

+ 2020 Edition

Third Party Plan Review and Inspection Manual

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Development Services Department



CITY OF
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Executive Summary

This Third Party Plan Review and Inspection Program (Program) provides project developers (Developers) and owners (Owners) an alternate means to procure project permitting services other than from City of Tulsa's (City) Development Services Department ("DS"). In essence, a project developer may contract with a pre-approved Third Party Provider to provide the plan review and inspections services. Developer participation in this program is not mandatory. Developers do not enter into a contractual relationship with City of Tulsa ("City") to participate in the Program. The Program is flexible and is subject to improvements as more experience is gained in its implementation and use in the years ahead.

This Manual details the process for application, qualification, and approval of the Third Party Provider to ensure the City's standards are being met to comply with the codes for life safety, health, and welfare and to verify proper insurance coverage for the completion of the services. The responsibilities of the parties are outlined. Failure to comply with these requirements may result in adverse consequences.

As a safeguard to preserve the proper administration and enforcement of the codes, the scope of permissible Third Party services is outlined in this manual. The Third Party Provider may file an appeal regarding the administration of the Program by City staff with the Director of Development Services. Appeals of a technical nature regarding specific code requirements are available as provided in the City Building Code, Title 51, Tulsa Revised Ordinances ("TRO").

Part 1 – Scope and Administration

SECTION 101: GENERAL

DS provides construction permitting services for development within the city limits. It is the City's intent to supplement these services by allowing Third Party Providers (Providers) to provide certain review and inspection services to the development community. Providers contract directly with the Developer to provide these services for the project and to represent the Developer in permitting activities with the City. A Provider may utilize as many Qualified Professionals as required for the different disciplines of plan review and inspection.

A Project that starts and is approved through this Program shall be completed under this Program. The Provider shall additionally be responsible to obtain other approvals such as (but not limited to) Health Department, Zoning Clearance, and Infrastructure development approvals. The City retains jurisdictional authority of the project.

This Manual sets out the administrative procedures and the minimum qualifications for Providers to ensure that all reviews, inspections, submittals and reporting are provided by Qualified Professionals, and to establish a process for verification and auditing of the Providers. Providers are required to employ or contract with one or more Qualified Professionals as listed in this Manual to secure permitting approval from the City.

Entities and individuals may submit an application to City of Tulsa to become an approved Provider. Providers shall maintain an office within the State of Oklahoma. Providers that are business entities shall be registered with The Oklahoma Secretary of State.

SECTION 102: SCOPE

The following is a general scope of review and inspection services performed by the Provider. A general exclusion is also listed. The lists are not intended to be comprehensive.

102.1 Provider Scope

The following review and inspection services shall be performed by the Provider:

1. Private site infrastructure and utilities (grading, paving, water, sewer, & stormwater drainage systems).
2. Zoning, Subdivision, and Development Regulations compliance.
3. Architectural/Structural/Fire Safety (building/fire codes; except fire sprinklers/standpipes, detection and alarm systems).
4. Accessibility.
5. Mechanical, Electrical, and Plumbing (MEP).
6. Energy Conservation.
7. Signs.

102.2 Prohibited Scope

The following are outside the scope of services of a Provider:

1. Granting or approval of alternative materials, design and methods of construction and equipment, or modifications, from any provision of the applicable codes, standards, regulations and policies.
2. Approval of work within dedicated or planned public right of way.
3. Infrastructure Development Process (IDP) plan review and inspection approvals.
4. Approvals by the Board of Adjustment, the Tulsa Metropolitan Area Planning Commission (TMAPC), the Preservation Commission, and the City Council.
5. Projects within a Federal Emergency Management Agency (FEMA) and/or City of Tulsa Regulatory Floodplain.
6. Work in right-of-way licensed to public utilities including utility easements.
7. Fire protection systems (fire sprinklers/standpipes, detection and alarm systems)
8. Issuance of permits and certificates of occupancies.
9. Other work as determined by the Building Official in writing as adopted by administrative rule.

SECTION 103: ADMINISTRATION

103.1 Site Infrastructure and Utilities

Privately owned site infrastructure and utilities shall be reviewed by the Provider for compliance with City ordinances, standards and policies, and best engineering practices. The Provider shall coordinate the site infrastructure layout with the building site plan, and incorporate any platting easement, dedication, and agreement requirements with the zoning review. The Provider shall also coordinate any IDP or floodplain development work as discussed in subsections 103.1.1 and 103.1.2.

The Provider shall:

1. Review site, IDP and floodplain development plans to coordinate with the building permit and zoning site plans;
2. Submit a recommendation to DS to issue the WSD Permit (Exhibit "D"); and
3. Submit three sets of the infrastructure site plans.

103.1.1 Infrastructure Development Process (IDP)

Where a project requires associated public infrastructure work, approval of the infrastructure development is prerequisite to the filing of a building permit application and recommendation to issue the building permit. The Provider is not authorized to approve IDP plans for privately funded public infrastructure improvements that are associated with the development project. Developer shall coordinate submittal of an IDP application through IDP-approved entities to DS for staff review and approval. Further details of the IDP process are available in the IDP Manual. Infrastructure Development is regulated under Title 35 Tulsa Revised Ordinances (TRO).

103.1.2 Flood Zone Development

Where projects are located in a flood zone, Developer shall first submit a request to the Customer Care Center (1-918-596-2100) for a flood zone determination. With a confirmed flood zone determination, the Provider shall review the Developer's design for compliance with the City of Tulsa Regulatory Flood Plain and FEMA requirements for floodplain development. When the Provider has determined the design to be compliant, the Developer shall submit and coordinate an application to DS for a Water/Sewer/Drainage-stormwater (WSD) review and approval of the floodplain development. A flood zone development may require IDP approval as well.

