



Promulgation Details for 1 RCNY 101-06

This rule became effective on July, 1, 2008.

Since such date, one or more amendments have been made to this rule. Each rule amendment has its own effective date and Statement of Basis and Purpose.

Below you will find one or more rule amendments (the most recent appearing at the top), followed by the original rule.

The effective date of each amendment and the original rule can be found at the top of each "NOTICE OF ADOPTION OF RULE."

NEW YORK CITY DEPARTMENT OF BUILDINGS
NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE IS HEREBY GIVEN pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts amendments to Sections 12-01, 101-06, 101-07, 102-01, 104-08, 3500-01, and 3500-02 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding extending the effective dates of such rule sections.

This rule was first published on October 1, 2014. The Department did not hold a public hearing on the proposed rule amendment on the grounds that a hearing would have served no public purpose.

Dated: 11.10.14
New York, New York


Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

Local Law 52 of 2014 changed the effective dates of amendments of the New York City Construction Codes pursuant to Local Law 141 of 2013 and certain other local laws as set forth in Local Law 52 from October 1, 2014 to December 31, 2014. These amendments together are commonly referred to as “the 2014 NYC Construction Codes”.

Therefore, the Department of Buildings (DOB) is amending rules previously adopted pursuant to the 2014 NYC Construction Codes to conform the effective dates of such rules to the new effective date of such code (December 31, 2014) as set forth in Local Law 52 of 2014.

In accordance with Section 1043(e)(iii) of the City Charter, DOB did not hold a public hearing on this rule amendment on the grounds that a hearing would have served no public purpose.

Further, in accordance with Section 1043(d)(4)(iii) of the City Charter, this rule is not subject to review pursuant to Section 1043(d) of same.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 2 of the rule which repealed Section 12-01 of Chapter 12 of Title 1 of the Rules of the City of New York, regarding emergency power system requirements, as adopted on August 29, 2014, is amended to read as follows:

§2. This rule shall take effect on [October 1, 2014] December 31, 2014.

§2. Section 22 of the rule which promulgated Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, regarding special inspectors and special inspection agencies, as adopted on August 1, 2014, is amended to read as follows:

§ 22. This rule amendment shall take effect on [October 1, 2014] December 31, 2014.

§3. Section 2 of the rule which promulgated Section 101-07 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, regarding pipe welder certifying agencies, as adopted on July 16, 2014, is amended to read as follows:

§2. This rule shall be effective on [October 1, 2014] December 31, 2014.

§4. Paragraphs (9) and (10) of Subdivision (i) of Section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York, regarding the classification of violations, as adopted on August 4, 2014, are amended to read as follows:

(9) 2008 code. References to the 2008 code pertain to the New York City Construction Codes effective on July 1, 2008 and any applicable subsequent amendments prior to [October 1, 2014] December 31, 2014.

(10) 2014 code. References to the 2014 code pertain to the amendments and additions to the New York City Construction Codes effective on [October 1, 2014] December 31, 2014 and any applicable subsequent amendments.

§5. Section 3 of the rule which promulgated Section 102-01 of Subchapter B of Chapter 100 of Title 1 of the Rules of the City of New York, regarding the classification of violations, as adopted on August 4, 2014, is amended to read as follows:

§3. This rule shall take effect on [October 1, 2014] December 31, 2014.

§6. Section 104-08 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, regarding the qualification of site safety managers and site safety coordinators, as adopted on September 11, 2014, shall take effect on December 31, 2014.

§7. Section 2 of the rule which promulgated Sections 3500-01 and 3500-02 of Chapter 3500 of Title 1 of the Rules of the City of New York, regarding ACI and ANSI reference standards, as adopted on August 29, 2014, is amended to read as follows:

§2. This rule takes effect on [October 1, 2014] December 31, 2014.

This rule amendment has an effective date of 10-01-14.

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Adoption of Rule Amendment

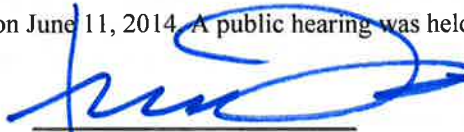
NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts an amendment to Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding special inspectors and special inspection agencies.

This rule amendment was first published on June 11, 2014. A public hearing was held on July 16, 2014.

Dated:

7/29/14

New York, New York



Thomas Fariello, R.A.
Acting Commissioner

Statement of Basis and Purpose

Local Law 141 of 2013 (LL 141) and Local Law 41 of 2012 (LL 41), which become effective on October 1, 2014, are the final product of an effort to update the Administrative Code of the City of New York, the New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code and the New York City Fuel Gas Code, which are based on the 2009 editions of the International Plumbing, Building, Mechanical and Fuel Gas Codes. The updates of LL 141 and LL 41 reflect the unique character of the city and clarify and update the administration and enforcement of these codes as well as of the 1968 Building Code.

1 RCNY 101-06, in effect since 2008 and amended in 2012, specifies the qualifications of special inspectors, special inspection agencies and their regulation by the Department of Buildings. The Department of Buildings now needs to revise 1 RCNY 101-06 to reflect the requirements of LL 141 and to make necessary updates to reference standard editions and definitions.

Specifically, to make 1 RCNY 101-06 consistent with the requirements of LL 141, the adopted rule:

- Adds new and amends existing requirements for special inspection categories.
- Changes certain definitions.
- Updates reporting requirements.
- Updates the registration section
- Amends the section on powers of the Commissioner.
- Amends an appendix to incorporate the new titles and qualifications for the following special inspections:
 - Mastic and Intumescent Fire-Resistant Coatings,
 - High-Temperature Hot Water Piping, and
 - Post-Installed Anchors.
- Amends an appendix to include qualifications for the new “Raising and Moving of a Building” special inspection category, which was added by Local Law 29 of 2013.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Paragraph (1) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(1) Accreditation. Evaluation of agencies, including testing and calibration laboratories, fabricators and inspection bodies, against internationally acceptable standards to demonstrate their performance capability. Such accreditation is required to be conducted by a nationally recognized accreditation agency accrediting to ASTM E329-[07]14 international standard, the requirements of this rule, and approved by the department.

§2. Paragraph (2) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, relating to the definition of “Accreditation Deadline,” is repealed, and Paragraphs (3), (4), (5), (6), (7), (8), and (9) are renumbered as Paragraphs (2), (3), (4), (5), (6), (7), and (8).

§3. Paragraph (10) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, relating to the definition of “Initial Acceptable Qualifications,” is repealed, and Paragraph (11) is renumbered as Paragraph (9).

§4. Paragraphs (12), (13), and (14) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, are renumbered and amended as follows:

([12]10) Major Building. This term has the same definition as established in section [3310.2]3302.1 of the Building Code.

([13]11) Materials. [Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by this code or regulated in their use by the 1968 building code.]This term has the same definition as established in section 28-101.5 of the Administrative Code.

([14]12) New York City Construction Codes. The New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, the New York City Fuel Gas Code, the New York City Energy Code, and Title 28, chapters 1 through 5 of the Administrative Code. Any reference to “this code” or “the code” will be deemed a reference to the New York City Construction Codes as here defined.

§5. Paragraphs (15), (16), and (17) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York are renumbered as Paragraphs (13), (14), and (15).

§6. Paragraph (18) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, relating to the definition of “Registration Deadline,” is repealed, and Paragraphs (19), (20), (21), and (22) are renumbered as Paragraphs (16), (17), (18), and (19).

§7. Paragraphs (23) and (24) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York are renumbered as Paragraphs (20) and (21).

§8. Paragraph (25) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is renumbered and amended as follows:

([25]22) Technician. [An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing] A person employed by the special inspection agency assigned to perform the inspection or testing of construction activities or materials used in construction or both. See ASTM E [329-07]329-14, paragraph 3.1.[17]8.

§9. Paragraph (26) of Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is renumbered as Paragraph (23).

§10. Subparagraph (iv) of Paragraph (3) of Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

(iv) Confirm that the work that is the subject of the special inspection is in compliance with all relevant approved construction documents and with chapter 17 of the [code]New York City Building Code or elsewhere in the construction codes or their referenced standards.

§11. Subparagraph (i) of Paragraph (4) of Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(i) The supervisor shall review special inspection progress reports and final reports for conformance with the approved plans, specifications and workmanship provisions of chapter 17 of the [code]New York City Building Code or elsewhere in the construction codes or their referenced standards. Such supervision and control shall be evidenced by the supervisor's signature and seal upon any required statements, applications and/or reports.

§12. Paragraph (6) of Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(6) Limitation of Duties. Activities as a special inspection agency are specifically limited to those special inspections for which the special inspection agency has been registered and for which it has satisfied the requirements set forth in this rule and chapter 17 of the [code]New York City Building Code. No special inspector or special inspection agency shall conduct any special inspection that such inspector or inspection agency is not qualified or registered to perform in accordance with the requirements of this rule and chapter 17 of the New York City Building Code.

§13. Paragraph (9) of Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(9) Reporting. The special inspection agency shall report any discrepancies noted during the inspection to the contractor and when applicable to the super- intendent of construction, as well as to the site safety coordinator or site safety manager, for correction. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the owner, and the registered design professional of record prior to the completion of that phase of the work. The special inspector/special inspection agency shall [immediately] report conditions noted as hazardous to life, safety or health[,] that are not immediately corrected to the immediate attention of the commissioner.

§14. Paragraph (1) of Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(1) General. All agencies performing special inspections must be registered with the department as special inspection agencies [by the registration deadline unless otherwise extended by the commissioner as provided in paragraph (c)(9) of this rule].

§15. Paragraph (3) of Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(3) Agency Accreditation. For class 1 special inspection agencies only, accreditation is required [by the accreditation deadline] in order to maintain their class 1 registration status. These agencies will be required to demonstrate accreditation for their intended scope of work by an approved accrediting body accrediting to the standards set forth in this rule and either ASTM [E329-07]E329-14 or ISO [17020-98]17020-12. Accrediting bodies other than federal agencies are required to operate in accordance with ISO 17011-04 and must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

Exception: For the following special inspection categories, the accreditation deadline shall be twelve months from the effective date of this rule amendment:

(i) Mastic and Intumescent Fire-resistant Coatings;

(ii) High Temperature Hot Water Piping;

(iii) Post-Installed Anchors (Concrete & Masonry); and

(iv) Raising and Moving of a Building.

