



National Fenestration  
Rating Council®

# National Fenestration Rating Council Incorporated

NFRC 702-~~2018~~-2019 [E0A0E0A10]

Certification Agency Program

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**PREPARED BY:**

National Fenestration Rating Council  
6305 Ivy Lane, Suite 140  
Greenbelt, MD 20770  
Voice: (301) 589-1776  
Fax: (301) 589-3884  
Email: [info@nfr.org](mailto:info@nfr.org)  
Website: [www.nfr.org](http://www.nfr.org)

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## ***FOREWORD***

The National Fenestration Rating Council, Incorporated (NFRC) develops and operates a uniform rating system for energy and energy-related performance of fenestration and fenestration attachment products. The Rating System determines the U-factor, Solar Heat Gain Coefficient (SHGC), and Visible Transmittance (VT) of a product, which are mandatory ratings for labeling NFRC-certified products, and are mandatory ratings for inclusion on label certificates, and are supplemented by procedures for voluntary ratings of products for Air Leakage (AL) and Condensation Resistance. Together these rating procedures, as set forth in documents published by NFRC, are known as the NFRC Rating System.

The NFRC Rating System employs computer simulation and physical testing by NFRC-accredited laboratories to establish energy and related performance ratings for fenestration and fenestration attachment product types. The NFRC Rating System is reinforced by a certification program under which NFRC-licensed responsible parties claiming NFRC product certification shall label and certify fenestration and fenestration attachment products to indicate those energy and related performance ratings, provided the ratings are authorized for certification by an NFRC-licensed Certification and Inspection Agency (IA).

The requirements of the rating, certification, and labeling programs (Certification Programs) are set forth in the most recent versions of the following as amended, updated, or interpreted from time to time:

- NFRC 700 Product Certification Program (PCP)
- NFRC 705 Component Modeling Approach (CMA) Product Certification Program (CMA-PCP)

and through the Certification Programs and the most recent versions of its companion programs as amended, updated, or interpreted from time to time:

- The laboratory accreditation program (Accreditation Program), as set forth in the NFRC 701 Laboratory Accreditation Program (LAP)
- The IA licensing program (IA Program), as set forth in NFRC 702 Certification Agency Program (CAP)
- The CMA Approved Calculation Entity (ACE) licensing program (ACE Program) as set forth in the NFRC 708 Calculation Entity Approval Program (CEAP)

NFRC intends to ensure the integrity and uniformity of NFRC ratings, certification, and labeling by ensuring that responsible parties, testing and simulation laboratories, and IAs adhere to strict NFRC requirements.

In order to participate in the Certification Programs, a Manufacturer/Responsible Party shall rate a product whose energy and energy-related performance characteristics are to be certified in accordance with mandatory NFRC rating procedures. At present, a Manufacturer/Responsible Party may elect to rate products for U-factor, SHGC, VT, AL, condensation resistance, or any other procedure adopted by NFRC, and to include those ratings on the NFRC temporary label affixed to its products or on the NFRC Label Certificate. U-factor, SHGC and VT, AL, and condensation resistance rating reports shall be obtained from a laboratory that has been accredited by NFRC in accordance with the requirements of the NFRC 701.

The rating shall then be reviewed by an IA that has been licensed by NFRC in accordance with the requirements of the NFRC 702. NFRC-licensed IAs review label format and content, conduct in-plant inspections for quality assurance in accordance with the requirements of the NFRC 702, and issue a product Certificate of Authorization (CA) and may approve for issuance an NFRC Label Certificate for site-built or CMA products and attachment products. The IA is also responsible for the investigation of potential violations (prohibited activities) as set forth in the NFRC 707 Compliance and Monitoring Program (CAMP).

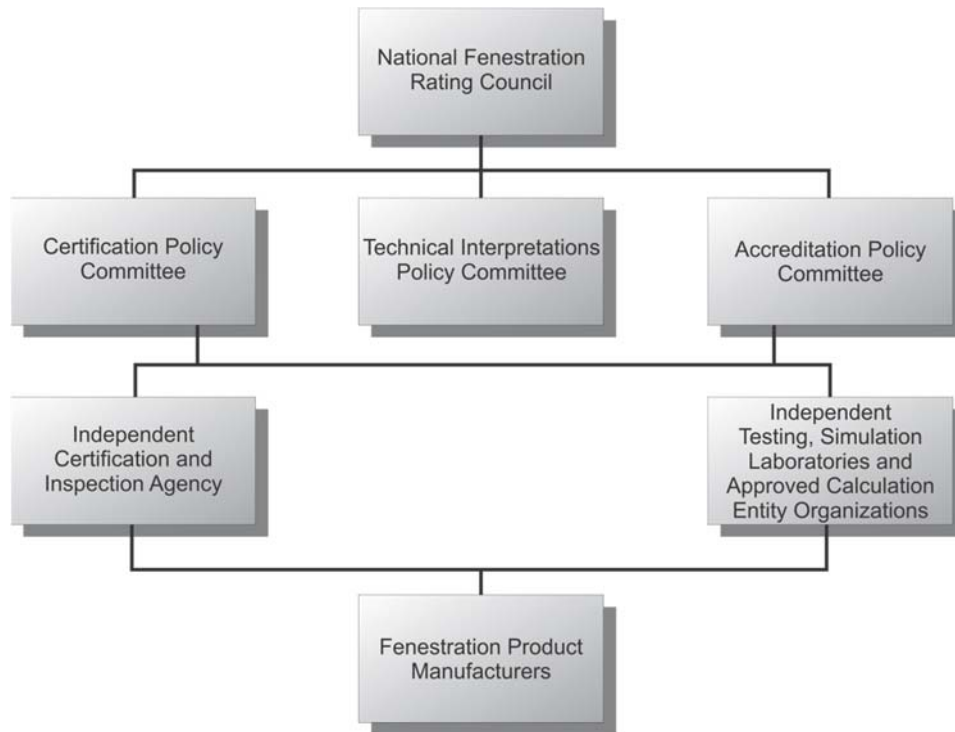
Products that are labeled with the NFRC Temporary and Permanent Label, or products that are listed on an NFRC Label Certificate in accordance with NFRC requirements, are considered to be NFRC-certified. NFRC maintains a Certified Products Directory (CPD), listing product lines and individual products selected by the Manufacturer/Responsible Party for which certification authorization has been granted.

NFRC manages the Rating System and regulates the PCP, LAP, and CAP in accordance with the NFRC 700 (PCP), the NFRC 701 (LAP), the NFRC 702 (CAP), the NFRC 705 (CMA-PCP), and the NFRC 708 (CEAP) procedures, and conducts compliance activities under all these programs as well as the NFRC 707 (CAMP). NFRC continues to develop the Rating System and each of the programs.

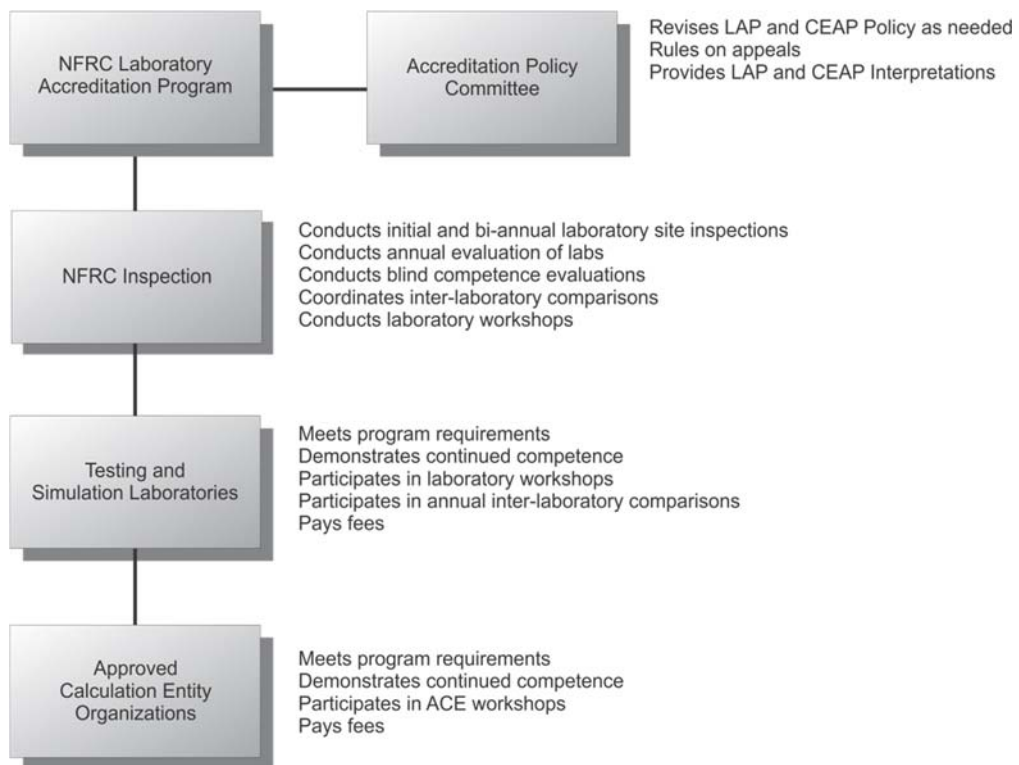
NFRC owns all rights in and to each of the NFRC 700, NFRC 701, NFRC 702, NFRC 705, NFRC 707, NFRC 708 and each procedure, which is a component of the Rating System, as well as each of its registration marks, trade names, and other intellectual property.

The structure of the NFRC programs and relationships among participants are shown in Figure 1, Figure 2, and Figure 3. For additional information on the roles of the IAs and laboratories and operation of the IA Program and Accreditation Program, see the NFRC 700 (PCP), NFRC 701 (LAP), and NFRC 702 (CAP) respectively.