103.2 Zoning

Zoning approvals are prerequisite to the filing of a building permit application and recommendation to issue the building permit. Developer must first apply for a use determination from DS. The use shall be determined by the Development Administrator upon proper application by the Provider. Having obtained an official use determination from DS, the Provider is responsible for reviewing the Project for compliance with the Zoning Code, and to procure all Board of Adjustment, Tulsa Metropolitan Area Planning Commission, Preservation Commission and City Council approvals as necessary for issuance of a Zoning Clearance Permit from DS. Where the Tulsa Zoning Code requires certain approval from the Land Use Administrator, the Provider shall obtain such approval as part of Developer's zoning review and approval responsibilities.

1. Upon completion of the zoning review and procurement of all adjustments and revision of plans, the Provider shall submit the following to DS along with the building permit application:
 1. A recommendation to DS to issue a Zoning Clearance Permit (Exhibit "E"); and
 2. Three sets of zoning approval drawings where applicable.

103.3 City/County Health Department Approval

For Projects involving food service that require Health Department approval, the Provider shall procure City/County Health Department approval for the project. Upon approval by the City/County Health Department, the Provider shall:

1. Review the Health Department approved plans to coordinate with the building and MEP plans.

103.4 Modifications, or Alternative Materials, Design and Methods of Construction and Equipment

The Provider shall review design documents for compliance with the construction codes as adopted by City of Tulsa. In the event that modifications, or alternative materials, design and methods of construction and equipment are proposed for compliance, the Provider is not authorized to grant or approve such modifications, or alternative materials, design and methods of construction and equipment. However, the Provider shall review the proposed modifications or alternatives and make recommendations to DS to grant or approve the proposed modifications or alternatives. Where the Provider in its professional opinion is not in support of the modification or alternatives to recommend granting or approval, the proposal does not need to be submitted to DS for further action and it will not be granted or approved.

DS retains the authority to withhold granting of, or to withhold approval of, modifications and alternatives recommended by the Provider.

Recommendation of a proposed modification or alternatives by the Provider to DS shall:

1. State the initial code requirement pertinent to the request;
2. State the reason for the modification or alternative;
3. Describe the proposed modification or alternative, including plans as necessary;
4. Submit a statement from the Provider that the modification or alternative is in compliance with the intent and purposes of the specific code requirement and does not lessen health, accessibility, life and fire safety, or structural requirements, and that it is not less in equivalent quality, strength, effectiveness, fire resistance, durability and safety;
5. Submit a statement of code equivalency and a recommendation for granting or approval that is signed and sealed by the Provider; and
6. Submit three sets of drawings/documents.

103.5 Appeals

Appeals of orders, decisions, or determinations made by City of Tulsa code officials relating to the application and interpretation of the City's adopted codes and ordinances shall be as set forth in TRO.

103.6 Conflict of Interest

Each Provider shall at all times remain in compliance with the conflict of interest provisions set forth in this Manual.

Providers shall remain free of conflicts of interests on projects for which they are conducting development plan reviews or inspections. A conflict of interest does not exist merely because a Provider is engaged to provide both plan review and inspection services for the same project. The plan review and inspection services shall be provided with neutral objectivity and professional integrity.

The following circumstances and/or activities of a Provider constitute a conflict of interest that disqualifies the Provider from performing any plan review or inspection services on a specific project. This list is not intended to be an exhaustive list. City of Tulsa reserves its right to act on any allegation of any actual, potential or apparent conflict of interest of a Provider. Remedies at law may further be available to aggrieved parties.

1. The Provider is a subsidiary or affiliate of any entity associated with the Project, or is under the control of any entity associated with the Project, whether by contract, ownership or otherwise. A contract between a Provider and Developer for provision of independent Third Party services is not a conflict of interest.
2. Project Architect(s), Engineer(s) or other design professional(s) of record, or their firms have a direct, personal or familial relationship or ownership interest in or are responsible to the Provider.
3. General Contractors of the Project or any of its subcontractors have an ownership interest or responsibilities with or to the Provider.
4. Any person or entity performing functions of project management, construction management, value engineering or quality control of the Project have an ownership interest or have any responsibilities with or to the Provider.
5. Any person or entity associated with the sale, lease or project funding including insurance and bonding of the Project has an ownership interest or responsibilities with or to the Provider.

6. Any person or entity providing legal counsel for the Project has an ownership interest or responsibilities with or to the Provider.
7. Any person or entity supplying materials, equipment, labor, service, testing, or in any other manner of interest associated with the Project has an ownership interest or responsibilities within the Provider.
8. The Provider has provided advisory, consulting services, and/or design services to any entity associated with the Project with respect to the same Project (excluding self-certification under a separate City program).
9. Any other circumstances or activities not listed above that may be reasonably deemed to constitute an actual, potential or apparent conflict of interest based on consideration of specific circumstances, including construction contracting in any form on the subject Project.

103.7 Insurance Coverage

The Provider shall obtain and maintain at a minimum the following insurance, issued by an insurer authorized to transact business in Oklahoma:

1. Worker's Compensation Insurance in accordance with Oklahoma statutory requirements and Employer's Liability Insurance with limits of not less than \$100,000.00 for each occurrence; and
2. Professional Liability Errors and Omissions Insurance of not less than \$1,000,000.00 with prior acts endorsement for the insurance to remain in effect for two years after the completion of the construction project.

