VFSB BURN BUILDING POLICY

FIRE SERVICE GRANT PROGRAM

Grant Awards to Construct, Renovate or Repair
Burn Buildings throughout the Commonwealth

VIRGINIA DEPARTMENT OF FIRE PROGRAMS
VIRGINIA FIRE SERVICES BOARD
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A) PURPOSE

In accordance with §38.2-401-D of the *Code of Virginia*, the Fire Service Grant Program was established to provide defined grants to Virginia localities seeking to construct, renovate (including additions), or repair permanent burn buildings. The term burn building refers to an unoccupied structure specifically constructed for the purpose of providing live fire training to fire service personnel in support of Fire Fighter I and Fire Fighter II Training throughout the Commonwealth of Virginia per the NFPA 1001 & 1403 training standards.

The Burn Building Grant Program for permanent burn buildings is a matching/cost sharing program. The percentage of match/cost share is relative to the size of the capital project the locality intends to construct; however, the purpose of the Burn Building Grant Program for permanent burn buildings is to provide funding to localities for the construction, renovation, or repair of the burn building structure only.

As approved by the Virginia Fire Services Board, the Burn Building Grant Program may also provide exclusive funding to the Virginia Department of Fire Programs for the acquisition, renovation, repair, service, and management of the Mobile Burn Building Props Program to provide training opportunities to multiple jurisdictions in support of Fire Fighter I and Fire Fighter II Training throughout the Commonwealth of Virginia per the NFPA 1001 & 1403 training standards.

As approved by the Virginia Fire Services Board, the Burn Building Grant Program may also provide funding to the Virginia Department of Fire Programs for the execution and delivery of an exclusive contract for engineering consulting services to the VFSB. The engineering firm is on contract to VDFP exclusively, and to prevent conflict of interest may not contract with local jurisdictions on the burn building grant projects for which funding is sought through the Burn Building Grant Program. The engineering firm is on contract to and is tasked by VDFP. The principal point of contact to the engineering consulting firm shall be the Executive Director of VDFP, or his VDFP staff designee.

B) GENERAL OVERVIEW

Grant disbursements to eligible jurisdictions for permanent burn building construction, renovations and/or additions, or repairs are administered by the *Virginia Department of Fire Programs,* VDFP, ("the Agency") from the Commonwealth's *Fire Programs Fund* as provided for in the *Code of Virginia* (§38.2-401:D) and consistent with policy guidance provided by the *Virginia Fire Services Board, VFSB, ("the Board")* as set forth within this document. All grants to construct or renovate permanent burn buildings shall be approved by the *Virginia Fire Services Board*. All grants to repair permanent burn buildings shall be approved by the Department of Fire Programs as directed in this document.

C) *CODE OF VIRGINIA* CITATION

1) §38.2-401 and §9.1-203 of the *Code of Virginia* as amended – "Fire Programs Fund," is incorporated herein by reference.
2) *The Virginia Administrative Code*:
   19VAC15-40-10. Fire Related Training
   19VAC15-40-90. Good cause Prohibition of Local Training Appeal
   19VAC15-40-100. Fire Training Center

D) PRECEDENTS OF LAW & DISCLAIMER

Nothing contained within this document shall or be construed to supersede the applicable laws and regulations of the Commonwealth of Virginia. In the event of a conflict the applicable law shall supersede the conflicting provision of this policy statement.

E) BURN BUILDING SUBCOMMITTEE

As of February 2009, the Burn Building Subcommittee will report to the Administration, Policy, and Finance Committee. The Subcommittee was created to assist the Administration, Policy and Finance Committee with the review and analysis of the Burn Building Grant Program.

The following positions have been appointed to the Subcommittee and must include a minimum of the following:

*Either a Board of Housing & Community Development or General Public member;
*Either a VACO or VML member;
* The Insurance Industry member;
*Training Committee chair (as currently appointed); and
*Chair of Subcommittee (to be appointed by the Board Chair).

F) DEFINITION OF TERMS

Engineering/Architect (E/A) Fees – The Registered Design Professional in responsible charge of the E/A firm's work must be registered in the Commonwealth of Virginia. Grant awards for construction projects may include up to $30,000^{00} in additional monies for E/A fees and expenses. These fees and expenses shall include adapting the approved model structure design to the selected site, featuring contract drawings and specifications, and providing limited construction services, including:

- Product Submittal and Shop drawing review,
- Up to six (6) site visits, and
- Responses to Requests for Information from Contractors.