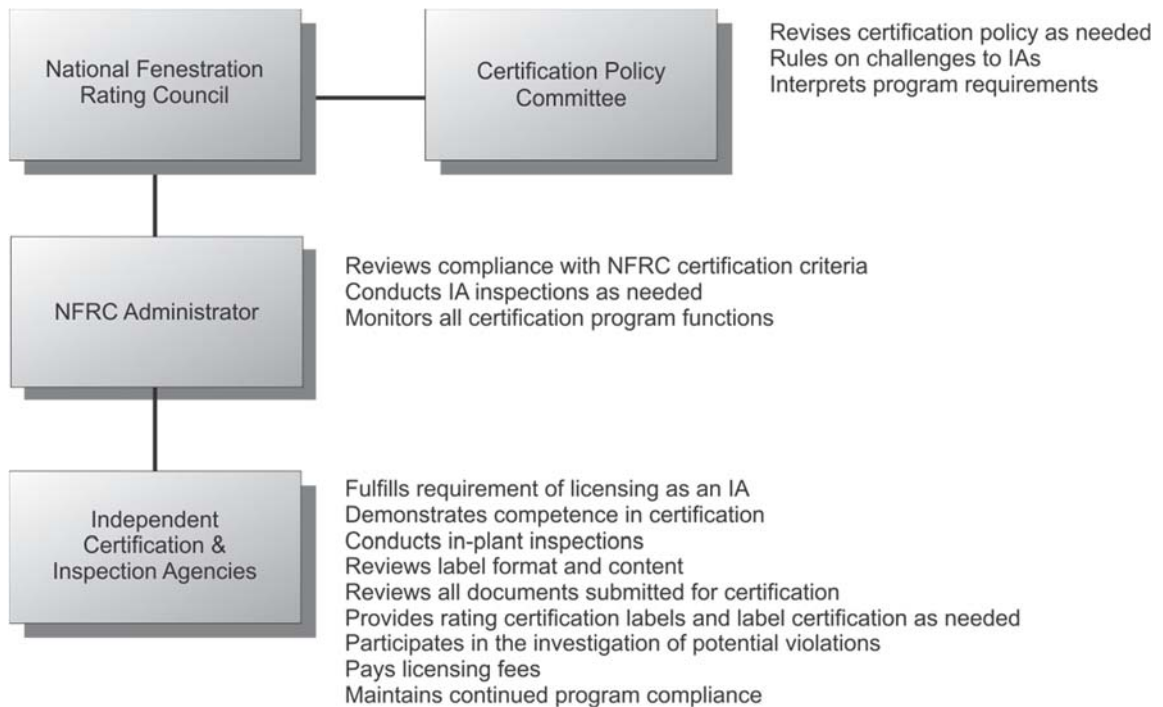
**Figure 1**



**Figure 2**



**Figure 3**



Questions on the use of this procedure should be addressed to:

**National Fenestration Rating Council**

6305 Ivy Lane, Suite 140  
Greenbelt, MD 20770  
Voice: (301) 589-1776  
Fax: (301) 589-3884  
Email: [info@nfrc.org](mailto:info@nfrc.org)  
Website: [www.nfrc.org](http://www.nfrc.org)



## ***DISCLAIMER***

NFRC certification is the authorized act of a Manufacturer/Responsible Party in: (a) labeling a fenestration or related attachment product with an NFRC Permanent Label and NFRC Temporary Label, or (b) generating a site built or CMA label certificate, either of which bears one or more energy-related performance ratings reported by NFRC-accredited simulation and testing laboratories and authorized for certification by an NFRC-licensed IA. Each of these participants acts independently to report, authorize certification, and certify the energy-related ratings of fenestration and related attachment products.

NFRC does not certify a product and certification does not constitute a warranty of NFRC regarding any characteristic of a fenestration or fenestration-related attachment product. Certification is not an endorsement of or recommendation for any product or product line or any attribute of a product or product line. NFRC is not a merchant in the business of selling fenestration products or fenestration-related products, and therefore cannot warrant products as to their merchantability or fitness for a particular use.

NFRC THEREFORE DISCLAIMS ANY AND ALL LIABILITY THAT MAY ARISE FROM OR IN CONNECTION WITH SERVICES PROVIDED BY, DECISIONS MADE BY OR REPORTS OR CERTIFICATIONS ISSUED OR GRANTED BY ANY NFRC-ACCREDITED LABORATORY, NFRC-LICENSED IA OR ANY PRODUCT MANUFACTURER/ RESPONSIBLE PARTY; RELIANCE ON ANY NFRC PRODUCT DESCRIPTION, SPECIFICATION, RATING, TEST OR CERTIFICATION, WHETHER APPEARING IN A REPORT, A PRODUCT CERTIFICATION AUTHORIZATION OR A PRINTED OR ELECTRONIC DIRECTORY, OR ON A LABEL, OR ON A LABEL CERTIFICATE; OR THE SALE OR USE OF ANY NFRC-RATED OR CERTIFIED PRODUCT OR PRODUCT LINE; INCLUDING BUT NOT LIMITED TO DAMAGES FOR PERSONAL OR OTHER INJURY, LOST PROFITS, LOST SAVINGS OR OTHER CONSEQUENTIAL OR INCIDENTAL DAMAGES.

NFRC program participants are required to indemnify NFRC from and against such liability.



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# 1. SCOPE OF THE CERTIFICATION AGENCY PROGRAM (CAP)

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## 1.1 Scope of CAP Program

- A. Under the Product Certification Program (PCP), fenestration product licensees (manufacturers, fabricators, lineal suppliers, site-built licensees) obtain thermal performance ratings for fenestration products within product lines from NFRC-accredited simulation and testing laboratories, obtain a certification authorization report (CAR) for these ratings, and provide authorization to label products from NFRC-licensed independent certification and inspection agencies (IAs). A licensee may select to work with any NFRC IA licensed to perform services under the PCP;
- B. Under the Component Modeling Approach Product Certification Program (CMA-PCP):
  - i. A specifying authority that has entered into a License Agreement with NFRC obtains thermal performance ratings for nonresidential fenestration products/systems from an NFRC-Approved Calculation Entity (ACE) and obtains a CMA Label Certificate for these ratings from the ACE. The specifying authority is subject to documentation trail audits conducted by an NFRC-licensed IA and may select any available IA licensed to perform documentation trail audits under the NRC 705;
- C. An NFRC ACE is subject to calculation reviews conducted by an NFRC-licensed IA and may select any IA licensed to perform calculation reviews under the NFRC 705;
- D. A frame or spacer component manufacturer obtains thermal performance values for their respective components from an NFRC-accredited laboratory or NFRC directly, depending upon the approval path selected by the manufacturer. The component manufacturer obtains NFRC approval of those performance values from either an NFRC-licensed IA or NFRC directly depending upon the approval path selected by the manufacturer; and
- E. IAs are licensed and operate in accordance with NFRC requirements set forth in the NFRC 702, Certification Agency Program (CAP) document. They may elect to operate as an IA in either or both certification programs (NFRC 700 PCP and NFRC 705 CMA-PCP) and shall be licensed as such.

## 1.2 Role of the NFRC-Licensed IA

- A. NFRC-licensed IA is responsible for reviewing simulation laboratory and test laboratory reports prepared by NFRC-accredited laboratories, which shall also include reviewing NFRC-approved computer software files and the information documented in the NFRC 701, Laboratory Accreditation Program (LAP) Reporting Requirements;

- B. The IA is responsible for reviewing calculation reports prepared by NFRC-Approved Calculation Entities (ACE);
- C. The IA is responsible for conducting documentation trail audits of Component Modeling Approach (CMA) label certificates;
- D. The IA is responsible for carrying out in-plant inspections, as required, for quality assurance purposes, and for reviewing label format and content. If the IA determines that all NFRC requirements for product certification have been met, the IA issues a Certification Authorization Report (CAR);
- E. The IA is responsible for maintaining all licensing requirements set forth in this CAP. If the IA is found to be in non-compliance to any license requirement, licensing may be subject to probation, suspension, or revocation by the NFRC Certification Policy Committee (CPC). A fine may also be assessed and imposed pursuant to the provisions of the Compliance and Monitoring Program (CAMP); and
- F. The IA shall participate in the investigation of potential violations (prohibited activities) as set forth in the NFRC Compliance and Monitoring Program.

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## **2. GLOSSARY OF TERMS**

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See NFRC 600 Glossary and Terminology for all definitions.

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## **3. IA LICENSING PROCEDURES**

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### **3.1 Application for Initial Licensing**

- A. An entity/applicant seeking NFRC licensing through the IA Program shall initiate the licensing process by completing and submitting an application to NFRC. The application form is found in Appendix A of this document. The application shall be completed in full and be accompanied by the required application fee. Application fees are not refundable;
- B. NFRC shall review the application and verify whether the applicant meets certain NFRC licensing requirements, and shall then schedule an initial on-site inspection of the applicant's agency; and
- C. Once the application is received, and an NFRC inspection conducted, the application information and inspection findings shall be reviewed for approval by the CPC. Upon CPC approval, the applicant shall enter into a License Agreement with NFRC and shall receive a Certificate of Licensing.

## 3.2 NFRC Initial On-Site Agency Inspection

Upon receipt of the application and required application fees to NFRC, an initial on-site licensing inspection of the agency shall be scheduled by NFRC. The inspection (maximum of 2 days) shall be conducted by an NFRC Inspector to verify compliance with all requirements of the Certification Agency Program (CAP or IA Program). The inspection will include examination of the applicant's compliance to the following IA licensing requirements:

### 3.2.1 Independence Criteria and Procedures

#### 3.2.1.1 Criteria

- A. No licensed IA, its equity owners, officers, directors, managers, employees, or any affiliate of such person, may:
  - i. Have any financial interest in, or family or organizational affiliation to, any fenestration product or component designer, manufacturer, supplier, or vendor;
  - ii. Have any financial interest in, or family, or organizational affiliation to any Specifying Authority;
  - iii. Have any financial interest in, or family, or organizational affiliation to any firm for which any one of them provides NFRC-accredited testing or simulation services, or be an equity owner, officer, director, manager, or employee of any such firm;
  - iv. Have any financial interest in, family, or organization affiliation to any ACE;
  - v. Advocate or recommend particular products, particular product manufacturers, or particular product materials or types for which the IA provides NFRC product certification services;
  - vi. Advocate, recommend, or require the use of a particular simulation and/or testing laboratory providing NFRC-accredited services;
  - vii. Furnish NFRC-accredited thermal performance testing or simulation services for fenestration products of any manufacturer for which the licensed IA provides NFRC-licensed certification services;

- viii. Be involved in the commercial design or fabrication of fenestration products or components;
- B. No licensed IA, its equity owners, directors, officers or managers, or any affiliate of any such person, shall accept any payment or consideration of any kind, from any person, other than the IA's usual and customary fees, in exchange for the IA's rendering of certification services or data that indicate conformance with NFRC procedures or requirements;
- C. Each licensed IA, its equity owners, directors, officers, managers, and employees shall keep confidential all product information, test data, and other proprietary information developed for or acquired from the IA's clients participating in the NFRC Product Certification Program or CMA Product Certification Program, to the extent required by such clients, except as may be expressly required by NFRC in connection with the certification program or IA Program; and
- D. Contractors providing services to an NFRC-licensed IA shall meet the independence criteria set forth in the NFRC 702, to the extent applicable, with respect to contractors. The IA is responsible for a contractor's performance and conduct as an IRC in performing the IRC duties in accordance with the NFRC 702.

