
BULLETIN 2002-007-BU

APRIL 19, 2007

GUIDELINES FOR ALTERNATIVE SOLUTION PEER REVIEWS

In certain circumstances, the City may recommend an evaluation of an alternative solution by a peer review process. This process is not intended to provide an appeal process for failed alternative solution proposals. It will generally only be permitted where the City feels that the specialist technical expertise required for a fair and effective evaluation of an alternative solution should be provided by independent experts with in-depth knowledge of the issues. The following guidelines outline the procedure.

Peer Review Panel

The members of the peer review panel will consist of 3 independent experts. The City and the applicant will each nominate a member, and these two members will jointly nominate a third. The panel members will typically be registered professionals and should be selected on the basis of their professional and technical expertise and their ability to plausibly address the technical issues presented in the alternative solution proposal. They should have had no prior involvement in the project, nor have any major ongoing contractual dealings with the owner. Similarly, they should have no financial or other interest in the alternative solution proposal that could constitute the appearance of a conflict of interest.

Terms of Reference

The panel will be charged to evaluate the alternative solution and to assess whether it meets the criteria for acceptance outlined in section 2.3 of Division C of the Vancouver Building By-law. This requires that the alternative solution meet the intent and objectives of the relevant code requirement(s). It should be noted that acceptance of an alternative solution may not be based on relaxation of any code requirement or on a generalized performance based approach using performance based codes of other jurisdictions.

Procedures

The procedures for evaluating the alternative solution will be at the discretion of the panel. It is anticipated that communications with the panel will generally be conducted by E-mail. The City's involvement will be to comment on the application with respect to City policy (if any) and to assess the application for consistency with permit documents and any previously accepted alternative solutions. If the panel feel it would be necessary to meet with the applicant, such meeting may also be attended by the City.

Results

The panel's findings should be based on the written proposal as submitted. Where additional information is submitted in clarification, this should be appended to the alternative solution submission. The findings of the panel should be forwarded in writing to the Chief Building Official with a copy to the applicant, and should be based on a consensus of all three members. The panel's findings should clearly state a recommendation for acceptance, acceptance with modifications, or refusal. In the event that the panel cannot reach a consensus, a dissenting opinion may be included. In general, the City will only accept an alternative solution evaluated under this process where there is a clear consensus for acceptance by the panel, or where the concerns of a dissenting member can be subsequently addressed to the satisfaction of the other panel members and the CBO.

Payment

The panel members shall be compensated for their time (and any travel costs) at an appropriate hourly rate commensurate with their qualifications and experience. Payment of the panel members shall be the responsibility of the applicant, who shall enter into a contract directly with the panel members for their professional services and agree in writing to pay all fees and costs incurred by panel members under this process, regardless of the outcome.

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