any required relocation activities related to the construction work. The Project Manager shall have knowledge of all laws and regulations related to Handicapped Accessibility Requirements and all applicable regulations, including but not limited to Section 3’s employment opportunity, Davis Bacon Act and Related Acts, Construction Codes & HUD Regulatory Guidelines Compliance.

- a. Manage or Supervise "Third Party Certifier" contracts, General Contractor contracts, A/E Design contracts, Inspection contracts and other contractors as needed.
- b. Closely coordinate, supervise, and monitor the performance of all General Contractors, Design Firms, Consultants, Inspectors, Hazardous Material Firms (abatement, disposal, monitoring, other), if applicable, or other entities involved in performing work or services to ensure their full compliance with all aspects of their contracts, schedules, and regulatory requirements.
- c. Ensure that a detailed and accurate performance schedule is prepared and updated monthly using the Critical Path Method (CPM) for the accessibility standards improvements.
- d. Analyze all possible contract modifications to determine the validity of the proposed modification, the appropriate value of the proposed modification, the impact the proposed modification will have on the critical path of the project, the entity responsible, and any claims that should be made against bonding or “errors and omissions” policies.

- e. Prepare all required notices of deficiencies, notices to bonding companies, and any other correspondence necessary to administer and enforce the contracts in a way that protects the interest of PRHFA.
- f. Supervise performance, document all warranty after acceptance of the General Contractors' work, and ensure that the General Contractor corrects any deficiencies found. Coordinate all warranty inspection activities with the Management Agent for the project.
- g. Recommend payment requests based on the approved schedule of values for the work completed by the General Contractors and other suppliers in accordance with all PRHFA's payment processing procedures.

Resident Inspector. The Resident Inspector shall function as the Designated Inspector per the requirements established by the "Reglamento de Planificación" of the Commonwealth of Puerto Rico to acquire the final occupancy certificate or Use Permit for the Project.

- a. Certify the work completed by the General Contractor conducting the Site Accessibility Standards improvements.
- b. Perform daily inspections of the projects to ensure that the completed Construction work is being carried out according to schedule, drawings, and specifications.
- c. Maintain construction progress report records, including written progress reports and photographs reflecting the status of Project construction and percentage of completion. Reporting shall include Daily Progress Reports with photos to be presented to the PRHFA.
- d. Perform warranty inspection to make sure that the General Contractor repairs the deficiencies found by the Inspection, Management Agent and/or the Resident, regarding any unit throughout the warranty period.
- e. Prepare all required notices of deficiencies regarding construction work.

- f. Prepare and submit all applicable reports as required by regulatory agencies such as Puerto Rico Aqueduct and Sewer Authority (PRASA); Puerto Rico Electric Power Authority (PREPA), United States Environmental Protection Agency (US EPA), Environmental Quality Board of Puerto Rico (EQBPR), Junta de Calidad Ambiental de Puerto Rico (JCA), Office of Administration of Permits (OAP) and/or Oficina de Gerencia de Permisos (OGPe).
- g. Attend field inspections with the agency, as necessary to obtain partial and final endorsements.
- h. Prepare and publish construction safety observation reports including safety issues when necessary.
- i. Assist the Project Manager and Owner to inspect the work completed to note Punchlist items to be completed by the General Contractor as a condition to achieving Final Completion pursuant to the AIA General Contractor Contract.
- j. Review the close out documents and items to be submitted under the terms of its obligations required by the Contract.

Project Engineer. Representative from the General Contractor responsible for performing all construction, renewal, or alteration work needed for the housing units to meet all the accessibility standards required. The Project Engineer must have and use the technical know-how of an engineer to serve as a link between the client, architects, construction crew and the many subcontractors to make sure the construction project proceeds accurately and smoothly.