### **3.2.1.2 Procedures**

- A. Each IA shall maintain a statement signed by an authorized officer, on its behalf, or in the case of a partnership or sole proprietorship, an authorized representative, and by each person performing services on behalf of the IA in connection with the Product Certification Program or the CMA Product Certification Program. The statement attests that the IA and each such person is and shall be in compliance with the independence criteria set forth in the NFRC 702 at all times.

Such persons shall include, but not be limited to: all management personnel at the IA, Individual(s) -in-Responsible-Charge, person(s) performing NFRC-related certification duties, and any person(s) performing sub-contracted work related to NFRC certification activities. The determination as to which person(s) shall be included is made by the NFRC Inspector at his or her sole discretion.

- i. The Individual-in-Responsible-Charge shall be responsible for all administrative and technical aspects of the IA's participation in the certification program, including the performance of administrative and technical services by all individuals involved in the IA's performance of services.
- B. Each licensed IA shall notify NFRC no later than ten (10) calendar days of any changes affecting the IA's compliance with the independence criteria. Such a change could result from, among other things, termination or hiring of any employees, change in the equity ownership or management of the IA, or financial or corporate reorganization or investment. Upon notification of such change to NFRC, and NFRC Staff deems is necessary, the CPC shall be notified. The CPC shall determine what action, if any, to be taken.
- C. Compliance with the independence criteria and procedures may be reviewed by an NFRC Inspector at any time and shall be reviewed in connection with the periodic review and inspection by NFRC if required. If, in the judgment of the NFRC Inspector, a licensed IA is not in compliance with such independence criteria and procedures at any time, the NFRC Inspector shall notify the CPC and the IA of the specified deficiencies in writing and will require that specified corrective action, set forth in the notification, be taken within a specified time period but not to exceed 45 calendar days from the date of such notification. If the corrective action is not taken within the required period, the NFRC Inspector shall, upon approval by the CPC, issue a Notice of Suspension. A suspension may be appealed in accordance with the procedures set forth in the NFRC 702. In the event that the IA does not take corrective action or that the deficiencies have been satisfactorily addressed within 45 calendar days after the date of the Notice of Suspension, a Notice of Revocation shall be issued by the CPC. The revocation may be appealed in accordance with the procedures set forth in the NFRC 702.
- D. Inquiries regarding compliance with independence criteria or interpretation of independence criteria shall be directed by any IA or affected party to the CPC for review or interpretation. Interpretations by the CPC may be appealed to the NFRC Board of Directors.

### 3.2.2 Technical Competence Requirements

- A. Each IA shall demonstrate technical competence sufficient to evaluate computer-generated fenestration product simulation reports and test reports prepared and submitted by NFRC-accredited simulation and testing laboratories to ascertain whether the fenestration products/systems, product lines, and/or components comply with NFRC procedures and product certification requirements for thermal performance and to ensure the completeness and accuracy of the information provided.
- B. Each IA shall demonstrate technical competence sufficient to evaluate computer generated calculation reports prepared and submitted by the ACE to ascertain whether the fenestration products/systems comply with NFRC CMA procedures and certification requirements for thermal performance and to ensure the accuracy of the information provided.
- C. In the event that a new version of the NFRC-recognized computer programs for product simulations of energy performance is adopted, and the new version is deemed by NFRC to be substantially different, a licensed IA shall participate in a NFRC training program for the new version. The NFRC Inspector shall determine the IA's competency in understanding and employing the new version. An IA is not authorized to issue certification authorization for reports generated from a NFRC-accredited simulation laboratory utilizing the new version of the computer program until the NFRC Inspector deems the IA is competent in understanding the new version of the computer program.
- D. Each IA shall demonstrate knowledge and understanding in utilizing the NFRC Certified Products Database and Component Modeling Approach Software Tool (CMAST). Prior to licensing, all IA applicants must have completed a NFRC training course, which incorporates operational training procedures for utilizing the databases.

#### 3.2.2.1 Administrator-in-Responsible-Charge

If an IA designates one or more individuals as an Administrator-in-Responsible-Charge, those so designated shall be responsible for conducting an annual review of the work performed by the Individuals-in-Responsible-Charge, and shall have a method in place for documentation of that review. Results of the annual review shall be kept on file for a minimum of four years and available for inspection by NFRC staff as required. An IA shall notify NFRC, in writing, not later than 10 calendar days of any change in personnel designated as an Administrator-in-Responsible-Charge.

### 3.2.2.2 Individual-in-Responsible-Charge

- A. Each IA shall employ or retain at least one, but preferably two individuals, approved by the CPC and referred to as the "Individual-in-Responsible-Charge," who shall be responsible for all administrative, certification, and technical aspects of the IA's participation in the Certification Agency Program and Certification Programs. An IA shall notify NFRC, in writing, not later than 10 calendar days of any change in personnel performing NFRC-licensed services listed on the application.
- B. In the event the Individual-in-Responsible-Charge terminates employment or contractor position with an IA or has been suspended under the provisions of the NFRC 702, the IA shall notify NFRC of the identity of the new Individual-in-Responsible-Charge. The IA shall fill this position within 30 calendar days of the termination of the employment of such person. Certification services, as otherwise authorized, may continue throughout this 30-day period; however, no NFRC certification authorization reports shall be issued, unless an extension is granted in writing by the CPC for continued licensing. All certification authorization reports generated from submitted reports and data obtained during this time period shall be signed by the new Individual-in-Responsible-Charge. The CPC shall approve the competency to perform the NFRC certification procedures of this new Individual-in-Responsible-Charge before any NFRC certification authorization reports may be issued.
- C. In the event that the IA fails to fill the vacated position of Individual-in-Responsible-Charge within the required 30 calendar days, the IA's NFRC licensing shall be automatically suspended, unless an extension is granted in writing by the CPC. The NFRC-licensing of the IA may be reinstated when the issues for suspension have been satisfactorily resolved at the discretion of the CPC. At the time the suspension is rendered, the IA shall be delisted from the listing of NFRC-licensed IAs. Such suspension may be appealed in accordance with the procedures set forth in the NFRC 702.
- D. In the event that the IA fails to notify NFRC within the required 10 calendar days that an Individual-in-Responsible-Charge has terminated employment or contracting relationship, or has been suspended under the provisions of the NFRC 702, the IA's NFRC licensing shall be automatically suspended.



Such suspension may be appealed in accordance with the procedures set forth in the NFRC 702.

- E. Each Individual-in-Responsible-Charge shall have a Bachelor's degree or higher degree in engineering, quality control, or a closely related discipline. At least one Individual-in-Responsible-Charge shall have attended a NFRC-sponsored Annual Simulation Workshop. If an applicant IA does not have a proposed or current Individual-in-Responsible-Charge that meets these requirements, the CPC, at its sole discretion, shall determine if their experience in the validation and certification field or other factors may be substituted for the Bachelor's degree requirement.

### **3.2.2.3 In-Plant Inspector Qualifications and Duties**

The IA shall have the appropriate equipment necessary to perform and document products during an in-plant inspection. This equipment shall include, but not be limited to: a camera, dial calipers, tape measure, and an emissometer capable of determining the surface of low-Emissivity coatings. Other equipment may be necessary to allow the IA to perform the duties of product inspection. Refer to Section 4.1.2 for plant inspection duties.

### **3.2.2.4 In-Service Training Requirement**

- A. The IA seeking licensing shall have an in-service education program for training and educating of staff who provide NFRC certification services, on all requirements of the Product Certification Program, the Certification Agency Program, the NFRC rating procedures and standards, and all other applicable NFRC procedures. The education program shall assure that changes in, interpretations of, and updates to the Product Certification Program, the Certification Agency Program, and NFRC Technical Procedures, are conveyed promptly to IA staff.
- B. A continuing education plan shall be submitted to NFRC in connection with the licensing application process. The plan shall provide for regular in-house training programs, periodic reviews of individuals who review NFRC-accredited laboratory test or simulation reports and all data relative to validation and certification by the Individual-in-Responsible-Charge, and participation in regularly-scheduled NFRC educational workshops.

- C. Each IA shall maintain a log of continuing education activities, which shall be made readily available to the NFRC Inspector.
- D. Compliance by an IA with the education requirements shall be reviewed by the NFRC Inspector in connection with the annual review.

#### **3.2.2.5 Operations Manual**

Each IA shall have a copy of the current NFRC Certification and Inspection Agency (IA) Operations Manual, as amended from time to time by the CPC and approved by the Board of Directors, which describes the procedures and policies of the IA's NFRC-licensed services.

#### **3.2.3 Quality Control Program and Quality Control Manual**

- A. Each licensed IA shall maintain an internal quality control program, which meets the criteria of this section. The program shall be set forth in a stand-alone manual and shall contain, at a minimum, the following:
  - i. Copies of all current NFRC guidelines and manuals, test methods, simulation procedures, user manuals, inspection protocols, and other documents governing or pertaining to the operation of the Certification Programs as it affects the operations of an NFRC-licensed IA and the Certification Agency Program;
  - ii. Mechanisms for ensuring accuracy, precision, and consistency in evaluating simulation and testing reports, including, but not limited to, computer-generated files and related data;
  - iii. Mechanisms for ensuring accurate use of the NFRC Certified Products Database and CMAST and their functions;
  - iv. Methods for ensuring personnel competence, including proficiency in carrying out in-plant inspections and documentation trail audits for quality control purposes, and for reviewing label format and contents;
  - v. Procedures for correcting quality deficiencies; and
  - vi. Procedures for participating in the investigation of potential violations (prohibited activities) as set forth in the NFRC Compliance and Monitoring Program.
- B. The manual shall be made available to the NFRC Inspector at any time and shall be available to the IA staff at all times.

- C. The adequacy of the quality control program and quality control manual shall be determined in connection with the periodic review by the NFRC Inspector.

