



BUILDINGS BULLETIN 2014-003

Operational

Supersedes: None

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Director, Office of Technical Certification and Research

Issuance Date: January 27, 2014

Purpose: This bulletin clarifies the process for inspecting, monitoring and certifying modular units.

Related Code/Zoning Section(s):

| | | | |
|-----------|---------------|---------------|---|
| AC 28-113 | EC 27-3014 | 1 RCNY 101-12 | NYS Executive Law Art. 18, Sect. 383(c) |
| AC 28-408 | BC 1704.2.2 | TPPN 6/88 | Title 19 NYCRR Part 1209 |
| AC 28-410 | 1 RCNY 101-06 | BB 2011-009 | |

Subject(s): Modular construction, modular unit, certification; Modular construction, progress inspection; Modular construction, special inspection; Modular construction, installation; Modular construction, New York City Licensee; Modular construction, licensee certification; Modular construction, log; Modular construction, monitor statement; Modular construction, monitor certification; Licensed Master Plumber; Licensed Master Fire Protection Piping Contractor; Licensed Oil Burning Equipment Installer; Licensed Electrician

I. Background

For the purposes of this bulletin, modular units are component parts assembled at a location other than the construction site and which are then transported to the construction site for installation. The requirements by this department for modular units vary based on the scope and extent of the construction project. Therefore, it is recommended that applicants contact the Office of Technical Certification and Research (OTCR) early in the design process to review the requirements. Modular units included in this bulletin are not listed items pursuant to section AC 28-113.2.3.

This bulletin establishes the procedures for certifying New York City code-compliance for modular units that contain assemblies that would require:

- New York City licensed trades such as master plumbers, master fire protection piping contractors, oil burning equipment installers or electricians if the work were to be performed on-site.
- progress or special inspection if the work were to be performed on-site.

This Bulletin does not address modular units intended for use as one- or two family dwelling units or multiple dwellings of not more than two stories in height pursuant to Article 18, Section 383(c) of the New York State Executive Law and 19 NYCRR Part 1209. For such projects, please see Technical Policy Procedure Notice 6/88: http://www.nyc.gov/html/dob/html/codes_and_reference_materials/bulletin_ppn_memo.shtml.

Lastly, this bulletin does not preclude an application to OTCR for a universal acceptance criteria for modular work (see, for example, Buildings Bulletin 2011-004, establishing a protocol for pre-assembled wind turbine product assemblies).

II. Modular units with plumbing, fire suppression piping, electrical or oil-burning equipment assemblies

The owner may elect one of two methods of certifying code-compliance for modular units that contain assemblies that would require New York City licensed trades such as master plumbers, master fire suppression piping contractors, oil-burning equipment installers or electricians if the assembly were performed on-site.

- A. Certification by Licensees. In this option the owner hires the appropriate New York City licensees, who will perform all work with employees under the licensees' direct and continuing supervision. The licensees submit signed certifications attesting to the modular units' technical code compliance with respect to the applicable work. In order to use this option, the following steps must be followed:
1. Prior to construction document approval. The owner or applicant of record (professional engineer or registered architect) must apply to OTCR (280 Broadway, 7th Floor, New York, NY 10007) for site-specific acceptance accompanied by a licensed trade statement(s), (OTCR2, accompanied by Exhibit 1). Upon acceptance by OTCR, OTCR staff will B-scan the acceptance letter to the job folder and satisfy the applicable "prior to approval" required item in BIS.
 2. During off-site assembly of modular units. All applicable work must be performed by NYC licensees and employees under the licensees' direct and continuing supervision. Such licensees must maintain records and logs, demonstrating technical code compliance for each modular unit, for at least six years from the date of the issuance of the final certificate of occupancy and shall make records available to the Department upon request.
 3. Prior to delivery to the construction site. Licensee Certification(s), signed and sealed by the licensee(s), attesting to the technical code compliance for that specific modular unit, shall be submitted to OTCR (280 Broadway, 7th Floor, New York, NY 10007). (Exhibit 2) Upon acceptance by OTCR, OTCR staff will B-scan the letter(s) to the job folder in BIS.
 4. During delivery to the construction site. Each modular unit delivered to the construction site shall be accompanied by a copy of the applicable Licensee Certification(s) in item 3, above. Such certification(s) shall be made available to DOB and FDNY inspectors prior to installation of the modular unit and shall be maintained at the job site until signoff. If the modular unit is not accompanied by the Licensee Certification(s), DOB may issue a Stop Work Order to prevent the unit's installation.
 5. On-site work. All work that take place on the construction site necessary for connecting the modular units must be performed by applicable New York City licensees pursuant to a work permit covering such connections.
- B. Certification by in-shop monitor. In this option the owner hires an in-shop monitor(s) acceptable to the OTCR, who submits signed certifications attesting to the modular units' technical code compliance with respect to the applicable work. In order to use this option, the following steps must be followed:
1. Prior to construction document approval. The owner or applicant of record (professional engineer or registered architect) must apply to OTCR (280 Broadway, 7th Floor, New York, NY 10007) for site-specific acceptance of a quality control and inspection program accompanied by an in-shop monitor statement(s) (Form OTCR2 accompanied by Exhibit 3). In most cases, the in-shop monitor(s) must be either a New York State licensed

