



# The Practicing Institute Of Engineering, Inc.

## Minutes of Meeting

The Practicing Institute of Engineering, Inc.  
NYCDOB SIA Accreditations Subcommittee  
Thursday December 17, 2009 4:00pm

### MEETING LOCATION:

380 LEXINGTON AVENUE, 17<sup>TH</sup> FLOOR, NEW YORK, NY 10017

CONTACT: RUDI O. SHERBANSKY (212) 551-1069

### **1. Introductions:**

Present were;

Larry O'Connor, PIE VP – Operations, McLaren Engineering

Al Brand, Mueser Rutledge

Bill Rodwick, PIE President, MTA NYC Transit

Joe Pasaturo, AVT Enterprises

Tom Szekely, Szekely Engineering

Kaspal Thumma, New Code Consultants

Hadi Djohan, Brooker Engineering

N'nana Oti, Wyth/Pfizer Global Operations

Rudi O. Sherbansky, ASPA Group

Notice of the meeting was given by email blast on, December 14<sup>th</sup>, 2009.

### **2. Goal of This SIA Committee:**

To investigate and report on the feasibility of becoming recognized to accredit Special Inspection Agencies [SIA] as required by the NYC Department of Buildings [DOB].

During the subject meeting, the committee discussed in broad strokes, the general steps necessary for PIE to become an SIA accreditation body, which are specified in International Standard ISO 17011 publication by the International Standards Organization [ISO].

- 3. PIE Letter by Larry O'Connor, date 12/1/09** – Containing a Summary of Progress and Status Quo of PIE's inquiry into the subject SIA Accreditation Program: - All committee members reviewed the subject letter prior to the meeting.



#### **4. SIA Survey of NYSSPE Members.**

Prior to the subject meeting a survey of NYSSPE members in the downstate counties who perform or are likely to perform special inspections in NYC was conducted by the PEs in Construction Division [PEC] of NYSSPE. The purpose of the survey was to assist PIE in evaluating the option of becoming recognized under ISO/IEC 17011 to be able to accredit IBC Special Inspection Agencies. Our members' answers will help us to determine if there is a need for PIE to develop such a program. The results of the survey will be published by PEC during the last week of December 2009.

#### **5. On the Issue of: Discussion of Objectives, Benefits and draw-backs**

Al stated that we will have to deny people certification [weed out poor performance] – Hence, PIE will face large liability by above denied individual entities. -

Joe stated that we need this for the society to be put on the map as viable organization and that has true benefit – NYSSPE could “corner the market” of accreditation and become one of the only viable sources for NYS engineers.

Rudi stated that in his opinion, this program will give a compelling reason for engineers to join the society and this could substantially increase the membership of NYSSPE. Other NYSSPE Ex-Com members, including Kelly, Jim Yarmus and Louis Doyle see the benefits of adopting this program.

Larry indicated that the only way PIE could/would adopt this project is if it is done right and in accordance with all established criteria. By following the industry standards and procedures the exposure to potential liability would be greatly reduced. Adherence to established standards would allow PIE to offer/deny accreditation and maintain the integrity of NYSSPE and PIE.

#### **6. On the Issue of: Conceptualizing the steps necessary to become an SIA accreditation body and Deciding which part of NYSSPE is the focus of this program (State, Practice Divisions, Chapters).**

The committee discussed in broad strokes, the general procedure and process for PIE to become an SIA accreditation body, which are specified in International Standard ISO 17011 publication by the International Standards Organization [ISO].

Larry indicated that PIE's legal organizational structure, a 501(C)(3) Corporation is similar to the International Accreditation Service [IAS]. IAS is currently the only



accreditation body used by NYCDOB. Similarly both NYSSPE and the International Code Council [ICC] are 501(C)(6) [non-profit but not a 'charity'] parents to their charitable subsidiaries.

Rudi indicated that according to Sec.4.3.3 of ISO 17011, the accreditation body cannot condition its services or its approval of the SIA applications upon membership of the applicant in any organization, such as NYSSPE. Similarly, the accreditation body cannot be linked with any consultancy and it or its related bodies must have no possibility to influence the outcome of an assessment for accreditation.

Kaspal indicated that the accreditation body could be / must be separate to PIE or NYSSPE - We must setup a separate body of executives plus full time staff.

Larry agreed that dedicated staff would be required but that it could be housed within the NYSSPE/PIE/FEE administrative structure. The governance of this effort would have to be segregated out somehow however to preserve the independent nature of the accreditation function. People who perform Special Inspections cannot be involved in the accreditation process.