#### **3.2.4 Record Keeping**

- A. Each IA shall maintain a system of record keeping that will allow for verification by NFRC of
  - i. the IA's certification of each product or product line certified by the IA by direct review or reconstruction of issued reports;
  - ii. the IA's review of each component approved by the IA by direct review or reconstruction of component drawings and simulation files.
- B. The record keeping system shall provide for retention of all original evaluation data, observations and notes, product drawings, verification calculations and derived results, evaluation reports, all computer-generated simulation files, and other pertinent data.
- C. Each IA shall maintain all data and reports in confidence with access limited to designated responsible employees.
- D. The records and files shall be available for review by NFRC at any time during customary business hours.
- E. Complete records, including all submitted electronic or hard copy information, regarding active product certification and component approval shall be maintained for a period of five years from date of issuance of the Certification Authorization Report (CAR) for a product line or label certificate for a project and the date that component approval is granted as applicable.
  - i. The IA shall retain records, including, but not limited to, test reports, simulation reports, simulation files and related data, product line in-plant inspection information, and other information deemed necessary by NFRC, of any and all certified products and product lines, and approved components.
  - ii. The IA shall maintain electronic files of each CMA label certificate documentation trail audit for a period of five years.
- F. The adequacy of an IA's record keeping shall be determined in conjunction with the periodic review by the NFRC Inspector.

### **3.3 Service Obligations**

The applicant shall have at least one person designated on the application as the Individual-in-Responsible-Charge who has successfully taken a NFRC IA training workshop within one year of application.

### **3.4 Final Application Assessment Report**

- A. An applicant's initial inspection report for licensing and technical competence evaluation results (referred to as the "Final Application Assessment Report") shall be prepared by the NFRC Inspector and a draft copy shall be provided to the applicant seeking licensing no later than 30 calendar days after the completion of the review. The applicant shall have the opportunity to challenge any findings contained in the draft assessment report in writing.
- B. The draft report shall be submitted to the Certification Program Committee (CPC) for final approval. Any written challenge by the applicant shall also be submitted to the CPC for review and consideration prior to the committee's final approval of the report.
- C. Once approved, the report shall be deemed final. The NFRC inspector shall submit this final report to the applicant. The "Final Application Assessment Report" may set forth specified deficiencies, which shall be corrected prior to the grant of licensing. The applicant may appeal the CPC's Final Application Assessment Report to the NFRC Board of Directors within 30 calendar days of approval (See Appeals Procedures).
- D. The approval of the Final Application Assessment Report does not automatically indicate licensing approval. This can only be accomplished after the following conditions are met:
  - i. The applicant shall respond in writing to the required and/or recommended action items upon receipt of the signed and dated copy of the Final Assessment Report.
  - ii. The applicant shall respond in writing to the Application Assessment Report, which shall be the date that the report is sent to the applicant. The applicant may, however, begin performing the corrective action necessary to conform to the required action items prior to receiving the draft report or the Final Application Assessment Report.
- E. The CPC shall receive a copy of the applicant's written response to the required action items for review. Upon acceptance of the applicant's response, the CPC shall approve licensing.
- F. The members of the CPC shall have a maximum of 30 calendar days, from the date as it appears on the ballot, in which to complete the review of the applicant assessment and return their determination. Any negative responses or comments during the ballot process shall be resolved by the CPC prior to the granting of licensing.

### **3.5 Grant of Licensing**

If an applicant fulfills all licensing requirements set forth in the NFRC 702, the NFRC Inspector may recommend to the CPC, that a Certificate of Licensing be issued to the applicant authorizing licensure as an NFRC-Licensed Certification and Inspection Agency (IA). The CPC shall make a determination as to whether to issue a Certificate of Licensing based upon

the recommendation of the NFRC Inspector and such other information as it deems appropriate. The Certificate shall be valid as of the date of issuance unless terminated by the applicant or NFRC. An IA shall not conduct NFRC certification or approval services, validate product lines, or issue Certification Authorization Reports, until NFRC sends a copy of the License Agreement, signed by both NFRC and the IA, and the Certificate of Licensing to the applicant.<sup>1</sup>

### **3.6 Denial of Licensing**

- A. All specified deficiencies set forth in the Final Assessment Report shall be corrected by the applicant to the satisfaction of the CPC before the license agreement may be executed and the Certificate of Licensing issued. If the specified corrections are not completed within the time period required, which includes any CPC approved extensions for additional time, the CPC shall deny licensing.
- B. If an applicant fails to fulfill any requirements for licensing, the NFRC Inspector shall inform the applicant in writing that licensing is denied and specify the reasons for the determination. A denial of licensing may be appealed in accordance with the procedures set forth in this document.

### **3.7 Renewal of Application**

- A. If there are any changes to the initial application content, the licensed IA shall update the appropriate sections and submit a revised application.
- B. This may be done by revising a copy of the initial application or by submitting an amended application with references to the specific sections of the initial application that have changed. If there are no modifications from the original application, the licensed IA is not required to submit a renewal application.

### **3.8 Certificates of Licensing**

All Certificates of Licensing are the property of the NFRC and shall become void upon termination of the License Agreement.

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<sup>1</sup> A determination by a NFRC Inspector that an IA is competent does not, alone, result in a grant of licensing to an IA, or grant any right to claim that the IA approves components or performs validation and certification authorization for use in connection with the NFRC Certification Programs. An IA is not authorized to perform any approvals, or validation or certification authorization of products under the NFRC Certification Programs until a certificate of licensing has been issued and a License Agreement has been signed by both NFRC and the IA.

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## 4. ANNUAL REQUIREMENTS FOR IA LICENSING

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To maintain licensing, a NFRC-licensed IA shall maintain all licensing requirements, participate in periodic reviews, participate in regularly scheduled NFRC workshops and training programs, pay the required annual fees, including any fines which may be assessed under the NFRC Compliance and Monitoring Program, and shall otherwise comply with all requirements of the NFRC 702 and NFRC License Agreement.

### 4.1 Maintaining Licensing Requirements

- A. In order to remain licensed by NFRC, an IA shall maintain the following licensing requirements, which are defined in the IA Licensing Procedures section of the NFRC 702.

3.2.1 Independence Criteria and Procedures

3.2.2 Technical Competence Requirements

3.2.3 Quality Control Program and Quality Control Manual

3.2.4 Record Keeping

#### 4.1.1 Reporting Requirements

In order to remain NFRC licensed, an IA shall comply with the following reporting requirements.

##### 4.1.1.1 In-Plant Inspection Reports

No later than 15 business days after conducting an in-plant inspection, the IA shall deliver to the responsible party a report indicating the findings of the inspection. The findings shall include the following, to the extent applicable:

- A. A statement indicating if the in-plant inspection was the first or second bi-annual audit, if applicable.
- B. A statement of the total required amount of product lines to be reviewed during the in-plant inspection per Table 4-2, and actual number of product lines reviewed.
- C. An indication as to whether the product(s) inspected complies with all certification requirements, necessary for the product(s) to perform to the performance rating(s) stated on the label affixed to the product(s).
- D. If on the day of inspection, the product does not comply with all the certification requirements, the following shall be reported:
- i. An indication that deviations from the NFRC performance rating(s) claimed on the label were

- found and have been corrected by the responsible party;
- ii. An indication that deviations from the NFRC performance rating(s) claimed on the label were found and that the responsible party is required to correct the deviations and submit the corrected product to the IA for re-inspection in accordance with the NFRC 700; or
  - iii. An indication that serious non-compliance with the requirements necessary for the product to perform to the NFRC performance rating(s) claimed on the product were found, identifying the failures. "Serious non-compliance" shall mean performance ratings that do not meet the requirements of the NFRC technical or rating procedures.
- E. An indication whether the plant has a quality control program in place that meets the requirements of the NFRC 700.

#### **4.1.1.2 Site-Built Inspection Reports**

No later than 15 business days after conducting a site-built inspection, the IA shall deliver to the responsible party a report indicating the findings of the inspection. The findings shall include the following, to the extent applicable:

- A. Comparison of responsible party Label Certificates with the label certificate versions in the IA files;
- B. An indication of whether specific data contained in the label certificate comply with certification requirements by reviewing
  - i. Project location – compare with approved Building Permit drawings;
  - ii. Product line information – compare with purchase orders and delivery receipts for framing, glass, spacer, gas-fill, and other materials noting the correct vendor and products purchased; compare with fenestration schedule and elevations on the approved Building Permit drawings;
  - iii. Frame material supplier, glazing material supplier, and glazing contractor/installer information – compare with purchase orders and delivery receipts;
  - iv. Certification authorization information – compare with versions in IA's files.

- C. Availability of the NFRC Label Certificate on the jobsite – check transmittal memos to determine date the NFRC Label Certificate was delivered to the jobsite and where it was placed, and evaluate for compliance;
- D. An indication whether the responsible party has a quality control program in place that meets the requirements of the NFRC 700.

**4.1.1.3 ACE Calculation Review Reports**

No later than 10 business days after receipt of the calculation information for an ACE calculation review, the IA shall deliver to the ACE and Specifying Authority a report indicating the findings of the review; a copy of this report shall also be provided to the NFRC. The findings shall include the following, to the extent applicable:

- A. Identification of the label certificate selected for review;
- B. Date of the review;
- C. Identification of any product calculation discrepancies and the action required to address those discrepancies. If a discrepancy is identified, the report shall be issued as a “Notice of Non-Compliance”;
- D. If no product calculation discrepancies are identified, the report shall indicate so and shall notify the ACE and Specifying Authority that the Label Certificate has been reviewed and verified; and
- E. An evaluation of the technical quality of the ACE calculation, rated on one of four levels:

Grade	Description
A	All calculations and documentation correct as submitted.
B	Minor revisions or corrections were required which did not change the ratings on the label certificate.
C	Revisions or corrections were required which changed any rating of one product on the label certificate.
D	Revisions or corrections were required which changed any rating of more than one product on the label certificate.



#### 4.1.1.4 Documentation Trail Audit Reports

No later than 15 business days after receiving all documentation trail audit materials from the Specifying Authority as detailed in the NFRC 705, the IA shall deliver to the Specifying Authority a report indicating the findings of the audit; a copy of this report shall also be provided to the NFRC.