- a. The contractor is responsible for performing the work in accordance with the requirements of the contract, and the project’s plans and specifications.
- b. Prepare and distribute a complete and detailed schedule of all the work and tasks required for the Accessibility Standards Compliance.
- c. Review drawings and specifications to make sure they are accurate, reasonable and constructable.
- d. Work with subcontractors to assure work is done properly and on time.
- e. Organize, plan, and execute the construction of the project.
- f. Verify adherence and compliance with the Accessibility Standards and any other regulation required for Federal Funded Projects.
- g. Assist the Project Manager in the analysis of scheduled activities, costs information and identification of variances from original plan. A monthly report evaluating the project schedule progress, the project performance, identifying problem areas and providing an updated CPM is required.
- h. Inform management of deviations from specs and drawings and any field condition that can have an impact on schedule, quality cost and non-compliance with the guidelines.
- i. Prepare daily construction log report.

Architect Accessibility Designer/Certifier. The Accessibility Designer / Certifier is responsible for project drawings and the implementation of the site and unit improvements required for compliance with the Accessibility Standards.

- a. Perform an initial evaluation report including As-Built conditions and existing site characteristics with regards to the Accessibility Standards.
- b. Verify and confirm that all deliverables are completed and in compliance with all accessibility standards.
- c. Revise and evaluate compliance with the Accessibility Requirements in all documents, especially in the final construction drawings.
- d. Certify Compliance with the Accessibility Standards on a monthly basis. A final certification of compliance regarding Accessibility Standards must be completed prior to project delivery
- e. Provide Monthly Supervision to ensure that designs and specifications are clear and are being executed accordingly.
- f. Recommend and approve material and equipment to be used during the construction.
- g. Provide RFI responses to Project inquires requesting additional information and coordination for the construction work to be conducted.
- h. The Architect/Accessibility Coordinator shall provide an initial review including existing site conditions identifying any Architectural Barriers.

Quality Control Inspector. The Quality Control Inspector is responsible for verifying and implementing the quality control processes and protocols required for compliance with the Accessibility Standards.

- a. As part of their scope of work (SOW), the QCI must review the project’s completion schedule to ascertain that it is in accordance with the timelines implemented by PRHFA.
- b. The Quality Control Inspector shall liaise the project team and the NAC throughout the site improvements to ensure that the Quality Assurance Program is being executed and followed properly.
- c. Work directly with the Project Team to facilitate document control workflow, assisting with document formatting and completeness an ensuring proper documentation for the Quality Assurance Program.
- d. Certify that the repairs are in compliance with program scope of works, plans and specifications and any other requirement deemed necessary.
- e. Document the quality control process properly and accordance with the federal and local guidance.
- f. Providing expertise and adhering to quality objectives of the project.
- g. Document all comments and issues raised by document Reviewers as part of the overall Quality Control process and implementation.
- h. Verify and consolidate all the documents and reports to be submitted to (PRHFA).
- i. Certify that quality control procedures have been properly followed.
- j. Schedule document reviews and ensure all comments from these reviews are resolved prior to submitting the deliverables to the NAC.
- k. Evaluate the final products and ensure the deliverables meet the objectives of the project.

- l. Provide timely reviews and comments on how to prevent errors in the documents before their finalization.

Accessibility Coordinator (Section 504/ADA Coordinator). The coordinator, to be provided by owner, shall be the lead Respondent official tasked with ensuring compliance with disability rights laws, regulations, and requirements, and all matters related to Accessibility Standards.

- a. The coordinator should be sufficiently knowledgeable about the requirements under state and federal disability discrimination laws, regulations, and guidance (Section 504, UFAS, ADA and FHA).
- b. Serves as primary point of contact for the NAC and the project manager.
- c. Coordinate field inspections with the NAC to validate the progress regarding the Accessibility Standards.
- d. Evaluate and make recommendations to the Accessibility Designer/Certifier of new proposals for Design and/or General Contractors during the construction period.
- e. Complete the Accessibility Standards checklists on a monthly basis and submit to the NAC for evaluation.
- f. Complete the Accessibility Standards checklists upon completion of the Site and Dwelling Improvements.

Neutral Accessibility Consultant (NAC): Professional Accessibility Consultant retained and paid by PRHFA and approved in advance by HUD as having the requisite specialized knowledge, skills, experience, and expertise to successfully perform all of the NAC responsibilities and functions set out in the VCA Agreement.