§16. Subparagraph (i) of Paragraph (5) of Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(i) Professional liability/errors and omissions insurance policy for the minimum amount of five hundred thousand dollars (\$500,000.00), claim-based, for the term of the registration.

Exception: An agency that is limited to performing fuel-oil storage and fuel-oil piping inspections, [fire alarm tests,] sprinkler systems, standpipe systems, emergency and standby power systems [and/or], private on-site storm [drainage] water disposal and detention system installation, and/or individual on-site private sewage disposal system installation special inspections, and whose director is not a registered design professional, will be exempt from obtaining professional liability insurance coverage. This exception applies so long as the director maintains the insurance requirements required for his/her respective license in accordance with Chapter 4 of Title 28 of the Administrative Code.

§17. Paragraph (6) of Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(6) Agency Structure. A special inspection agency must have one primary and up to four (4) alternative full-time directors who are registered design professionals in charge and all special inspections must be performed under their direct supervision. The directors must not be retained by any other agency that provides special inspection or testing services. The directors must possess relevant experience in the inspection and testing industry and hold management positions in the agency. The agency structure must comply with all relevant New York State and Federal laws. Notwithstanding anything to the contrary set forth in this paragraph, an agency that is limited to conducting fuel-oil storage and fuel-oil piping inspections, [fire alarm tests,] sprinkler systems, standpipe systems, emergency and standby power systems[or], private on-site storm [drainage] water disposal and detention system installation, or individual on-site private sewage disposal system installation special inspections may have directors who satisfy the requirements of inspection supervisor for such tests and inspections as set forth in Appendix A of this rule.

§18. Paragraph (8) of Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, relating to the performance of special inspections prior to the registration deadline for special inspection agencies, is repealed, and Paragraphs (9), (10), and (11) are renumbered as Paragraphs (8), (9), and (10).

§19. Paragraph (1) of Subdivision (d) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(1) Suspension or revocation of registration and refusal to accept filings. The commissioner may, in accordance with the rules of the department, suspend or revoke a special inspection agency registration, with or without the imposition of penalties, for violation of any provision of the code or the rules of the department, or any other applicable laws or rules. The commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of this rule or of chapter 17 of the [code] of the New York City Building Code or any rule or regulation of any agency that bears the signature of any special inspector who has been found, after an opportunity to be heard to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this chapter, the code or any rule or regulation of any agency.

§20. Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new Subdivision (f) as follows:

(f) Additional Powers of the Commissioner. The commissioner may, upon a determination of good cause, extend the dates and deadlines set forth in this rule.

§21. Appendix A of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

APPENDIX A

Special Inspection Category	[2008] 2014 Code Section	Qualifications ^{1,2}		
		Primary Inspector or Inspection Supervisor	Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor	Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor
1. General Building Construction				
Wall Panels, Curtain Walls, and Veneers	BC 1704.10	<ul style="list-style-type: none">RA or PE – Civil or Structural Engineering; and1 Year relevant experience	<ul style="list-style-type: none">Bachelor’s degree in Architecture or Civil Engineering or Structural Engineering; and2 years relevant experience	<ul style="list-style-type: none">Technician with 3 years relevant experience
Exterior Insulation and Finish Systems (EIFS)	BC [1704.12] 1704.13	<ul style="list-style-type: none">PE or RA; and1 year relevant experience	N/A	<ul style="list-style-type: none">Technician with 2 years relevant experience
Chimneys	BC [1704.24] 1704.26	<ul style="list-style-type: none">PE or RA; and1 year relevant experience	<ul style="list-style-type: none">Bachelor’s degree in Architecture or Engineering; and2 years relevant experience	<ul style="list-style-type: none">Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and5 years relevant experience
Flood [Hazard Mitigation] Zone Compliance	BC 1704.29, BC G105	<ul style="list-style-type: none">PE or RA; and1 year relevant experience	N/A	N/A
[Photoluminescent Exit] <u>Luminous Egress</u> Path Markings	[1 RCNY 1026-01 (formerly RS 6-1)] BC 1704.30, <u>BC 1024.8</u>	<ul style="list-style-type: none">PE or RA; andrelevant experience	N/A	<ul style="list-style-type: none">Technician with relevant experience

Class 3 Special Inspections (Small Projects) ³		<ul style="list-style-type: none"> • PE or RA; and • relevant experience 	See Technician requirements for relevant inspection	<ul style="list-style-type: none"> • See Technician requirements for relevant inspection.
2. Fire Protection Systems & Fire-Resistant Construction				
Sprayed Fire-resistant Materials <u>and</u> Mastic and Intumescent Fire-resistant Coatings	BC 1704.11, <u>BC 1704.12</u>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Architecture or Engineering; and (a or b) <ul style="list-style-type: none"> a. 1 year relevant experience; or b. ICC Certification as a Spray-applied Fireproofing Special Inspector 	<ul style="list-style-type: none"> • Technician with ICC Certification as a Spray-applied Fireproofing Special Inspector; and • 3 years relevant experience
Smoke Control Systems	BC [1704.14] <u>1704.15</u>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience (mechanical and/or fire protection) 	[N/A] <ul style="list-style-type: none"> • <u>AABC Test and Balance Technician Certification; and</u> • <u>3 years relevant experience</u> 	<ul style="list-style-type: none"> • Technician with NEBB Air Balancer Certification; and • 3 years relevant experience
[Standpipe]Sprinkler Systems and [Sprinkler]Standpipe Systems	BC [1704.21] <u>1704.23</u> , BC [1704.22] <u>1704.24</u>	<ul style="list-style-type: none"> • PE – Mechanical Engineering; and • 1 year relevant experience OR <ul style="list-style-type: none"> • NYC Licensed Class A or Class B Master Fire Suppression Piping Contractor License; and • Independent of installer 	<ul style="list-style-type: none"> • Bachelor's degree in Mechanical Engineering; and • 3 years relevant experience 	Technician with NICET Level II Certification in Fire Protection – Inspection and Testing of Water-based Systems

[Firestop, Draftstop, and Fireblock Systems] <u>Fire-resistant Penetrations and Joints</u>	BC [1704.25] <u>1704.27</u>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Architecture or Engineering; and • 2 years relevant experience 	<ul style="list-style-type: none"> • Technician with 3 years relevant experience
[Fire Alarm Test (When FDNY inspection not required)]		<ul style="list-style-type: none"> • PE – Electrical or Fire Protection; and • 1 year relevant experience OR <ul style="list-style-type: none"> • Licensed electrician independent of installer; and • 3 years relevant experience] 	[N/A]	[Technician with NICET Level II Certification in Fire Alarm Systems.]
Emergency and <u>Standby</u> Power Systems (Generators)	<u>BC 1704.31</u>	<ul style="list-style-type: none"> • PE – Mechanical, Electrical, or Fire Protection; and • 1 year relevant experience OR <ul style="list-style-type: none"> • Licensed electrician independent of installer; and • 3 years relevant experience 	<ul style="list-style-type: none"> • Technician with 5 years relevant experience 	N/A

3. Plumbing & Mechanical Systems

Mechanical Systems	BC [1704.15] <u>1704.16</u>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience; or • ICC Certification as a Residential or Commercial Mechanical Inspector 	<ul style="list-style-type: none"> • Bachelor's Degree in Architecture, or Engineering; and • 2 years relevant experience; and • ICC Certification as a Residential or Commercial Mechanical Inspector 	<ul style="list-style-type: none"> • Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 3 years relevant experience
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Fuel-Oil Storage and Fuel-Oil Piping Systems	BC [1704.16] <u>1704.17</u>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience OR <ul style="list-style-type: none"> • Licensed New York City Class A and B Oil Burner Equipment Installer; and • 1 year experience in the inspection of heating systems, Fuel burning-Fuel storage systems. 	<ul style="list-style-type: none"> • Bachelors degree in Architecture, or Mechanical, Marine or Civil Engineering; and • 3 years relevant experience 	<ul style="list-style-type: none"> • Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience
<u>Private On-Site Storm Water [Drainage] Disposal Systems,</u> and <u>Detention Facilities,</u> and <u>Individual On-Site Private Sewage Disposal Systems Installation</u>	BC [1704.20] <u>1704.21</u> , <u>BC 1704.22</u>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience OR <ul style="list-style-type: none"> • NYC Licensed Master Plumber; and • 3 years relevant experience 	<ul style="list-style-type: none"> • Bachelor's Degree in Architecture, Civil or Mechanical Engineering; and • 3 years relevant experience 	N/A
Heating Systems	BC [1704.23] <u>1704.25</u>	<ul style="list-style-type: none"> • PE or RA – Civil or Mechanical Engineering; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's Degree in Architecture, or Civil or Mechanical Engineering; and • 3 years relevant experience; and • ICC Certification as a Residential or Commercial Mechanical Inspector 	<ul style="list-style-type: none"> • Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 5 years relevant experience
4. Structural Materials & Construction Operations				

Welding: Steel, High pressure Steam Piping, <u>High temperature Hot Water Piping,</u> High pressure Gas Piping, and Aluminum (2 [RNCY] <u>R</u> CNY 25 – BSA RULE)	BC 1704.3.1, BC [1704.17] <u>1704.18,</u> BC [1704.18] <u>1704.19,</u> BC [1704.26] <u>1704.28</u>	<ul style="list-style-type: none"> • PE or RA; and • AWS Certified Welding Inspector (AWS-CWI); OR <ul style="list-style-type: none"> • PE or RA; and • ICC Certification as a Structural Welding Inspector (ICC-SWI); and • 1 year relevant experience 	<ul style="list-style-type: none"> • AWS Certified Welding Inspector (AWS-CWI) OR <ul style="list-style-type: none"> • ICC Certification as a Structural Welding Inspector (ICC-SWI) • 3 years relevant experience 	<ul style="list-style-type: none"> • AWS Certified Associate Welding Inspector (AWS-CAWI) <p>Note: AWS-CAWI only permitted to inspect when an AWS-CWI or ICC-SWI is on site supervising</p>
<u>Structural Steel – Details</u>	<u>BC 1704.3.2</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in engineering or architecture; and</u> • <u>2 years relevant experience</u> 	<ul style="list-style-type: none"> • <u>Technician with ICC Certification as a Structural Steel and Bolting Inspector; and</u> • <u>3 years relevant experience</u>
Structural Steel – [Erection &] High-Strength Bolting Note: Inspection can also be performed by agency approved to inspect welding	BC [1704.3.2] <u>1704.3.3</u>	<ul style="list-style-type: none"> • PE – Civil/Structural; and • ICC Certification as a Structural Steel and Bolting Inspector; and • 1 year relevant experience 	N/A	<ul style="list-style-type: none"> • Technician with ICC Certification as a Structural Steel and Bolting Inspector; and • 3 years relevant experience

