



Planning & Inspections Department

CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

Mayor
Oscar Leeser

City Council

District 1
Peter Svarzbein

District 2
Jim Tolbert

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

DEPARTMENT: Planning & Inspections Department

AGENDA DATE: Introduction: June 13, 2017
Public Hearing: June 27, 2017

CONTACT PERSON NAME AND PHONE NUMBER:
Larry F Nichols, (915-740-6706) Victor Morrison-Vega, (915) 212-1553

DISTRICT(S) AFFECTED: All
STRATEGIC GOAL: Goal 2: Set Standard for a safe and secure city,
Implement effective code enforcement strategies, Promote building safety

SUBJECT:
An ordinance amending Title 18 (Building and Construction), Chapter
18.02.107.15 (Third Party Service Providers), providing for the licensing of
Third Party providers, the penalty being as provided in Section 18.46.320
(Violations-Penalty) of the El Paso City Code.

BACKGROUND / DISCUSSION:
Third Parties have provided building plan review and inspection services for
the City of El Paso on a contract basis for the past 12 years. Third parties
assist with the provision of expedited service to builders/contractors when
requested. This amendment provides for the annual review of qualifications
and licensing of third parties

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING: NA

BOARD / COMMISSION ACTION: N/A

DEPARTMENT HEAD: [Signature]

(If Department Head Summary Form is initiated by Purchasing, client
department should sign also)

Information copy to appropriate Deputy City Manager

*****REQUIRED AUTHORIZATION*****

Larry F. Nichols – Department Head
City 3 | 801 Texas Ave. | El Paso, Texas 79901 | (915) 212-0083

AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02.107.15 (THIRD PARTY SERVICE PROVIDERS), PROVIDING FOR THE LICENSING OF THIRD PARTY PROVIDERS, THE PENALTY BEING AS PROVIDED IN SECTION 18.46.320 (VIOLATIONS-PENALTY) OF THE EL PASO CITY CODE

WHEREAS, the City of El Paso implemented a program in 2007 to accept certified third party organizations to perform plan review and inspection services for construction projects to insure timely services to permit applicants; and

WHEREAS, with the adoption of the State Energy Code the program is now expanded to require Energy Code certifications as a mandatory qualification; and

WHEREAS, the City desires to allow private Third Party Companies to perform complete plan review and inspection services; and

WHEREAS, the Third Party Providers agree to perform the services in accordance with licensing requirements as set forth herein;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 18, (Building and Construction), Chapter 18.02.107.15 (Third party service providers) is hereby amended as follows:

18.02.107.15 - Third party service providers.

18.02.107.15.1 - Purpose and authority.

Third party service providers may conduct plan review and inspection services for the building industry to expedite service delivery for commercial or residential development, which may be provided by different entities or individuals and must be all inclusive as identified in Section 18.02.107.15.3 This section establishes the licensing procedure and requirements for qualification as a third party service provider. Any reference in this section to third party service providers shall apply equally to companies and individuals engaged in such services. This section does not apply to the hiring of such companies by the city to provide services relating to potential litigation or to provide services ancillary to compliance with local, state or federal laws. Such hiring shall be done in consultation with the city attorney and in accordance with the applicable requirements of local, state or federal law.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

18.02.107.15.2 - Procedures for third party service providers.

The City of El Paso operates under the 2015 Edition of the International Building Codes published by the International Code Council (ICC). Third party service providers shall be

licensed by the City solely on the basis of their qualification and current certification of inspectors and plans examiners by the International Code Council. Licenses shall be required for residential and commercial services. Services provided by third parties shall include all types of plan review and inspections for residential or commercial projects as licensed by the City. City licenses shall be renewed on an annual basis. Special inspections shall be provided in accordance and compliance with Chapter 17 of the 2015 Edition of the International Building Code.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

18.02.107.15.3 - Qualification requirements.

