

**NATIONAL INSTITUTE OF BUILDING SCIENCES  
SCIENTIFIC RESOLUTION PANEL**

**Community Submittal Agreement**

This AGREEMENT is made this \_\_ day of \_\_\_\_\_, 201\_, by and between the NATIONAL INSTITUTE OF BUILDING SCIENCES (“Institute”), a District of Columbia not-for-profit corporation, 1090 Vermont Avenue, NW, Suite 700, Washington, D.C. 20005-4950, and \_\_\_\_\_ (“Community”).

1. The National Flood Insurance Act (42 U.S.C. § 4104) and Federal Emergency Management Agency (FEMA) regulations (44 C.F.R. § 67.8) provide that the FEMA Administrator will review and take fully into account any technical or scientific data submitted by a community that tend to negate or contradict the information upon which FEMA’s proposed flood elevation determination is based. The Act and regulations further state that the Administrator may submit the conflicting data to an independent scientific body or appropriate Federal agency for advice. The decision of such body or agency serves as their recommendation to the FEMA Administrator. The Administrator makes the final flood elevation determination.
2. NIBS, pursuant to contract with FEMA, has the responsibility as Panel Sponsor to develop and maintain a cadre of scientific experts (hereinafter referred to as “SRP Cadre members”) to constitute the Scientific Resolution Panel Cadre of experts (hereinafter referred to as “SRP Cadre of experts”), from which will be convened an independent scientific body (hereinafter referred to as an “SRP” or “Panel”); to make the SRP available to FEMA and communities pursuant to the Act; and to administer SRP operations. The purpose of this Agreement is to set forth the understanding, terms and conditions by which the Community submits its conflicting data to an SRP Appeal Panel for resolution.
3. NIBS has selected and invited a number of qualified, independent experts to serve on the SRP based on their scientific expertise in the field of surface water hydrology, hydraulics, coastal engineering, or other relevant engineering and scientific fields.
4. The Community has challenged FEMA’s proposed flood elevation determination and has elected to have its technical and/or scientific data reviewed by an SRP to determine whether it negates or contradicts the information upon which FEMA’s proposed flood elevation determination is based. By doing so, the Community represents that it understands and agrees to abide by the SRP process as described in the applicable law, FEMA Regulations, and the SRP Rules and Procedures.
5. The Community will be entitled to designate a simple majority of the Panel members, e.g., three of the five members of a panel for a single community panel, or four of the five members of a panel for a joint communities panel, from the Cadre of SRP members provided by NIBS. The SRP will consist of persons who do not have a personal or professional interest in the appeal or the result of the appeal and do not reside in the State from which the appeal is taken.

6. The Panel, once appointed, will consider the submission of the conflicting data and render a written simple majority advisory decision with rationale, as to whether the Community's technical or scientific data negates or contradicts the information FEMA relied upon in proposing its flood elevation determination according to the applicable rules and procedures of the SRP. The Panel's written simple majority advisory decision constitutes a recommendation to the FEMA Administrator for final determination of the appeal.

7. The Community agrees to hold the Panel members and NIBS harmless from and against all claims of loss, liability or damages resulting from the decision of the Panel, from an individual panelist's decision or conduct in serving on the Panel, or from NIBS's administration of the SRP or the Panel.

8. NIBS's point of contact for all communications with the SRP is:

Dominique Fernandez  
1090 Vermont Ave., NW, Suite 700  
Washington, DC 20005  
Telephone: 202.289.7800  
Email: dfernandez@nibs.org

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Hon. Stephen T. Ayers (Date)  
Interim Chief Executive Officer  
National Institute of Building Sciences

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(Community CEO or Authorized Rep) (Date)  
(Title)  
(Community Name)