Structural Cold-formed Steel	BC [1704.3.2.4]1704.3.2, <u>BC 1704.3.4</u>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in engineering or architecture; and • 2 years relevant experience 	<ul style="list-style-type: none"> • Technician with ICC Certification as a Structural Steel and Bolting Special Inspector; and • 3 years relevant experience
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<p>Concrete – Cast-in-place & Precast</p> <p>Note: Licensed concrete testing lab to perform sampling and testing of cylinders</p>	<p>BC 1704.4</p>	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience 	<ul style="list-style-type: none"> • ACI Certification as Concrete Construction Special Inspector (ACI-CCSI) <p>OR</p> <ul style="list-style-type: none"> • ICC Certification as Concrete Construction Special Inspector (ICC-CSI) 	<ul style="list-style-type: none"> • ACI Certification as an Associate Concrete Construction Special Inspector (ACI-ACCSI) <p>Note: ACI-ACCSI only permitted to perform inspection under on-site supervision by PE, RA, ACI-CCSI, or ICC-CSI</p>
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Prestressed Concrete	BC 1704.4	<ul style="list-style-type: none"> • PE – Civil/Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in engineering; and • ICC Certification as Prestressed Concrete Special Inspector; and • 1 year relevant experience 	<ul style="list-style-type: none"> • ICC Certification as Prestressed Concrete Special Inspector; and • 3 years relevant experience
Masonry	BC 1704.5	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in engineering or architecture; and • ICC Certification as a Structural Masonry Special Inspector; and • 1 year relevant experience 	<ul style="list-style-type: none"> • ICC Certification as a Structural Masonry Special Inspector; and • 2 years relevant experience
[Wood construction – Prefabricated wood I-joists and metal-plate-connected wood trusses] <u>Wood Construction – Prefabricated Wood I-Joists, Metal-plate-connected Wood Trusses, and High-load Diaphragms</u>	BC 1704.6	<ul style="list-style-type: none"> • PE or RA; and • 1 year relevant experience 	N/A	<ul style="list-style-type: none"> • ICC Certification as a Commercial or Residential Building Inspector; and • 2 years relevant experience

[Soils - Site Preparation] <u>Subsurface Conditions</u> <u>- Subgrade Inspection</u>	BC 1704.7.1 [,BC 1704.7.2, BC 1704.7.3]	<ul style="list-style-type: none"> • PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience 	N/A	N/A
[Soils] <u>Subsurface Conditions</u> - Fill Placement, In-place Density	[BC 1704.7.1,]BC 1704.7.2, BC 1704.7.3	<ul style="list-style-type: none"> • PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Technician with NICET Level I Geotechnical Certification; and • 2 years relevant experience <p>OR</p> <ul style="list-style-type: none"> • Technician with ICC Certification Soils Special Inspector • 1 year relevant experience
[Soils] <u>Subsurface Investigations, Borings and Test Pits</u>	BC 1704.7.4, <u>BC 1704.21.1.1</u>	<ul style="list-style-type: none"> • PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Technician with NICET Level II Geotechnical Certification; and • Must take and pass Soils classification sections of NICET certification
[Pile] <u>Deep Foundations</u> [and Drilled Pier Installation]	BC 1704.8, BC [1808.2.2] <u>1808</u> , <u>BC 1809</u> , <u>BC 1810</u>	<ul style="list-style-type: none"> • PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 3 years relevant experience <p>Note: Supplemental Inspector only permitted to inspect when multiple driving rigs are used on the same site and Primary Inspector is on site supervising</p>	<ul style="list-style-type: none"> • Technician with NICET Level III Geotechnical Certification <p>Note: Supplemental Inspector only permitted to inspect when multiple driving rigs are used on the same site and Primary Inspector is on site supervising</p>

[Pier]Vertical Masonry Foundations	BC 1704.9	<ul style="list-style-type: none"> • PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Geotechnical, Civil or Structural; and • 3 years relevant experience 	N/A
Underpinning	BC [1704.9.1]1704.20.3, BC 1814	<ul style="list-style-type: none"> • PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Geotechnical, Civil or Structural; and • 3 years relevant experience 	N/A
Structural [safety -]– Stability – Existing Buildings, [and] Mechanical Demolition, and Raising and Moving of a Building	BC [1704.19]1704.20.1, BC 1704.20.4, BC 1704.20.5	<ul style="list-style-type: none"> • PE – Civil/Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's Degree in Civil or Structural Engineering; and • 3 years relevant experience 	N/A
Excavation - Sheeting, Shoring, and Bracing	BC [1704.19]1704.20.2, BC 3304.4.1	<ul style="list-style-type: none"> • PE – Geotechnical, Civil, or Structural; and • 1 year relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Geotechnical, Civil or Structural; and • 3 years relevant experience 	<ul style="list-style-type: none"> • Technician with 5 years relevant experience
Seismic Isolation Systems	BC 1707.8	<ul style="list-style-type: none"> • PE; and • 2 years relevant experience 	<ul style="list-style-type: none"> • Bachelor's degree in Geotechnical, Civil, or Structural engineering; and • 5 years relevant experience 	<ul style="list-style-type: none"> • N/A

<u>Post-installed Anchors</u>	<u>BC 1704.32</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> 	<u>Anchors in Concrete:</u> <ul style="list-style-type: none"> • <u>ACI Certification as Concrete Construction Special Inspector (ACI-CCSI)</u> <u>OR</u> <ul style="list-style-type: none"> • <u>ICC Certification as Concrete Special Inspector (ICC-CSI)</u> 	<u>Anchors in Concrete:</u> <ul style="list-style-type: none"> • <u>ACI Certification as an Associate Concrete Construction Special Inspector (ACI-ACCSI)</u> <p>Note: <u>ACI-ACCSI only permitted to perform inspection under on-site supervision by PE, RA, ACI-CCSI, or ICC-CSI</u></p>
			<u>Anchors in Masonry:</u> <ul style="list-style-type: none"> • <u>Bachelor's degree in engineering or architecture; and</u> • <u>ICC Certification as a Structural Masonry Special Inspector; and</u> • <u>1 year relevant experience</u> 	<u>Anchors in Masonry:</u> <ul style="list-style-type: none"> • <u>ICC Certification as a Structural Masonry Special Inspector; and</u> • <u>2 years relevant experience</u>

Notes:

- Abbreviations in the qualifications descriptions:
AABC – Associated Air Balance Council
ACI – American Concrete Institute
AWS – American Welding Society
ICC – International Code Council
NEBB – National Environmental Balancing Bureau
NICET – National Institute for Certification in Engineering Technologies
PE – A New York State Licensed and Registered Professional Engineer
RA – A New York State Licensed and Registered Architect
- Bachelor's Degrees must be from an accredited institution or equivalent
- Class 3 Special Inspections. An agency registered as a Class 3 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on the following projects only:
 - The construction, demolition, or alteration of a one-, two-, or three-family dwelling; or
 - The alteration of any building, including partial demolition, altering less than ten thousand (10,000) square feet of gross floor area in total.

Exception: The special inspection categories of underpinning, mechanical means and methods of demolition, and the protection of the sides of excavations greater than ten (10) feet in depth will be performed only by special inspection agencies registered as either class 1 or class 2 special inspection agencies for such categories.

§ 22. This rule amendment shall take effect on October 1, 2014.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter and Section 28-115.1 of the New York City Administrative Code, that the Department of Buildings hereby amends Sections 101-03 and 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York, relating to special inspectors and special inspection agencies.

This version of the rule was published on April 4, 2011, and a public hearing thereon was held on May 11, 2011.

Dated: 4/5/12
New York, New York


Robert D. LiMandri
Commissioner

Statement of Basis and Purpose of Adopted Rule

Section 101-06 was originally promulgated in July, 2008, and it specified the qualifications of special inspectors and the processes through which the Department would regulate their activities.

Amendments to the rule were initially published for comment in the City Record on June 7, 2010. A public hearing was held on July 8, 2010, and comments were received prior to, during and after that hearing. The Department again published the rule for comment in the City Record on April 4, 2011, having received significant input in connection with the initial comment period that resulted in changes to the proposed amendments. A second public hearing was held on May 11, 2011.

These amendments accomplish the following:

- Special Inspection classes: They add the concept of special inspection classes in § 101-06(c), which will better address the level of qualification necessary to perform the various types of special inspections. There is currently only one registration class and all special inspection agencies must be accredited. This rule amendment establishes three different classes (class 1, class 2, and class 3, based on the scope of work the special inspection agency is performing) instead of the pre-existing one class, and requires only class 1 special inspection agencies (typically agencies that work on large-scale projects) to pursue accreditation.

special inspection agencies (typically agencies that work on large-scale projects) to pursue accreditation.

- Definitions: The following new definitions were previously published in June, 2010 : “Accreditation Deadline”, “Full Demolition”, “Major Building”, “Partial Demolition”, “Registration Deadline” and “Special Inspection Category” and two additional new definitions have subsequently been added: “Floor Area, Gross” and “Approved Inspection Agency”, for the purposes of clarity and ease of use. In response to agency comments and to ensure consistency, several definitions were amended to cross-reference the NYC Administrative Code. Also in response to agency comments, the definition of “Registration Deadline” was modified to give agencies more time to register.

The new deadline definitions help clarify when registration and accreditation will occur and allow for timely and proper enforcement of the proposed three-class registration system described more fully below.

- Service of process: As a result of public comments received, the rule adds a requirement that special inspection agencies must have an agent for the acceptance of service or maintain a New York City address. In addition, this requirement will be applicable by or upon the time the agencies register (§ 101-06 (b)(10)).

- Conflict of Interest: Also as a result of comments, the conflict of interest provisions set forth in § 101-06(b)(2) have been revised to clarify that it is not automatically assumed to be a conflict for a registered design professional to perform a special inspection(s) on a project or portion of work that he or she designed.

