

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 1, 2007

TO: CODE ENFORCEMENT STAFF
ALL CODE ENFORCEMENT CUSTOMERS

FROM: JOHN D. CATLETT, MCP, DIRECTOR *JDC*
CODE ENFORCEMENT BUREAU

SUBJECT: THIRD PARTY INSPECTION PROCEDURES

I. Purpose

The purpose of the Alexandria Code Enforcement Bureau (ACEB) Third Party Inspection Program (TPIP) is to establish:

- When Third Party inspections (TPI) can be utilized;
- The minimum criteria to become a pre-qualified Third Party Inspector;
- The minimum criteria to maintain pre-qualification as a Third Party Inspector;
- The processes of conducting TPI including obtaining approval for a specific inspection, scheduling and reviewing previous inspection;
- The process of submitting the third party inspection report; and
- Disciplinary and revocation procedures.

**II. Virginia Uniform Statewide Building Code:
Basis for Third Party Inspections**

Third Party inspections are not allowed by right in the 2003 Virginia Uniform Statewide Building Code (USBC). Unlike Special Inspections which are mandated by Section 111.2 for critical construction elements, Third Party Inspections are intended to augment inspections mandated by 2003 USBC Sections 113.3 and 113.4 which are performed by the local building department. It is important to note that the USBC allows the use of third party inspectors, but the locality has the authority to establish when they can be used, the procedures for their use, qualifications of the inspectors and the procedures for inspection documentation.

Although the 2003 USBC establishes the criteria for the application and approval of inspection agencies, the proposed 2006 USBC language will provide additional guidance and will be the basis of the Alexandria Code Enforcement Bureau TPIP. The proposed 2006 USBC language is as follow

113.7 Approved inspection agencies. The building official may accept reports of inspections and tests from individuals or inspection agencies approved in accordance with building official's written policy required by Section 113.7.1. The individual or inspection agency must meet the qualifications and reliability requirements established by the written policy. Under circumstances where the building official is unable to make the inspection or test required by Sections 113.3 or 113.4 within two working days of a request or an agreed upon date, or if authorized for other circumstances in the building official's written policy, the building official shall accept reports for review. The building official shall approve the report from such approved individuals or agencies unless there is cause to reject it. Failure to approve a report shall be in writing within two working days of receiving it stating the reason for the rejection. Reports of inspections conducted by approved third party inspectors or agencies shall be in writing, shall indicate if compliance with the applicable provisions of the USBC have been met and shall be certified by the individual inspector or responsible officer when the report is from an agency.

Note: Photographs, videotapes or other sources of pertinent data or information may be considered as constituting such reports and tests.

113.7.1 Third-party inspectors. Each building official charged with the enforcement of the USBC shall have a written policy establishing the minimum acceptable qualifications for third-party inspectors. The policy shall include the format and time frame required for submission of reports, any prequalification or pre-approval requirements before conducting a third party inspection; and any other requirements and procedures established by the building official.

113.7.2 Qualifications. In determining third party inspector qualifications, the building official may consider such items as Virginia Department of Housing and Community Development inspector certification, other state or national certifications, state professional registrations, related experience, education, and any other factors which would demonstrate competency and reliability to conduct inspections.

III. Use of Third Party Inspections

In all instances, Third Party Inspections shall be by an agency or individual that has met the minimum qualifications and experience, and has been pre-qualified in advance of the request. The permit holder is responsible for all costs associated with the services of the Third Party Inspector.

There are two general categories for possible approved use of Third Party Inspections.

A. Large Scale Development/Special Project

In this model, Third Party Inspections are intended to replace the day-to-day inspections normally conducted by the ACEB. These projects, due to their large scale, would place excessive demand on daily inspection services provided by the Bureau and in turn cause delays to construction project and other ACEB customers.

There shall be agreement by ACEB (and applicable City agencies) that this level of service is necessary. In addition to paying the Third Party Inspection services directly for the cost of inspections, the developer shall be responsible for all normal permit fees and shall pay any additional actual cost associated with providing additional City of Alexandria services deemed necessary. These requirements and the specific process related to when and how TPIs may be utilized on such project shall be specified in an agreement provided before the project begins.

Projects that may utilize this option include:

- Mixed use development projects exceeding one million square feet; or
- R-2 (building code use group) development projects exceeding one hundred units; or
- When approved by the Code Enforcement Director.

