



BUILDINGS BULLETIN 2011-009

OTCR

Supersedes: None

Issuer: Fatma M. Amer, P.E.
First Deputy Commissioner

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Purpose: This document establishes temporary guidelines for approval of fabricators in accordance with the 2008 NYC Construction Codes.

Related Code Section(s): AC 28-114.3 AC 28-116.7
AC 28-116.2.3.1 BC 1704.2.2

Related Buildings Bulletin(s): BB 2011-008

Subject(s): Special inspections, fabricator approval; Approved fabricators, special inspections; Approved fabricator, quality assurance agency; Certificate of Intent to Fabricate; Certificate of Compliance

A. Background

Sections BC 1704.2.2 and AC 28-116.2.3.1 exempt work performed on the premises of an approved fabricator from special inspections when the fabricator is approved by the Department. Sections AC 28-116.7 and BC 1704.2.2 establish the basis for this approval. Section BC 1704.2.2 states:

Special inspections required by this code are not required where the work is done on the premises of a fabricator registered and approved to perform such work without special inspection. Approval of fabricators shall be based upon review of the fabricator's written procedural and quality control manuals and periodic auditing of fabrication practices by an approved agency.

The Department is in the process of promulgating a rule for the approval of fabricators. Until the rule is adopted, fabricators seeking temporary approval status shall follow the guidelines in this bulletin.

B. Compliance and Applicability.

Design, fabrication, inspection and installation of fabricated items shall comply with the 2008 NYC Construction Codes and the guidelines listed in this bulletin. Section BC 1702 defines fabricated items as "Products and assemblies regulated by this code that are custom manufactured, or built prior to their incorporation into the work at the job site. Fabricated items shall not include listed, labeled or approved products or assemblies."

C. Fabricators.

1. Application – A fabricator must submit the following to the Office of Technical Certification and Research (OTCR) seeking temporary approval status:
 - a. Certification from an OTCR-approved quality assurance agency issued to the fabricator, as well as a copy of the signed contract between the fabricator and approved quality assurance agency and any subsequent changes, amendments or modifications. An approved quality assurance agency must meet the qualification requirements of section D of this bulletin.
 - b. Quality control. A copy of the quality control manual, preferably in pdf format, and a list of all fabricator employee titles participating in the quality control program, including a list of obligations, responsibilities, authority and relevant certifications and experience for each title.
 - c. Proof of general liability insurance of at least one million dollars (\$1,000,000.00) and, where applicable, insurance required by the provisions of the New York State Workers' Compensation and disability benefits laws.
2. Temporary approval – Temporary approval by the OTCR will be applicable only to the scope of work covered under the certification issued by the recognized quality assurance agency. Fabricators granted temporary approval can continue to be recognized as approved per this bulletin until a Department rule is promulgated. The Department retains the right to revoke this approval at any time.
3. Duties and responsibilities
 - a. Submitting construction documents in accordance with section E of this bulletin.
 - b. Maintaining all records of inspection for a period of six years after submittal of the certificate of compliance. Records shall be made available to the department upon request in accordance with section AC 28-114.3.

D. Quality Assurance Agency.

A quality assurance agency reviews fabricators' written procedural and quality control manuals and performs periodic auditing of fabrication practices. A quality assurance certification agency provides certification for approved fabricators based on recommendations from the approved quality assurance agency. A single entity may serve simultaneously in both capacities.

Until a Department rule has been promulgated, a quality assurance agency meeting the following requirements shall be considered for temporary approval. Required documents shall be submitted to OTCR for review and approval.

1. Application
 - a. Proof of accreditation. Submit documents from one of the options below:
 - i. Provide an ISO 17020 accreditation certificate from an accrediting body for the specific work covered under the fabricator's responsibility. Accrediting body agencies shall be members of an internationally recognized cooperation of laboratory and inspection accreditation bodies subject to a mutual recognition agreement.
 - ii. Provide an accreditation certificate issued for a published quality assurance program (i.e., ISO 17021 or ISO 9001) by an accrediting body, along with the following:
 - a) Fabrication type (i.e., steel, precast concrete, manufactured homes, etc.).
 - b) Procedures for inspection and certification of the fabricator.

OTCR will evaluate the documents submitted under sections (D)(1)(a)(ii) and (D)(1)(c) as proof of accreditation. If the qualifications are acceptable, the quality assurance agency will be provisionally recognized in accordance with the following:

- Provisional status will expire on January 1, 2012.
 - The recognized agency shall diligently pursue accreditation to ISO 17020 prior to January 1, 2012.
- b. **Statement of Independence.** Membership-based organizations providing certification of approved fabricators must subcontract all inspection and auditing functions with a separate, independent accredited inspection agency. An independent inspection agency shall not engage in any activities that may conflict with its objective judgment and integrity, including but not limited to having a financial interest in the construction, installation, manufacture or maintenance of fabricated items it inspects. The inspection agency shall submit a letter stating that it is independent of the membership-based organization and has no financial interest in the fabricated items it inspects.
- c. **Identification of employees.** For each quality assurance agency employee title participating in the quality control program, provide a list of obligations, responsibilities, authority and relevant certifications and experience.
2. **Duties and responsibilities.**
- a. Prepare and maintain inspection reports. In accordance with section AC 28-114.3, an approved quality assurance agency shall maintain all records of evaluation and inspection for a period of six years. Records shall be made available to the department upon request.
 - b. Perform unannounced audits, at a minimum twice yearly.
 - c. For fabrication of manufactured housing, perform inspections of each factory-manufactured home as per New York State Rules and Regulations (Title 19, Chapter XXXII, Part 1209), in addition to all provisions contained herein.

E. Submittal of Construction Documents. The approved fabricator, approved quality assurance agency, and code required licensed contractor shall submit the following to the OTCR (280 Broadway, 7th floor, New York, NY 10007):

1. **Certificate of Intent to Fabricate.** The approved fabricator, all applicable code required NYC licensed trades and (for manufactured homes only) registered design professionals shall submit the information contained in Attachment A, "Certificate of Intent to Fabricate" within 2 weeks after the permit has been issued.
2. **Certificate of Compliance.** The approved fabricator, all applicable code required NYC licensed trades and (for manufactured homes only) registered design professionals shall submit the information contained in Attachment B, "Certificate of Compliance" within 2 weeks after fabrication is completed.
3. **Prefabricated Assembly Evaluation Report.** For all prefabricated construction assemblies having concealed work, the approved fabricator shall submit a prefabricated assembly evaluation report in accordance with sections FGC 107.1.2 and MC 107.1.2.

F. Installation of fabricated items

1. Installation shall be in accordance with approved fabricators' procedures.
2. Installation in the field shall comply with all special inspection requirements of Chapter 17 and 1 RCNY 101-06.

Attachment A
CERTIFICATE OF INTENT TO FABRICATE

Fabricator Information

Fabricator: _____
Address _____
Facility _____
OTCR Fabricator #: _____:

Project Information

Job #: _____
Location: _____

Identification of all Fabricated Items

Quality Manager Certification

I certify that the identified fabricated items shall be furnished as specified by the registered design professional for the referenced project and shall be fabricated in accordance with the New York City Construction Codes and all provisions of law. All fabricated items will be of uniform quality with good control in manufacturing. I further certify that all records pertaining to the above shall be on file in my office.

Quality Control Manager (Fabricator)

Name (please print) _____
Signature _____ Date _____

New York State Registered Design Professional for the Approved Quality Assurance Agency
(for fabricators of manufactured homes only)

Name (please print) _____
Signature _____ Date _____

PE/RA Seal (apply seal, then sign and date over seal)

NYC Licensed Trades Certification

I certify that all applicable work for the above referenced project pertaining to my area of responsibility shall be performed in accordance with the approved construction documents, referenced standard and applicable provisions of law. I further certify that all records pertaining to the above shall be on file in my office.

NYC Licensed Plumber (if applicable)

Name (please print) _____
Signature _____ Date _____

NYC Seal (apply seal, then sign and date over seal)

NYC Licensed Electrician (if applicable)

Name (please print) _____
Signature _____ Date _____

NYC Seal (apply seal, then sign and date over seal)

NYC Licensed Welder (if applicable)

Name (please print) _____
Signature _____ Date _____

cc: Project Owner
Project Registered Design Professional
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Attachment B

CERTIFICATE OF COMPLIANCE

Fabricator Information

Fabricator: _____
Address _____
Facility _____
OTCR Fabricator #: _____:

Project Information

Job #: _____
Location: _____

Identification of all Fabricated Items

Quality Manager Certification

I certify that all fabricated items for the above-referenced job were performed in accordance with the approved construction documents, reference standards and applicable provisions of law. I further certify that all records pertaining to the above are on file in my office.

Quality Control Manager (Fabricator)

Name (please print) _____
Signature _____ Date _____

New York State Registered Design Professional for the Approved Quality Assurance Agency (for fabricators of manufactured homes only)

Name (please print) _____
Signature _____ Date _____

PE/RA Seal (apply seal, then sign and date over seal)

NYC Licensed Trades Certification

I certify that all applicable work for the above referenced project pertaining to my area of responsibility was performed in accordance with the approved construction documents, referenced standard and applicable provisions of law. I further certify that all records pertaining to the above are on file in my office.

NYC Licensed Plumber (if applicable)

Name (please print) _____
Signature _____ Date _____

NYC Seal (apply seal, then sign and date over seal)

NYC Licensed Electrician (if applicable)

Name (please print) _____
Signature _____ Date _____

NYC Seal (apply seal, then sign and date over seal)

NYC Licensed Welder (if applicable)

Name (please print) _____
Signature _____ Date _____

cc: Project Owner
Project Registered Design Professional
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