- Accreditation: The amendments expand the choice of recognized national standards that an approved accrediting body may accredit to, to include ISO 17020-98 (§ 101-06(c)(3)). The deadline for agencies to be accredited is set for twelve months from the effective date of this rule.

- Insurance: As amended, the rule's insurance requirements more accurately reflect what is necessary for these inspection entities (§ 101-06(c)(5)). The requirement for general liability insurance for the special inspection agencies was removed because these agencies would either be required to obtain professional liability insurance which would cover their technical duties, or if other than a PE or RA, the special inspection agency already would have general liability insurance as part of their trade license requirements. Further, in response to input from insurance companies, the type of policies required have been changed from “occurrence-based” to “claim-based.”

- Agencies' composition: The amendments allow for up to four alternative full-time directors because many companies that provide special inspection services are constituted as partnerships (§ 101-06(c)(6)).

- Registration term: The amendments remove dates and references that are no longer relevant and change the term of registration from three (3) years from the date of registration issuance to three (3) years from the applicant's birthday following the date of registration. This second amendment will make the registration renewal process easier for all parties involved (§ 101-06(c)(9)).

- New "Small Projects" category: The "Small Building" Special Inspection Category in Appendix A of this rule is replaced with a "Small Projects" category, allowing Class 3 special inspection agencies to perform identified inspections on 1-, 2- and 3-family buildings, as well as alterations of 10,000 square feet or less, without special qualification other than being registered as a New York State licensed PE or RA.

- Fees: Fees are established for special inspection agency registration.

* * *

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department.

Matter underlined is new. Matter [in brackets] is deleted.

* * *

Section 1. Subdivision (a) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(a) **Definitions.** For the purposes of this chapter, the following terms [shall] will have the following meanings:

(1) **Accreditation.** Evaluation of agencies, including testing and calibration laboratories, fabricators and inspection bodies, against internationally acceptable standards to demonstrate their performance capability. Such accreditation is required to be conducted by a nationally recognized accreditation agency accrediting to the ASTM E329-07 or ISO 17020-98 international standard, the requirements of this rule, and approved by the department.

(2) **Accreditation Deadline.** Twelve months from the effective date of this rule.

(3) **Approved Construction Documents.** For the purpose of this rule approved construction documents [shall] will include any and all documents that set forth the location and entire nature and extent of the “work” proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents [shall] will include but not be limited to shop drawings, specifications, manufacturer’s instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

(4) **Approved Inspection Agency.** This term has the same definition as established in section 28-101.5 of the Administrative Code

[(3)] (5) **Certification.** Documented acknowledgment by a nationally recognized organization of a technician’s competency to perform certain functions.

[(4)] (6) **Commissioner.** [The commissioner of buildings or his or her designee] This term has the same definition as established in section 28-101.5 of the Administrative Code.

[(5)] (7) **Department.** [The department of buildings] This term has the same definition as established in section 28-101.5 of the Administrative Code.

[(7)] (8) **Floor Area, Gross.** This term has the same definition as established in section 1002.1 of the Building Code.

[(8)] (9) **Full Demolition.** This term has the same definition as established in section 3302.1 of the Building Code (Demolition, Full).

[(6)] (10) **Initial** [acceptable qualifications] **Acceptable Qualifications.** With respect to supplemental special inspectors for which Appendix A of this rule requires a certification, such technician [shall] will be deemed qualified without such certification provided that such individual has the underlying skills, education and training for which such certification would provide validation, and the relevant experience prescribed by Appendix A of this rule or by the certifying body.

[(7)] (11) **Job.** A construction project that is the subject of one (1) or more department-issued permits.

[(11)] (12) **Major Building.** This term has the same definition as established in section 3310.2 of the Building Code.

[(8)] (13) **Materials.** Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by this code or regulated in their use by the 1968 building code.

[(9)] (14) **New York City Construction Codes.** The New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, the New York City Fuel Gas Code, and Title 28, chapters 1 through 5 of the Administrative Code. Any reference to “this code” or “the code” [shall] will be deemed a reference to the New York City Construction Codes as here defined.

[(14)] (15) **Partial Demolition.** This term has the same definition as established in section 3302.1 of the Building Code (Demolition, Partial).

[(10)] (16) **Registered Design Professional.** A New York State licensed and registered architect (RA) or a New York State licensed and registered professional engineer (PE).

[(11)] (17) **Registered Design Professional of Record.** The registered design professional who prepared or supervised the preparation of applicable construction documents filed with the department.

[(17)] (18) **Registration Deadline.** Six months from the effective date of this rule.

[(12)] (19) **Relevant Experience.** Direct participation and practice related to the underlying construction activities that are the subject of the special inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of such inspection.

[(13)] (20) **Special Inspection.** Inspection of selected materials, equipment, installation, methods of construction, fabrication, erection or placement of components and connections, to ensure compliance with [the code] approved construction documents and referenced standards as required by Chapter 17 of the Building Code or elsewhere in the code or its referenced standards.

[(14)] (21) **Special Inspection Agency.** An approved inspection agency employing one (1) or more persons who are special inspectors and that has met all requirements of this rule.

[(21)] (22) **Special Inspection Category.** The specific type(s) of special inspection(s) that a special inspection agency may perform in accordance with Appendix A of this rule.

[(15)] **(23) Special Inspector.** An individual employed by a special inspection agency, who has the required qualifications[,] set forth in this rule to perform or witness particular special inspections required by the code or by the rules of the department, including but not limited to a qualified registered design professional.

[(16)] **(24) Supervise/Supervision.** With respect to a designated Primary Inspector or Inspection Supervisor as indicated in Appendix A, supervision [shall] will mean oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to perform responsibilities associated with the special inspection. Such supervision [shall] will include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

Field supervision [shall] will include responsibility for determining competence of special inspectors for the work they are authorized to inspect and on-site monitoring of the special inspection activities at the job site to assure that the qualified special inspector is performing his or her duties when work requiring inspection is in progress.

With respect to a [Director] director of a Special Inspection Agency, supervision [shall] will mean oversight and responsible control by a registered design professional who [shall] must ensure that qualified inspectors are dispatched for special inspections, that such special inspectors properly document their activities, and that reports and logs are prepared in accordance with section 28-114.2 of the Administrative Code. Such supervision [shall] will include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

[(17)] **(25) Technician.** An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E 329-07, paragraph 3.1.17.

[(18)] **(26) Work.** The construction activity including techniques, tests, materials and equipment that is subject to special inspection.

§ 2. Paragraph (2) of Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(2) **Obligation to Avoid Conflict of Interest.** A special inspector and/or a special inspection agency [shall] must not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect. It is not, in and of itself, a conflict of interest for a registered design professional of record to perform a special inspection(s) on the project he or she designed.

§ 3. Subdivision (b) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (10) to read as follows:

(10) **Service of process.** All special inspection agencies must have an agent for the acceptance of service or maintain a New York City address. A Post Office Box will not be acceptable for such purposes. All agencies must comply with the requirements of this paragraph upon registration.

§ 4. Subdivision (c) of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(c) **Registration of Special Inspection Agencies.**

(1) [Effective Date. On or after the effective date of this rule, all agencies including single person agencies performing special inspections must comply with the requirements of this section.] **General.** All [such] agencies performing special inspections must be registered with the department as special inspection agencies by [January 1, 2009] the registration deadline unless extended by the commissioner, as provided in paragraph (c)(9) of this rule.

(2) **Form and Manner of Registration.** An application for registration [shall] must be submitted in a form and manner determined by the commissioner, including electronically, and [shall] must provide such information as the commissioner may require. Such registration [shall] will be deemed an acknowledgement by the special inspection agency of its obligations hereunder.

(i) **Registration of Special Inspection Categories.** Agencies must register for each special inspection category that the agency intends to perform.

(ii) **Registration of Special Inspection Classes.** Agencies must register as class 1, class 2, or class 3 special inspection agencies for each special inspection category for which the agency registers.

(A) **Class 1.** An agency registered as a Class 1 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on any project.

(B) **Class 2.** An agency registered as a Class 2 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on any project, except those involving:

1. The construction of a new major building;
2. The full demolition of a major building;
3. The alteration of a major building including:
 - a. The removal of an entire story or more;
 - b. The partial demolition of twenty thousand (20,000) square feet or more of gross floor area; or
 - c. The partial demolition of twenty (20) percent or more of the gross floor area.
4. The enlargement of a major building by more than ten thousand (10,000) square feet of gross floor area.

(C) **Class 3.** An agency registered as a Class 3 special inspection agency for a special inspection category will be permitted to perform the work associated with this category on the following projects only:

1. The construction, demolition, or alteration of a one-, two-, or three-family dwelling; or
2. The alteration of any building, including partial demolition, of less than ten thousand (10,000) square feet of gross floor area in total.

Exception: The special inspection categories of underpinning, mechanical means and methods of demolition, and the protection of the sides of excavations greater than ten (10) feet in depth must be performed only by special inspection agencies

registered as either class 1 or class 2 special inspection agencies for such categories.

(3) [Qualifications. Special inspection] **Agency Accreditation.** For class 1 special inspection agencies only, accreditation is required by the accreditation deadline in order to maintain their class 1 registration status. [Such] These agencies [shall] will be required to demonstrate accreditation for their intended scope of work by [International Accreditation Service, Inc. or] an [equivalent accreditation agency] approved accrediting body accrediting to the standards set forth in this rule and either ASTM E329-07 or [a federal agency] ISO 17020-98. Accrediting [agencies] bodies[,] other than federal agencies [must] are required to operate in accordance with ISO 17011 and must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.

[Agencies must insure] (4) **Qualifications.** All special inspection agencies must ensure that the special inspectors employed by the agency meet the qualification requirements set forth in Appendix A of this rule and perform special inspections only within the area of expertise for which such special [inspector is] inspectors are qualified. A Professional Engineer who is listed in Appendix A as requiring qualification in civil, structural, mechanical, electrical, fire protection, geotechnical or such other designation [shall] must have had the education, training and experience[, including having passed the Principles and Practice of Engineering examination offered by the National Council of Examiners for Engineering and Surveying (NCEES) in the specific discipline or having obtained a bachelors degree in the specific field,] that has led to an accumulation of knowledge and skill required for the Professional Engineer to hold himself/herself out as a professional practicing in that field.