professional engineer or a New York City licensee. Upon acceptance by OTCR, OTCR staff will B-scan the acceptance letter to the job folder and satisfy the applicable “prior to approval” required item in BIS.

2. During off-site assembly of modular units. All applicable work must be monitored by the in-shop monitor(s) who must certify to the units’ compliance with all applicable technical code requirements. In-shop monitors must maintain records and logs, demonstrating code compliance for each modular unit, for at least six years from the date of the issuance of the final certificate of occupancy and shall make records available to the Department upon request.
3. Prior to delivery to the construction site. Monitor Certification(s), signed and sealed by the monitor(s), attesting to the code compliance for that specific modular unit, shall be submitted to OTCR (280 Broadway, 7th Floor, New York, NY 10007). (Exhibit 4) Upon acceptance by OTCR, OTCR staff will B-scan the letter(s) to the job folder in BIS.
4. During delivery to the construction site. Each modular unit delivered to the construction site shall be accompanied by a copy of the applicable Monitor Certification in item 3, above. Such certification(s) shall be made available to DOB and FDNY inspectors prior to installation of the modular unit and shall be maintained at the job site until signoff. If the modular unit is not accompanied by the Monitor Certification(s), DOB may issue a Stop Work Order to prevent the unit’s installation.
5. On-site work. All work that take place on the construction site necessary for connecting the modular units must be performed by applicable New York City licensees pursuant to a work permit covering such connections.

III. Modular units requiring special and/or progress inspections

Modular units often contain work subject to special and/or progress inspection requirements pursuant to the New York City Construction Codes. Specific procedures, set forth below, must be followed with respect to modular units.

- A. Inspections performed during assembly. Except for special inspections exempted pursuant to an approved fabricator program as described in item B below, all special and progress inspections requirements of the New York City Construction Codes are applicable to modular units. Special and progress inspectors are expected to travel to the assembly locations and perform all applicable required inspections, and to maintain records that refer to the modular unit numbers inspected. The duties and responsibilities of the special and progress inspection agencies must be performed in accordance with 1 RCNY 101-06 and 1 RCNY 101-07, respectively.
- B. Exemption from Special Inspections. The assembly of components for modular units may be exempt from certain special inspection requirements if an approved fabricator approval has been issued in accordance with section BC 1704.2.2 prior to the commencement of the assembly work. In order to obtain such an exemption, the following steps must be followed:
 1. Prior to commencement of the assembly of components for modular units.
 - a. The manufacturer must obtain approved fabricator status from OTCR in accordance with [Buildings Bulletin 2011-009](http://www.nyc.gov/html/dob/downloads/bldgs_bulletins/bb_2011-009.pdf) (http://www.nyc.gov/html/dob/downloads/bldgs_bulletins/bb_2011-009.pdf).
 - b. The approved fabricator must submit a Certificate(s) of Intent to Fabricate (Buildings Bulletin 2011-009, Attachment A) within two weeks after the issuance of the work permit associated with the onsite construction project, in accordance with

Buildings Bulletin 2011-009. Such certificate(s), certifying that work on modular units will be of uniform quality with good control in manufacturing and that work will be performed in accordance with the approved construction documents and applicable provisions of the law, shall be submitted to OTCR (280 Broadway, 7th Floor, New York, NY 10007). Upon acceptance by OTCR, OTCR staff will B-scan the letter to the job folder and satisfy the applicable required item in BIS.