The Provider shall provide proof of such coverage:

1. By providing Certificate(s) of Insurance at the time of new Provider application; and
2. By submitting updated Certificate(s) of Insurance at the time of renewal application or whenever modified.

NOTE: All Certificates of Insurance must be approved by the Office of the City Attorney.

Each required insurance policy shall provide that thirty (30) days' prior written notice of cancellation shall be delivered by the insurer to the City, except that in the event of cancellation due to non-payment of premium, at least ten (10) days' written notice of cancellation shall be delivered by the insurer to the City. Provider shall not cause or allow any required insurance policy to be canceled or permit it to lapse without securing replacement insurance so that there is no gap in coverage. It is the responsibility of the Provider to notify DS of any change in coverage or insurer by providing the updated certificate of insurance within fifteen (15) days of the change. If the Provider cancels, fails to renew or in any way fails to keep any required insurance policy in effect, or allows it to lapse, it may be deemed to have violated conditions of its approval and be subject to consequences as provided in this Manual.

103.8 Permits and Certificates of Occupancy

Upon proper submittal of documents and recommendation from the Provider in compliance with the requirements of this Manual, DS will issue the pertinent permits, close-out the permits, or issue certificates of occupancy. Uncorrected deficiencies, including unpaid fees or penalties payable to City of Tulsa, shall be reasons for DS to withhold issuance of permits, close-out of permits, or issuance of certificates of occupancy.

Part 2 – Provider Application

SECTION 201: NEW PROVIDER APPLICATION

201.1 Application Submittal

Any person or entity seeking approval to become a Provider shall submit an application (Exhibit “C”) to DS. If the application is approved, a Provider may provide Third Party permitting services for a twelve (12) month period, unless later suspended or removed from the Program.

By submitting an application to become a Provider, the applicant acknowledges that it is familiar with, and knowledgeable of, all applicable minimum State of Oklahoma construction codes and City of Tulsa ordinances, regulations and policies, and that it is in compliance with all the conditions of the applicable laws of the State of Oklahoma, the ordinances of the City of Tulsa, this Manual, and all other applicable laws, rules and regulations.

SECTION 202: RENEWAL APPLICATION

A Provider in good standing may submit a renewal application (Exhibit “C”) to DS sixty (60) days prior to the end of the term of such approval. With the renewal application, Provider shall submit any new documentation that may be necessary to update its records or that may be required by DS.

DS in its sole discretion may provide a conditional six (6) month extension to the Provider to complete plan reviews and inspections. The required documents must be submitted in a timely manner and approved within the six (6) months extension period. If such documentation outlined above is not submitted and approved within the six (6) months extension period, the Provider shall be removed from the program. The Provider must submit a new application if the Provider desires to be re-approved. DS is under no obligation to expedite and approve a submittal that does not in DS’s view offer sufficient time to act on the renewal application.

Projects pending permit issuance will be considered abandoned where the Provider registration has expired and is either not extended or not renewed. Such abandoned projects will require re-submittal to proceed. For Projects that are under construction, the Developer shall replace the Provider (that is without a current registration) within thirty (30) days from loss of registration, or the project is deemed abandoned. DS is not responsible for costs associated with loss of Provider registration.

SECTION 203: ACTION ON APPLICATION

Upon receipt of the completed application, DS will review the application and supporting documents to determine if the applicant meets all requirements. DS shall endeavor to review, and approve or disapprove, the application within fifteen (15) business days after receipt of the completed application.

When an application is approved, the Provider will be issued an approval notice and registration number as evidence that the Provider has been certified to participate in this Program.

SECTION 204: DUTY TO UPDATE APPLICATIONS AND APPROVALS

A Provider is required to notify DS in writing if there is a material change in the information that was provided with its pending application, or current approval, within ten (10) business days after the change. Failure to provide current material information, including, but not limited to personnel changes which impact availability of Qualified Professionals, shall be grounds for rejection of an application or other actions as a consequence per Section 502.

SECTION 205: QUALIFICATIONS OF PROVIDERS

To be considered for DS approval, the Provider shall maintain an office within the State of Oklahoma. The Qualified Professionals, Plans Examiners, and Inspectors, shall meet the qualifications for the respective discipline as set forth in this Manual. Inspectors shall be currently licensed by the State of Oklahoma Construction Industries Board (CIB) as Authorized Provider inspectors. Firms shall possess valid state certificates of authority. Plans shall be reviewed and inspections conducted by or under the supervision or coordination of the respective Qualified Professional.

205.1 Commercial Building Plan Review and Inspection Qualification Criteria

QUALIFIED PROFESSIONAL

1. Possess and maintain: registration in the State of Oklahoma as a professional engineer, architect, landscape architect; or, Bachelor degree and current International Code Council (“ICC”) certification of Master Code Professional; and
2. Possess and maintain minimum ICC certification as a (B3) Building Plans Examiner and (B2) Building Inspector; and
3. At least three (3) years of related design or field experience in engineering, design and/or construction management, including administrative responsibilities.

PLANS EXAMINER

1. Possess and maintain minimum ICC Certification as a (B3) Building Plans Examiner, (77) Commercial Energy Plans Examiner, and (21) Accessibility Inspector/Plans Examiner; and
2. At least three (3) years of experience in building plan review in a jurisdiction using any of the ICC codes.

INSPECTOR

1. Possess and maintain minimum ICC certification as a (B2) Building Inspector, (77) Commercial Energy Inspector and (21) Accessibility Inspector/Plans Examiner; and
2. At least three (3) years of related experience in building inspection and three (3) years of related construction experience in a jurisdiction using any of the ICC codes; and
3. Licensed for building inspection by State of Oklahoma as an Authorized Provider.