[(4)] (5) **Insurance.** [A] All special inspection [agency] agencies must have the following insurance coverage:

- (i) Professional liability/errors and omissions insurance policy[, for the minimum amount of five hundred thousand dollars (\$500,000.00), [occurrence] claim-based, for the term of the registration.

Exception: An agency that is limited to performing fuel-oil storage and fuel-oil piping inspections, fire alarm tests, sprinkler systems, standpipe systems, emergency power systems and/or site storm drainage disposal and detention system installation special inspections, and whose director is not a registered design professional, will be exempt from obtaining professional liability insurance coverage. This

exception applies so long as the director maintains the insurance requirements required for his/her respective license in accordance with Chapter 4 of Title 28 of the Administrative Code.

(ii) [General liability insurance policy for the minimum amount of one million dollars (\$1,000,000.00) and] Insurance required by the provisions of the New York State Workers' Compensation and disability benefits [law and other applicable provisions of the workers' compensation law] laws.

[(5)] (6) **Agency Structure.** [The] A special inspection agency [shall] must have [a] one primary and up to four (4) alternative full-time [director] directors who [is a] are registered design [professional] professionals in [responsible] charge and all special inspections [shall] must be performed under [his or her] their direct supervision. The [director] directors [shall] must not be retained by any other agency that provides special inspection or testing services. The [director shall] directors must possess relevant experience in the inspection and testing industry and hold [a] management [position] positions in the agency. The agency structure [shall] must comply with all relevant New York State and Federal laws. Notwithstanding anything to the contrary set forth in this paragraph, an agency that is limited to conducting fuel-oil storage and fuel-oil piping inspections [(BC1704.16)], fire alarm tests, sprinkler systems [(BC1704.21)], standpipe systems [(BC1704.22)], emergency power systems or site storm drainage disposal and detention [(BC1704.20)] may have [a director] directors who [satisfies] satisfy the requirements of inspection supervisor for such tests and inspections as set forth in Appendix A of this rule.

[(6)] Small Building Exception. Notwithstanding anything to the contrary set forth in the provisions of this rule and its appendix, with respect to jobs in connection with the construction or alteration of Occupancy Group R-3 buildings, 3 stories or less in height, a registered design professional with relevant experience shall be qualified to perform special inspections other than inspections involving soils investigations, pier and pile installation, underpinning of structures, and protection of the sides of excavations greater than 10 feet in depth.]

(7) **Audits.** The operations of special inspectors and special inspection agencies [shall] will be subject to audit by the department at any time. Audits may [examine] involve the examination of applications for registration as well as the performance and documentation of special inspections. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(8) [Interim Status and Application Deadlines. An] **Performance of Special Inspections Prior to Registration Deadline.** Except as otherwise determined by the commissioner, an agency [employing special inspector(s) with initial acceptable qualifications shall] will be entitled until [July 1, 2010] the registration deadline to perform those special inspections for which it is qualified, subject to the following requirements:

(i) The agency must certify compliance with this rule on such form as the commissioner may require and must file such certification with the department prior to performing any special inspections after the effective date of this rule and until the registration deadline.

(ii) [The agency] Class 1 special inspection agencies only must diligently pursue accreditation as a special inspection agency [pursuant to the provisions of section] in accordance with subdivision (c)(3) of this rule.

(iii) [Notwithstanding anything to the contrary set forth in this rule and Appendix A, an individual who satisfies all requirements set forth in Appendix A to qualify as a special inspector except for the required national certification shall be deemed a special inspector until July 1, 2009 provided that such individual meets the initial acceptable qualifications. In order to continue as a special inspector beyond July 1, 2009, such individual shall obtain the certification required in Appendix A.] Special inspectors employed by a special inspection agency must satisfy all requirements in Appendix A.

[(iv) The agency shall certify such initial acceptable qualifications on such form as the department may require and shall file such certification with the department prior to performing any special inspections after the effective date of this rule.]

(9) [Additional Powers of the Commissioner. Notwithstanding anything to the contrary set forth in the provisions of this rule, the commissioner may upon a determination of good cause extend the interim status of qualifications for any specific special inspection agency to a date beyond July 1, 2010 but in no event later than July 1, 2011.

(i) In the event the agency has failed by January 1, 2010 to receive the accreditation required by section (c)(8)(i) of this rule, the agency may apply to the commissioner who may, upon the showing of good cause by the agency, grant an extension of time and allow the continuance of the interim status of such agency, but in no event later than January 1, 2011.

(ii) The requirements and standards prescribed in this rule shall be subject to variation in specific cases by the commissioner, or by the Board of Standards and Appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the New York City Charter, as amended.]

[(10)] **Registration Term.** [An initial registration issued under this rule is valid until July 1, 2010 unless otherwise extended by the commissioner in accordance with section (c)(9) of this rule. A renewal or initial registration issued after July 1, 2010 is valid for three years from the date of issuance] The term of an initial registration is three (3) years, beginning on the applicant's birthday following the date of registration, and may be renewed for additional three (3) year periods after such initial registration.

[(11)] (10) **Registration Fees.** [The department shall charge the following registration fees:] Fees will be those set forth in section 101-03 of these rules.

- (i) A one (1) year initial fee of \$35;
- (ii) A triennial renewal fee of \$35; and
- (iii) A later renewal surcharge of \$35.]

[(12)] (11) **Renewals.** A renewal application [shall] must be submitted between [thirty] sixty [(30)] (60) and [sixty] ninety [(60)] (90) days prior to the expiration date of the registration and [shall] must be accompanied by proof that the agency has, during the one (1) year period immediately preceding renewal, maintained all certifications/accreditations and other requirements set forth in this rule and its Appendix.

- (i) Renewal [shall] will be precluded where there has been a finding by the commissioner that any special inspection or test conducted by the special inspector or special inspection agency has not been performed in accordance with the requirements set forth in the code, applicable reference standards or the rules of the department, or where there has been a finding by the commissioner of fraud or misrepresentation on any document or report submitted to the department by the special inspector or special inspection agency.
- (ii) No special inspector or special inspection agency [shall] will perform an inspection or test with an expired or lapsed registration.

§ 5. The “Small Building Special Inspections” Special Inspection Category of Appendix A of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

[Small Building] <u>Class 3 Special Inspections</u> ([Group R-3, 3 stories or less in height] <u>Small Projects</u>) ³		<ul style="list-style-type: none"> • PE or RA; and • relevant experience 	[N/A] See <u>Technician requirements for relevant inspection.</u>	<ul style="list-style-type: none"> • [Technician with relevant experience] See <u>Technician requirements for relevant inspection.</u>
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§ 6. The Notes to Appendix A of Section 101-06 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

Notes:

1. Abbreviations in the qualifications descriptions:
 - ACI – American Concrete Institute
 - AWS – American Welding Society
 - ICC – International Code Council
 - NEBB – National Environmental Balancing Bureau
 - NICET – National Institute for Certification in Engineering Technologies
 - PE – A New York State Licensed and Registered Professional Engineer
 - RA – A New York State Licensed and Registered Architect
2. Bachelor’s Degrees must be from an accredited institution or equivalent
3. [Small Building Inspections - For Group R-3 buildings, 3 stories or less in height, all special inspections may be performed by a qualified PE or RA or a qualified person under their direct supervision without the need for certification by the department, with the exception of the special inspection of the following operations:
 - a. Soils Investigations
 - b. Pier and Pile installation
 - c. Underpinning of structures
 - d. Protection of the sides of excavations greater than 10 feet in depth]

Class 3 Special Inspections. An agency registered as a Class 3 special inspection agency for a special inspection category will be permitted to perform the work associated with such special inspection category on the following projects only:

 - a. The construction, demolition, or alteration of a one-, two-, or three-family dwelling; or
 - b. The alteration of any building, including partial demolition, altering less than ten thousand (10,000) square feet of gross floor area in total.

Exception: The special inspection categories of underpinning, mechanical means and methods of demolition, and the protection of the sides of excavations greater than ten (10) feet in depth will be

performed only by special inspection agencies registered as either class 1 or class 2 special inspection agencies for such categories.

§7. Section 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

<u>Special inspection agency registration.</u>	<u>Initial:</u> <u>\$200 plus a \$30</u> <u>endorsement fee per</u> <u>special inspection</u> <u>category</u>	<u>Renewal:</u> <u>\$90 plus a \$30</u> <u>endorsement fee per</u> <u>special inspection</u> <u>category</u>
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Robert D. LiMandri
Acting Commissioner

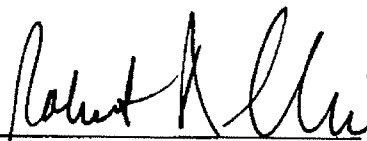
280 Broadway, 7th Floor
New York, NY 10007
Phone: (212) 566-3103
Fax: (212) 566-3785
E-mail: robertl@buildings.nyc.gov

Statement of Substantial Need for Earlier Implementation

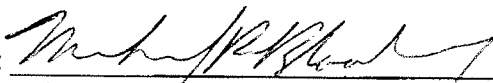
I hereby find, pursuant to §1043, subdivision e, paragraph 1(c) of the New York City Charter, and hereby represent to the Mayor, that there is substantial need for the implementation of new Section §101-06 of Title 1 of the Rules of the City of New York, regarding qualification and approval of special inspection agencies, upon the publication in the City Record of its Notice of Adoption.

This is one of the rules needed to implement the City's new Construction Codes. Under current law, registered design professionals are the only people authorized to conduct "controlled inspections," inspections performed during the progress of work at certain critical junctures and on certain critical components of a structure. In fact, many of such inspections are performed by technicians working under the supervision of a registered design professional and there are no required qualifications for such technicians. This has enabled inspections and tests to be performed by those who may not necessarily have the appropriate knowledge to evaluate the installation or material in light of technical standards.

The rule addresses that problem. It will require that people with prescribed qualifications perform the required inspections and tests. And by prescribing qualifications beyond those possessed by registered design professionals, it will expand the supply of such trained personnel. Finally, by setting consistent standards for the qualification of special inspectors, the rule will enhance the safety and integrity of construction inspections and tests.



Robert D. LiMandri
Acting Commissioner
Department of Buildings

APPROVED: 
Michael R. Bloomberg
Mayor

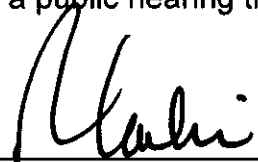
DATE: 6/30/2008

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 101-06 to Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the qualification and approval of special inspection agencies.