The findings shall include the following, to the extent applicable:

- A. Identification of the label certificate selected for audit;
- B. Date of the audit report;
- C. Identification of any discrepancies with any of the fenestration products/systems reflected in the label certificate and supplied at the project location. If a discrepancy is identified, the report shall be issued as a “Notice of Non-Compliance” and shall indicate the corrective action(s) required; and
- D. If no discrepancies are identified, the report shall indicate so and shall notify the Specifying Authority that the Label Certificate has been audited and validated.

#### 4.1.2 IA Service Obligations

In order to maintain licensing, an IA shall meet the following service obligations:

- A. Each NFRC-licensed IA shall provide the following services, as modified and expanded from time to time by NFRC:
  - i. Establish written procedures and policies, consistent with NFRC requirements, for its licensees participating in the Certification Programs;
  - ii. Conduct annual in-plant inspections of manufacturing facilities, including review of the licensee’s quality control program, in accordance with the Product Certification Program, as set forth in the NFRC 700;
    - a) Annual in-plant inspections may be conducted in two inspections per year; however, it shall not be considered a re-inspection as part of a non-conformity.
      - i. Exemption: Site-built inspections shall be conducted in one annual inspection.
  - iii. In response to a non-compliance, conduct re-inspection of fenestration products and fenestration attachment products in accordance with the Product Certification Program, as set forth in the NFRC 700;

- iv. The IA shall perform and document information pertinent to, but not necessarily limited to, the following duties during the in-plant inspection of a fenestration product facility, on products intended to be NFRC-certified, if applicable.

If a second inspection is conducted as part of bi-annual (twice per year) inspection, the IA shall perform and document items from Section 4.1.2.A.iv.h only

- a) Verification that an in-house Documented Quality Control System is in place, as defined in Section 8.2 of the NFRC 700. All changes shall be reviewed to verify minimum documented procedures and practices are met;
- b) Verification that insulating glazing units used in NFRC certified fenestration products are certified in accordance with a participating IG Certification Program meeting requirements set forth in NFRC 706;
- c) Verification of on-site presence (inventory) of low-Emissivity (low-E) glass (i.e. incoming material invoices, or storage of glass with supplier labels applied);
- d) Verification of spacer systems to assure compliance with NFRC program requirements;
- e) Inspection and identification of all grid system(s) for their application as listed in the NFRC Simulation Report;
- f) Verification of gas-fill shall be done by either;
  - i. Inspection and verification that the gas-fill process is equivalent to what was simulated, and;
  - ii. Inspection and verification that the gas-fill equipment is calibrated and operating correctly, and;
  - iii. Inspection of recent gas-fill invoices; or
  - iv. Verification that the responsible party has on record a letter indicating the gas-fill process and percentage from the supplier of sealed insulating glass units is equivalent to what was simulated.
- g) Review and inspection of certification label control techniques and that it follows Licensee's documented quality control system;
- h) Each IA is required to prepare a log of all product lines inspected annually at each license facility, and to maintain that log within 45 days following each licensed

location in-plant inspection. The log shall record the annual target number of product lines to be inspected, the date of the inspection and each inspected product line ID number.

- i. To prepare for the annual in-plant inspection(s), the IA shall consult the licensee’s Schedule II, a listing of product lines authorized for certification at each facility, then determine the number of product lines to be inspected based on Table 4-2. The targeted number of certified products lines to inspect shall be established prior to inspection. Sufficient inspections shall be conducted to meet the targeted number.

**Table 4-2 Product Lines and Inspection**

<b>Total authorized product lines produced at each facility</b>	<b>Target number of certified products to inspect</b>
1 to 25	3
26 to 90	5
91 to 150	8
≥151	13

- ii. The IA shall inspect the targeted number of product lines, or up to the targeted number of product lines in the Table 4-2 based on the number of certified product lines available at the time of the inspection, and the following inspection hierarchy:
  - 1. Certified product lines not previously inspected;
  - 2. Previously inspected product lines, in order from oldest to newest; and
  - 3. Certified product available for evaluation during the audit.
- iii. The inspected product lines shall be added to the log so as to reduce their likelihood of review during subsequent inspections.
  - 1. The log is a methodology to track product lines inspected at a plant location and shall include, but is not limited to:
    - a. The log shall provide a date the product line was inspected;

- b. The log shall list the full CPD number (product line and individual option number) that was inspected; and
    - c. The log shall also identify the years in which no certified product lines were available for inspection.
  - 2. The log shall be available for NFRC staff to review during an annual inspection.
  - 3. The log shall be maintained for the minimum record retention of five years, per Section 3.4.2.
- iv. If the IA is unable to locate any certified product lines available for inspection, the IA shall perform the next required inspection as documented in Section 4.1.2.A.iv.i, below.
- v. For each product line inspected, the following shall be verified;
  - 1. Inspection of all components used in the complete assembly and identification of the lineal supplier by review of the following:
    - a. Compare finished assembly cross-sectional views to the NFRC Simulation Report's drawing packet. Verify and compare component cross-sectional views and grouped frame/sash options;
    - b. Measure the profiles or parts that make up each cross-sectional view of the complete assembly using measurements equivalent to the NFRC 701.04 test lab procedure;
    - c. Verify components (e.g. weatherstripping, bedding material, glazing) match what is present in the NFRC Simulation Report.
  - 2. Inspection and verification of the presence of both the temporary and permanent NFRC labels, and for the accuracy of proper label performance

ratings and compliance with all labeling requirements.

- i) At least three randomly selected units shall be checked during the inspection for permitted gap width reduction.
  - 1. If one of the three units checked fails to comply with the permissible gap width reduction allowed, ten additional units shall be inspected.
  - 2. If one of the ten additional units inspected fail to comply with the permissible gap width reductions allowed, the IA shall notify the manufacturer/responsible party in writing of the specified deficiencies.
- j) Verification that the gap width reduction does not exceed the allowable reduction widths. The NFRC IA shall check the center of glass gap width reduction for IG Units used in NFRC Certified Products during each in-plant inspection.
- k) The gap width reduction shall:
  - 1. be measured in the vertical or near vertical position
  - 2. be calculated by subtracting the center of glass gap measurement from the gap measured as near to the glass edge as possible
  - 3. be performed indoors on new, finished products at ambient temperature and pressure
  - 4. be measured on a window size similar to the NFRC test size requirement
  - 5. Be measured to an accuracy of 1 mm
- l) Permitted Gap Reduction:
  - 1.  $\leq 13$  mm (1/2 in) design gap, 3 mm (1/8 in) maximum reduction permitted.
  - 2. 13 mm (1/2 in) design gap, 6 mm (1/4 in) maximum reduction permitted.
  - 3. There shall be no contact between glazing layers and components (e.g. dividers) except as noted.

**[Note:** Contact with buttons serving as grid locators are permitted.]
- v. The IA shall perform and document information pertinent to, but not necessarily limited to, the following duties during the in-plant inspection of an attachments product facility:
  - a) Verification that an in-house Documented Quality Control System is in place, as defined in Section 8.2 of the NFRC 700. All changes shall be reviewed to verify minimum documented procedures and practices are met.

If a second inspection is conducted as part of bi-annual inspection, the in-house Documented Quality Control System shall only be inspected once per year;

- b) Inspection of all components used in the production of the fenestration attachment (i.e. coatings, etc.);
- c) Inspection of labeled packages and traceability of the material in those packages;
- d) Review and inspection of certification label control techniques and that it follows the Licensee's documented quality control system;
- e) Inspection and verification of the presence of both the temporary and/or permanent NFRC labels, and for the accuracy of proper label performance ratings and all labeling requirements; and
- f) Inspection of the record or log of Attachment Product Label Certificates completed and delivered by request by the manufacturer; and

g) If fenestration attachment is fabricated at a location other than the licensee's address, the IA shall inspect that location as listed on the Schedule I. [For Applied Film Licensed Branders applying their own labels, the IA is required to verify the manufacturer is NFRC licensed.](#)

g)h) [If an IA is conducting an inspection of an Applied Film Manufacturer labeling products for Licensed Branders, the IA is responsible for ensuring labels for all Licensed Branders are properly applied even for Licensed Branders inspected by other IAs.](#)

- vi. Conduct inspections of a licensee's facility within one year of the issuance of an NFRC Label Certificate (Site-Built and Attachment). The IA shall review the files of the licensee and conduct a random inspection of all pertinent information related to all NFRC Label Certificates for at least one particular project.
- vii. Conduct documentation trail audits of the Specifying Authority's fenestration products/systems to ensure that the products listed in the issued NFRC CMA Label Certificate are reflective of the actual systems supplied for a particular project and comply with all NFRC 705 requirements.
- viii. Conduct the CMA label certificate documentation trail audit within 15 business days of the receipt of the required documentation. The IA shall review the following documentation:

- a) Copies of project specification sections for the glazing infill and framing systems(s);
  - b) Copies of any change orders affecting the primary glazing infill and framing system(s);
  - c) Copies of the glazing contractor's primary purchase order for glazing infill and framing system(s);
  - d) Copy of the glazing infill and framing system manufacturer's primary order acknowledgements; and
  - e) Copy of the glazing infill and framing system manufacturer's material shipment documents.
- ix. Review and evaluate each submitted product line matrix, laboratory simulation and test reports submitted by NFRC-accredited test and simulation laboratories, including NFRC-approved computer generated files, to ascertain whether the licensee's individual products and product lines comply with NFRC ratings, and to ensure the completeness and accuracy of the information provided;
- a) The IA shall verify one complete individual product per product line by reviewing computer generated files; and
  - b) Modifications to a NFRC-certified product line shall follow the requirements as set forth in the NFRC 700.
    - i. If the modification to the product line is within the NFRC grouping rules and does not affect the certified performance rating of the product line, appropriate documentation shall be reviewed by the IA for approval, (i.e. simulation files, revised drawings, revised reports).
- x. Review and evaluate fenestration component information submitted by the NFRC accredited laboratory for NFRC approval into the CMA component library. The information submitted shall include:
- a) Cross-sectional drawings of the spacer component;
  - b) Spacer component files;
  - c) Frame cross-section drawings;
  - d) Frame cross-section computer-generated files and calculations; and
  - e) When required, test report for frame component validation.
- xi. Review and evaluate for accuracy performance calculations conducted by the ACE of products/systems listed on a particular CMA label certificate.