205.2 Residential Only (One- and Two-Family Dwelling) Plan Review and Inspection Qualification Criteria

QUALIFIED PROFESSIONAL

1. Possess and maintain: registration in the State of Oklahoma as a professional engineer, architect, landscape architect; or, Bachelor degree and current ICC certification of Master Code Professional; and
2. Possess and maintain minimum ICC certification as a (R5) ICC Combination Residential Inspector/Plan Reviewers; and
3. At least three (3) years of experience in the field of building design and/or construction, civil or structural engineering, or construction management, including administrative responsibilities.

PLANS EXAMINER

1. Possess and maintain minimum ICC Certification as an (R3) Residential Plan Reviewer or (B3) Commercial Plan Reviewer, and (79) Residential Energy Inspector/Plans Examiner; and
2. At least three (3) years of experience in one- and two-family dwelling building plan review in a jurisdiction using any of the ICC codes.

INSPECTOR

1. Possess and maintain minimum ICC certification as an (R5) Residential Combination Inspector and (79) Residential Energy Inspector/Plans Examiner; and
2. At least three (3) years of related experience in building inspection and two (2) years of related construction experience, in a jurisdiction using any of the ICC codes; and
3. Licensed for building or combination building inspection by State of Oklahoma as an Authorized Provider.

205.3 Mechanical Plan Review and Inspection Qualification Criteria

QUALIFIED PROFESSIONAL

1. Possess and maintain: registration in the State of Oklahoma as a professional engineer, architect, landscape architect; or, Bachelor degree and current ICC Certification of Master Code Professional; and
2. Possess and maintain minimum ICC certification as a Mechanical Plans Examiner or Mechanical Inspector; and
3. At least three (3) years of experience in the field of mechanical engineering, mechanical system design, or mechanical construction management, including administrative responsibilities.

MECHANICAL PLANS EXAMINER

1. Possess and maintain ICC certification as an (M3) Mechanical Plans Examiner and (77) Commercial Energy Plans Examiner; and
2. At least three (3) years of experience in mechanical plan review in a jurisdiction using any of the ICC codes.

MECHANICAL INSPECTOR

1. Possess and maintain ICC certification as an (M2) Mechanical Inspector, and (77) Commercial Energy Inspector; and
2. At least three (3) years of combined experience in inspection of mechanical systems, and in mechanical work, in a jurisdiction using any of the ICC codes; and
3. Licensed for mechanical inspection by State of Oklahoma as an Authorized Provider.

205.4 Electrical Plan Review and Inspection Qualification Criteria

QUALIFIED PROFESSIONAL

1. Possess and maintain: registration in the State of Oklahoma as a professional engineer, architect, landscape architect; or, Bachelor degree and current ICC certification of Master Code Professional; and
2. Possess and maintain ICC certification as an Electrical Plans Examiner or Electrical Inspector; and
3. At least three (3) years of experience in the field of electrical engineering, electrical systems design and layout, or electrical construction management, including administrative responsibilities.

ELECTRICAL PLANS EXAMINER

1. Possess and maintain ICC certification as an (E3) Electrical Plans Examiner and (77) Commercial Energy Plans Examiner; and
2. At least three (3) years of experience in electrical plan review of electrical systems in a jurisdiction using the National Electric Code (NEC).

ELECTRICAL INSPECTOR

1. Possess and maintain ICC certification as an (E2) Electrical Inspector and (77) Commercial Energy Inspector; and
2. At least three (3) years of combined experience in inspection of electrical systems, and in electrical work in a jurisdiction using the NEC codes; and
3. Licensed for electrical inspection by State of Oklahoma as an Authorized Provider.

205.5 Water/Sewer/Drainage-Stormwater and Building Plumbing Plan Review and Inspection Qualification Criteria

QUALIFIED PROFESSIONAL

1. Possess and maintain: registration in the State of Oklahoma as a professional engineer, architect, landscape architect; or, Bachelor degree and current ICC certification of Master Code Professional; and
2. Possess and maintain ICC certification as a Plumbing Plans Examiner or Plumbing Inspector; and
3. At least three (3) years of experience in the field of mechanical engineering or mechanical/plumbing systems design and layout, or plumbing construction management, including administrative responsibilities.

PLUMBING PLANS EXAMINER

1. Possess and maintain ICC certification as a (P3) Plumbing Plans Examiner, (77) Commercial Energy Plans Examiner, and (21) Accessibility Inspector/Plans Examiner; and
2. At least three (3) years of plumbing plan review experience in a jurisdiction using any of the ICC codes.

PLUMBING INSPECTOR

1. Possess and maintain ICC certification as a (P2) Plumbing Inspector, (77) Commercial Energy Inspector and (21) Accessibility Inspector/Plans Examiner; and
2. At least three (3) years of combined experience in inspection of plumbing systems, and in plumbing work in a jurisdiction using any of the ICC codes; and
3. Licensed for plumbing inspection by State of Oklahoma as an Authorized Provider.

205.6 Energy Qualification Criteria

QUALIFIED PROFESSIONAL

1. Possess and maintain: license in the State of Oklahoma as a professional engineer, architect, landscape architect; or, Bachelor degree and current ICC certification of Master Code Professional; and
2. Possess and maintain ICC certification as a (79) Residential Energy Inspector/Plans Examiner, (B2) Commercial Building Inspector, and either (CE) Commercial Energy Inspector/Plans Examiner with ASHRAE 90.1 or both (77) Commercial Energy Inspector and (78) Commercial Energy Plans Examiner; and
3. At least three (3) years of experience in the system design or construction of energy-related systems (e.g. mechanical systems, lighting, energy modeling, building envelope, renewable energy, energy exchange, solar, ground source).