This rule was first published on May 19, 2008 and a public hearing thereon was held on June 20, 2008.

Dated: 6/26/08, 2008
New York, New York



Robert D. LiMandri
Acting Commissioner

Section 1. Subchapter A of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 101-06 to read as follows:

§101-06 Special inspectors and special inspection agencies.

(a) Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

(1) Accreditation. Evaluation of agencies, including testing and calibration laboratories, fabricators and inspection bodies, against internationally acceptable standards to demonstrate their performance capability. Such accreditation is required to be conducted by a nationally recognized accreditation agency accrediting to ASTM E329-07 international standard, the requirements of this rule, and approved by the department.

(2) Approved Construction Documents. For the purpose of this rule approved construction documents shall include any and all documents that set forth the location and entire nature and extent of the "work" proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents shall include but not be limited to shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

(3) Certification. Documented acknowledgment by a nationally recognized organization of a technician's competency to perform certain functions.

(4) Commissioner. The commissioner of buildings or his or her designee.

(5) Department. The department of buildings.

(6) Initial acceptable qualifications. With respect to supplemental special inspectors for which Appendix A of this rule requires a certification, such technician shall be deemed qualified without such certification provided that such individual has the underlying skills, education and training for which such certification would provide validation, and the relevant experience prescribed by Appendix A of this rule or by the certifying body.

(7) Job. A construction project that is the subject of one (1) or more department-issued permits.

(8) Materials. Materials, assemblies, appliances, equipment, devices, systems, products and methods of construction regulated in their use by this code or regulated in their use by the 1968 building code.

(9) New York City Construction Codes. The New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, the New York City Fuel Gas Code, and Title 28, chapters 1 through 5 of the Administrative Code. Any reference to "this code" or "the code" shall be deemed a reference to the New York City Construction Codes as here defined.

(10) Registered Design Professional. A New York State licensed and registered architect (RA) or a New York State licensed and registered professional engineer (PE).

(11) Registered Design Professional Of Record. The registered design professional who prepared or supervised the preparation of applicable construction documents filed with the department.

(12) Relevant Experience. Direct participation and practice related to the underlying construction activities that are the subject of the special inspection where such participation has led to accumulation of knowledge and skill required for the proper execution of such inspection.

(13) Special Inspection. Inspection of selected materials, equipment, installation, methods of construction, fabrication, erection or placement of components and connections, to ensure compliance with the code.

(14) Special Inspection Agency. An agency employing one (1) or more persons who are special inspectors and that has met all requirements of this rule.

(15) Special Inspector. An individual employed by a special inspection agency, who has the required qualifications, set forth in this rule to perform or witness particular special inspections required by the code or by the rules of the department, including but not limited to a qualified registered design professional.

(16) Supervise/Supervision. With respect to a designated Primary Inspector or Inspection Supervisor as indicated in Appendix A, supervision shall mean oversight and responsible control by a registered design professional having the necessary qualifications and relevant experience to perform responsibilities associated with the special inspection. Such supervision shall include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing

technology. Field supervision shall include responsibility for determining competence of special inspectors for the work they are authorized to inspect and on-site monitoring of the special inspection activities at the job site to assure that the qualified special inspector is performing his or her duties when work requiring inspection is in progress. With respect to a Director of a Special Inspection Agency, supervision shall mean oversight and responsible control by a registered design professional who shall ensure that qualified inspectors are dispatched for special inspections, that such special inspectors properly document their activities, and that reports and logs are prepared in accordance with section 28-114.2 of the Administrative Code. Such supervision shall include ensuring training and/or education necessary to qualify the special inspector for his or her duties, including continued training and education necessary to keep pace with developing technology.

(17) Technician. An employee of the inspection or testing agency assigned to perform the actual operations of inspection or testing. See ASTM E 329-07, paragraph 3.1.17.

(18) Work. The construction activity including techniques, tests, materials and equipment that is subject to special inspection.

(b) Duties.

(1) Availability and Compliance. A special inspector and/or special inspection agency shall have responsibilities as set forth in chapter 17 of the New York City Building Code and elsewhere in the codes where special inspections are required. The responsibilities of the special inspector or special inspection agency at a special inspection shall include those tasks and standards set forth in chapter 17 of the code, the reference standards and elsewhere in the code, this rule or any rule of any agency in connection with the work that is the subject of such special inspection.

(2) Obligation to Avoid Conflict of Interest. A special inspector and/or a special inspection agency shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect.

(3) Approved Construction Documents. The special inspector and/or special inspection agency shall:

(i) Examine all approved construction documents that relate to the work that is the subject of the special inspections.

(ii) Confirm that the documents are sufficient to enable the proper performance of the special inspection.

(iii) Confirm that the documents are acceptable to the registered design professional of record or another design professional retained by the owner and who prepared the documents for the construction of the job. Acceptance shall be demonstrated in writing by the design professional on the documents.

(iv) Confirm that the work that is the subject of the special inspection is in compliance with all relevant approved construction documents and with chapter 17 of the code or elsewhere in the construction codes or their referenced standards.

(4) Documentation. A special inspection agency shall maintain records of special inspections on a job-by-job basis for at least six (6) years or for such period as the commissioner shall determine, and shall make such records available to the department upon request. Such records shall include field logs, test results, laboratory reports, notes, noted deficiencies and dates of cures of such deficiencies, photographs and such other information as may be appropriate to establish the sufficiency of the special inspection.

(i) The supervisor shall review special inspection progress reports and final reports for conformance with the approved plans, specifications and workmanship provisions of chapter 17 of the code or elsewhere in the construction codes or their referenced standards. Such supervision and control shall be evidenced by the supervisor's signature and seal upon any required statements, applications and/or reports.

(ii) The principal of the special inspection agency shall file with the department within ten (10) days of satisfactory completion of any special inspection, notice of such completion on the forms and in the manner required by the department.

(5) Obligation to Cooperate with Inquiries. All special inspectors and/or special inspection agencies shall cooperate in any investigation by the department, or other city or law enforcement agency, into the activities at any job site or fabricating/manufacturing facility for which they have been designated a special inspector or special inspection agency and shall provide prompt, accurate and complete responses to reasonable inquiries by the department and other appropriate agencies about the conduct of such business.

(6) Limitation of Duties. Activities as a special inspection agency are specifically limited to those special inspections for which the special inspection agency has been registered and for which it has satisfied the requirements set forth in this rule and chapter 17 of the code. No special inspector or special inspection agency shall conduct any special inspection that such inspector or inspection agency is not qualified or registered to perform in accordance with the requirements of this rule and chapter 17.

(7) Obligation to Comply with an Order of the Commissioner. All special inspectors and/or special inspection agencies shall comply with an order of the commissioner.

(8) Equipment and Tools. The special inspection agency shall possess and maintain tools and equipment required to perform the specific special inspection. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards governing that equipment or tool.

(9) Reporting. The special inspection agency shall report any discrepancies noted during the inspection to the contractor and when applicable to the superintendent of construction, as well as to the site safety coordinator or site safety manager, for correction. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the owner, and the registered design professional of record prior to the completion of that phase of the work. The special inspector/special inspection agency shall immediately report conditions noted as hazardous to life, safety or health, to the attention of the commissioner.

(c) Registration of Special Inspection Agencies.

(1) Effective Date. On or after the effective date of this rule, all agencies including single person agencies performing special inspections must comply with the requirements of this section. All such agencies performing special inspections must be registered with the department as special inspection agencies by January 1, 2009 unless otherwise extended by the commissioner, as provided in paragraph (c)(9) of this rule.

(2) Form and Manner of Registration. An application for registration shall be submitted in a form and manner determined by the commissioner, including electronically, and shall provide such information as the commissioner may require. Such registration shall be deemed an acknowledgement by the special inspection agency of its obligations hereunder.

(3) Qualifications. Special inspection agencies shall be required to demonstrate accreditation by International Accreditation Service, Inc. or an equivalent accreditation agency accrediting to the standards set forth in this rule and ASTM E329-07 or a federal agency. Accrediting agencies, other than federal agencies must be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement. Agencies must insure that the special inspectors employed by the agency meet the qualification requirements set forth in Appendix A of this rule and perform special inspections only within the area of expertise for which such special inspector is qualified. A Professional Engineer who is listed in Appendix A as requiring qualification in civil, structural, mechanical, electrical, fire protection, geotechnical or such other designation shall have had the education, training and experience, including having passed the Principles and Practice of Engineering examination offered by the National Council of Examiners for Engineering and Surveying (NCEES) in the specific discipline or having obtained a bachelors degree in the specific field, that has led to an accumulation of knowledge and skill required for the Professional Engineer to hold himself/herself out as a professional practicing in that field.

(4) Insurance. A special inspection agency must have the following insurance coverage:

(i) Professional liability/errors and omissions insurance policy, for the minimum amount of five hundred thousand dollars (\$500,000.00), occurrence based, for the term of the registration,

(ii) General liability insurance policy for the minimum amount of one million dollars (\$1,000,000.00) and

(iii) Insurance required by the provisions of the New York State disability benefits law and other applicable provisions of the workers' compensation law.

(5) Agency Structure. The special inspection agency shall have a full-time director who is a registered design professional in responsible charge and all special inspections shall be performed under his or her direct supervision. The director shall not be retained by any other agency that provides special inspection or testing services. The director shall possess relevant experience in the inspection and testing industry and hold a management position in the agency. The agency structure shall comply with all relevant New York State and Federal laws. Notwithstanding anything to the contrary set forth in this paragraph, an agency that is limited to conducting fuel-oil storage and fuel-oil piping inspections

(BC1704.16), fire alarm tests, sprinkler systems (BC1704.21), standpipe systems (BC1704.22), emergency power systems or site storm drainage disposal and detention (BC1704.20) may have a director who satisfies the requirements of inspection supervisor for such tests and inspections as set forth in Appendix A of this rule.

(6) Small Building Exception. Notwithstanding anything to the contrary set forth in the provisions of this rule and its appendix, with respect to jobs in connection with the construction or alteration of Occupancy Group R-3 buildings, 3 stories or less in height, a registered design professional with relevant experience shall be qualified to perform special inspections other than inspections involving soils investigations, pier and pile installation, underpinning of structures, and protection of the sides of excavations greater than 10 feet in depth.