- xii. Determine that the PCP licensee has entered into a license agreement with NFRC prior to using the NFRC mark on labels or in advertising and marketing programs.
- xiii. Issue NFRC PCP temporary and permanent labels and Label Certificates or authorize licensees to print such labels and label certificates for use in connection with NFRC-certified products and product lines.
- xiv. Accept into the Certified Products Database only uploaded test data that is accurate and complete from an accredited test and simulation laboratory upon review and evaluation of the product line matrix, and simulation and test reports.
- xv. Advise NFRC within 10 calendar days of the termination of NFRC certification for any product.
- xvi. Conduct operations in compliance with the requirements of the NFRC Product Certification Program, as set forth in the NFRC 700.
- xvii. Conduct operations in compliance with the requirements of the NFRC Component Modeling Approach Product Certification Program, as set forth in the NFRC 705.
- xviii. Authorize the responsible party to certify and label products for Specialty Products Table SHGC values by following the certification procedures as defined in the NFRC 700, and issue a Certification Authorization Report for the product line.
- xix. Verify that the gas-fill percent concentration claimed in a fenestration product does not exceed the maximum allowable concentrations for the gas-fill techniques in the NFRC Simulation Workbook before issuing approval for certification.

Verification of gas-fill shall be done by either:

- a) Inspection and verification that the gas-fill technique is equivalent to what is simulated; and
  - b) Inspection and verification that the gas-fill equipment is operating correctly; and
  - c) Verification of any fill gas invoices; OR
  - d) Verification that the responsible party has on record a letter indicating the gas-fill percentage, the gas-fill process and invoices indicating gas-fill.
- xx. Participate in the investigation of potential violations (prohibited activities) as set forth in the NFRC Compliance and Monitoring Program.

- B. The IA shall have the appropriate equipment necessary to perform and document products inspected during an in-plant inspection. This equipment shall include, but not be limited to:



a camera; dial calipers; tape measure; emissometer capable of determining, at a minimum, the surface(s) of low-Emissivity coatings; and other such equipment to allow the IA to perform the duties of product inspection.

- C. The IA shall have a written procedure for handling challenges. The written procedure shall assure due process and shall establish a timeline for rendering a decision as to the validity of the challenge within no more than 30 calendar days of the receipt of the challenge. In any case where the requirements of the IA's written procedure are in conflict with the procedures set forth in the NFRC 702, NFRC 700, or NFRC 705, the provisions of the NFRC 702, NFRC 700, or NFRC 705 shall govern.
- i. The IA is permitted to require an escrow deposit from the challenger in an amount not to exceed \$1,000 per challenge prior to the investigation of the challenge, up to \$500 of which may be non-refundable, and to charge the challenger or responsible party for the costs of investigating the challenge.
  - ii. The IA shall render a decision (the "Challenge Decision") as to the accuracy of the product rating or product certification authorization, which has been challenged.
  - iii. The Challenge Decision shall be set forth in a written report, which shall indicate whether or not such rating or authorization is accurate and state in detail, the basis for the decision. The IA shall deliver to NFRC a copy of its written report on the Challenge Decision within 10 business days of the decision date.
  - iv. Should the IA render a decision stating that the rating or authorization is not accurate the IA shall issue a written, dated notice to the responsible party suspending the product certification authorization with respect to the product subject to the challenge.
  - v. Upon request by NFRC at any time and notwithstanding the provisions set forth in the NFRC 702, NFRC 700, or NFRC 705, the IA shall deliver to NFRC a complete record of the Challenge, including all documents filed by the parties and all documents developed by the IA in rendering its decision and preparing the written Challenge Decision.

#### **4.2 Request for Exemption/Extension**

The following establishes the procedure for an IA to make requests to the NFRC CPC for the granting of an exemption from compliance or for an extension of time to achieve compliance.

- A. The IA shall formally submit the specific exemption requested and, if applicable, the specific manufacturer or plant(s) affected by the request with the following details.

1. Company Name, Address, Contact Information
  2. Exemption/Extension Request
  3. Reason for the Exemption Request
  4. Extension expected completion date
- B. The request shall be submitted to NFRC Staff.
- C. NFRC staff shall forward the request to the NFRC CPC for review upon the determination that all the procedural requirements have been properly completed.
- D. The NFRC CPC shall review the request and make a determination as to approve or deny the request.

### **4.3 Periodic Review**

#### **4.3.1 NFRC Right to Reports**

NFRC reserves the right to obtain a copy of any report and its supporting files generated by an accredited laboratory submitted to an NFRC licensed IA for the purpose of certification authorization (CAR), and if requested, shall be submitted to NFRC by the IA.

#### **4.3.2 All Inspection Agencies**

- A. The IA Periodic Review shall be conducted by the NFRC Inspector and shall be based on the requirements of the NFRC 700: Product Certification Program (PCP), NFRC 702: Certification Authorization Program (CAP), NFRC 705: Component Modeling Approach Product Certification Program (CMA-PCP), and NFRC 708: Calculation Entity Approval Program or "ACE Program" (CEAP). NFRC has the right to conduct an unannounced Periodic Review at any time if deemed necessary or appropriate by the CPC. The NFRC Inspector shall not be an employee or contractor of, or have a similar relationship to, any NFRC certification and inspection agency.
1. NFRC shall conduct a Periodic Review of each licensed IA not less than once in two years following licensing. This will be done by technical evaluation assessment preferably through an on-site (maximum of 2 days) or optionally a remote (i.e. virtual, online) inspection, for licensing per NFRC 702 requirements.
  2. NFRC shall conduct at least annually, an accompanied in-plant inspection (maximum of 1 day) for licensing per NFRC 702 requirements, of each licensed IA. The NFRC Inspector, with the concurrence of the CPC, will determine if an on-site inspection of the IA is necessary in connection with a remote assessment.

- B. Failure to submit to the Periodic Review shall result in issuance of a Notice of Suspension. A suspension may be appealed in accordance with the procedures set forth in the NFRC 702. A suspension may be withdrawn by the NFRC Inspector upon a re-inspection showing compliance with all program requirements.
- C. The two-year Periodic Review will be conducted based on the last periodic review either by an on-site or remote inspection, with concurrence of the CPC.
- D. The periodic review shall consist of a review of the IA's continuing compliance with the conditions, criteria and obligations set forth in the NFRC 702, and shall include, but not limited to, an evaluation of the following:
  - i. IA operational procedures;
  - ii. In-service education and training;
  - iii. Staff technical competence, including adequate knowledge of the NFRC 700, Certified Products Database, and CMAST;
  - iv. Record keeping practices;
  - v. Reporting practices;
  - vi. Quality control system;
  - vii. Independence criteria maintenance;
  - viii. In-plant inspection capabilities;
  - ix. Criteria for evaluating manufacturer quality control programs;
  - x. Services provided by any IA contractors in support of IA's NFRC-licensed services; and
  - xi. Any equipment necessary to conduct in-plant inspections and other related certification services.
  - xii. Review of any of the following information, which the IA shall make available:
    - a) All NFRC approved simulation software files and test files for each Product Line or component selected by the NFRC Inspector (a minimum of one NFRC 700 Product Line and components shall be evaluated; and if applicable one NFRC 705 frame component review; one NFRC 705 ACE Calculation Review; one NFRC 708 Documentation Trail Audit).
    - b) A complete report submitted on behalf of the product line manufacturer or Specifying Authority to the IA for certification authorization.

- c) All product drawings for the Product Line or components.
  - d) Any documentation provided by the manufacturer (e.g. spacer information, material conductivities, Low-E coating data, etc.)
  - e) Proper documentation of any assumptions and/or technical interpretations used in simulation.
  - f) IA reviewer's checklists, findings, or supportive product line documentation used to approve the product line or components for certification.
  - g) Documented authorization of product line certification. (i.e. Certificate of Authorization (CA) and/or Certification of Authorization Report (CAR)).
- E. The accompanied in-plant inspection of a current NFRC Participant licensed with NFRC and the IA shall consist of a review of the IA's continuing compliance with the conditions, criteria and obligations of the in-plant inspection requirements set forth NFRC 702, and shall include, but not limited to, an evaluation of the following:
- xiii. Inspector's Qualifications and Duties;
  - xiv. Inspector's review and approval of the Participant's Quality Control System;
  - xv. Verification of Schedules, Responsible Party, Certified Product Lines, Assembly Components, Glazings, IG Certification, IG glass deflection, Grids, Spacers, Labels (purporting the required format; approved rating values), labeling control techniques.
- F. The periodic review report and simulation competence evaluation results ("Final Assessment Report") shall be prepared by the NFRC Inspector and a draft copy shall be provided to the IA within thirty (30) days of the inspection date; or after receipt of the supportive product line review documentation; or after the plant inspection, whichever is later. The IA shall provide responses to the action items to the NFRC Inspector within thirty (30) days of receiving the report. The inspection report, the corresponding IA's responses, and recommendations by NFRC Staff will be submitted to the CPC for continued licensing approval.
- G. The following protocol shall apply if results are deemed to be incorrect in a simulation or test report, frame component review, ACE Calculation Review, or Documentation Trail Audit.
- i. NFRC simulations, test, and corresponding results shall be reviewed for compliance with modeling

procedures as stipulated in NFRC 100, NFRC 200, NFRC 303, NFRC 304, NFRC 500, the NFRC Simulation Manual, Technical Interpretations and other referenced or required documents, when applicable. If the review determines that the results submitted for certification are incorrect due to modeling errors, the following shall be included in the Final Assessment Report:

- a) The NFRC Inspector shall cite the appropriate document(s) and section number(s) in reference to the noncompliant modeling techniques or requirements; reporting requirements; IA reviewer's requirements in the notification.
  - b) Upon notification to the NFRC IA IRC, the NFRC IA shall notify the NFRC accredited Simulation Laboratory SIRC, and/or NFRC accredited Test Laboratory IRC, and/or NFRC ACE, and/or NFRC Specifying Authority of the findings. The NFRC IA shall determine the requirements to correct the error(s) found, and request corrective action for re-approval of the product lines for certification. The data files and information shall be reviewed by the NFRC Inspector's review for compliance.
  - c) If the CPC deems necessary, the simulation or test report, CMA components, or CMA Label Certificate shall issue notice of suspension until such time that an amended report is provided to the NFRC IA for review and approval.
  - d) It shall be the responsibility of the NFRC IA to notify the manufacturer of any revised rating results.
  - e) Failure to adhere to the requirements of this section may result in immediate suspension of licensing at the discretion of the CPC.
- H. If there is a dispute of any of the recommended or required action items within the draft report by the IA, the IA shall explain their reasoning for disputing the action item in their response. Then the NFRC Inspector shall submit the disputed item(s) to the CPC for review to determine whether to concur with the IA's claims. A letter outlining the CPC's ruling shall be submitted to the IA within fifteen (15) days after the CPC finalizes its ruling.
- I. If the NFRC Inspector determines that an IA is not in compliance with any of the provisions of the NFRC 702, NFRC will notify the IA of the specified deficiencies and will require

that specified corrective action be taken within a specified time period but not to exceed 30 calendar days from the date of such notification. If the deficiencies are deemed to be of a serious nature, NFRC may immediately put the IA on probation. Probation may be for a time period and include conditions as deemed appropriate by NFRC.