#### **7. On the Issue of: Where do we go to get Recognition?**

The question of where do we go for recognition impacts the cost feasibility of becoming an accreditation body and limits the scope of same. The accreditation Process, Cost & Requirements vary based on how/where PIE goes to become accredited.

Larry indicated that in order to be an accredited body, PIE would have to comply with ISO 17011 and be recognized or approved as such, possibly by ILAC [International Laboratory Accreditation Cooperation - <http://www.ilac.org/>]. Some mutual recognition organizations would be more difficult for PIE to work with than others due to procedure, costs and proximity. We need to determine the best course for PIE to achieve recognition.

Bill indicated that his employer [MTA NYC Transit] is recognized by NYC DOB as accredited agency to perform Special Inspections and that compliance with ASTM E329 standards may be all that is necessary to become an accreditation agency. ASTM E329 – STANDARD FOR AGENCIES ENGAGED IN CONSTRUCTION INSPECTION AND/OR TESTING. [Bill distributed copies of a summary of the major points of the E329 standard].

Who's process is more amenable for PIE to join?



Joe asked: "Why can't PIE/NYSSPE be accredited by virtue of being approved by the NYS Board of Regents?" There seem to be a difference between the DOB and IBC regarding the process and procedure of becoming an accreditation body, which substantially impacts the feasibility of PIE becoming an accreditation body.

Joe indicated that the process to become a Special Inspection Agency in conformance with ISO 17020 (or IAS AC291) may be too onerous and not feasible for small 1-3 engineers firms. There seem to be a distinction by DOB between special Inspections for Hi-Rise and Small Buildings, the later may not require the SIA accreditation process and only require individual engineers to be certified [i.e. complete a \$35 application form]. Therefore, the process of PIE becoming an accreditation body strictly on ISO 17011 basis may be superfluous and may need to be altered according to DOB preferences as well as feasibility structure for small 1-3 person engineering firms.

Larry agreed that Joe has a point in terms of DOB's Small Building requirements as an exception to becoming an SIA and in terms of inspections by small engineer entities as exception to the SIA requirements – However, the real task of PIE as an Accreditation Body would be to serve the majority of entities that must comply and become a SIA entity by 1/1/11.

One question is: To what extent will small engineer firms constitute the majority of SIA applicants. This will impact the accreditation Process, Cost & Requirements and how/where PIE goes to become accredited. The NYSSPE survey [described in paragraph 4 above] may shed some light on the above

Joe stated that PIE may see if we can change the regulations to allow PEs to make limited Special Inspections for Low-Rise and Townhouses - R3 – Level 1 – PE – with no SIA accreditation agency requirement – What about Townhouse – level 2 type construction – should this also be exempted from SIA accreditation requirements?

DOB has already implemented exceptions to the IBC SIA requirements for Low Rise Buildings. Joe wanted to know if they can change the regs further to allow PE's to perform other SI work and to make other exceptions for sole practitioners on small bldg projects. For small engineering firms/small projects, PIE would be responsible for keeping certification records of the individual inspecting engineers.

Joe suggested that the SIA Accreditation process may be a moving target if DOB keeps changing the requirements. We need to set up a meeting with DOB to discuss the accreditation requirements and exceptions thereto.



Larry agreed that these exceptions should be pursued however they should be taken up by the NYSSPE Committee on Special Inspections and not this PIE Subcommittee. This Subcommittee has a very limited focus. Suggestions like this are appropriate to pursue but not by this PIE Subcommittee. **Our purpose here is to focus on the feasibility of PIE becoming recognized by NYCDOB and probably internationally (under ISO 17011) as an acceptable alternative to IAS.** Fighting the regulation or seeking to amend it is NYSSPE's job, not PIE's.

**8. On the Issue of: What is the Timeline and Bench-Marks for set-up of this SIA Accreditation Body:**

Larry stated that the deadline set by NYC DOB for Special Inspections Agencies to register as a SIA is December 31<sup>st</sup>, 2009 will likely be postponed. The fee for this is \$35 but DOB has yet to create an application form as required by the regulation. PEs doesn't even know how to register in order to comply.

The current deadline for completing the process of becoming accredited as an SIA is **July 1, 2010**. Extensions can be granted individually upon request but the final deadline for completion of all accreditation requirements is **January 1, 2011**.

In Larry's estimate, PIE would have to become recognized as an SIA accreditation body by **April 2010** to be of any help for engineers that must apply for SIA Accreditation in 2010.

Tom suggested that we write a letter to DOB with a list of our members that are waiting to register as soon as DOB procedures are clarified for the 12/31/09 certification deadline. Larry indicated that we should take the position of assisting DOB in SIA accreditation efforts and not create a confrontational letter disputing DOB's deadlines and procedures. NYSSPE, PEC, PEPP or individual members can write to DOB but it should not be done by this subcommittee.