- a. The NAC shall provide HUD for review and approval all survey tools, checklists, and protocols that comply with Section 504, the ADA, the Fair Housing Act, their implementing regulations, and the Accessibility Standards.
- b. The NAC shall review any update or revision to the plans of new the construction, rehabilitation or retrofit of the covered housing development and determine whether the proposed plans follow the Accessibility Standards.
- c. Conduct an on-site accessibility survey for existing projects to confirm compliance with Section 504, the ADA, the Fair Housing Act, their implementing regulations and their Accessibility Standards. Generate an accessibility survey report with these finding and indicate any noncompliance of the Accessibility Standards.
- d. Provide oral testimony, surveys, written reports, or any other materials with enforcement action for covered housing development required to enforce the AccessibilityStandards.

PRHFA Project Monitor. Shall mean the person designated, retained and paid by PRHFA to monitor the Agreement between PRHFA and the development team.

- a. Supervise and inspect the construction projects to which the Authority has granted them financing, identify physical problems, propose corrective actions.
- b. Provide technical advice on maintenance, conditions physical, repairs and permits related to the projects multifamily that the Authority recovers.
- c. Assess the status and offer written recommendations from construction work for construction payments.
- d. Evaluate the feasibility, viability and costs for the proposed improvement works required for compliance with the Accessibility Standards which are subjected to financing by the Puerto Rico Housing Authority.
- e. Request Certifications of Compliance from the projects' contracted independent engineers to validate that the completed work is in compliance with program requirements.

- f. The PRHFA Monitor is responsible for reviewing all the documents provided by the project team prior to submission to PRHFA.

COMPLIANCE EVALUATION

Pre-Construction/Rehabilitation/Retrofit Phase. During the Pre- Construction Phase the Project Team must implement all activities that the PRHFA Monitor and/or the NAC deem necessary to prepare for the start of the Construction Phase. The Project Team shall perform a constructability review of plans and specifications to determine their adequacy and accuracy, coordinate relocation activities and provide the PRHFA Monitor details of their planned activities for each project assigned. The following specific tasks and reports required to be completed during the Pre- Construction Phase include:

- a. **Initial Notification.** Notification of the obligation to comply with the Accessibility Standards to all current and prospective project owners, builders, contractors, developers and other parties applying for or awarded federal or local funds for the rebuilding, modernization, retrofitting, rehabilitation, alteration, substantial alteration, or construction of either existing or new housing developments. This requires providing PRHFA a mechanism for ensuring that construction meeting minutes relating to PRHFA-funded projects account for and include obligations needed to comply with the Accessibility Standards.
- b. **Initial Review.** The Project Team in coordination with the Architect/Engineer Designer and the Accessibility Coordinator shall perform a review of the existing plans and specifications to determine their adequacy and accuracy. An initial evaluation report including As-Built conditions, existing site characteristics, Accessibility Standards Checklists and Architectural Barriers review with regards to the Accessibility Standards are to be provided prior to the NAC's Plan Review.
- c. **Concept Plans Field Review.** The Project Manager, developer, and key members of the project team will participate in a field review to ensure that the conceptual plans properly address the field conditions prior to the Costs and Drawings review by the NAC.

- d. **On-Site Accessibility Surveys and Survey Reports.** The NAC shall be conducting and documenting on-site accessibility surveys specifically for Accessibility Standards. The Site Survey report shall identify any recommended Innovative Site-Specific Accessibility Solutions, document all the elements of the development that do not comply with the Accessibility Standards and provide recommendations for corrective actions required to achieve compliance with the Accessibility Standards, including requirements for dispersal of Housing Units with Hearing/Vision Features and Housing Units with Mobility Features. The on-site accessibility survey will verify that handicapped accessible units and other handicapped construction is in accordance with Section 504, the ADA, the Fair Housing Act, their implementing regulations, and the Accessibility Standards.
- e. **Innovative Site-Specific Accessibility Solutions.** The NAC shall provide remedial measures and solutions identified in the project's team initial review and the site survey report to overcome site-specific accessibility barriers as part of the substantial alterations undertaken that provide substantially equivalent or greater access to and usability of the Development than would otherwise be required by the Accessibility Standards. The Innovative Site-Specific Accessibility Solution shall include: i) An identification of the barrier or element for which the Innovative Site-Specific Accessibility Solution is proposed, ii) A description of the Innovative Site-Specific Accessibility solution proposed, iii) The extent to which the Innovative Site-Specific Accessibility Solution is consistent with the Accessibility Standards, as defined in this Agreement; and iv) A detailed written analysis of why the Innovative Site-Specific Accessibility Solution is appropriate under the circumstances and consistent with the requirements of the Accessibility Standards.
- i. **Accessibility:** Innovative Site-Specific Accessibility Solutions include determinations regarding accessible routes and the accessibility of public and common use areas, as well as the location of Housing Units with Mobility Features and Housing Units with Hearing/Vision Features. In proposing any Innovative Site-Specific Accessibility Solutions, the NAC will address in writing the extent to which any proposed accessibility alterations are consistent with the Accessibility Standards.
 - ii. **Reasonable Accommodations:** The Innovative Site-Specific Accessibility Solutions shall consider how to provide the maximum level of accessibility consistent with the Accessibility Standards that would be needed by individuals with certain disabilities (e.g., those who use wheelchairs) versus that needed for individuals with other types