Burn Building – A permanent structure whose sole use from 'point of initial construction' is for the purpose of training firefighters in a 'live flame' experience scenario.

Such scenario is generally accomplished by the supervised deliberate setting of a fire or establishment of a dense smoke environment within the structure to practice fire suppression

and other allied fire attack skills. *As such, the structure shall not be used as an occupied dwelling.*

Burn Building Construction Project – A project to construct a new or replacement permanent burn building. Construction projects are approved by the Virginia Fire Services Board in accordance with this Policy.

Burn Building Renovation/Addition Project _ - A project to renovate an existing permanent burn building; add an addition to an existing permanent burn building; conduct repairs or renovations that involve structural components of a permanent burn building; or conduct repairs that exceed the funding authorized for a Burn Building Repair Project. Renovation Projects are approved by the Virginia Fire Services Board in accordance with this Policy.

Burn Building Repair Project – A project to conduct a repair to an existing permanent burn building that does not exceed $10,000. Projects allowed in this category include: Temperature monitoring equipment repairs; thermal lining tile repair and replacement; sacrificial block wall replacements (concrete masonry unit walls), fire brick; minor, non-structural, spalled concrete repair; door/window repairs; or similar repairs. Projects that involve repairs to structural components and/or projects that exceed $10,000 are not eligible to be funded as a Repair Project. Cosmetic work such as painting and cleaning are not eligible to be funded as a burn building repair project. Repair Projects that meet the scope and intent of this policy are approved by the Virginia Department of Fire Programs in accordance with this policy.

Eligible Jurisdiction – Localities within the Commonwealth of Virginia otherwise eligible (§38.2-401 et al) to receive *Aid to Localities* from the *Fire Programs Fund*; nominally all **Counties, Independent Cities, and incorporated Towns** within those counties; herein also referred to simply as *Jurisdiction* or *Locality.*

Emergency Renovations – Emergency Renovations are defined as any repair greater than $10,000 for burn buildings in which the VDFP has taken the burn building out of service for certified training due to VDFP determination that certified training can no longer adequately or safely be performed. In order to bring the burn building back into service for VDFP-certified training, jurisdictions may submit emergency renovation applications at any time for consideration. Only emergency applications for burn buildings taken out of service for certified training by the VDFP will be considered immediately.

Grant Completion – Grant completion is defined as local construction contract is at final completion with all project expenses processed for payment, all construction completion documents including AIA certifications submitted to Agency staff, and final walk-through inspection performed by Agency division staff including curing of any and all deficiencies identified.

Lead Locality – In the event that an award is to be made for a Burn Building serving more than one eligible jurisdiction, then that consortium of eligible jurisdictions shall identify one of their own to serve as the agent for all; such agency shall include the intake and custody of grant

funds, the filing of reports, and all administrative interface with the Agency. Therefore, the lead locality shall likewise both:

- Make application on behalf of all parties involved; and
- Enter into and be solely answerable for contractual arrangements.

G) DISBURSEMENT OF FUNDS

1. Disbursements from the VIRGINIA FIRE SERVICE GRANT PROGRAM for permanent burn buildings are made as a grant to a specified jurisdiction or a lead locality – one acting on behalf of multiple eligible jurisdictions. Consistent with other provisions of this document, payments are not made until the completion by/or through that locality of an instrument contractually binding the locality to adhere to the terms and conditions of the grant. The jurisdiction's Chief Operating Officer – i.e, City Manager, County Administrator, or Town Chief Operating Officer – shall, acting as the jurisdiction's exclusive agent, execute such an agreement/contract where periodic withdrawals are made at various intervals as specified in the contract. (Disbursements are never made to individual Fire Departments.)