(7) Audits. The operations of special inspectors and special inspection agencies shall be subject to audit by the department at any time. Audits may examine applications for registration as well as the performance and documentation of special inspections. Audits may also be conducted upon receipt of complaints or evidence of falsification, negligence or incompetence.

(8) Interim Status and Application Deadlines. An agency employing special inspector(s) with initial acceptable qualifications shall be entitled until July 1, 2010 to perform those special inspections for which it is qualified, subject to the following requirements:

(i) The agency must certify compliance with this rule.
(ii) The agency must diligently pursue accreditation as a special inspection agency pursuant to the provisions of section (c)(3) of this rule.

(iii) Notwithstanding anything to the contrary set forth in this rule and Appendix A, an individual who satisfies all requirements set forth in Appendix A to qualify as a special inspector except for the required certification shall be deemed a special inspector until July 1, 2009 provided that such individual meets the initial acceptable qualifications. In order to continue as a special inspector beyond July 1, 2009, such individual shall obtain the certification required in Appendix A.

(iv) The agency shall certify such initial acceptable qualifications on such form as the department may require and shall file such certification with the department prior to performing any special inspections after the effective date of this rule

(9) Additional Powers of the Commissioner. Notwithstanding anything to the contrary set forth in the provisions of this rule, the commissioner may upon a determination of good cause extend the interim status of qualifications for any specific special inspection agency to a date beyond July 1, 2010 but in no event later than July 1, 2011.

(i) In the event the agency has failed by January 1, 2010 to receive the accreditation required by section (c)(8)(i) of this rule, the agency may apply to the commissioner who may, upon the showing of good cause by the agency, grant an extension of time and allow the continuance of the interim status of such agency, but in no event later than January 1, 2011.

(ii) The requirements and standards prescribed in this rule shall be subject to variation in specific cases by the commissioner, or by the Board of Standards and Appeals, under and pursuant to the provisions of paragraph two of subdivision (b) of section six hundred forty-five and section six hundred sixty-six of the New York City Charter, as amended.

(10) Registration Term. An initial registration issued under this rule is valid until July 1, 2010 unless otherwise extended by the commissioner in accordance with section (c)(9) of this rule. A renewal or initial registration issued after July 1, 2010 is valid for three years from the date of issuance.

(11) Registration Fees. The department shall charge the following registration fees:

(i) A one (1) year initial fee of \$35;

(ii) A triennial renewal fee of \$35; and

(iii) A later renewal surcharge of \$35.

(12) Renewals. A renewal application shall be submitted between thirty (30) and sixty (60) days prior to the expiration date of the registration and shall be accompanied by proof that the agency has, during the one (1) year period immediately preceding renewal, maintained all certifications/accreditations and other requirements set forth in this rule and its Appendix.

(i) Renewal shall be precluded where there has been a finding by the commissioner that any special inspection or test conducted by the special inspector or special inspection agency has not been performed in accordance with the requirements set forth in the code, applicable reference standards or the rules of the

department, or where there has been a finding by the commissioner of fraud or misrepresentation on any document or report submitted to the department by the special inspector or special inspection agency.

(ii) No special inspector or special inspection agency shall perform an inspection or test with an expired or lapsed registration.

(d) Disciplinary Actions.

(1) Suspension or revocation of registration and refusal to accept filings. The commissioner may, in accordance with the rules of the department, suspend or revoke a special inspection agency registration, with or without the imposition of penalties, for violation of any provision of the code or the rules of the department, or any other applicable laws or rules. The commissioner may refuse to accept any application or other document submitted pursuant to or in satisfaction of any requirement of this rule or of chapter 17 of the code or any rule or regulation of any agency that bears the signature of any special inspector who has been found, after an opportunity to be heard to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this chapter, the code or any rule or regulation of any agency.

(2) Stop work and Suspension of Permits. Upon any suspension or revocation of registration pursuant to paragraph (d)(1) of this rule, unless replaced by another registered special inspector and/or special inspection agency within five (5) business days of such suspension or revocation, all jobs on which the special inspector and/or special inspection agency whose registration was suspended or revoked is designated, shall be stopped and the permits shall be suspended until such time as a duly registered special inspector and/or special inspection agency is designated to re-inspect such tests or such inspections performed by the disciplined special inspection agency, or until such permits expire.

(e) Obligations of Others. Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law, including but not limited to the obligation of an owner, construction manager, general contractor, contractor, materialman, architect, engineer, site safety manager, land surveyor, superintendent of construction or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe construction site.

APPENDIX A

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
1. <u>General Building Construction</u>				
<u>Wall Panels, Curtain Walls, and Veneers</u>	<u>BC 1704.10</u>	<ul style="list-style-type: none">• <u>RA or PE – Civil or Structural Engineering; and</u>• <u>1 Year relevant experience</u>	<ul style="list-style-type: none">• <u>Bachelor's degree in Architecture or Civil Engineering or Structural Engineering; and</u>• <u>2 years relevant experience</u>	<ul style="list-style-type: none">• <u>Technician with 3 years relevant experience</u>
<u>Exterior Insulation Finish Systems (EIFS)</u>	<u>BC 1704.12</u>	<ul style="list-style-type: none">• <u>PE or RA; and</u>• <u>1 year relevant experience</u>	<u>N/A</u>	<ul style="list-style-type: none">• <u>Technician with 2 years relevant experience</u>
<u>Chimneys</u>	<u>BC 1704.24</u>	<ul style="list-style-type: none">• <u>PE or RA; and</u>• <u>1 year relevant experience</u>	<ul style="list-style-type: none">• <u>Bachelor's degree in Architecture or Engineering; and</u>• <u>2 years relevant experience</u>	<ul style="list-style-type: none">• <u>Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and</u>• <u>5 years relevant experience</u>
<u>Flood Hazard Mitigation</u>	<u>BC G105</u>	<ul style="list-style-type: none">• <u>PE or RA; and</u>• <u>1 year relevant experience</u>	<u>N/A</u>	<u>N/A</u>
<u>Photoluminescent Exit Path Markings</u>	<u>1 RCNY 1026-01 (formerly RS 6-1)</u>	<ul style="list-style-type: none">• <u>PE or RA; and</u>• <u>relevant experience</u>	<u>N/A</u>	<ul style="list-style-type: none">• <u>Technician with relevant experience</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
Small Building Special Inspections (Group R-3, 3 stories or less in height) ³		<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>relevant experience</u> 	N/A	<ul style="list-style-type: none"> • <u>Technician with relevant experience</u>
2. Fire Protection Systems & Fire-Resistant Construction				
<u>Sprayed Fire-resistant Materials</u>	<u>BC 1704.11</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Architecture or Engineering; and (a or b)</u> <ul style="list-style-type: none"> a. <u>1 year relevant experience; or</u> b. <u>ICC Certification as a Spray-applied Fireproofing Special Inspector</u> 	<ul style="list-style-type: none"> • <u>Technician with ICC Certification as a Spray-applied Fireproofing Special Inspector; and</u> • <u>3 years relevant experience</u>
<u>Smoke Control Systems</u>	<u>BC 1704.14</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience (mechanical and/or fire protection)</u> 	N/A	<ul style="list-style-type: none"> • <u>Technician with NEBB Air Balancer Certification; and</u> • <u>3 years relevant experience</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
<u>Standpipe Systems and Sprinkler Systems</u>	BC 1704.21 BC 1704.22	<ul style="list-style-type: none"> • <u>PE – Mechanical Engineering; and</u> • <u>1 year relevant experience</u> OR <ul style="list-style-type: none"> • <u>NYC Licensed Class A or Class B Master Fire Suppression Piping Contractor License; and</u> • <u>Independent of installer</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Mechanical Engineering; and</u> • <u>3 years relevant experience</u> 	<u>Technician with NICET Level II Certification in Fire Protection – Inspection and Testing of Water-based Systems</u>
<u>Firestop, Draftstop, and Fireblock Systems</u>	BC 1704.25	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Architecture or Engineering; and</u> • <u>2 years relevant experience</u> 	<ul style="list-style-type: none"> • <u>Technician with 3 years relevant experience</u>
<u>Fire Alarm Test (When FDNY inspection not required)</u>		<ul style="list-style-type: none"> • <u>PE – Electrical or Fire Protection; and</u> • <u>1 year relevant experience</u> OR <ul style="list-style-type: none"> • <u>Licensed electrician independent of installer; and</u> • <u>3 years relevant experience</u> 	N/A	<u>Technician with NICET Level II Certification in Fire Alarm Systems.</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
Emergency Power Systems (Generators)		<ul style="list-style-type: none"> • PE – Mechanical, Electrical, or Fire Protection; and • 1 year relevant experience OR <ul style="list-style-type: none"> • Licensed electrician independent of installer; and • 3 years relevant experience 	<ul style="list-style-type: none"> • Technician with 5 years relevant experience 	N/A
3. Plumbing & Mechanical Systems				
Mechanical Systems	BC 1704.15	<ul style="list-style-type: none"> • PE or RA; and <ul style="list-style-type: none"> ◦ 1 year relevant experience; or ◦ ICC Certification as a Residential or Commercial Mechanical Inspector 	<ul style="list-style-type: none"> • Bachelor's Degree in Architecture, or Engineering; and • 2 years relevant experience; and • ICC Certification as a Residential or Commercial Mechanical Inspector 	<ul style="list-style-type: none"> • Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and • 3 years relevant experience