of disabilities (e.g., those who use crutches or who have vision, hearing, speech, or mental impairments), as well as whether any reasonable accommodation may be necessary.

- f. **Review of Costs and Drawings:** The NAC shall review any revisions to the architectural rehabilitation or retrofitting plans developed by the project's responsible professional, to remedy accessibility violations identified during an accessibility survey and determine whether the proposed plans follow the Accessibility Standards for the covered housing developments. The NAC must provide an evaluation report reviewing the On-Site Survey Report, defining the proposed site and unit work required to ensure compliance with the Accessibility Standard, and construction costs associated with these improvements.
- g. **Relocation Plan:** The Developer is the primary entity responsible in the preparation of the relocation plan. The Developer must submit the relocation plan to PRHFA for review and verification.

Construction/Rehabilitation/Retrofit Phase. During this Phase the activities described include managing, inspecting, supervising, and monitoring the timely completion of all components of the physical rehabilitation works in full compliance with all applicable rules, regulations, and laws. At a minimum, the work required in this Construction Phase shall include:

- a. **Compliance Monitoring.** NAC shall verify that the handicapped accessible units and other handicapped improvements are in accordance with Accessibility Standards with all aspects of their contracts, schedules, and regulatory requirements. The NAC shall clearly describe the actions that the Developer and the Project Manager will be taking to ensure that all Consultants, Sub-consultants, General Contractors and Sub-contractors comply with all applicable federal and local regulatory requirements. The NAC shall monitor the Lender's requirements such as, Section 504 of Rehabilitation Act of 1973, Uniform Federal Accessibility Standards (UFAS), Americans with Disabilities Act (ADA), and Fair Housing Act of 1968.

- b **Enforcement Support.** the NAC shall provide progressive reports in connection with enforcement actions, or actions to enforce Accessibility Standards compliance by PRHFA, HUD or the Department of Justice. The NAC shall provide oversight regarding the interpretation and application of the applicable standards as required by the designated staff of PRHFA.
- c **Reporting.** A complete Monthly Progress Report must be submitted each month. The monthly Progress Report must describe all aspects of the progress of work at each project assigned. The PRHFA Monitor will determine what reports are necessary, however, at a minimum the following reports and/or documentation will be required monthly:
- Applicable Agency Reports
 - Project Manager Progress Report
 - Accessibility Coordinator Report
 - Accessibility Designer/Certifier Report
 - Payments Registry Report
 - RFI & Submittal Logs Status Reports
 - RFI & Submittal Logs Status Reports
 - Progress Meeting
 - Trade Contract Registers
 - Relocation Status Report
 - Safety Inspection Reports
 - Federal Compliance Regulation Report (Applicable Laws)
- d **Contract Administration.** the Contract Administration incorporates the measures to ensure Consultants (Third Parties & Designers) and General Contractors' compliance for each component (Designers, Management Agent, General Contractors, Sub-general contractors, others). For detailed contract administration activities refer to the Process and Protocols section of this document.
- e **Applications for Progress Payments.** Once the Payment request is verified and approval by the project team, the PRHFA Monitor will review and endorse the Progress Payments for the Trade Contractors and make recommendations to PRHFA for the disbursement of Progress Payments to the General Contractor.