PLANS EXAMINER

1. Possess and maintain ICC certification as a (79) Residential Energy Inspector/Plans Examiner and either (78) Commercial Energy Plans Examiner or (CE) Commercial Energy Inspector/Plans Examiner with ASHRAE 90.1; and
2. At least two (2) years of review experience in energy systems and energy efficiency in a jurisdiction using IECC or ASHRAE 90.1.

INSPECTOR

1. Possess and maintain ICC certification as a (B2) Commercial Building Inspector, (79) Residential Energy Inspector/Plans Examiner, and either (77) Commercial Energy Inspector or (CE) Commercial Energy Inspector/Plans Examiner with ASHRAE 90.1; and
2. At least two (2) years of inspection experience in energy systems and energy efficiency in a jurisdiction using IECC or ASHRAE 90.1.

205.7 Special Inspections

205.7.1 General

Special Inspections shall be required per the current International Building Code (“IBC”) adopted by the City of Tulsa. The Provider shall implement the requirements.

The City of Tulsa (<https://www.cityoftulsa.org/our-city/doing-business-with-the-city/permits-and-development/inspection-services.aspx>) provides a template for submittal of Statement of Special Inspections and a key for minimum qualifications of special inspectors and testing technicians. Special inspections and testing shall be performed under these criteria. The special inspector shall provide the Special Inspections reports to the Provider who shall then submit to DS.

Part 3 – Duties and Responsibilities

SECTION 301: GENERAL

301.1 Appointment of Provider

At the onset of a Project, the Developer shall provide the City a notice of appointment of the Provider (Exhibit “A”) to engage in Third Party services. The Developer or its authorized agent must sign the notice of appointment of the Provider. A notarized letter confirming the Agent's current authority, and identity, must be included if the Developer is not the signing party (Exhibit “B”).

The notice of appointment of the Provider shall be submitted by the Provider to DS. DS shall endeavor to approve or disapprove the use of a Provider for the Project within five (5) business days after receipt of the notice of appointment. It may take longer if the proposed provider has not been previously approved as a Provider (see Section 203). DS may require a meeting to discuss scope and responsibilities.

Once the notice of appointment is approved, the Project will be processed through the services of the Provider. The City of Tulsa does not relieve the Provider in providing the contracted services. The Developer shall replace a Provider that has ceased to perform during an active Project.

301.2 Payments to Provider

The Developer is responsible to pay for all services rendered by the Provider. A Provider shall not bring and acknowledges it has no claim or action against City to recover any indebtedness for the Third Party services it has provided.

301.3 Scheduling of Services

The Developer and Provider are responsible for scheduling and completing related approvals such as zoning adjustments, IDP approvals, Flood Zone approvals, Health Department approvals, and approvals of modifications and alternate methods that are necessary prior to filing a building permit application and issuance of the permit.

It is the responsibility of the Developer and Provider to schedule their submittals, reviews and inspections throughout the duration of the project. The Developer and Provider are responsible for coordinating Special Inspections and receiving the necessary approvals that are prerequisites to further approvals by DS such as occupancy of the building.

301.4 Dispute Resolution and Appeal

This Program is an administrative program intended to provide participants an alternative to the City's permitting and inspection services. Disputes that are outside the purview of the codes and ordinances of the City of Tulsa and of this Program that arise between the Developer and the Provider are private matters between both parties, and the resolution of such disputes shall be a matter between both parties without the involvement of the City of Tulsa.

There are several types of appeals in the permitting process. Issues related to zoning shall be appealed to the Board of Adjustment or Tulsa Metropolitan Planning Commission, and to District Court, as provided in the Tulsa Zoning Code. Issues related to the infrastructure development process and civil engineering design standards shall be appealed to the Infrastructure Development Advisory Board (IDAB) or as provided in Title 35 TRO. Stormwater management appeals shall be submitted to the Stormwater Drainage and Hazard Mitigation Advisory Board (SDHMAB). Issues related to the construction codes (building, mechanical, electrical and plumbing) may often be heard administratively by DS staff before being appealed to the Board of Appeals. Submittals to Board of Appeals are as outlined in 51 TRO Chapter 1.

SECTION 302: DUTIES AND RESPONSIBILITIES OF PROVIDER

302.1 Duty to Use Qualified Professional

The Provider is responsible to utilize Qualified Professionals who shall provide direct supervision of all plan reviews or inspections for a Project.

302.2 Recommendation to Issue Permit or Certificate of Occupancy

The Provider's recommendation to issue permit or certificate of occupancy (Exhibit "F") shall be signed and sealed by the Qualified Professional, and must be submitted in a PDF format. The recommendation shall be in a form provided by DS (Exhibit "F") and shall include:

1. Provider's name and address, and DS approval identification number (Provider number)
2. Name and contact information of the Qualified Professional, and signature and seal
3. Project address
4. Lists of reviews and name of reviewer/s
5. Statements certifying that the discipline reviewed is completed; is in compliance with the applicable codes; and is recommended for issuance of permit
6. A report identifying the Project code data
7. An Index of the approved drawings and specifications, including three (3) sets of the same.

Additional drawings and documents (as discussed in Section 103 of this Manual) that are approved for zoning, IDP construction, flood zone development, and modifications and alternate methods, shall be submitted with the recommendation to issue the building permit. These required approvals are prerequisite to the recommendation to issue the building permit.