2. The following pertains to the receipt of monies by eligible jurisdictions:
   a) Payments of any grant will be provided solely through an electronic transfer of funds to a banking institution.

   b) Transfer amounts –
      i. <u>New Construction</u> **–** Payments will be made at five (5) benchmarks: The payment for Engineering/Architect fees is at the completion of that work and with submission to VDFP of supporting documentation of eligible costs incurred. The first 25% of the grant award is payable upon submission to VDFP of a valid building permit, civil site plans, and Engineering/Architect drawings. The remaining 3 installments of 25% each shall be issued upon completion of 50%, 75%, and 100% of the work. The payments will be issued after receipt of a certificate of completion of each stage by the registered design professional (RDP) in responsible charge of the E/A firm's work. Final disbursement at 100% will be made after a final walk-through is made by VDFP staff during which time a live burn scenario has been successfully completed and witnessed by VDFP personnel. All burn building project deficiencies will be communicated to the lead jurisdiction point of contact and must be resolved before final disbursement will be authorized.
         - Jurisdictions may elect to receive disbursements at 25%, 50%, 75%, and 100% of project completion. To remain eligible to receive total funds, jurisdictions must submit to the VDFP the American Institute of Architects (AIA) 702 and AIA 703 at 25%, 50%, 75%, and 100% project completion whether or not funding requests are made at these completion intervals.
      ii. <u>Renovations</u> – Payments will be made in up to two (2) payments on a reimbursement basis at 50% and 100% completion not to exceed the total amount approved by the Board. Payment of more than an approved amount will not be made without consent of the Board. The payments will

be issued after receipt of a certificate of completion of each stage by the registered design professional (RDP) in responsible charge of the E/A firm's work. Final disbursement at 100% will be made after a final walk-through is made by VDFP staff. All burn building project deficiencies will be communicated to the lead jurisdiction point of contact and must be resolved before final disbursement will be authorized.

iii. Repairs **–** Payments for repair projects completed in accordance with the approved application package will be authorized by the Department of Fire Programs upon completion of the repair project, and made in one reimbursement payment at completion of the project, and upon submission to VDFP of supporting documentation of eligible costs.

c) All funds **must** be deposited into an **interest-bearing account** of normal risk and with a demand restriction, if any, not exceeding 30-calendar days. (Monies may not be deposited into *Certificates of Deposit* or any other such instrument(s) which substantially hinder liquidity.)

d) Any interest earned by funds so deposited may be utilized by the eligible jurisdiction in the construction or renovation of their Burn Building. The eligible jurisdiction shall be fully accountable for **BOTH** the ***Principal*** and the ***Interest****.*

3. **Use of Funds –** Grant funds may not be used for anything other than Burn Building construction or renovation as specified in the contract between parties. Grant funds may only be used for the construction/erection, renovation, or repair of the burn building, and direct-related costs to the construction/erection, renovation, or repair within 15 feet of the burn building including E/A costs.

   Grant funds will not be approved for any civil engineering site plan implementation or any other ancillary costs assumed as overhead or ordinary cost of managing a capital project. Examples of site plan implementation, or ordinary costs of managing a capital project include but are not limited to site clearing, grubbing, excavation with the exception of the foundation, back filling with the exception of the foundation, seeding, fencing, or any other form of site restoration, site surveys, site layouts, water testing, soil testing, water run-off analysis, air quality analysis, access roads, paving/graveling, easement or land lease costs, running lines or conduit for electrical supply or water source, bonding for contractors or jurisdictions, or any other overhead expense that is not directly related to the construction/erection, renovation, or repair of the burn building.

   Grant funds may not be used for routine maintenance or operations costs for new or existing burn buildings.

   NFPA Signage: Proper NFPA signage is required to be placed on the exterior of all sides of the permanent burn building that have points of entry (ingress or egress). Proper NFPA signage includes the octagonal sign that recognizes the Board's financial investment in the structure, and the rectangular sign addressing usage criteria. Production and installation of the signs is an allowable cost to the grant program.

4. Grants shall be made upon availability of funds consistent with the then current 'spending plan'/"burn building schedule" as adopted from time-to-time by the Board.

5. Repairs shall be evaluated by the Agency in the order in which they are received, and if a request for funds meets the requirements then it shall be funded up to $10,000 or the remainder of the funds in the account if less than $10,000.

H) GRANT APPLICATION

Any eligible jurisdiction may submit an application for a new construction Burn Building grant or a renovation to a Burn Building by completing and filing the prescribed form.