- f. **Designs and Specifications.** The design and specifications should be validated by the Accessibility Designer / Certifier to ensure compliance with the Accessibility Standards.
- g. **Testing.** Field and laboratory tests should be conducted according to the project specifications and/or applicable construction code standard.
- h. **Submittals.** All materials and equipment specifications need to be provided by the General Contractor for evaluation and approval from the Designer prior to utilization during the construction phase. Submittal backup information and approvals need to be maintained up to date in the Project Management Information System (PMIS) platform or the approved communication channel.
- i. **Progress Inspection.** All completed work needs to be inspected and validated by the resident engineer and accepted by the developer before submittal to the PRFHA monitor.
- j. **Non-Conformance Procedure.** The procedure for non-compliance or defective work requires a report documenting the description of the issue, identifying the entities responsible, providing timeframe for correction, establishing corresponding deadlines that comply with the activities and identifying any potential project delays.

Project Closeout. All closeout documents are to be prepared and submitted to PRHFA within a two month period and after the completion of the Accessibility Standards improvements for covered housing developments.

- a. **Final On-Site Accessibility Surveys Conducted by the NAC:** Upon completion of all construction activity, the NAC shall conduct and document an on-site accessibility survey of the development to document the results of the modifications, determine the extent of compliance with this Agreement and the applicable Accessibility Standards and requirements for the dispersal of Housing Units with Hearing/Vision Features, Housing Units with Mobility Features. This survey will address the provision of accessible routes and removal of remaining accessibility barriers.
- b. **Certification by the Accessibility Designer / Certifier.** The Accessibility Designer / Certifier is responsible certifying that the design and that the accessibility implementations of the site and unit improvements are in compliance with the Accessibility Standards.
- c. **Verification by the Department:** HUD reserves the right to conduct periodic on-site reviews of the covered housing developments, including the Accessible Housing Units, to verify compliance with the Accessibility Standards. HUD may accompany the NAC or other person during any PRHFA-authorized on- site accessibility surveys of the coveted housing developments.
- d. **Verification:** The NAC will be responsible for validating the actual compliance with accessibility codes. The NAC shall issue a Verification of Compliance document for covered housing developments with the applicable Accessibility Standards.
- e. **Close Out Report.** The Project Manager and the Accessibility Coordinator are responsible for preparing Closeout Reports for the project including general information, completed accessibility improvements, final costs, change orders, claims, and verification of compliance with accessibility standards.

- f. **Corrective Actions** In the case that additional corrective actions are identified in the final survey the project team must provide PRHFA the controls, procedures, protocols and processes that will be implanted for full compliance with the Accessibility Standards. PRHFA shall not release the final payment until for corrective action are implemented. PRHFA shall evaluate whether changes to its agreement with subrecipients is necessary based on the internal controls and processes provided.
- g. **Final Payment.** For the retainage payment the contractor must complete all corrective actions required to comply with the Accessibility Standards. In addition, the Project Team shall complete the processes and procedures established by PRHFA for retainage disbursement of Projects.
- h. **Warranty Checklist.** The PM should develop a comprehensive checklist of all constructed items having a warranty requirement. The checklist should list item numbers, the location, the date of acceptance by the owner, the date of warranty expiration and the date of warranty inspection.
- i. **Lessons Learned Report.** The PM is to prepare a lessons learned report collecting all the main experiences that were successful and detrimental during construction.
- j. **PRHFA.** The Puerto Rico Housing Finance Authority may implement any additional processes or controls as deemed necessary.

PROTOCOLS & PROCEDURES.

The Quality Control activities review all procedures, technical documents, and other deliverables such as letters, reports, plan sets, and calculations.

Kick-off Meeting. At the beginning of the project, the Project Manager will hold a Kickoff Meeting with the Project Team. In this meeting, the Project Manager will explain the Quality Control process, will discuss the quality objectives of the project and the roles and responsibilities of the team members including the attendance of the NAC and the Accessibility Rights Coordinator. As part of the meeting the Project Manager will distribute a copy of the scope of work for the project along with the project schedule. The Project Manager will prepare and distribute meeting notes to all attendees.

