NYC
Buildings

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January 5, 2012

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9 Metro Tech Center
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Executive Director, New York City Business Acceleration
New York City New Business Acceleration Team
100 Gold Street, 2nd Floor
New York, NY 10038

Ladies and Gentlemen:

This letter sets forth the understanding between the New York City Department of Buildings ("DOB"), the New York City Fire Department ("FDNY"), and the New York City New Business Acceleration Team ("NBAT"), to streamline the process for filing, review, and fee payment relating to new and altered fire suppression plans filed in connection with the installation or alteration of commercial cooking systems regulated pursuant to the New York City Building Code, the New York City Mechanical Code and the New York City Fire Code ("FC") ("Rangehood Suppression Plans"). Below is the process and procedure agreed to by the DOB, FDNY and NBAT. This letter does not apply to filing, review, and fee payment of fire suppression plans filed with FDNY solely for the purpose of upgrading extinguishing agents of commercial cooking systems.

Filing of Rangehood Suppression Plans and Related Fee Collection

Effective Monday, February 13, 2012, DOB will collect the applicable Rangehood Suppression Plans filing fees, including the fee charged to file such plans with FDNY pursuant to FC Appendix A ("FDNY Fees"), from all applicants filing Rangehood Suppression Plans at any of DOB's borough offices.

At the time of payment, DOB will enter the applicant's payment of the applicable fees, including the FDNY Fees, in the DOB's Building Information System ("BIS"). DOB will provide the applicant with a receipt containing the following information:

1. Job number assigned to the application
2. Premise location
3. Invoice Number
4. Date of payment

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5. Payment method
6. Amount paid.

On a weekly basis, DOB will enter total cash receipts representing the payment of the applicable fees, including the FDNY Fees, into the City Financial Management System ("FMS"). DOB will identify each FDNY Fee entered into FMS by the FDNY budget code (5640), revenue source code (00470), and DOB job number. DOB will provide FDNY a monthly report with the transaction (receipt) details from BIS. FDNY can access payment information using BIS Web.

The applicant will be required to deliver the Rangehood Suppression Plan along with a DOB receipt documenting that the FDNY Fees have been paid, to NBAT, which will coordinate FDNY and DOB review of the plan. Plans that NBAT determines not to review may be forwarded by NBAT to FDNY for review.

Resolution of Invalid Payment of FDNY Fees

DOB will process invalid ("No Good") checks received in payment of FDNY Fees in accordance with applicable City procedures, including the following actions.

1. Upon receiving notification of a "No Good" check from the depository bank, DOB will cancel the original transaction from BIS. When the BIS system adjustment is completed BIS Web is automatically updated with a "No Good Check Banner" and an indication of the reduction in the Payment history. A "HOLD" is placed on the associated job.

2. DOB will send a Notice to Cure to the maker of the check within 5 business days and a copy of the letter will also be sent to the FDNY liaison via email.

3. If the maker of the check fails to remit payment within 30 calendar days from the date of the Notice to Cure, DOB will send a Second Notice to Cure to the maker of the check and a copy of the letter will also be sent to the FDNY liaison via email.

4. If the maker of the check fails to remit payment within 30 calendar days from the date of the Second Notice to Cure ("Applicant's Default"), DOB will take the following actions:

    a) Provide written notice of the maker's Default and forward any and all relevant documents to the New York City Law Department.

    b) Provide a copy of the correspondence sent to the Law Department to the FDNY liaison via email.

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The process reflected in this letter will remain in effect for so long as NBAT coordinates the review of the Rangehood Suppression Plans as set forth herein or upon 30 calendar days written notice by DOB, FDNY or NBAT to the other parties, or as otherwise agreed upon in writing.

Agency Representatives

Any communications relating to this agreement shall be directed to:

For NBAT:

Director of Policy and Planning
New York City New Business Acceleration Team
100 Gold Street, 2nd Floor
New York, NY 10038

For DOB:

Associate Commissioner, Borough Operations
New York City Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

With a copy to:

General Counsel
New York Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

For FDNY:

Chief of Fire Prevention
New York City Fire Department
9 MetroTech Center, Room 3W-9
Brooklyn, NY 11201

With a copy to:

Counsel to Department
Bureau of Legal Affairs
New York City Fire Department
9 Metro Tech Center, Room 4W-10
Brooklyn, NY 11201

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No Third Party Beneficiary

The provisions of this agreement are intended to be for the sole benefit of the parties hereto. No third party shall be deemed to be beneficiary hereof, including, but not limited to, any employee of DOB, NBAT or FDNY.

Please confirm by your signatures below that you are in agreement with the points set forth in this letter.

Sincerely,

Thomas Fariello, RA
First Deputy Commissioner
New York City Department of Buildings

Stephen Rush
Assistant Commissioner for Budget and Finance
New York City Fire Department
9 MetroTech Center
Brooklyn, NY 11201

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