The determination of a potential third party service provider's qualifications shall be based on the criteria set forth below. Third party service providers may also present other information which objectively demonstrates that the potential third party service provider has the capacity to perform plan review and inspections (except special inspections) as required under the provisions of this Code. Third Party Service Providers must submit the following:

- 1) Third party service provider's history identifying previous experience in conducting residential or commercial plan review and inspection services.
- 2) Proof of International Code Council Certification for each individual who will be performing plan review and/or inspections services as specified below:
 - a) Residential Plan Review
 1. Residential Plans Examiner and;
 2. Residential Energy Inspector/Plans Examiner and;
 3. Accessibility Inspector/Plans Examiner or TAS certification and;
 - b) Residential Inspection
 1. Residential combination inspector; or individual
 2. Building/Residential Inspector
 3. Plumbing Inspector
 4. Electrical Inspector
 5. Mechanical Inspector
 6. Current State of Texas Plumbing Inspector License
 - c) Commercial Plan Review
 1. Building Plans Examiner
 2. Electrical Plans Examiner
 3. Mechanical Plans Examiner

4. Plumbing Plans Examiner
 5. Commercial Energy Plans Examiner or Commercial Energy Inspector/ Plans Examiner w/ ASHRAE 90.
 6. Accessibility Inspector/Plans Examiner or Texas Registered Accessibility Specialist (TAS).
- d) Commercial Inspections
1. Commercial Building Inspector
 2. Commercial Electrical Inspector
 3. Commercial Mechanical Inspector
 4. Commercial Plumbing Inspector
 5. Fuel Gas Inspector
 6. Med gas endorsement
 7. Commercial Energy Inspector or Commercial Energy Inspector/Plans Examiner w/ ASHRAE 90
 8. Accessibility Inspector/Plans Examiner or Texas Registered Accessibility Specialist
 9. Current State of Texas Plumbing Inspector License
- 3) Staff resumes including the identification, education, certification, and continuing education completed for each staff member who will be performing third party services.
 - 4) Evidence of commercial liability, property damage liability, vehicle liability and errors and omissions insurance coverage with minimum combined bodily injury (including death), property damage, vehicle, and errors and omissions, limits of not less than one million dollars for each occurrence, and two million dollars annual aggregate. In addition, third party service providers must provide evidence of a bond as required by Section 18.02.04.7 of the El Paso City Code.
 - 5) Any other information in support of the third party service provider's application.
 - 6) Third Party plumbing inspection services shall comply with Texas Occupations Code, Title 18, Chapter 1301, and the Texas State Board of Plumbing Examiners Rules, as applicable and as may be amended. Pursuant to State Plumbing Code Section 1301.255 (e), plumbing inspections must be paid directly by the City.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

18.02.107.15.4 - Scope of services.

Licensed third party service providers shall be required to provide complete site plan review, plan review, and inspection services for residential and commercial projects as determined by

the city. These services must include zoning, grading, and site development review, plan review and inspection of private sector projects for which the building official determines that third party services would be appropriate.

Any agreements entered into between an approved third party service provider and the private sector are private contracts to which the City of El Paso is not a party.

Contractors desiring to use third party service providers for plan review/inspection services shall pay, at the time of permit issuance, the City established fees as set forth in Schedule C, as well as any plumbing inspection fees applicable.

Licenses will be renewed on an annual basis using the same criteria identified in Section 18.02.107.15 and available information from previous audits.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

18.107.15.5 - Third party service provider audits.

Third party service providers shall be subject to the same quality review as City of El Paso employees performing the same service. An audit of a third party service provider's annual services including inspections and plan reviews may be conducted by the City to assure that inspections of residential and commercial developments were adequately and accurately performed. Third party service providers will be notified in writing of all audit findings with deficiencies.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

18.02.107.15.6 - Third party service provider audit process.

The city is authorized to conduct periodic unannounced audits of all services provided under this section. Site as well as plan review and inspection services may be audited. The following shall apply to all third party service providers:

1. Following written notice by the building official of an audit resulting in one or more deficiencies (failure to comply with code requirements), and for each written notice of deficient audit thereafter, the third party service provider shall:
 - a. Inform the respective builder/contractor of the specific code infraction(s) and the corrections required.
 - b. Following correction of the deficiencies, the city shall conduct a follow up plan review and/or inspection to assure compliance. The established fee for plan review and/or re-inspection shall be paid.
 - c. The city shall not be responsible for the cost of any corrections required and/or project delays.
2. Two audits with one or more deficiencies within any one hundred eighty-day period shall also result in:

- a. A conference with the building official and the third party service provider in an effort to improve the performance of the third party service provider.
 - b. Prior to performing any further third party services, the third party service provider shall be required to show evidence of process improvements, internal correction procedures, methods, and/or training, and/or staff reassignments as appropriate to prevent recurrence of infraction.
3. Three audits with one or more deficiencies within any one hundred eighty-day period shall also result in:
- a. Third party service provider being placed on probation for a period of one hundred eighty days.
 - b. Third party service providers that have been placed on probation more than once in any five-year period shall have their license for third party services terminated and be deemed non-qualified for a two-year period, in reference to subsequent request for qualification solicitations or license renewal or reinstatement.
4. Further audits with one or more deficiencies during the probationary period shall result in:
- a. Suspension of third party service provider for a period of one hundred eighty days.
5. A third party service provider suspended pursuant to this section may appeal the building official's decision to the Construction Board of Appeals, pursuant to Chapter 2.30 and Chapter 18.380 of the City Code.

(Ord. No. 17749, § A, 3-6-2012, eff. 5-1-2012)

18.02.107.15.7 – Third Party Service Provider License Fees

Applicants shall pay at the time of application or renewal a fee as set forth in Schedule C as adopted by the El Paso City Council.

SECTION 2. That except as herein amended, Title 18, (Building and Construction), Chapter 18.02.107.15 (Third party service providers) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2016.


THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



John R. Batoon
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry Nichols, Director
City Development Department



Planning & Inspections Department



Third Party Inspections and Plan Review (A Licensing Program)

"Delivering Outstanding Services"



Strategic Goal 2

- **Set Standard for a safe and secure city**
- **Implement effective code enforcement strategies**
 - **Promote building safety**



"Delivering Outstanding Services"



Third Party Chronology



- **2005**-Third Party Services were established as a business friendly service for builders concerned about delays in plan review and inspection services
- **2014** - Limited third party commercial work was implemented
- **2017** - **6.8% of city permits utilize a third party** for plan review and/or inspection services. City provides 93.2% plan review & Inspection services
Third party fees paid by builders with no impact to city revenues
- **2017** – proposed transitioning from contract program to licensing program

“Delivering Outstanding Services”



Building & Construction Code

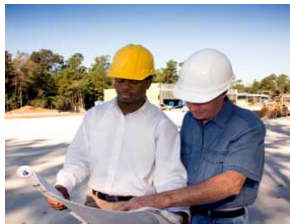
Amendment to Title 18.02

Transitioning Third Party Agencies

from contract-agents of the City
to licensed Third Party contractors

Industry outreach

- El Paso Home Builders Association
 - Third Party Vendors



"Delivering Outstanding Services"



Third Party Licensing Program Benefits

Builders

- Offers expedited and after hours services
- Offers flexibility for critical project timelines
- Offers administrative, clerical and courier services

City

- Potentially supplements city inspection and plan review services
(optional emergency services)

Third Party

- Third Party companies become licensed independent agents
- Assume administrative and accounting responsibilities

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Third Party Licensing Program

City Participation



Contractor requests third party program for project

- City continues to issues permits
- City continues to provide monitoring and audits
- City continues to issue Certificate of Occupancy
- City continues to archive records
- City continues to administer plumbing permit payments (State Code Ch.13)
- City continues 3rd party utilization of Acella data system

"Delivering Outstanding Services"



Licensee Quality Control

Require annual license renewal

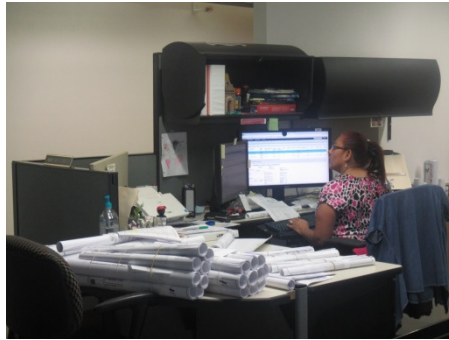
- Review and approve individual third party staff qualifications/certifications per ICC standard (Nat'l Certification)
- Conduct supervisory audits - plan reviews and inspections
- Periodic meetings with third party staff to review;
 - Changes in code interpretations, amendments, policies.
 - Case processing, data entry requirements
 - Audit discrepancies
- Require insurance and bond



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Third Party Licensing Program



Completes the presentation

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