



The
City
of
New York

Issuance # 369

DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
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OPERATIONS
POLICY AND PROCEDURE NOTICE # 18/92

TO: Distribution

FROM: Barry G. Cox

DATE: September 1, 1992

SUBJECT: Withdrawals of Licensed Professionals from Their
Responsibility to Perform Controlled Inspections
and/or Directive 14 Final Inspections

Purpose:

To establish a uniform procedure enabling a Professional Engineer (P.E.) or Registered Architect (R.A.) to withdraw from his/her responsibility to file a TR-1 after a work permit has been issued.

Specifics:

Applicant:

The P.E. or R.A. who has agreed to perform a controlled inspection or a Directive 14 final inspection must submit to the Borough Commissioner/Superintendent a signed written statement expressing his/her intention to withdraw from a job at a specific date in the future. The effective date of such withdrawal must be at least 30 days, but not more than 90 days, from the date the P.E. or R.A. notifies Buildings of his/her intention to withdraw.

Satisfactory documentation must accompany such a statement establishing that the P.E. or R.A. has notified the owner of his/her intention to withdraw.

The statement must identify the job, describe the work completed to date, if any, and a clear recognition by the P.E. or R.A. that he/she is responsible for the work so described until the effective date of his/her withdrawal. Photographs documenting the work description should also be provided.

On the effective date of the withdrawal, the statement must be updated to incorporate any work that was undertaken since the initial notification to the Buildings Department of the P.E. or R.A.'s intention to withdraw.

In those cases where a P.E. or R.A. cannot gain access or is prevented from gaining access to the job site, a signed statement to this effect, together with satisfactory documentation notifying the owner, may be accepted by the Borough Commissioner/Superintendent in lieu of the above documentation.

Borough Offices:

Upon receipt of the P.E. or R.A.'s statement described above, the Borough Commissioner/Superintendent shall either accept it or reject it for cause.

If the statement is accepted, the Borough Commissioner/Superintendent shall send a copy to the owner of the premises involved informing him/her that work shall cease on the effective date of the withdrawal by the P.E. or R.A. and the work permit will be revoked unless he/she retains a P.E. or R.A. to assume responsibility for the controlled inspection(s) and/or final inspection(s).

The Borough Commissioner/Superintendent may order an inspection to confirm the facts described by the P.E./R.A. in his/her statement and note any discrepancies. A second inspection may be made at the effective date of the P.E. or R.A.'s withdrawal.

The Borough Commissioner/Superintendent shall stop all work and revoke the work permit if a superseding P.E. or R.A. has not filed with the Buildings Department as of the effective date of the initial P.E. or R.A.'s withdrawal.

If the P.E. or R.A.'s statement is an affidavit indicating he/she has been denied access to a job site, the Borough Commissioner/Superintendent will immediately send to the owner a letter stating the job will be stopped in 10 days unless access is made available to the P.E. or R.A. or a new P.E. or R.A. is retained and takes responsibility for the controlled inspection and/or formal inspection.

If the statement of withdrawal lists any work that the withdrawing P.E or R.A. contends deviates from the approved plans or proper construction methods, the Borough Commissioner/Superintendent should order an immediate inspection to determine whether the work has so deviated. If such deviation has been confirmed, then the Borough Commissioner/Superintendent should issue an immediate stop work order or a ten-day letter, depending on the extent of such deviation.

In those cases where the Borough Commissioner rejects the P.E. or R.A.'s statement expressing his/her intention to withdraw from the job because the statement is substantively deficient, work will continue until such time as a statement acceptable to the Buildings Department is submitted.

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