**9. On the Issue of: Formation of a Business Plan:**

Kaspal volunteered to prepare a preliminary business plan with estimates of the cost and revenues of the SIA Accreditation Body. Kaspal's business plan will be prepared assuming that PIE has chosen to become approved as an Accreditation Body to enable the subcommittee to understand the benefits/drawbacks of becoming such entity. The analysis will look at the long term needs too and the potential generation of income.

Part of the objective of the Business Plan would be to form a chart of the above Timeline vs. Cash-flow vs. staffing needs, in order to create an estimate of the magnitude and duration of expenditures that would be needed during the process of



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becoming recognized under ISO 17011.

There is a wide discrepancy between the estimated numbers of entities that will apply for SIA certification. According to Gus Sirakis the estimate is on the order of 8,000 entities. Larry's guess is that it is in the hundreds, not thousands however there will undoubtedly be thousands of individual inspectors working for SIAs who must obtain certifications for each SI they perform. The distinction between firms being accredited as SIAs and individuals becoming certified to perform the various inspections was made.

Note: Constadino "Gus" Sirakis, PE's title was "Acting DOB Director of Engineering" in June when NYSSPE/PIE last visited with DOB in June 2009. It is understood that Gus reports to Alan Price, PE – Director of OTCR. Danielle Delahanty is the Code Analyst that works for DOB's Code Affairs Unit on these matters. It was noted that Danielle is a very helpful and knowledgeable person when dealing with DOB on the requirements of the Building Code.

In the case where a sole practitioner (PE or RA) intends to perform Special Inspections the individual's 'firm' will have to be accredited as an SIA. Moreover this same sole practitioner will have to either be certified to perform each scope of inspection by virtue of the PE and experience or other certifications required in the code (ie AWS CWI). There are some exceptions where individual PEs can still perform certain inspections without becoming an SIA

The Accrediting Body [IAS or perhaps PIE] is only responsible for assessing the conformance of SIAs to approved standards and accrediting them to perform SI. There will also be an ongoing need to perform annual monitoring the activities of the SI Agencies to renew SIA accreditations. It is the duty of each SIA [not IAS or PIE] to monitor and keep training records of its individual inspecting engineers and technicians. The consensus was that several hundred firms will apply for the SIA accreditation and not thousands.

The PEC survey of NYSSPE members [in paragraph 4 above] will assist with preliminary estimates.

10. On the Issue of: **Preliminary "Back-of-the-Envelope" Estimates/Numbers:**

Larry's preliminary estimates (minimum process for a small firm) are as follows:

Special Inspection Agency Accreditation:

Application Review Phase: review of applic, corres and follow-up - 40-60 hours

Site Assessment Phase: Site visit and follow-up reports - 20-30 hours.



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Total = 80 hours = Approx. \$5,000 in charges from IAS plus travel expenses.

Annual Review of SI Agency:

Pre-Site Assessment preparation and review in office – 20 hours

Site Assessment visit, Report, Follow-up – 20-30 hours

Total = 40-50 Hours = Approx. \$3000 plus expenses.

There was consensus that the above costs to accredit and maintain SIA agency certification will be too burdensome for small engineering firms and will substantially increase the filing and compliance costs for small alteration, renovation and/or restoration projects.

11. On the Issue of: Planning the next steps of the PIE SIA Subcommittee:

- a) Kaspal will prepare a preliminary business plan for the committee's review by the next meeting, tentatively scheduled for January 5, 2010 at McLaren Engineering.
- b. Mark, Kelly, Larry, Rudi and PIE will request and schedule a meeting with DOB officials to discuss the accreditation requirements and timeline, discuss DOB's interpretations for an accreditation body equivalency and DOB's concerns in the matter.
- c. PIE SIA Subcommittee's *follow-up meetings to address the issues of: Implementation Strategy and Funding Plan of PIE's SIA Accreditation body.*

**12. Follow-up Meetings Schedule:**

The next PIE SIA Subcommittee meeting is tentatively scheduled after the holidays on January 5<sup>th</sup>, 2010 at 4:45 pm at McLaren Engineering.

Following the January 5<sup>th</sup> meeting, the next meeting is tentatively scheduled in conjunction with the PEC meeting on Sunday January 17<sup>th</sup> at 915am at the El Dorado Diner, Tarrytown, NY.

Rudi and Larry indicated that the committee should be meeting at least twice a month for the next 3 months in order to achieve its stated purpose of completing the feasibility report within the timeline discussed, as stated in paragraphs 2 & 8 above.

Submitted by Rudi Sherbansky for the review and comment by members of the PIE SIA Subcommittee. December 24, 2009