Accessibility Checklists. The project checklists developed for this Program were based on the information provided in the design/requirement manuals and checklists of the Fair Housing Act (FHA), Section 504, Uniform Accessibility Standard (UFAS), and American Disabilities Act (ADA). These checklists will be used for the preliminary and final inspections conducted for the NAC and the Accessibility Right Coordinator.

The checklists are intended to be utilized in addition to a thorough evaluation of the project plans and submittals. The intent of the Accessibility Checklists is to validate the proposed design and the field conditions; these checklists are not a substitute for the project specifications, drawings or procedures. These checklists could be adjusted depending on the scope of work for the project, this adjustment must be done by PRHFA.

The following checklists will be utilized:

- Fair Housing Act (FHA)
 - <https://www.huduser.gov/portal/publications/PDF/FAIRHOUSING/fairfull.pdf>
 - Fair Housing Acct Accessibility Guidelines (Appendix B)
- Section 504
- Uniform Accessibility Standard (UFAS)
 - <https://df7qosnywqs6g.cloudfront.net/wp-content/uploads/2016/03/1.UFASAccessibilityChecklistforPHAs-5-7-08.pdf>

- U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity Accessibility Checklist (Appendix C)
- American Disabilities Act (ADA).
 - https://www.ada.gov/2010ADASTandards_index.htm
 - American with Disabilities Act Standards (Appendix A)

These checklists shall be used in the Survey Accessible Report to ensure that the deliverables are complete and meet the project's requirements and accessibility standards

The Accessibility Coordinator will use these checklists as a guidance during site inspections and can appropriately mark and make comments on the findings for the existing development.

At the final site inspection, the NAC will verify the accessibility checklists completed by the Accessibility Coordinator to ensure that the deliverables are complete and meet project requirements.

Project Goals. As part of the Voluntary Compliance Agreement (VCA) between the US Department of Housing and Urban Development (HUD) and Puerto Rico Housing Financing Authority (PRHFA), the project goals must be set to comply with all the Accessibility Standards requirements such as Fair Housing Act, Section 504, and American Disabilities Act (ADA).

Communication Plan. A communication plan that clearly describes the method and the frequency of communications with the various groups and individuals involved with and/or affected by the accessibility rehabilitation activities. The PMIS could be used as the primary tool for project communications.

Project Schedule: A project schedule should be prepared at a maximum level of efficiency and productivity by the General Contractor involved in the project. The project schedule should reflect of any change in the deliverables and delivery dates on a monthly basis. All the submitted deliverables for inspection will be reviewed by the Neutral Accessibility Consultant and the PRHFA Monitor. The schedule is an important element in the Quality Assurance Program as it shows the project's progress or delays and how this can impact the quality and quantity of the work needed to comply with the Voluntary Compliance Agreement (VCA).

Inspection Coordination. Coordination of the site inspection is required to meet the scope of work. The developer must coordinate the site inspections with the NAC and the Accessibility Right Coordinator when all the deliverables and work are finished and ready for submission to PRHFA. If the developer needs an inspection at any point during the progress of the project, this could be coordinated to ensure quality and the project's compliance with the standards. The project manager must be aware of any NAC site visits at the project site. The visit must be documented by the project manager with the dates and purpose of the site visit inspection.

Document Control. A Project Management Information System (PMIS) platform should be provided to track and manage the various documents produced and needed in the project's lifetime. These documents include but are not limited to Trade Contracts, Drawings, Specifications, Application for Payments, approved Change Orders, Submittals, Agency Reports, Meetings Minutes, Progress Records and other written or electronic materials, or communication related to the Project. The PMIS needs to be continuously updated and available to PRHFA 24/7.

Quality Assurance Review. The Quality Assurance review will be carried out by the Quality Control Inspector, to verify that all deliverables comply with the standards or specifications of accessibility and the scope of the project. The respective members of the project team will address any comments from the Quality Assurance reviews.

Warranty Management. The PM needs to provide the equipment manuals and a comprehensive checklist or table with all the constructed items having a warranty requirement. This checklist should list the item number, item location in the work and the date of acceptance by the owner. It should also list the date of warranty expiration and the date of warranty inspection. PRHFA has the right to make a warranty inspection which could take place 30 days prior to the warranty expiration date.