302.3 Exclusive Inspection Responsibility

Except where required to be performed by City inspectors such as IDP installations or certain fire protection systems, the Provider shall be responsible to ensure that all required inspections are performed.

302.4 Inspection Reports and Final Certificates

The Provider, as part of contracted Provider services, shall ensure that all required inspections are performed as listed in the currently adopted codes. The inspections stages may be performed as rough and final inspections. All site work and public infrastructure installed with an IDP permit shall be inspected and accepted by the City of Tulsa as a condition to project close-out.

The Provider shall maintain all records of inspections and re-inspections. Prior to the conclusion of the project, which is initiated by close-out of all permits and issuance of the final Certificate of Occupancy (where applicable), the Provider shall deliver a digital record of all inspection activities related to the project to DS, plus an inspections final report signed and sealed by the Qualified Professional.

Where a partial, temporary, or final certificate of occupancy is required, (and for renewals of expired temporary certificate of occupancy), the Provider shall issue recommendation reports to the Developer to be presented to DS for issuance of the partial, temporary, or final certificate of occupancy. The Qualified Professional shall sign and wet-seal the reports. The reports must include:

1. Provider's name and address, and DS approval registration number.
2. Name and contact information of Qualified Professional.
3. Project address and building permit number(s).
4. Location and area (in square feet) of portions of the building requiring partial occupancy.
5. Occupant load of portions of the building requiring partial occupancy.
6. Expiration date of the temporary certificate of occupancy.
7. Statement of approval for issuance of the partial, temporary, or final certificate of occupancy.

302.5 On-Site Inspection Records

When conducting inspections, the Provider shall verify all relevant permits and approved drawings are on site. Upon completion of an inspection, the Provider shall clearly communicate pass/fail inspection status to the contractor and retain the signed inspection records. The Provider shall verify construction is in accordance with the approved plans. If a Developer does not correct failed inspections, the Provider shall notify DS within a reasonable time.

302.6 Participate in Compliance Review and Audits

The Provider shall maintain and keep current all Projects under review or inspection. The Provider's project records shall be available, between 8:00AM and 5:00PM Monday through Friday (except holidays), in order for DS to conduct compliance reviews and audits. Copies of these records shall be submitted to DS in the event that the Provider ceases to perform during an active Project. [See Section 301.1 regarding replacement of Provider.]

302.7 Staff Qualifications and Audit

The Provider is responsible for maintaining all records regarding the evaluation, licensing, certifications, and continuing education requirements of its personnel and/or agents. In order to audit the qualifications of the Provider's staff, DS can require submittal of all or specific records pertaining to their qualifications.

302.8 Records Retention

The Provider shall retain all records of projects for which the Provider has furnished services under this Program for a minimum of ten (10) years or such period of time required by applicable Oklahoma law, including any applicable statute of limitation or repose, whichever is greater.

Part 4 – Duties and Responsibilities of Development Services

SECTION 401: GENERAL

DS is responsible for enforcing compliance with this Program and has the following duties:

1. Administration of the Program as outlined in this Manual and in the City's ordinances.
2. Issuance of permits, close-out of permits, issuance of partial and final certificate of occupancy.
3. Perform compliance review and audit of the Providers.
4. Impose sanctions on the Providers and their subcontractors. [See Part 5.]

Part 5 – Third Party Program Compliance

SECTION 501: GENERAL

DS within its sole discretion is authorized to impose sanctions, up to and including removal of a Provider from the Program for failure to comply with this Manual, the construction codes, or the City's ordinances. Failure to comply with the Program may result in actions by DS that may include, but are not limited to, the following: Written Warning, Probation, Suspension, and/or Removal. This Manual sets forth the policies and procedures for imposing sanctions.

Projects already completed or under way during discovery of the Provider's misconduct may be subject to audit and/or re-review, re-permitting, and re-inspections by DS.

SECTION 502: CONSEQUENCES

502.1 Group 1 Violations

Group 1 violations by Providers are the most serious violations warranting removal of the Provider from the Program. Group 1 violations include but are not limited to failure to comply with administrative procedures, protocols, and substantive rules that may immediately affect the health, life safety, and/or welfare of the public. A Group 1 violation can result from, but is not limited to, the following conduct:

1. Ethical violations such as acceptance or offering of a bribe, collusion on any project, or making a threat.
2. Tampering or falsifying any reports, documents, or plans on a Project.
3. Knowingly misrepresenting information required for qualification or certification.
4. Failing to properly document and cite code violations that pertain to fire and life safety and/or welfare of the public. These may include, but are not limited to, fire-resistance-rated construction, fire-stopping, means of egress, structural elements or accessibility.
5. Approving review/inspection in spite of uncorrected compliance deficiencies.
6. Performing reviews and/or inspections while on Suspension.
7. Failing to detect serious code violations during review or inspections.
8. Failing to detect the need for fire protection systems such as fire sprinkler/standpipes or smoke control.
9. Failing to check for all applicable documents associated with the discipline in which the Provider is performing (e.g., a geotechnical report; approved Development Plan; or other applicable document).
10. Inadequate performance of technical review and inspection service.
11. Incompetent performance of technical review and inspection service.
12. Conflict of interest violations including failure to declare a conflict of interest.
13. Failing to submit any requested documents to DS within the prescribed time frame.
14. Failing to exercise due diligence in safe keeping of any Project documents.
15. Failure to comply with State of Oklahoma Construction Industries Board licensing of Authorized Providers for inspections.