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
<u>Fuel-Oil Storage and Fuel-Oil Piping Systems</u>	<u>BC 1704.16</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> OR <ul style="list-style-type: none"> • <u>Licensed New York City Class A and B Oil Burner Equipment Installer; and</u> • <u>1 year experience in the inspection of heating systems, Fuel burning-Fuel storage systems.</u> 	<ul style="list-style-type: none"> • <u>Bachelors degree in Architecture, or Mechanical, Marine or Civil Engineering; and</u> • <u>3 years relevant experience</u> 	<ul style="list-style-type: none"> • <u>Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and</u> • <u>5 years relevant experience</u>
<u>Site Storm Drainage Disposal and Detention Facilities</u>	<u>BC 1704.20</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> OR <ul style="list-style-type: none"> • <u>NYC Licensed Master Plumber; and</u> • <u>3 years relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's Degree in Architecture, Civil or Mechanical Engineering; and</u> • <u>3 years relevant experience</u> 	<u>N/A</u>
<u>Heating Systems</u>	<u>BC 1704.23</u>	<ul style="list-style-type: none"> • <u>PE or RA – Civil or Mechanical Engineering; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's Degree in Architecture, or Civil or Mechanical Engineering; and</u> • <u>3 years relevant experience; and</u> • <u>ICC Certification as a Residential or Commercial Mechanical Inspector</u> 	<ul style="list-style-type: none"> • <u>Technician with ICC Certification as a Residential or Commercial Mechanical Inspector; and</u> • <u>5 years relevant experience</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
4. Structural Materials & Construction Operations				
<u>Welding:</u> <u>Steel</u> <u>Highpressure Steam Piping</u> <u>High pressure Gas Piping</u> <u>Aluminum</u> <u>(2 RNCY 25 – BSA RULE)</u>	<u>BC</u> <u>1704.3.1</u> <u>BC</u> <u>1704.17</u> <u>BC</u> <u>1704.18</u> <u>BC</u> <u>1704.26</u>	<ul style="list-style-type: none">• <u>PE or RA; and</u>• <u>AWS Certified Welding Inspector (AWS-CWI);</u> <u>OR</u> <ul style="list-style-type: none">• <u>PE or RA; and</u>• <u>ICC Certification as a Structural Welding Inspector (ICC-SWI);</u>and• <u>1 year relevant experience</u>	<ul style="list-style-type: none">• <u>AWS Certified Welding Inspector (AWS-CWI)</u> <u>OR</u> <ul style="list-style-type: none">• <u>ICC Certification as a Structural Welding Inspector (ICC-SWI)</u>• <u>3 years relevant experience</u>	<ul style="list-style-type: none">• <u>AWS Certified Associate Welding Inspector (AWS-CAWI)</u> <u>Note:</u> <u>AWS-CAWI only permitted to inspect when an AWS-CWI or ICC-SWI is on site supervising</u>
<u>Structural Steel – Erection & High-Strength Bolting</u> <u>Note:</u> <u>Inspection can also be performed by agency approved to inspect welding</u>	<u>BC</u> <u>1704.3.2,</u> <u>BC</u> <u>1704.3.3</u>	<ul style="list-style-type: none">• <u>PE – Civil/Structural; and</u>• <u>ICC Certification as a Structural Steel and Bolting Inspector; and</u>• <u>1 year relevant experience</u>	<u>N/A</u>	<ul style="list-style-type: none">• <u>Technician with ICC Certification as a Structural Steel and Bolting Inspector; and</u>• <u>3 years relevant experience</u>
<u>Structural Cold-formed Steel</u>	<u>BC</u> <u>1704.3.2.4</u>	<ul style="list-style-type: none">• <u>PE or RA; and</u>• <u>1 year relevant experience</u>	<ul style="list-style-type: none">• <u>Bachelor's degree in engineering or architecture; and</u>• <u>2 years relevant experience</u>	<ul style="list-style-type: none">• <u>Technician with ICC Certification as a Structural Steel and Bolting Special Inspector; and</u>• <u>3 years relevant experience</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
<u>Concrete – Cast-in-place & Precast</u> Note: Licensed concrete testing lab to perform sampling and testing of cylinders	BC 1704.4	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>ACI Certification as Concrete Construction Special Inspector (ACI-CCSI)</u> OR <ul style="list-style-type: none"> • <u>ICC Certification as Concrete Special Inspector (ICC-CSI)</u> 	<ul style="list-style-type: none"> • <u>ACI Certification as an Associate Concrete Construction Special Inspector (ACI-ACCSI)</u> Note: ACI-ACCSI only permitted to perform inspection under on-site supervision by PE, RA, ACI-CCSI, or ICC-CSI
<u>Prestressed Concrete</u>	BC 1704.4	<ul style="list-style-type: none"> • <u>PE – Civil/Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in engineering; and</u> • <u>ICC Certification as Prestressed Concrete Special Inspector; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>ICC Certification as Prestressed Concrete Special Inspector; and</u> • <u>3 years relevant experience</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
<u>Masonry</u>	<u>BC 1704.5</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in engineering or architecture; and</u> • <u>ICC Certification as a Structural Masonry Special Inspector; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>ICC Certification as a Structural Masonry Special Inspector; and</u> • <u>2 years relevant experience</u>
<u>Wood construction – Prefabricated wood I-joists and metal-plate-connected wood trusses</u>	<u>BC 1704.6</u>	<ul style="list-style-type: none"> • <u>PE or RA; and</u> • <u>1 year relevant experience</u> 	<u>N/A</u>	<ul style="list-style-type: none"> • <u>ICC Certification as a Commercial or Residential Building Inspector; and</u> • <u>2 years relevant experience</u>
<u>Soils - Site Preparation</u>	<u>BC 1704.7.1, BC 1704.7.2, BC 1704.7.3</u>	<ul style="list-style-type: none"> • <u>PE – Geotechnical, Civil, or Structural; and</u> • <u>1 year relevant experience</u> 	<u>N/A</u>	<u>N/A</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
<u>Soils- Fill Placement, In-place Density</u>	BC <u>1704.7.1,</u> BC <u>1704.7.2,</u> BC <u>1704.7.3</u>	<ul style="list-style-type: none"> • <u>PE – Geotechnical, Civil, or Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Geotechnical, Civil, or Structural engineering; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Technician with NICET Level I Geotechnical Certification; and</u> • <u>2 years relevant experience</u> <p>OR</p> <ul style="list-style-type: none"> • <u>Technician with ICC Certification Soils Special Inspector</u> • <u>1 year relevant experience</u>
<u>Soils Investigations</u>	BC <u>1704.7.4</u>	<ul style="list-style-type: none"> • <u>PE – Geotechnical, Civil, or Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Geotechnical, Civil, or Structural engineering; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Technician with NICET Level II Geotechnical Certification; and</u> • <u>Must take and pass Soils classification sections of NICET certification</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
<u>Pile Foundations and Drilled Pier Installation</u>	<u>BC 1704.8 BC 1808.2.2</u>	<ul style="list-style-type: none"> • <u>PE – Geotechnical, Civil, or Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Geotechnical, Civil, or Structural engineering; and</u> • <u>3 years relevant experience</u> <p>Note: <u>Supplemental Inspector only permitted to inspect when multiple driving rigs are used on the same site and Primary Inspector is on site supervising</u></p>	<ul style="list-style-type: none"> • <u>Technician with NICET Level III Geotechnical Certification</u> <p>Note: <u>Supplemental Inspector only permitted to inspect when multiple driving rigs are used on the same site and Primary Inspector is on site supervising</u></p>
<u>Pier Foundations</u>	<u>BC 1704.9</u>	<ul style="list-style-type: none"> • <u>PE – Geotechnical, Civil, or Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Geotechnical, Civil or Structural; and</u> • <u>3 years relevant experience</u> 	<u>N/A</u>
<u>Underpinning</u>	<u>BC 1704.9.1</u>	<ul style="list-style-type: none"> • <u>PE – Geotechnical, Civil, or Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Geotechnical, Civil or Structural; and</u> • <u>3 years relevant experience</u> 	<u>N/A</u>
<u>Structural safety - Stability, and Mechanical Demolition</u>	<u>BC 1704.19</u>	<ul style="list-style-type: none"> • <u>PE – Civil/Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's Degree in Civil or Structural Engineering; and</u> • <u>3 years relevant experience</u> 	<u>N/A</u>

<u>Special Inspection Category</u>	<u>2008 Code Section</u>	<u>Qualifications^{1,2}</u>		
		<u>Primary Inspector or Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 1) - under direct supervision of Inspection Supervisor</u>	<u>Supplemental Inspector (Alternative 2) - under direct supervision of Inspection Supervisor</u>
<u>Excavation - Sheeting, Shoring, and Bracing</u>	<u>BC 1704.19, 3304.4.1</u>	<ul style="list-style-type: none"> • <u>PE – Geotechnical, Civil, or Structural; and</u> • <u>1 year relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Geotechnical, Civil or Structural; and</u> • <u>3 years relevant experience</u> 	<ul style="list-style-type: none"> • <u>Technician with 5 years relevant experience</u>
<u>Seismic Isolation Systems</u>	<u>BC 1707.8</u>	<ul style="list-style-type: none"> • <u>PE; and</u> • <u>2 years relevant experience</u> 	<ul style="list-style-type: none"> • <u>Bachelor's degree in Geotechnical, Civil, or Structural engineering; and</u> • <u>5 years relevant experience</u> 	<ul style="list-style-type: none"> • <u>N/A</u>

Notes:

1. Abbreviations in the qualifications descriptions:
 - ACI – American Concrete Institute
 - AWS – American Welding Society
 - ICC – International Code Council
 - NEBB – National Environmental Balancing Bureau
 - NICET – National Institute for Certification in Engineering Technologies
 - PE – A New York State Licensed and Registered Professional Engineer
 - RA – A New York State Licensed and Registered Architect
2. Bachelor's Degrees must be from an accredited institution or equivalent
3. Small Building Inspections - For Group R-3 buildings, 3 stories or less in height, all special inspections may be performed by a qualified PE or RA or a qualified person under their direct supervision without the need for certification by the department, with the exception of the special inspection of the following operations:
 - a. Soils Investigations
 - b. Pier and Pile installation
 - c. Underpinning of structures
 - d. Protection of the sides of excavations greater than 10 feet in depth

STATEMENT OF BASIS AND PURPOSE

The foregoing rule is promulgated pursuant to the authority of the commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter. The rule implements section 28-115.1 of the Administrative Code by specifying the qualifications of special inspectors and the processes through which the department will regulate their activities.

Under current law, registered design professionals are the only people authorized to conduct "controlled inspections," inspections performed during the progress of work at certain critical junctures and on certain critical components of a structure. In fact, many of such inspections are performed by technicians working under the supervision of a registered design professional and there are no required qualifications for such technicians. This void has enabled inspections and tests to be performed by those who may not necessarily have the appropriate knowledge to evaluate the installation or material in light of technical standards.

The rule addresses that problem. It will require that people with prescribed qualifications perform the required inspections and tests. And by prescribing qualifications beyond those possessed by registered design professionals, it will expand the supply of such trained personnel.

By setting consistent standards for the qualification of special inspectors, the rule will enhance the safety and integrity of construction inspections and tests.