In this model, Reports of inspections shall be as directed by the Code Enforcement Director.

B. Augmentation of Alexandria Code Enforcement Bureau Services

This shall include any scenario where the ACEB cannot provide inspection services within two working days of the request, special circumstances that may include the need for services outside of normal working hours (which may include periods of inspector training and holidays) or when it is determined that Third Party providers can be utilized to increase production by augmenting ACEB personnel due to project delays.

In these situations, no TPI should be performed until pre-approval is obtained. The request to perform a Third Party Inspection must be approved at least one working day (two days preceding a holiday) in advance of the need. A minimum of two working days (three preceding a holiday) are required to evaluate a request when the provider has not been previously approved by the ACEB. The procedure to obtain pre-approval for an inspection is outlined in Section IX below.

Projects requiring continuing augmentation of ACEB services may be allowed to utilize the Large Scale Development/Special Project model if agreed to by the Code Enforcement Director.

Third Party Inspection Limitations

Third Party Inspections will not routinely replace ACEB inspections conducted during the normal course of a business day. They may be utilized only for special circumstances as noted above or as agreed to for Large Scale Development/Special projects.

Unless the service is provided as part of a Large Scale Development/Special Project or an on-going augmentation project previously approved, each inspection and third party inspector shall be approved in advance.

Third party inspections conducted after the failure of the ACEB to provide services within two working days as specified in USBC Section 113.7 shall require ACEB pre-approval of the inspection and agent performing the inspection.

Due to the many special requirements found in various City of Alexandria ordinances/procedures and as a final measure of quality assurance, Third Party Inspection will not be approved for Certificate of Occupancy inspections.

IV. Third Party Inspector Qualifications

The Third Party Inspectors must demonstrate the knowledge, skills and abilities to perform inspections in their area of expertise. Not only must they demonstrate a technical knowledge of the code and trade they inspect, they must also demonstrate that they have applicable knowledge of the USBC, ACEB policy and other applicable city regulations and procedures.

Third Party Inspectors must provide the following for evaluation and pre-qualification purposes to the New Construction Supervisor responsible for the project:

- A letter of request for evaluation. The letter must include the specific area of inspection approval sought;
- Resumes and copies of applicable certifications for each individual that may be performing inspections;
- A Request for Modification form and the applicable fee to document the alternative inspection process. This requirement will be waived for Large Scale Development/Special Project models.

Upon completion of this review, a recommendation will be forwarded to the ACEB Deputy Director (or his/her designated agent) for final action. Pre-qualification shall be in writing from the ACEB.

Exception: Registered Design Professionals with Virginia credentials clearly practicing in their area of qualification and experience are not required to seek pre-qualification of their inspection qualifications. The written request to perform the inspection shall contain the RDP seal so that their professional registration can be verified. This exception does not extend to employees of the RDP. Except for Large Scale Development/Special Projects, Registered Design Professionals will still need to seek pre-approval for specific inspections. Also, specific knowledge and skills may still need to be demonstrated for an approval.

Example:

A Virginia licensed structural engineer may be approved to perform footing, foundation and specific structural evaluations. However, to perform a framing inspection, the engineer will also need to demonstrate adequate knowledge of the non-structural provisions of the code. This may include applicable ICC or Virginia certification in the specific area of inspection.

Certification

The following shall serve as minimum qualifications for all Third Party Inspectors:

1. Virginia Department of Housing and Community Development certification(s) as an inspector in the specific area(s) of inspections performed; or
2. National (ICC) certification(s) as an inspector in the specific area(s) of inspections performed (to include documented attendance at the Virginia Building Code Academy CORE module within six months); or
3. A registered design professional practicing within their area of competency as related to the area of inspection; or
4. Individuals or firms approved to perform special inspection as specified in USBC Section 111.2 within their area of qualification, competency and operating under the direction of a Virginia RDP.