502.2 Group 2 Violations

Group 2 violations are serious Provider conduct warranting Probation, Suspension or other consequences as determined by the Director of DS. Group 2 violations include failure to comply with administrative procedures, protocols, and substantive rules that are serious in nature but do not immediately impact the health, life safety, and/or welfare of the public. A Group 2 violation can result from, but is not limited to, the following conduct:

1. Failing to adequately document plan review and/or inspection.
2. Failing to document violations that Provider has become aware of.
3. Failing to use the approved plans as necessary for an inspection.
4. Failing to complete all inspections prior to requesting a Certificate of Occupancy.
5. Failing to update DS with current information regarding its Qualified Professionals, Plan Reviewers, and/or Inspectors.
6. Conducting unauthorized inspections on sites that are posted with Stop Work Orders.
7. Providing unauthorized inspection services prior to issuance of a permit.
8. Failure to cooperate fully with DS in conducting a compliance review, audit, or investigation.

502.3 Group 3 Violations

Group 3 violations affect the efficiency and overall performance of the Program and merit issuance of a Warning. Any three Warnings within a calendar year shall merit Probation or Suspension. This class typically involves failure to comply with basic administrative procedures and review protocols. A Group 3 violation can result from, but not limited to, the following conduct:

1. Failing to maintain required insurance.
2. Failing to attend required training or meetings.
3. Failing to obtain notice of appointment from the Owner/Developer prior to beginning the Plan Review or Inspection.
4. Failing to identify staff performing work for the Project.

SECTION 503: ENFORCEMENT PROCEDURES

DS shall take the following steps in ensuring compliance with the Third Party Program if there is a determination that nonconformance has occurred and/or one or more violations of the terms, conditions and requirements of this Manual has occurred. Upon receipt of a complaint, or as part of its compliance oversight, DS shall conduct an investigation to determine if the Provider acted improperly. Upon determining that the Provider is not in compliance with this Manual, the City's ordinances, or pertinent practices, DS shall in its sole discretion take action(s) that may include, but is not limited to, the following steps:

1. DS shall issue a letter via first class registered or certified mail with return receipt requested to the Provider and to the Developer of the Project stating the violation(s) and the sanction proposed to be imposed, providing a reasonable opportunity to resolve or cure the noncompliance identified by DS. Consequences may consist of but are not limited to the temporary Suspension of the Provider's authority to conduct plan reviews and inspections in the City pending resolution or cure; or removal of a Provider from the Program. Periods of Suspension or Probation shall be determined by the Director of DS.

2. The Provider may submit a written appeal to the Director of DS within fifteen (15) business days of the mailing date of official notification of the violation and consequence(s). The appeal may include evidence and written material supporting the Provider's position.
3. All appeals shall be heard as outlined in City's ordinances.

APPENDIX A

DEFINITIONS

Authorized Provider: An independent third party inspector who holds a current and valid Authorized Provider Inspector License or its equivalent as issued by the State of Oklahoma Construction Industries Board (CIB).

Building Code: The currently adopted International Building Code (IBC).

Building Official: The officer or other designated authority charged with the administration and enforcement of the City of Tulsa construction codes.

Developer: The owner of the construction project seeking permitting services.

Development Administrator: The head of the Development Services Department.

Manual: This document outlining the Third Party Review and Inspection Program.

Owner: See “Developer”

Permitting services: Plan review and inspections services for a construction project.

Probation: A period of time in which the Provider found in violation of this Program is directly monitored while permitted to continue to conduct review and inspection services.

Program: See “Third Party Plan Review and Inspection Program”.

Project: The construction development that is reviewed, approved, inspected, and finalized as provided under this Program.

Project Owner: See “Developer”

Provider(s): Persons and entities approved to provide third party permitting services pursuant to a contract with an Owner or Developer.

Qualified Professional: Any person possessing the qualifications and credentials as described in Section 205 of this Manual relating to a “Qualified Professional”.

Removal: Revocation of a Provider’s ability to provide permitting services as authorized by this Program.

Special Inspections: Field inspections of certain types of construction, in accordance with Chapter 17 of the International Building Code, requiring specialized expertise, including EIFS, reinforced concrete, reinforced masonry, reinforced gypsum, welding, precast concrete, structural steel, and engineered fill.

Suspension: A period of time that the Provider shall not provide services under this Program.

Third Party: The person or entity providing third party services described in this Manual.

Third Party Plan Review and Inspection Program: The independent third party permitting services providing plan review and inspections that is available to Developers as described in this Manual.

TRO: Tulsa Revised Ordinances

Written Warning: DS formal written notification to a Provider of the Provider's failure to comply with this Program.

Zoning Code: The current City of Tulsa zoning code.

Exhibit “A” – Notice of Appointment of Provider

To:

Development Services Department
City of Tulsa
175 E. 2nd St., Suite 450
Tulsa OK 74135

RE: NOTICE OF APPOINTMENT OF PROVIDER

THIS notice of appointment is submitted to request approval to use Third Party Provider services for the following Project in Tulsa. Developer and Provider acknowledge that participation in the Third Party Plan Review and Inspection Program is elective and is not required, and that the Developer is responsible for payment of all fees and costs associated with Third Party Provider services.

