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Buildings

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**BUILDINGS COMMISSIONER LIMANDRI, DESIGN AND CONSTRUCTION
COMMISSIONER BURNEY AND INVESTIGATIONS COMMISSIONER GILL
HEARN ANNOUNCE INCREASED OVERSIGHT OF CONCRETE TESTING AT
CONSTRUCTION PROJECTS IN NEW YORK CITY**

New State-Of-The-Art Lab Will Offer Concrete Testing for all Future City Projects

New DOB Concrete Unit Will Closely Monitor Work of Private Testing Firms

New Protocol Established to Re-Test Concrete at Buildings Named in Indictment

Department of Buildings Commissioner Robert LiMandri, Department of Design and Construction Commissioner David J. Burney, FAIA, and Department of Investigation Commissioner Rose Gill Hearn today announced a new comprehensive program to increase the oversight and evaluation of concrete testing at construction projects throughout the City, including projects funded by the City and private developers. The program includes plans to build a city-owned and operated concrete-testing laboratory, the creation of a new Concrete Unit at the Department of Buildings (DOB) and the implementation of a new concrete re-testing protocol for 82 buildings and construction sites under the City's jurisdiction that were named in the Manhattan District Attorney's Office indictment of Testwell Laboratories and are a part of the Testwell investigation. Testwell has been accused of falsifying concrete-testing documents among other charges, prompting DOB to mandate the re-testing of all construction sites and buildings named in the indictment and other buildings cited in the investigation.

"Concrete testing is a critical component of concrete operations, and the results should affirm the strength and quality of materials used for a building under construction," said Commissioner LiMandri. "However, the integrity of concrete-testing practices has come into serious question, and this new laboratory, as well as a new Concrete Unit and re-testing protocol, are three significant measures to ensure concrete testing procedures are lawful and the concrete used meets a project's specific design requirements. I would like to thank Commissioners Burney and Gill Hearn for their support, and we will continue to work with the Department of Investigation and the Manhattan District Attorney's Office to uncover any allegations of wrongdoing."

"New Yorkers must be confident the City's buildings have been built to exacting standards and that the concrete, not usually visible, was mixed to proper construction specifications," said Commissioner Burney. "DDC is proud to be part of this coordinated

effort to construct, staff and manage a modern lab that will be available to City departments to analyze the concrete used to build our City.”

"The systemic problems exposed in the concrete-testing industry by ongoing investigations are a classic example of corruption's corrosive effect on safety and integrity," said Commissioner Gill Hearn. "These new efforts announced today are a way for the City to obtain reliable information. Any wrongdoing detected by the new City lab will be reported promptly to DOI for investigation, another benefit to having this lab. I commend DOB and DDC for undertaking these initiatives to strengthen construction safety in this City."

New Concrete Testing Laboratory

The new City laboratory, which will be operated by the Department of Design and Construction (DDC) and is expected to open as early as January, will offer testing services to all City agencies responsible for construction projects. The lab will also provide the Department of Buildings (DOB) with an efficient way to independently audit the inspection and testing work of the 35 private concrete-testing firms currently licensed to do business in the City. The laboratory will be housed at an existing warehouse in the Bronx, the same location where one of the City's two Public Safety Answering Centers is being constructed. The laboratory will be equipped to perform all required concrete-testing procedures, including the performance of mix designs and compression tests and the proper storage of cylinders. Under the Building Code, concrete placed at any building under construction in the City is required to be tested to ensure it meets the project's structural design requirements.

In the coming months, DDC will assign employees to the laboratory, including a director, who is required by law to be a licensed design professional with five years of relevant experience. All of the employees must be certified by the American Concrete Institute (ACI), and as of July 1, 2008, concrete-testing laboratories must be accredited by the American Association of State Highway and Transportation Officials (AASHTO) before applying for a concrete-testing license.

New Concrete Unit at the Buildings Department

DOB's new Concrete Unit will focus on concrete-placement and concrete-testing operations at high-rise and low-rise construction sites throughout the five boroughs. The Department reallocated resources to create the unit, which is comprised of two licensed DOB engineers and two construction inspectors, all certified by ACI as field testing technicians. Using a standardized checklist, the unit has begun to perform spot checks of testing procedures at construction sites throughout the City and will audit the work at each private laboratory's facility to ensure proper procedures are being followed regarding testing and the use of equipment. If any wrongdoing is suspected, the Concrete Unit will notify the Department of Investigation and work with its investigators on any subsequent investigation. In the past three months, DOB has refused to renew the licenses of three testing laboratories and the license application of a fourth laboratory. To increase

industry oversight, the Concrete Unit will perform its own concrete field tests and take samples from construction sites so they can be evaluated at the City laboratory and compared with the results of the private testing firms. Until the City laboratory is operational, the Port Authority of New York and New Jersey has agreed to allow DOB to use its testing laboratory to audit the work of private firms.

Re-Testing Protocols for Sites Named in Recent Indictment

Following a series of meetings with more than 50 private licensed engineers associated with sites named in the Testwell indictment, DOB has established a protocol to re-test the concrete at 82 locations cited in the Testwell investigation. This protocol was developed to evaluate whether the concrete meets the design requirements for each individual structure, including the 11 buildings owned by the City and its agencies. All properties within the City's jurisdiction that were referenced in the Testwell indictment will be subject to the following:

- The property owner must obtain the services of a licensed engineer to assess concrete at site;
- The engineer must perform a structural analysis, including visual inspection and a review of existing reports and data from DOB and the Manhattan District Attorney's Office;
- The engineer must perform random re-testing, including taking a minimum set of core samples, for each category and condition of concrete, which includes horizontal and vertical concrete cast conditions, such as slabs, beams, columns and walls, and for areas with different compressive strengths, for each supplier for the project and for each mix with different proportions of materials;
- The total number of concrete tests performed at the site, including core sampling and non-destructive testing, shall not be less than one test per 10,000 square feet of floor area;
- The engineer must perform re-testing, or take core samples, of critical structural members, which support more than 15% of the building area, and from areas where low-strength results and deficiencies are identified in the above analysis;
- The engineer must perform an analysis of re-testing results to determine if the concrete meets design requirements and submit a detailed assessment to the property owner and DOB, as well as plans for any necessary remedial action to be taken.

Because there is no national standard in place to re-test the concrete of an entire building in these unique circumstances, DOB used existing ACI standards to test small, localized areas of a building as a guide in developing the basis for the new protocol. The new protocol has been endorsed by the Concrete Industry Board (CIB), the Structural

Engineers Association of New York (SEAoNY) and the American Council of Engineering Companies of New York (ACEC). DOB has begun to notify affected property owners and developers that they will be required to have some level of re-testing performed. Some already have taken steps to re-test and assess the concrete installed at their sites, and no structural safety concerns have been presented to DOB.

According to the indictment, Testwell Laboratories has been accused of falsifying concrete mix design reports at the beginning of a construction project, as well as field and compression strength tests performed during and at the end of a project. In July, another private firm, Stallone Testing Laboratories, was indicted by the Manhattan District Attorney's Office on charges of falsifying concrete mix design reports. DOB is currently working with property owners named in the Stallone indictment to determine whether a project's final test results meet the structural design requirements. If they do not, the affected property owners will also be required to follow the re-testing protocol.

DOB has denied Testwell's application to renew its concrete-testing license, and a state Supreme Court judge has rejected DOB's denial of the license renewal. DOB is appealing that decision. Last Friday, DOB revoked Stallone's concrete-testing license, prohibiting them from testing concrete in the City.

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