Applications for new construction or renovation projects will be received for review bi-annually and must be postmarked by either January 1 or July 1.

Emergency renovation applications may be submitted at any time for consideration provided the application meets the "Emergency Renovations" qualification.

> Emergency Renovations are defined as any repair greater than $10,000 for burn buildings in which the VDFP has taken the burn building out of service for certified training due to VDFP determination that certified training can no longer adequately or safely be performed. In order to bring the burn building back into service for VDFP-certified training, jurisdictions may submit emergency renovation applications at any time for consideration. Only emergency applications for burn buildings taken out of service for certified training by the VDFP will be considered immediately.

Any renovations applications received that are not identified as "taken out of service by VDFP for certified training" will be held until the next application deadline cycle.

Repair Project application submissions, up to $10,000 will be accepted by the Agency at any time throughout the year.

Grant applications should be sent directly to:

Grants and Local Aid Manager
Virginia Department of Fire Programs
Attn: Burn Building Grant Administration
1005 Technology Park Drive
Glen Allen, VA 23059-4500

The filing of an otherwise completed grant application by an eligible jurisdiction in no way binds the Agency to disburse any FIRE PROGRAMS FUND monies, including a Burn Building grant, to that locality.

Application submissions will be reviewed by the Burn Building Subcommittee prior to recommendation to the Administration, Policy and Finance Committee. Applicants will make

presentations to the Burn Building Subcommittee and be available for questions from the Subcommittee members.

The determination of eligibility, and that of any potential amount or other conditions shall be consistent solely with guidance and practices contained within this or any successor document.

I) GRANT AWARD

1. Construction and Renovation Projects – Grants for the Construction of new Burn Buildings and for the renovation of existing burn buildings are made by the Virginia Fire Services Board in accordance with this policy based upon the needs of the Commonwealth's Fire Service and the availability of funds.
2. Repair Projects – Grants for the repair of existing permanent burn buildings are reviewed by the Virginia Department of Fire Programs. Those proposed projects that meet the scope and intent of this policy may be awarded by the Department of Fire Programs based upon the guidelines in this policy and the availability of funding. Those proposed projects that the Department believes does not meet the scope or intent of this policy will be forwarded to the Virginia Fire Services Board for review and final action.
3. Grant recipients will be provided with one electronic set of construction drawings and the project manual for burn building prototypes at no charge. Current versions of the VFSB Burn Building Policy document and the VDFP Agency Practices document are available online at www.vafire.com.
4. Grants recipients will be required to attend one (1) Orientation Meeting that must be held within thirty (30) days of award notification. The meeting will be held at the VDFP headquarters office in Glen Allen, Virginia.
    a. The purpose of the Orientation Meeting will be to introduce VDFP staff to new grants recipients, provide an overview of the Burn Building Grant Program, and offer an opportunity for grants recipients to ask questions about the grants process.
5. Grants recipients will be required to attend one (1) Pre-Building Permit Submission Meeting that must be held sixty (60) days prior to the submission of a valid building permit according to the terms of this Policy. The meeting will be held at the VDFP headquarters office in Glen Allen, Virginia.
    a. It is understood that grants recipients must have an approved set of building plans prior to being issued a valid building permit, which is due to the Agency no later than twelve (12) months from the date of award notification.
    b. Grants recipients are encouraged to contract with a qualified engineer that may provide advisement in the development of the grant recipient's project bid solicitation.
    c. The purpose of this meeting is to provide an opportunity for grants recipients to discuss specific issues relative to their burn building design that can be resolved prior to a bid solicitation being published, and to ensure that the building design plans meet the Prototype specifications as referenced in this Policy. Building plans must be submitted to the Agency no less than one (1) week in advance of the meeting to permit adequate time for the Agency's engineer on contract to review the plans.

6. Grants recipients will be eligible to participate in one (1) one-hour teleconference call at any time during their grant project.
    a. The Agency will engage in ongoing communications with grants recipients, addressing all project issues relating to the administration, financial management, and technical aspects. Any technical issues that require advisement or review by the Agency's engineer on contract will be coordinated directly through the Agency and will require grants recipients to provide their request for consideration in writing; responses to technical inquiries will be provided to grants recipients within a reasonable time frame.
    b. If the technical inquiry requires live discussion, the Agency will coordinate a one-hour teleconference between Agency staff, the Agency's engineer on contract, and the grant recipient. The grant recipient's primary point of contact must participate in the call, but is encouraged to have all parties knowledgeable about the project present during the teleconference. Agency staff will document the teleconference transcript for the grant recipient's file.