- J. In the event that the deficiencies have not been remedied by the conclusion of the specified time period, in the judgment of the NFRC Inspector (and pending CPC approval) , the NFRC Inspector shall immediately place the IA on probation or suspend the IA's license by issuance of a Notice of Suspension. The NFRC Inspector shall re-evaluate the IA, which may include a re-inspection or additional accompanied in-plant inspection with the same or different qualifying inspector, if deemed necessary by the NFRC Inspector, prior to issuance of a Notice of Probation or Suspension. Probation or suspension may be appealed in accordance with the procedures set forth in Section 5. Probation or suspension shall be withdrawn by the NFRC Inspector, pending CPC approval, upon the determination by the inspector, which may require a re-inspection, that the deficiencies have been remedied.
- K. In the event of probation or suspension of licensing, and in the further event that the IA does not take corrective action sufficient to permit the NFRC Inspector to determine that the deficiencies have been removed within 15 day of the issuance of the Notice of Probation or Suspension, the CPC shall issue a Notice of Revocation. The revocation may be appealed in accordance with the procedures set forth in Section 5.
- L. All costs related to re-inspection or additional accompanied in-plant inspection for failure to comply with NFRC requirements in the first review shall be the responsibility of the IA.
- M. All costs related to the periodic inspection or any necessary re-inspection of IA contractors shall be the responsibility of the IA.

#### **4.4 Blind Competence Evaluation**

- A. Blind competence evaluations shall be performed only when deemed necessary by the CPC. NFRC will pay the expenses associated with any blind competency evaluations.
- B. If the results of the blind competence evaluation from a participating inspection agency do not meet the acceptance criteria established by the CPC, NFRC shall notify the IA, and the IA shall have 30 calendar days from the date of such notification to take appropriate corrective action so that it will meet NFRC standards upon a re-evaluation. The IA may continue issuing Certification Authorization Reports during that specified time period. If the deficiencies are deemed to be of a serious nature, NFRC may immediately put the IA on probation. Probation

may be for a time period and include conditions as deemed appropriate by NFRC.

- C. If an IA for which corrective action is required completes the corrective action within the specified time period, the NFRC Inspector shall schedule and supervise another blind competence evaluation based on the same rules of the initial test. If the inspection agency meets the relevant acceptance criteria in the re-evaluation, the inspection agency may continue issuing certification authorization under the provisions of the Product Certification Program.
- D. If an IA fails to take corrective action within the specified period, or fails to meet the specified acceptance criteria in the re-evaluation, the NFRC Inspector, pending CPC approval, shall suspend the IA's licensing by issuance of a Notice of Suspension. A suspension may be appealed in accordance with the procedures set forth in Section 5. A suspension shall be withdrawn upon a determination by the NFRC Inspector and the CPC that the deficiencies have been remedied.
- E. If a suspended IA does not take the required corrective action within 45 calendar days of the issuance of the Notice of Suspension, the CPC shall issue a Notice of Revocation. The revocation may be appealed in accordance with the procedures set forth in Section 5.
- F. All cost related to re-evaluation or re-inspection for failure of an IA to meet requirements in the first, or any subsequent blind competence evaluation, shall be the sole responsibility of the IA.
- G. The period of time in which an IA is suspended does not extend the period of licensing.

#### **4.5 Certification Agency Program (CAP) Workshops**

##### **4.5.1 Scope of the CAP Workshop**

- A. The purpose of the workshop is to maintain the highest accuracy and quality of entities involved with NFRC certification. The initial NFRC licensing of certification programs should not be based solely on passing an initial workshop and inspection; therefore, every Individual-in-Responsible-Charge shall attend the CAP Workshop to maintain the technical competence.
- B. The workshop(s), held no less than one time a year, provide NFRC staff a means to disseminate new procedures, modeling rules, and certification requirements to all parties to uniformly maintain repeatability of results.
- C. Depending upon the material to be presented at the workshop(s), it may be a face-to-face meeting or in the form of an online presentation. This is at the discretion of the NFRC Staff and the CPC.

#### **4.5.2 Responsibility of NFRC**

- A. NFRC staff, 90 days before a scheduled face-to-face workshop, shall notify all NFRC Licensed Certification and Inspection Agency program Individual-in-Responsible-Charge of the workshop location. Online workshop(s) will be held 3-6 weeks after each NFRC Membership Meeting.
- B. During a face-to-face or an online workshop, staff shall:
  - i. Discuss the findings of the most recent IAC if applicable.
  - ii. Discuss product and technical interpretations, and updated procedural changes if required.
  - iii. Discuss action items and other important certification program related information.
- C. NFRC staff shall report all action items from the CAP Workshop to CPC at the next scheduled conference call or meeting. The need to address action items shall be communicated by NFRC staff on behalf of the CPC to appropriate NFRC committee chairs for necessary action and resolution. CPC members shall be informed by the NFRC staff about the resolution of the action item. The CPC chair shall inform the Board of Directors of any action item not resolved within six months.
- D. NFRC staff shall maintain a history sheet of attendance and shall inform CPC of attendance. Upon receipt of the report from the staff, CPC shall determine any breach of requirements and issue a notification of suspension to the Individual-in-Responsible-Charge.

#### **4.5.3 Responsibility of NFRC Licensed Certification and Inspection Agency Program**

- A. Each NFRC Licensed Certification and Inspection Agency Program's Individual-in-Responsible-Charge shall attend regularly scheduled NFRC CAP Workshops for continued licensing.

If, for any reason, attendance cannot be met, the individual shall request in writing to be excused by the CPC. Upon approval by the CPC of the absence, the individual may, at the discretion of the CPC, continue as Individual-in-Responsible-Charge. If the CPC does not grant an excused absence, the individual shall be immediately suspended as the Individual-in-Responsible-Charge. If this person is the only IA designated as Individual-in-Responsible-Charge, the IA shall follow the provisions as stipulated in the NFRC 702.



#### **4.6 Annual Fees**

To maintain licensing, each IA is required to pay the required annual participation fee as set forth in the NFRC 704: Fee Schedule. This fee shall be paid annually in January of each year. A newly licensed IA shall pay this participation fee at a prorated cost in relation to when licensing is granted in a given calendar year.

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## **5. APPEALS PROCEDURES**

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### **5.1 Grounds for Suspension of Licensing**

An IA's license may be suspended by the CPC pursuant to the express provisions of the NFRC 702.

### **5.2 Grounds for Revocation of Licensing**

An IA's license shall be revoked by NFRC in any of the following circumstances:

- A. Pursuant to the non-fulfillment of the provisions contained in the NFRC 702 within the required time period;
- B. Upon the expiration of an IA's right to appeal a suspension of licensing;
- C. Upon a determination by the CPC that an IA has acted in such a manner as to:
  - i. Impair the objectivity or integrity of the Certification Agency Program or harm the reputation of NFRC, including, but not limited to, submission of false information to NFRC, or failure to submit to NFRC any material information required to be submitted in connection with obtaining or maintaining licensing;
  - ii. Knowingly or negligently issuing reports that fail to meet all of the requirements of applicable testing or simulation methods; or
  - iii. Making misrepresentations in advertising or promotional materials of its license status in general or with respect to any service that the IA offers.

### **5.3 Appeals Procedure**

- A. In the event that NFRC licensing has been denied or suspended, the IA shall have the right, for a period of 45 calendar days after the date of Notice of Denial or Suspension, to appeal the denial or suspension to the CPC.
- B. In the event that an IA's licensing is revoked following the expiration of the period to appeal a suspension, in the absence of an appeal having been taken, the IA shall have the right, at its election, for a period of

15 business days after the date of the Notice of Revocation, to appeal the revocation to the CPC.

- C. In the event that an IA's licensing is revoked by a decision of the CPC, the IA shall have the right, at its election, for a period of 15 business days after the date of the Notice of Revocation, to appeal the revocation to the NRFC Board of Directors.
- D. An appeal shall be noticed in writing and shall be sent by certified mail or other method which provides evidence of delivery to the Chair of the CPC or the Board of Directors, as the case may be, with a copy to the NRFC Inspector, and shall specify the basis for the appeal.
- E. The IA or applicant, as appellant, may, at the time of noticing its appeal, request in writing a hearing before the CPC in the case of an appeal regarding a denial or suspension or a revocation of licensing, based on a suspension from which an appeal was not taken. The appellant may also request a hearing before the Board of Directors, in the case of an appeal from a revocation that is based on a suspension ordered by the CPC upon an appeal from a suspension. If a hearing is requested, the CPC or the Board of Directors shall, no later than seven calendar days after the filing of the notice of appeal, notify the appellant of the date of the hearing, which shall be held as expeditiously as possible, but no later than thirty calendar days from the receipt of the notice of appeal.
- F. No later than 14 calendar days prior to the hearing, the NRFC Inspector shall file with the CPC, or the CPC shall file with the Board of Directors, all written information and electronic data on which the denial, suspension, or revocation is based. The appellant shall be provided with a copy of this material and may file such evidence as appellant believes will assist the CPC or the Board of Directors in making its determination.
- G. At the hearing, NRFC shall present at least one witness to sponsor the information described in Section 5.3.F and to explain the denial, suspension or revocation decision. The appellant may, but is not required to, be represented by legal counsel and may present evidence and witnesses on its behalf. Either party may cross-examine witnesses of the other party.
- H. No later than 30 calendar days after the hearing, the CPC or the Board of Directors, whichever the case may be, shall issue a written decision on behalf of NRFC. The decision shall be based solely on the record described in Section 5.3.F and Section 5.3.G. Except as otherwise permitted under the appeals procedures set forth in this section or under state law, the decision of the CPC or the Board of Directors is final and binding.
- I. In any decision made by either the CPC or the Board of Directors, any individual who has any financial, family, or organizational affiliation with the appellant or with an entity or person, which operates in direct competition with the appellant, shall not participate in a determination of the appeal.