Experience

The TPI applicant must demonstrate knowledge of the applicable technical provisions, the administrative provisions of the USBC and ACEB policies and other applicable City of Alexandria regulations by demonstrating the following minimum experience:

- A minimum of five years of experience conducting inspections within the specific area of expertise as regulated by the USBC and the Virginia Certification Standards; or
- An endorsement or documentation of adequate performance from a local building official validating the applicant's experience and qualifications; or

- Applicants may also submit for consideration additional qualifications to substantiate equivalent experience. This may include engineers in training that include a college degree in subject area augmented with field inspection experience and supervision of a Virginia RDP; or
- Applicants may substitute two years of field construction supervision experience (with Virginia Master Tradesman card where applicable) for each one year of field inspection experience if it is relevant to the area of inspections being sought for approval. Field construction supervision experience may replace up to three of the five years of inspection experience; or
- Documented approval by a Virginia locality when the locality's program has been deemed Code Enforcement Director to be equivalent to this policy; or

However, the ACEB Director (or his designated agent) reserves the right to require more than the above minimum requirements in specific situations, in his sole discretion.

Independence

Third Party Inspectors must be able to demonstrate and maintain independence from any person or firm responsible for construction of work they will inspect. The Third Party Inspector shall have no financial or personal relationship with the property owners, designers, permit holders, contractors or sub-contractors being inspected. The Third Party Inspector shall not have:

- (a) Accepted monies or any other thing of value other than remuneration for third party inspection; or
- (b) Performed services or other work other than third party inspections for the property owners, designers, permit holders, contractors or sub-contractors being inspected for a period of 2 years prior to performing such inspection.

The Third Party Inspector must always maintain a high degree professionalism, neutrality and autonomy necessary to secure the health, safety and welfare provisions of the USBC. Although paid by the developer, the third party inspector is ultimately responsible to the Director of the ACEB.

If the Third Party Inspector discovers any attempts by the responsible party to cover or conceal discrepancies or rejected work, the Inspector shall immediately contact ACEB. The Third Party Inspector shall not perform any further TPIs on such job site until approval is obtained from ACEB.

Temporary Qualification

Persons or firms currently qualified to provide inspections for Large Scale/Special Projects may continue to operate if they do not meet these requirements until their contract is renewed or the project on which they are presently working is completed.

V. Insurance Requirement

The applicant must submit proof of General Liability Insurance and/or Professional Errors and Omissions Insurance equal to the minimum dollar value of the permit or \$1,000,000 limit for each occurrence, whichever is less. The insurance company must state that they will provide a thirty day cancellation notice to the ACEB. The applicant must agree to sign any and all releases to allow the ACEB to verify coverage.

VI. Local Business License

The person or agency performing third party inspections shall provide documentation of an appropriate Business, Professional and Occupational License as required by the Code of the City of Alexandria. If a license is required, a copy of the license shall be provided before pre-qualification.

VII. Training and Meetings

Third Party Inspectors that seek to maintain a pre-qualified status or are providing continuous inspection services shall have at least one qualified company representative attend designated ACEB New Construction/Plan Review staff meetings conducted for the purpose of updating third party providers.

All Qualified inspectors shall attend the following training to maintain their approval:

- Any Virginia Department of Housing and Community Development code update or mandated training; and
- Any required training to maintain a professional license or certification.

VIII. Annual Renewal of Third Party Inspector Qualification

To maintain pre-qualification to conduct third party inspections, the TPI shall submit one month before their qualification anniversary date the following:

- Proof of attendance at any mandatory training to maintain professional qualifications; and
- Proof of the required insurance; and
- Proof of Business License.

Failure to submit the above documentation will result in the suspension of pre-qualified status and suspension of inspection privileges. The applicant will be required to be re-qualified before being authorized to perform inspection.

IX. Inspection Scheduling

Third Party Inspections shall be scheduled by the established procedures below:

For Large Scale Development/Special Projects

Inspection requests for Large Scale Development/Special Projects will be scheduled directly by the general contractor. The process will be reviewed and a procedure approved at a mandatory Third Party Inspection preconstruction meeting conducted by the ACEB.

All Other Third Party Inspections

Unless otherwise directed, inspections must be requested by using the automated scheduling system and documented as any other ACEB performed inspection. An inspection code shall be provided to the permit holder and/or the TPI so that the inspection request can be identified by the applicable New Construction Supervisor that it will be performed by an approved TPI.