J) TERM OF GRANT

For new construction, the grant term shall not exceed twenty-four (24) months from the date of award notification without approval from the Agency and/or the Virginia Fire Services Board. The grant recipient shall have up to twelve (12) months from the date of award notification to provide to the Agency a valid building permit. The grant recipient shall have up to (an additional) twelve (12) months to complete the construction project.

Concurrent with the submission of the valid building permit, the grant recipient will also provide VDFP with two (2) original copies and one (1) CD Rom version of the construction building drawings, including specifications.

For renovations or repairs, the grant term shall not exceed twelve (12) months from the date of award notification without approval from the Agency and/or the Virginia Fire Services Board.

During the grant term, all repair and construction work is to be completed and all documentation pertaining to such activities shall be submitted to the Agency in a timely manner.
Additionally, within 30-calendar days after the conclusion of the grant term, all unexpended funds – including any interest accrual remaining – shall be returned to the Agency.

1. **Return of Unexpended Funds by Check:** Funds being returned to the Agency via a check:
    - Must be made payable to the *Treasurer of Virginia,* and
    - Forwarded to the attention of the Agency at the address specified in [H] above. (Funds are **NOT** to be sent directly to the Treasurer's Office or any other State agency.)

2. **Direct Deposit:** Funds may also be returned to the Agency via electronic transfer as may be provided for within the contractual agreement among parties.

K) EXTENSIONS

An extension of up to 90-days may be granted by THE AGENCY . All requests for extension must be received by the Agency not less than 30-calendar days **prior** to the scheduled termination of the original grant period. Such requests must list the compelling reason(s) for extension and/or circumstance(s) that prevent project completion by the end of the initial grant period. Extension requests for any period of time greater than 90-days will need to be addressed by the Virginia Fire Services Board for approval; such should always be directed to the Agency's EXECUTIVE DIRECTOR, at the same address as listed in [H] above; the Agency shall be responsible for the timely transmittal to Board members.

L) MAXIMUM AMOUNT

1. There shall be a cap on the maximum amount of funds to be awarded in any single grant for either totally new or the replacement of an existing permanent Burn Building; the current cap is $450,000.00. An additional amount up to $30,000.00 shall be available to offset E/A costs pertaining to site adaptation.
2. The maximum amount of funds to be awarded for any renovation project will be set by the Virginia Fire Services Board, but in no case will it exceed the cap that can be awarded for a new or replacement building.
3. The maximum amount of a repair project award shall not exceed $10,000 per project and no burn building will be funded over $10,000 per fiscal period (July 1 – June 30).
4. For renovation and repair project awards, if the permanent burn building exceeds the base Prototype model, applications must include conceptual plans/design plans with the total square footage of the burn building and the number of burn rooms per floor. The award will be based on square footage of the burn building and number of burn rooms compared to the base Prototype model. (i.e. If the total existing burn building square footage is 3,000 and the base prototype model square footage is 1,200, the award will be capped at 40% of the total estimated cost; or if the existing burn building has more than 2 burn rooms, the award will be based on the minimum requirements of 2 burn rooms.)

M) REPORTING REQUIREMENTS

Localities shall provide progress reports to VDFP every ninety (90) days until their project is completed. The foregoing measured from the date of the transfer of funds to the eligible jurisdiction. Reports shall be made to the Grants and Local Aid Manager. (Information contained within such reports shall be made available by the Agency to the members of the Virginia Fire Services Board.)

N) INSURANCE

No person or entity shall commence construction or repair work, unless and until such person or entity has obtained all insurance required by the "Virginia Fire Services Grant Fund Agreement" from insurers licensed to provide such insurance in the Commonwealth of Virginia. These types of insurance must be maintained at all times when any construction or repair work is being performed. Before any such work commences, the locality shall submit to VDFP a Certificate of

Coverage or Certificate of Insurance evidencing that the required insurance coverage is in effect for the appropriate entities, including coverage for subcontractors. The locality must be named as an additional insured party for certain types of insurance as specified in the "Virginia Fire Services Grant Fund Agreement".