- J. An IA may also appeal a suspension of the IA License Agreement pursuant to this section.
- K. An applicant for IA licensing may also appeal a denial of licensing to the NFRC Board of Directors pursuant to this section.

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# APPENDIX A APPLICATION FORM

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## NFRC CERTIFICATION AGENCY PROGRAM

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### Independent Certification and Inspection Agency Application



The National Fenestration Rating Council (NFRC) sponsors a Certification Agency Program (CAP) for Independent Certification and Inspection Agencies (IAs) wishing to offer fenestration product thermal performance certification services in accordance with the NFRC Certification Program (PCP). The Certification Agency Program (CAP) is intended to ensure technical competence, proficiency, and uniform application of NFRC certification and labeling of fenestration products by IAs providing these services.

This application is for those seeking licensing to provide NFRC certification services in accordance with *NFRC 700: NFRC Product Certification Program*. Licensing under this program provides certification agencies with the opportunity to offer NFRC certification and advertise participation in the program.

To ensure that an agency's application can be fully evaluated, all requested information must be provided. If additional space is needed, attach additional pages. Incomplete applications will be returned with information deficiencies cited. Application processing takes approximately three weeks after receipt by NFRC.

Please return all required information with completed application to:

**National Fenestration Rating Council**

6305 Ivy Lane, Suite 140  
Greenbelt, MD 20770  
Voice: (301) 589-1776  
Fax: (301) 589-3884  
Email: [info@nfr.org](mailto:info@nfr.org)  
Website: [www.nfr.org](http://www.nfr.org)

**Organizational Information**

1. Name of Agency: \_\_\_\_\_
2. Individual(s) -in-Responsible Charge: \_\_\_\_\_  
Administrator-in-Responsible Charge: \_\_\_\_\_
3. Address: \_\_\_\_\_
4. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
5. Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email address: \_\_\_\_\_
6. Type of business: \_\_\_\_\_
  - Corporation
  - State of Incorporation: \_\_\_\_\_ Date of Incorporation: \_\_\_\_\_
  - Partnership (attach list of general and limited partners)
  - Sole Proprietorship - Name of Owner: \_\_\_\_\_
  - Trade Association
  - Other
7. Provide the Number of Staff (at each location) in your organization involved with:
  - a. Administration: \_\_\_\_\_
  - b. Professional: \_\_\_\_\_
  - c. Technician: \_\_\_\_\_
  - d. Clerical: \_\_\_\_\_
  - e. Other (Describe) : \_\_\_\_\_
  - f. Total Staff: \_\_\_\_\_
8. List other fenestration product certification programs that your organization offers or is otherwise affiliated with:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Number of separate offices or facilities to be licensed: \_\_\_\_\_
10. If your organization has more than one office or facility, provide the following information for each office or facility:
  - a. Name of office or facility
  - b. Location (address, city, state and zip codes)
  - c. Telephone & facsimile numbers, email address, and
  - d. Individual(s) -in-Responsible-Charge and their Title

11. Attach a list of employees and an organizational chart showing the relationship of all employee positions to be involved in the operation of the NFRC Certification Program. On the organizational chart, please identify the incumbent in each position by name and title. If part of a larger corporate structure, add a second chart showing the relative position of the applicant IA within the corporation. If contractors are involved in NFRC-related IA services, list the contractors and show their relationship on the organizational chart. On the organizational chart, identify the person(s) with responsibility for the following in the NFRC IA Program:

- a. Company Policy
- b. Maintaining current job descriptions;
- c. Financial matters;

12. Briefly outline your objectives in becoming a licensed IA in the NFRC Certification Program.

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**Personnel**

13. Provide resumes for each employee and contractor proposed to be involved in the NFRC Certification Program, including both technical and administrative personnel (please see requirements set forth in *NFRC 702*) :

- a. Professional qualifications (Degree, Professional Engineer License, etc.) ;
- b. Relevant work experience;
- c. Membership on relevant technical committees or professional societies; and
- d. Employee's position at the agency and location of that agency.

14. NFRC certified simulator(s) (if any) :

Date Certified: \_\_\_\_\_

Date Certified: \_\_\_\_\_

Date Certified: \_\_\_\_\_

Simulation and related experience, include name and all relevant courses attended (subject of training, dates and location)

<u>Name</u>	<u>Simulation and Related experience</u>
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**In-Service Training and Education Program**

15. Summarize your employee in-service training and education program. Provide examples of relevant training courses. Describe your process of continuing education. (See requirements in *NFRC 702*)

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**Quality Control Program & Operations Manual**

16. Describe your organization's Quality Control Program, and how it will assure efficient, uniform, and repeatable implementation of product certification in accordance with Section 3.2.3 of the most current *NFRC 702* document.

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17. Provide the name of the individual(s) in charge of your Quality Control Program at each business location.

<u>Name</u>	<u>Simulation and Related experience</u>
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18. Describe the contents of your Certification Program Operations and Quality Control Manual. The NFRC Inspector will review such manuals during initial and periodic inspections.

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19. Identify the personnel, by name and title, responsible for preparing, reviewing, and approving your Certification Program Operations and Quality Control Manuals.
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### Terms and Conditions

The undersigned officer or other duly authorized representative of the applicant organization accepts on behalf of the applicant the following terms and conditions:

- A. The agency hereby acknowledges receipt of a copy of, and agrees to abide by all conditions and requirements of *NFRC 702* and *NFRC 700* as they may from time to time exist or be interpreted, including entering into a license agreement in substantially the form included in *NFRC 702*.
- B. The agency attests that the following conditions with respect to its independence are true and consistently maintained:
- Neither the agency, its equity owners, officers, directors, managers, employees, nor any affiliate of any such person:
- i. Has any financial interest in, or family or organizational affiliation to any fenestration product or component manufacturer, supplier or vendor;
  - ii. Has any financial interest in, or family or organizational affiliation to, any firm for which any one of them provides NFRC-accredited testing or computer simulation service, nor does any such person serve as an equity owner, officer, director, manager or employee of any such firm;
  - iii. Advocates or recommends the use of any product (or product component) for which the agency provides NFRC certification services;
  - iv. Advocates or recommends the use of a particular thermal performance testing or simulation laboratory providing NFRC-accredited services; and
  - v. Is involved in the commercial design or fabrication of fenestration products or components.
- C. The organization represents and warrants that:
- i. Neither the agency nor any controlling person of the agency has filed or had filed against it a petition under any bankruptcy law, or similar event, since during the previous 5 years.
  - ii. Neither the agency nor any controlling person of the agency has during the previous 10 years been convicted in a criminal proceeding or is named as a defendant in a pending criminal proceeding (excluding traffic violations).
  - iii. Neither the agency nor any controlling person of the agency has been during the previous 10 years or is now the subject of any judicial or

administrative proceeding or investigation relating to its fenestration certification services.

If any of the foregoing statements is not applicable, please explain.

- D. In the event that the agency elects to utilize contractors to provide service in connection with the NFRC Certification Program, any such contractor shall meet the independence criteria and, if applicable, IRC duties as set forth in the NFRC 702.
- E. The agency hereby agrees to promptly pay all fees and other expenses in accordance with NFRC schedules.
- F. The agency hereby agrees to indemnify and hold harmless NFRC, its officers, directors, members, employees, and agents from and against all liability whatever, including attorney's fees and expenses, arising from the decision by NFRC to grant, deny, suspend or revoke licensing of the agency.
- G. If licensing is granted by NFRC, the agency hereby agrees to indemnify and hold harmless NFRC, its officers, directors, members, employees and agents from and against all liability whatever, including attorney's fees and expenses arising from the agency's activities relating to certification or labeling products under the NFRC Certification Program.

The undersigned certifies that the information supplied above is correct and will notify NFRC promptly of any change in any of the information supplied.

The undersigned acknowledge that any false statement in this application is a ground for denial, suspension, or revocation of accreditation.

Organization: \_\_\_\_\_

By: (signature) \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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## NFRC CERTIFICATION AGENCY PROGRAM

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### Attachment 1

## Preparing for an Inspection as an NFRC-Licensed Independent Certification and Inspection Agency

On-site inspection by NFRC is an integral and required component of the NFRC Certification Agency Program (CAP). All Licensed Independent Certification and Inspection Agencies (IAs) shall be inspected at least annually as defined in the *NFRC 702*. This checklist is provided to assist IAs in preparing for the NFRC inspection.

### Pre-Inspection

NFRC will typically notify the IA at least 24 hours in advance of an on-site inspection.

NFRC will require access to the all items required for licensing under *NFRC 702* document. These include, but are not limited to:

- Personnel and Equipment associated with NFRC-licensed services;
- Proof of Financial Independence;
- Operations Manuals;
- Record Keeping systems; and
- Quality control documents.

### Inspection

On the day(s) of the inspection, several activities will be scheduled:

1. Entrance Briefing - The inspector(s) will conduct an entrance briefing with the individual-in-responsible-charge and other IA personnel associated with NFRC-licensed services. This entrance briefing will cover:
  - NFRC Product Certification Program Requirements
  - NFRC Certification Agency Program Requirements
  - Objectives of the inspection
  - Agenda
2. Tour of Facilities - The IA will be asked to conduct the inspector(s) on a brief tour of the facilities associated with the NFRC-licensed services. Where more than one location is involved in these services, the IA will accompany the NFRC to each location required in accordance with the inspection agenda.
3. Inspection - The following items will be assessed during the inspection:
  - Competence of personnel

- Adequacy of facilities
  - Adequacy and availability of operations manuals and quality control manuals
  - Adequacy of records and record keeping systems
  - Maintenance of independence requirements
4. In Camera Meeting - The inspector(s) will consolidate the inspection findings for presentation to appropriate IA staff.
  5. Exit Briefing - The findings of the inspection will be presented as such to the IA in an exit briefing. The NFRC Inspector(s) may offer advice and make suggestions on general operations procedures. All mandatory action items will be presented to the IA during the exit briefing. The inspector(s) will discuss any administrative, managerial, and/or financial matters with appropriate IA management staff. Items of commendation will also be presented during this exit briefing.

### **Post-Inspection**

Any mandatory action Items will be confirmed to the IA in writing. Each licensed IA must provide a time line and planned action to be taken to address these mandatory items.

When the IA notifies NFRC of the completion of any required actions, verification will be arranged if necessary.

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