NAME OF PROJECT

ADDRESS OF PROJECT

DESCRIPTION OF PROJECT

REPRESENTING the parties in this notice of appointment are:

DEVELOPER (PRINT)

TITLE

SIGNATURE

DATE

DEVELOPER'S AGENT (IF APPLICABLE)

TITLE

SIGNATURE

DATE

THIRD PARTY PROVIDER (PRINT)

TITLE

SIGNATURE

DATE

SCOPE of Services (Per Section 102.1 of the Third Party Plan Review and Inspection Manual):

OFFICE USE

APPROVED BY

DATE

Exhibit “B” – Authorization of Developer’s Agent

KNOWN ALL BY THESE PRESENTS;

The Developer and Agent as evidenced by our signatures below show forth that Developer authorizes Agent to represent Developer with respect to participation in the Third Party Program for the following development project (Project) on the following described real estate and premises: (Legal Description; and Address if available):

The Developer authorizes the City of Tulsa to treat any act or statement of the Agent designated herein as being the act or statement of the Developer with respect to the Third Party Program and Project described above.

In the event that agency is revoked, Developer shall notify Development Services Department by letter on company letterhead of such revocation.

DATED this _____ day of _____, 20_____

NAME OF DEVELOPER

BY: _____
AUTHORIZED SIGNATURE

TITLE

STATE OF OKLAHOMA)
)
COUNTY OF TULSA)

ss.

Acknowledgment

This instrument was acknowledged before me this _____ day of _____, 20_____, by _____, [*and, if on behalf of entity.*] as _____ of _____

NAME OF ENTITY

(SEAL)

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

COMMISSION NO. _____

NAME OF AGENT

BY: _____
AUTHORIZED SIGNATURE

TITLE

STATE OF OKLAHOMA)
)
COUNTY OF TULSA)

ss.

Acknowledgment

This instrument was acknowledged before me this _____ day of _____, 20____, by
_____, [*and, if on behalf of entity:*] as _____ of

NAME OF ENTITY

(SEAL)

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

COMMISSION NO. _____

Exhibit “D” – Recommendation for Water/Sewer/ Drainage-Stormwater (WSD) Permit

A/P NO.

PROVIDER NO.

PROJECT ADDRESS

THIRD PARTY PROVIDER

I have reviewed and certify that there is no conflict between the approved IDP and building site plans for the proposed Project. I further certify that all site plans for the Project have been coordinated with the IDP plans for conformity and none is in contradiction.

NOT APPLICABLE

I have reviewed and certify that there is no conflict between the approved floodplain development and building site plans for the proposed Project. I further certify that all site plans for the Project have been coordinated with the floodplain development IDP plans for conformity and none is in contradiction.

NOT APPLICABLE

I recommend approval of the Water/Sewer/Drainage-Stormwater Clearance Permit.

Recommendation for Approval:

SIGNATURE OF QUALIFIED PROFESSIONAL

DATE

NAME OF QUALIFIED PROFESSIONAL

REGISTRATION NO.

OFFICE USE

APPROVED FOR PROCESSING

DATE

Exhibit “E” – Recommendation for Zoning Clearance Permit

A/P NO.

PROVIDER NO.

PROJECT ADDRESS

THIRD PARTY PROVIDER

I have reviewed the Project and hereby certify that the proposed Project is in full compliance with the requirements of the City of Tulsa Zoning Code. I further certify that all site plans for the Project conform to and are not in violation of the Tulsa Zoning Code, and any necessary approvals have been obtained from the City Council, the Tulsa Metropolitan Area Planning Commission, the Board of Adjustment or Preservation Commission.

I recommend approval of the Zoning Clearance Permit with the following record (where applicable):

ZONING DISTRICTS

PUD/MPD DISTRICT.

TMAPC CASE NO.

BOA CASE NO.

CORRIDOR DEVELOPMENT PLAN NO.

OPTIONAL OR MANDATORY PLAN NO.

SPECIAL CONDITIONS:

PLAT WAIVED: Yes No Plat Not Required Plat No. _____

Use Category/Classification (as determined by the Development Administrator; see Section 103.2):

Use As-of-Right List: _____

Use by Special Exception List: _____

RESTRICTIONS:

Recommendation for Approval:

SIGNATURE OF QUALIFIED PROFESSIONAL

DATE

NAME OF QUALIFIED PROFESSIONAL

REGISTRATION NO.

OFFICE USE

APPROVED FOR PROCESSING

DATE

Exhibit “F” – Recommendation for Building Permit and Certificate of Occupancy

RECOMMENDATION FOR: Building Permit Certificate of Occupancy

A/P NO.

PROVIDER NO.

PROJECT ADDRESS

THIRD PARTY PROVIDER

IF for a Building Permit:

I have reviewed the project and hereby certify that the proposed Project is in full compliance with the requirements of the City of Tulsa development ordinances, construction codes, and standards. I further certify that all plans for the Project have been coordinated for conformity and none is in contradiction.

IF for a Certificate of Occupancy:

I have reviewed the completed Project and hereby certify that the Project, as constructed, is in full compliance with the requirements of City of Tulsa ordinances, construction codes, regulations and standards, and that all required inspections have been performed and approved.

I recommend approval of the Building Permit; Certificate of Occupancy; with the following record:

USE GROUP CLASSIFICATION

ACCESSORY USES

CONSTRUCTION CLASSIFICATION

SPRINKLER STANDARD

BUILDING FOOTPRINT AREA

TOTAL FIRE AREA

OCCUPANT LOADS:

NAME OF SPACE:	SQ FT AREA:	OCCUPANT LOAD NUMBER
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SPECIAL CONDITIONS:

RESTRICTIONS:

Recommendation for Approval:

SIGNATURE OF QUALIFIED PROFESSIONAL

DATE

(SEAL)

NAME OF QUALIFIED PROFESSIONAL

REGISTRATION NO.

ADDRESS

EMAIL CONTACT

PHONE

PLANS EXAMINERS:

NAME:

DISCIPLINE:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OFFICE USE

APPROVED FOR PROCESSING

DATE