It shall be the responsibility of the pre-qualified Third Party Inspector to contact the Bureau before conducting an inspection as noted in this policy. If the agent performing the inspection is pre-qualified, the applicable New Construction Supervisor, Deputy Director, Supervisory Engineer or Director may approve the inspection. The inspection shall not be authorized if the ACEB can perform the inspection within two working days and during normal working hours. **No inspection should be performed without pre-inspection approval.**

X. Inspection and Inspection Reports

Inspections shall be conducted in accordance with the Virginia Uniform Statewide Building Code and this program. The Third Party Inspector is not authorized to approve any construction field changes and must make sure that the approved plans are strictly followed

The Third Party Inspector's field report shall be shall legibly include:

- The Third Party Inspector's name, address and phone number;
- The name of the pre-qualified agent if different from above;
- The building permit number and applicable trade permit number;
- Street address and/or lot number;

- Inspection type;
- Date and time of the inspection;
- Verification that previous rejection discrepancies were known, reviewed, and approved or rejected where applicable;
- The inspection results with deficiencies properly identified.
- A statement that reads "This inspection report is subject to review and approval by the City of Alexandria Code Enforcement Bureau. Construction is not to proceed until inspection validation is assured."

Unless terms for report submissions are negotiated for continuing third party inspections on a specific project, a copy of the Third Party Inspector's field inspection report shall be hand delivered, faxed or emailed to the ACEB by the close of business the next working day after the inspection.

The original report must be received by the ACEB within five working days of the inspection unless it is associated with a Large Project Development/Special Project. It shall be signed, (sealed when the inspection is performed by a Special Inspector or RDP) and dated.

Any inspection deficiencies must be identified with sufficient detail and applicable code sections so as to facilitate proper record keeping of the inspection results and to assist any inspector conducting a re-inspection. Failed inspection reports must be submitted to the ACEB.

The ACEB shall review inspection reports to assure that the construction inspected is in compliance with the USBC. Inspection reports rejected by the ACEB for cause shall be in writing to the permit holder within two days of receipt of the written inspection report. The written notice shall provide the reason for the rejection, any concerns raised through the inspection process and the terms to achieve compliance and remedy the rejection. Unless the permit applicant is notified by the ACEB that the report is either still under review or has not been reviewed within two working days of receiving it, the report shall be considered approved after the two working day review period.

The ACEB reserves the right to perform quality assurance (QA) inspections without prior notice to evaluate the performance of the Third Party Inspector. The interval shall be determined by the ACEB and shall be at least weekly for projects utilizing continuing Third Party Inspection. Deficiencies noted during the QA inspections must be addressed by the person responsible for performing the work and the Third Party Inspector. Violations that may be subsequently found by the ACEB which may have been missed by the Third Party Inspector must be corrected before work that may conceal the violation can proceed.

It will be the responsibility of the Third Party Inspector to verify that all required inspections have been completed, passed and approved before sequential inspections may be performed (i.e., ground plumbing to be done before a slab inspection or footings done before a poured concrete wall inspection) and that any previous discrepancies were corrected.

XI. Third Party Inspector Revocation of Qualification

The Code Enforcement Director (or designee) may suspend or revoke for cause the inspection privileges of a pre-qualified Third Party Inspector. Any decision rendered by the Director may be appealed to the Local Building Code Appeals Board following the appeals provisions established in the USBC.

A Third Party Inspector shall receive a written notice and/or may be suspended or removed from Third Party Inspection pre-qualified status for any of the following:

1. Failure to maintain required certifications or licenses;
2. Failure to maintain the minimum required insurance;
3. Failure to adhere to the requirements for inspection scheduling or reporting, including pre-approval;
4. Failure to perform proper inspections in accordance with the Virginia Uniform Statewide Building Code, ACEB written policy, other City of Alexandria regulations and this program;
5. Failure to attend required training or meetings that are required by this program;
6. Failure to follow the written directives of the ACEB when unacceptable inspection practices or results are identified;
7. Evidence of misrepresentation of fact that led to pre-qualification by the ACEB;
8. Failure to maintain independence from the individuals or firms responsible the construction being inspected;
9. Failure to have ACEB pre-qualified third party personnel performing inspections;
10. Failure to follow all policy memos issued by the ACEB related to Third Party Inspections;
11. Falsification of any reports;
12. Any act or omission that is deemed by the ACEB to violate the letter or spirit of this policy or any laws or ordinances of the Federal Government, Commonwealth of Virginia or City of Alexandria.

Failure to strictly comply with all terms of the above-policy may result in inspection reports being rejected, remediation as required by the Director of the City of Alexandria Code Enforcement Bureau, and suspension or termination of pre-qualified Third Party Inspector status.

Provisions of this policy are subject to the applicable appeal provisions of the USBC.

cc: Russell Middleton, Interim Fire Chief