2. During off-site assembly of modular units. The approved fabricator is authorized to assemble modular units pursuant to the OTCR approval previously issued to that fabricator under Buildings Bulletin 2011-009.
 3. After completion of the assembly of components for the modular units. The approved fabricator must submit a Certificate(s) of Compliance (Buildings Bulletin 2011-009, Attachment B) within two weeks after completion of work, in accordance with Buildings Bulletin 2011-009. Such certificate(s), certifying that work was performed in accordance with the approved construction documents and applicable provisions of law, shall be submitted to OTCR (280 Broadway, 7th Floor, New York, NY 10007). Upon acceptance by OTCR, OTCR staff will B-scan the letter to the job folder and satisfy the applicable required item in BIS.
- C. On-site Special Inspections. All special inspections required as part of connecting the modular units on-site per BC Chapter 17 must be performed by applicable New York City special inspection agencies.

Exhibit 1 “NYC Licensee Statement Template”

(completed by licensee performing assembly work and submitted with OTCR 2 application)

[Date]

Alan Price, PE
Director, Office of Technical Certification and Research (“OTCR”)
280 Broadway, 7th Floor
NYC Department of Buildings
New York, NY 10007

Re: NYC Licensee used for Off-Site Modular Assembly
[Project Street Address]
[City, State Zip] [Block and Lot#]
New Building (NB) Job No. [####]

Mr. Price,

Please be advised that I, [Name of NYC licensee], [Licensed Trade(s) and License Number(s)], under [business name] have been designated by the Owner/Applicant as a licensee who will perform off-site assembly work for the above-referenced project. This project will incorporate modular construction. I will follow the provisions of the NYC Administrative Code relating to the performance of trade work and acknowledge that the plumbing/fire suppression/oil burning equipment/electrical [select applicable trades] assembly will be performed by me or by an employee of the business associated with my Department of Buildings issued license working under my direct and continuing supervision during in-shop fabrication of the modular units identified below:

| Modular Unit Identification Number(s) and location description. |
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I understand that the assembly of modular units must comply with all applicable technical provisions of the NYC Administrative Code and all relevant Department rules and regulations applicable to these assemblies. I also understand that I must maintain records and logs demonstrating such compliance for each modular unit for at least six years from the date of the issuance of the final certificate of occupancy and make these documents available to the Department upon request. Further, I understand that all progress and special inspections must be performed in accordance with the Code.

I also agree to notify OTCR immediately if any conditions, as outlined above, change during the assembly process.

I certify that the statements made herein are accurate and understand that falsification of any statement may subject me to criminal charges, including but not limited to, a misdemeanor punishable by a fine or imprisonment or both and that I may also be subject to disciplinary action by the Department of Buildings.

Regards,

[Name]
[Title]
[Company Name]
(seal)

[Date]

Exhibit 2- “Licensee Certification Template”
(submitted on Licensee’s Business Letterhead)

[Date]

Alan Price, PE
Director, Office of Technical Certification and Research (“OTCR”)
NYC Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

Re: Licensee Certification for Modular Units
Project Location:
[Project Street Address]
[City, State Zip] [Block and Lot#]
New Building (NB) Job No.: [####]

I, [Name of NYC licensee], [Licensed Trade(s) and License Number(s)], under [business name], have been designated as a licensee by the Owner/Applicant under the OTCR Site Specific acceptance for the above-referenced premises, to perform the assembly of [plumbing/ fire suppression/ /oil burning equipment/electrical] (select applicable trade(s)) components for the modular units assembled at the following off-site factory:

Factory/Manufacturer _____
Office Address _____
Plant Location _____

I hereby certify that I, and the employees of the business associated with my DOB trade license(s), assembled [plumbing/ fire suppression/ /oil burning equipment/electrical] (select applicable trade(s)) components for the modular units identified in the attached log(s) between [DATE] and [DATE] and that they comply with the applicable technical requirements of the NYC Administrative Code and all relevant Department rules and regulations applicable to these [plumbing/ fire suppression/ oil burning equipment /electrical] (select applicable trade(s)) assemblies:

I certify that the statements made herein are accurate and understand that falsification of any statement may subject me to criminal charges, including but not limited to, a misdemeanor punishable by a fine or imprisonment or both and that I may also be subject to disciplinary action by the Department of Buildings.

[Name]
[Title]
[Company Name]
(seal)

[Date]

Exhibit 3 “Monitor Statement Template”

(completed by licensee/engineer monitoring assembly and submitted with OTCR 2 application)

[Date]

Alan Price, PE
Director, Office of Technical Certification and Research (“OTCR”)
280 Broadway, 7th Floor
NYC Department of Buildings
New York, NY 10007

Re: Monitor used for Off-Site Modular Assembly
[Project Street Address]
[City, State Zip] [Block and Lot#]
New Building (NB) Job No. [####]

Mr. Price,

Please be advised that I, [name of monitor], [P.E. and license number / Trade(s) and license number(s)], have been designated by the Owner/Applicant as in-shop monitor who will monitor the assembly of [plumbing/ fire suppression/ /oil burning equipment/electrical] (select applicable trade(s)) components for the modular units identified below:

| Modular Unit Identification Number(s) and location description. |
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I understand that the assembly of modular units must comply with all applicable technical provisions of the NYC Administrative Code and all relevant Department rules and regulations applicable to these assemblies. I also understand that I must maintain records and logs demonstrating such compliance for each modular unit for at least six years from the date of the issuance of the final certificate of occupancy and make these documents available to the Department upon request. Further, I understand that all progress and special inspections must be performed in accordance with the Code.

I also agree to notify OTCR immediately if any conditions, as outlined above, change during the assembly process.

I certify that the statements made herein are accurate and understand that falsification of any statement may subject me to criminal charges, including but not limited to, a misdemeanor punishable by a fine or imprisonment or both and that I may also be subject to disciplinary action by the Department of Buildings.

Regards,

[Name]
[Title]
[Company Name]
(seal)

[Date]

Exhibit 4- Monitor Certification Template

(submitted on In-Shop Monitor's Letterhead)

[Date]

Alan Price, PE
Director, Office of Technical Certification and Research ("OTCR")
NYC Department of Buildings
280 Broadway, 7th Floor
New York, NY 10007

Re: Monitor Certification for Modular Units
Project Location:
[Project Street Address]
[City, State Zip] [Block and Lot#]
New Building (NB) Job No.: [#####]

I, [name of monitor] _____, [P.E. and license number / Trade(s) and license number(s)], have been designated as the in-shop monitor by the Owner/Applicant under the OTCR Site Specific acceptance for the above-referenced premises, to monitor the assembly of [plumbing/ fire suppression/ /oil burning equipment/electrical] (select applicable trade(s)) components for the modular units, assembled at the following off-site factory:

Factory/Manufacturer _____
Office Address _____
Plant Location _____

I hereby certify that I monitored the assembly of the modular units identified in the attached log(s) between [DATE] and [DATE] and that they comply with the technical requirements of the NYC Administrative Code and all relevant Department rules and regulations applicable to these [plumbing/ fire suppression/ oil burning equipment /electrical] (select applicable trade(s)) assemblies.

I certify that the statements made herein are accurate and understand that falsification of any statement may subject me to criminal charges, including but not limited to, a misdemeanor punishable by a fine or imprisonment or both and that I may also be subject to disciplinary action by the Department of Buildings.

[Name]
[Title]
[Company Name]
(seal)

[Date]