Davis Bacon Act. If applicable, a Davis-Bacon Compliance Plan that clearly describes the processes the Program Management Firm will be implementing to ensure that all applicable Davis-Bacon requirements are adhered to throughout the whole rehabilitation process. The Davis-Bacon Compliance Plan must provide a description of the documentation that will be monitored and the frequency with which the Program Management Firms will be monitoring it.

Section 3. If applicable, a Section 3 Compliance Plan that clearly describes the steps the Program Management Firm will be taking to ensure that all applicable Section 3 laws and regulations will be adhered to

throughout the whole rehabilitation process. The Section 3 Plan must provide a description of the documentation that will be monitored and the frequency with which the Program Management Firms will be monitoring it.

Insurance and Bonding. Insurance and bonding requirements are to be valid throughout the duration of the project. PRHFA is to be named as an additional insured entity. Insurances and Bonds are to be issued as per the PRHFA guidelines.

QUALITY CONTROL
MONITORING

The Project Quality Management includes the process and protocols required for incorporating the Accessibility Standards policies regarding planning, managing, and controlling project and product requirements to achieve compliance with Accessibility Standards requirements.

The Quality Control Manager and Accessibility Coordinators are responsible for reviewing all the documents prior to submission to PRFHA. The Quality Control Manager and Accessibility Coordinators must be aware of the project objectives, schedules and to have knowledge of the accessibility standards manuals and requirements.

The Project Manager Firm must describe what methods and actions it will take throughout the rehabilitation Process to ensure that Consultants (Third Parties & Designers) and General Contractors are performing up to the level of quality required in PRPHA's Rehabilitation Standards, federal and local regulatory standards, industry standards and the standards included in their contracts.

Manage Quality. The process of translating the quality management plan into executable quality activities that incorporate the Accessibility Standards policies into each project.

Control Quality. The process of monitoring and recording the results of executing the quality management activities to assess performance and ensure the project outcomes are complete, correct and meet HUD expectations. The Project Manager must clearly describe the actions the projects will be taking and the staff who will be responsible to ensure that all Consultants, Sub-consultants, General Contractors and Sub-general contractors comply with the accessibility standards and applicable federal and local regulatory requirements.

Quality Control Documentation. Project’s Team review of the final documents before submittal to the PRFHA monitor are required to ensure accuracy, compliance and good documentation practices, clear and concise readability, and compliance with project requirements. The Quality Control and Assurance activities need to be documented in the appropriate Quality Control file established for each project; items to be stored include:

- Pertinent Correspondence
- Checklists
- Conceptual Plans
- Calculations
- Reports/Technical Memos
- Documents Reviewed (including corrections made, and the follow-up actions) and Submittals

Quality Process Log. The Quality Process Log shall be used to track the production and review activities for each deliverable and work completed.

Revision	Document Description	Prepared by	QC Reviewer

TRAINING

Accessibility Standards Training. All of the Project’s Team staff shall complete, at a minimum, eight (8) hours of disability-related training annually. Training must include the specifics of policies and procedures adopted under the VCA Agreement, obligations under Section 504, Title II of the ADA, the Fair Housing Act, and other civil rights requirements, including but not limited to the obligations to ensure effective communication with individuals with disabilities, program accessibility, integration, and general non-discrimination requirements. The name(s) and qualifications of the proposed trainer(s), as well as any materials to be used to facilitate the training shall be submitted to PRHFA for review.

Reasonable Accommodations. Any substantial change to the Reasonable Accommodation Policy shall prompt an obligation for four (4) hours of additional training on that Policy to all staff within thirty (30) days of PRHFA approval of that change.

Training Certifications. The person who conducts each training session shall provide a written certification stating the date on which the training was provided and the name and position of each project staff and contractor who attended and completed such training. The training certification must be submitted to PRHFA within five (5) days of the training.

APPENDIXES:

APPENDIX A- ADA ACCESSIBILITY VERIFICATION CHECKLIST

APPENDIX B- FAIR HOUSING ACT ACCESSIBILITY CHECKLIST

References:

- Fair Housing Act Checklist

APPENDIX C- UNIFORM FEDERAL ACCESSIBILITY STANDARDS