O) AUTHORIZATION FOR RENOVATIONS

The Agency shall authorize repair work as identified by the jurisdiction within their application. The foregoing authorization shall be based upon verification by a licensed Engineer duly authorized to conduct business in Virginia as to scope of need. The cost of such survey may be part of any total grant. Localities making application for a grant for repairs to their permanent Burn Building and choosing to obtain an Engineer's review in advance of submission, may therefore include the eventual reimbursement for this cost as part of their total grant request.

P) FULL CONSTRUCTION REQUIREMENTS

To be eligible for any grant award to construct a new or replacement permanent burn building the recipient shall agree to expend such funds to construct one of the Agency's prototypes from the specifications provided by the Agency for either:

- Prototype I for Class A fuels
- Prototype I for Class B fuels
- Prototype II for Class A fuels
- Prototype II for Class B fuels
- Prototype III for Class B fuels (reserved to Mobile Burn Building Props Program administered by VDFP)

  …where Prototype I is defined as a permanent concrete structure, Prototype II is defined as a permanent pre-manufactured steel structure, and Prototype III is defined as a pre-engineered steel mobile fire training trailer burn prop.

  -or-

- A stand-alone permanent burn building or other structure whose burn building part shall meet the basic requirements of the outline/performance specifications provided in Prototype I for Class A fuels, Prototype I for Class B fuels, Prototype II for Class A fuels, or Prototype II for Class B fuels. If building plans deviate from or have been modified/enhanced from the basic requirements of the above referenced Prototypes, the applicant must define the building concept and include proposed plans with their application. All modifications to proposed and approved building plans must be submitted to the Agency for review and approval in writing prior to commencement of construction.

- From the time such new construction or said repair is authorized to begin, the lead locality shall have one (1) year to begin and one additional year to complete the actual construction. Should they fail to meet this deadline (Section J) or request an extension (Section K), the award will expire and the application shall be resubmitted.

Q) REPAIRS/RENOVATIONS REQUIREMENTS

For awards made on or after January 1, 2009, any structural repairs or renovations must be certified by a Virginia licensed engineer or architect to certify that repairs or renovations were completed in compliance with the engineered plans for projects that are more than $10,000 or by the recommendation of the Burn Building Subcommittee, and must be provided to VDFP prior to final walk through of VDFP staff and final funds disbursement.

R) PERMANENT BURN BUILDINGS INSPECTIONS REQUIREMENTS

The Permanent Burn Building Inspections Schedule is incorporated into and becomes part of this Policy by reference.

Failure to comply with the adopted Burn Building Inspection Schedule as referenced above and submission of reporting logs to VDFP annually shall cause the burn building prop training to not be certified for approved VDFP certification training.

While the Virginia Fire Services Board (VFSB) recognizes NFPA standards, particularly as they relate to burn building inspections, the VFSB has adopted the aforementioned Inspections Schedule reflecting higher standards in order to protect the investment made in the structure by the Commonwealth of Virginia through the Burn Building Grant Program.

S) OWNERSHIP OF SITE

1. **NEW CONSTRUCTION:** It is required that the eligible jurisdiction or other governmental entity own the site (land) and not be subject to any restriction or limitation that would prohibit or impair the use of the property as a burn building. On a case-by-case basis, the VFSB may consider a long-term lease. The length of the lease shall be consistent with the expected life of the building.

2. **RENOVATIONS:** It is strongly recommended that the eligible jurisdiction or other governmental entity own the site (land) and not be subject to any restriction or limitation that would prohibit or impair the use of the property as a burn building. On a case-by-case basis, the VFSB may consider a long-term lease. The length of the lease shall be consistent with the expected life of the building.

CERTIFICATION:

We the undersigned as Chairman of the Virginia Fire Services Board and Executive Director of the Virginia Department of Fire Programs jointly adopt the foregoing policy as of May 31, 2013. As such, this revised policy supersedes all prior adopted versions of this Policy.

Richard E. Burch Chairman Virginia Fire Services Board	W. G. Shelton, Jr. Executive Director Virginia Department of Fire Programs