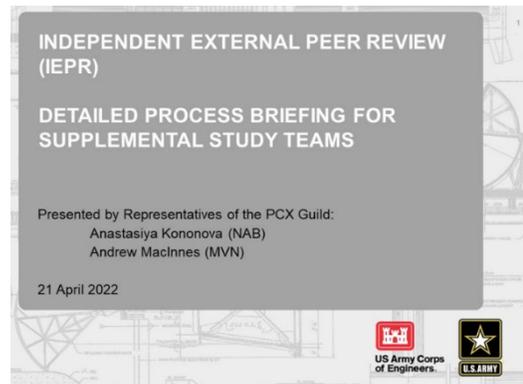


Updated Independent External Peer Review Standard Operating Procedure

21 April 2022

Q&A Session

This webinar provided a detailed overview of the updated Independent External Peer Review (IEPR) Standard Operating Procedure (SOP), along with real examples of the process steps required to complete IEPR for studies. The 2019 IEPR SOP previously made available to planners has been revised to reflect current guidance and policies. Presenters Andy MacInnes (New Orleans District) and Anastasiya Kononova (Baltimore District) highlighted noteworthy IEPR concepts for all study teams, including the important and time sensitive steps that study teams need to be aware of in order to ensure that IEPR is started at the appropriate time to coincide with concurrent reviews. The updated IEPR SOP along with other IEPR resources can be found on the [Review page of the Planning Community Toolbox](#).



This summary of the Question / Answer session of the webinar is not a transcription; questions and responses have been edited and reordered for clarity.

IEPRs Triggers and Exclusions

Which projects are required to undergo the IEPR process?

Projects that meet any of the following three triggers are required to undergo the IEPR process: 1) when estimated total project costs exceed \$200 million; 2) when requested by the governor of an affected state; 3) when the Chief of Engineers determines the study is controversial.

It should be noted that both law and policy state that the third trigger for an IEPR is when the “Chief of Engineers determines that the project study is controversial.” However, while the Chief of Engineers may specifically weigh in on specific studies that are controversial and warrant an IEPR, the decision on whether the IEPR process is triggered by controversy is typically made by the study team in coordination with the Review Management Organization (RMO) and the vertical team.

It should also be noted that even if the \$200M cost threshold is reached, a PDT can still request an exclusion from completing IEPR if additional criteria are met. And on the other hand, even if none of the mandatory triggers are met a PDT can still be required to undertake IEPR if a risk-informed decision is made that completing IEPR would yield significant benefits. More guidance on these considerations can be found in ER 1165-2-217, Chapter 6.

Are the two IEPR types (I and II) still applicable?

No. The two IEPR types were eliminated in the recent update to the [Civil Works review policy \(Engineer Regulation 1165-2-217\)](#). Now there the two processes are known simply as IEPR and SAR.

Conducting an IEPR

How should the end of the fiscal year (FY) contracting deadlines factor into when study teams initiate IEPR scoping decisions with the RMO prior to a Tentatively Selected Plan milestone (e.g., an IEPR panel review that starts in the first quarter of a new FY)?

The Humphreys Engineer Center Support Activity (HECSA) is the contracting office currently managing the IEPR contract vehicle. HECSA tries to be flexible in order to ensure all needed contracts are awarded

by the end of the FY. However, there is an SOP allowing for a 45-day timeframe for all new awards, so it is recommended that all new packages be submitted to HECSA by August. After August, there is no guarantee of receiving the award in time.

Are study teams encouraged to include the non-federal sponsor in the development of the IEPR charge? What is the recommended level of non-federal sponsor involvement that still allows the IEPR to be viewed as “independent”?

Non-federal sponsors can participate in the development of the charge, but USACE must ensure that the charge follows all legal and policy guidelines to ensure the independence of the review.

How can the value add of the IEPR process be explained to study teams, and particularly how the IEPR scope of work enables the panel to help resolve controversial technical issues?

The IEPR process was mandated by Congress and developed after the damage caused by Hurricane Katrina in New Orleans and the resulting criticisms of levee construction, management, and maintenance done by USACE and non-Federal sponsors. This has been a good extra layer of security, especially because USACE is an organization that already does extensive review and quality control (e.g., District Quality Control, Agency Technical Review, etc.). An additional value add of the IEPR process is that an IEPR can increase public and sponsor confidence in a study or project.

The IEPR process has been deemed valuable enough that Congress has extended the mandate twice, which is currently mandated through 2024. The IEPR triggers have been adjusted over the years to focus external review on complicated projects and studies with environmental impact statements, expensive projects, or other projects and studies where the Chief of Engineers sees the value add.

IEPR Review Panel

Do study teams have the ability to request specific IEPR reviewers so that the reviewers in the study phase are the same as those in the Safety Assurance Review (SAR) performed during design and construction?

IEPR and SAR are two separate processes with different legal requirements, though they both involve external review. During IEPR, a study team can raise concerns about potential review bias, but the team cannot request specific reviewers – that is the purpose and responsibility of the Outside Eligible Organization (OEO). The OEO goes through a strict selection process to choose individuals who meet the expertise requirements and are available. The process for selecting reviewers may differ for the SAR process.

What sector do IEPR panel members generally come from (i.e., academia, the private sector, other federal agencies, etc.)?

IEPR panel members should come from academia, a public agency, a non-governmental entity, an architect-engineer Firm, or a consulting firm. Occasionally, retired USACE employees can serve on the panel, but they must be separated from USACE for a certain number of years. No current federal employees can be considered. Each panel member must submit a detailed conflict of interest questionnaire that is reviewed by the IEPR OEO.