



## Third Party Inspection Program Policy September 2021

### I. Purpose

The purpose of the City of Charleston Building Inspections Division Third Party Inspection Program is to establish:

- When third party inspections can be utilized;
- The minimum criteria to become a pre-qualified third party inspector;
- The minimum criteria to maintain pre-qualification as a third party inspector;
- The processes of conducting third party inspections including obtaining approval for a specific inspection, scheduling and reviewing previous inspections;
- The process of submitting third party inspection reports;
- Disciplinary and revocation procedures; and
- Third Party Inspection Acknowledgement Form.

### II. Definitions

“BID” means the City of Charleston Building Inspections Division.

“City” means City of Charleston.

“Inspector” means a third party inspector or agency approved by the City of Charleston to conduct TPIs.

“SCBC” means the currently adopted South Carolina Building Code.

“TPI” means Third Party Inspection/Inspector.

“TPIP” means Third Party Inspection Program.

### III. Basis for Third Party Inspections

TPIs are not allowed by right. TPIs are intended to augment inspections mandated by the South Carolina Building Code (hereafter SCBC) §104.4 and §110.3 performed by the Building Official or designee. SCBC §104.4 and §110.4 authorizes the Building Official to accept reports by preapproved inspection agencies. The Building Official recognizes the use of TPIs as a means to reduce the demand on daily City inspection services in order to maintain services delivery and reduce potential construction project delays, such as when the need for inspection services falls outside of normal City working hours or on City holidays.

***SCBC 104.4 Inspections.*** *The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.*

***SCBC §110.3 Required inspections.*** *The building official, upon notification, shall make the inspections set forth in §110.3.1 through §110.3.11.*

**SCBC §110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

#### **IV. Use of Third Party Inspections**

In all instances, TPIs shall be by an agency or individual that has met the City's minimum qualifications, experience and is preapproved by the Building Official in advance of the inspection request(s). Prior to commencement of work, the permit holder shall request, in writing to the City of Charleston Building Official, to use TPIs for the project.

#### **V. Third Party Inspection Limitations**

TPIs will not routinely replace City inspections conducted during the normal course of a business day. TPIs may be utilized only as authorized and approved by the Building Official. Due to the many special requirements found in various City of Charleston ordinances/procedures and as a final measure of quality assurance, TPIs will only be authorized as listed below.

<b>Inspection</b>	<b>Responsibility</b>
Temporary Power Pole	TPI
Clearing, Grading & Sediment control	City
Foundation - including applicable Electrical, Mechanical, Fuel-gas and Plumbing	TPI
Sheathing & Strapping	TPI
Trade Rough-in - Electrical, Mechanical, Fuel-gas and Plumbing	TPI
Framing	TPI
Quality Assurance Prior to Concealment	City
Insulation	TPI
Temporary Power - Fuel-gas or Electric	TPI
Final Trade - Electrical, Mechanical, Fuel-gas and Plumbing	TPI
Final Building	City
Certificate of Construction Completion	City
Certificate of Occupancy	City

#### **VI. Third Party Inspector Qualifications**

Third party inspectors (hereafter Inspectors) must demonstrate the knowledge, skills and abilities to perform inspections in their area of expertise. Not only must they demonstrate a technical knowledge of the code and trade they inspect, they must also demonstrate that they have applicable knowledge of City ordinances and regulations. Inspectors must provide the following for evaluation and approval purposes to the Building Official. Approval of an Inspector shall be in writing from the Building Official.

##### **A. Registration and Certification**

The following shall serve as minimum qualifications for all Inspectors:

- South Carolina Department of Labor, Licensing & Regulation (LLR) registration as an inspector in the specific area(s) of inspections performed; and
- International Code Council (ICC) certification(s) as an inspector in the specific area(s) of inspections performed; or
- A South Carolina Registered Design Professional (RDP) practicing within their area of competency as related to the area of inspection; or
- Individuals or firms approved to perform special inspections as specified in the SCBC §110.3.9 within their area of qualification, competency and operating under the direction of a South Carolina RDP.

## **B. Experience**

The Inspector shall demonstrate knowledge of the applicable codes, South Carolina modifications, City ordinances and other applicable City regulations by demonstrating the following minimum experience:

- A minimum of five years of experience conducting inspections within the specific area of expertise as regulated by SCBC and LLR; or
- Applicants may also submit for consideration additional qualifications to substantiate equivalent experience. This may include engineers-in-training that include a college degree in subject area augmented with field inspection experience and supervision of a South Carolina RDP; or
- Applicants may substitute two years of field construction supervision experience for each one year of field inspection experience if it is relevant to the area of inspections being sought for approval. Field construction supervision experience may replace up to three of the five years of inspection experience.

However, the Building Official reserves the right to require more than the above minimum requirements in specific situations, at his/her sole discretion.

## **C. Independence**

Inspectors must be able to demonstrate and maintain independence from any person or firm responsible for construction of work they will inspect. The Inspector shall have no financial or personal relationship with the property owners, designers, permit holders, contractors or sub-contractors being inspected. Inspectors shall not have:

- Accepted monies or any other item of value other than remuneration for third party inspection services; or
- Performed services or other work other than third party inspections for the property owners, designers, permit holders, contractors or sub-contractors being inspected for a period of 2 years prior to performing such inspection.

The Inspector must always maintain a high degree professionalism, neutrality and autonomy necessary to secure the health, safety and welfare provisions of the SCBC. Although paid by the permit holder, the Inspector is ultimately responsible to the City of Charleston Building

Official. If the Inspector discovers any attempts by the responsible party to cover or conceal discrepancies or rejected work, the Inspector shall immediately contact the Building Official. The Inspector shall not perform any further TPIs on the project until approval is obtained from Building Official.

The Inspector is required to complete the attached “Affidavit of Independence” and submit it to the City of Charleston Building Official prior to approval as a TPI.

## **VII. Third Party Inspector Insurance Requirements**

The Inspector must submit proof of general liability insurance and professional errors and omissions insurance with a minimum \$1,000,000 limit for each occurrence. The City shall be named as an additional insured on the general liability insurance policy. The insurance company must state that they will provide a thirty day advance written cancellation notice to the City. The Inspector shall provide proof of insurance prior to approval as a TPI.

## **VIII. Independent Contractor**

The relationship of the Inspector to the City, and its employees and agents, is that of an independent contractor and not an employee. Inspector acknowledges that the true nature of its relationship is that of an independent contractor in that Inspector may use any appropriate method of conducting its services based on its knowledge, skill, judgment, means and methods.

## **IX. Indemnification**

Inspector shall be solely responsible for any and all of its actions, errors and/or omissions, and agrees to indemnify and hold harmless the City, its agents and employees, against any and all claims for injury, liability or damage, whether to person, property or business, that may arise as a result of Inspector’s actions.

## **X. Business License**

The Inspector performing TPIs shall provide documentation of an appropriate business license and LLR license(s) as required by the City of Charleston. If a license is required, a copy of the license shall be provided before approval as a TPI.

## **XI. Training & Meetings**

Inspectors maintaining an approval status or who are providing continuous inspection services shall have at least one qualified company representative attend designated City TPI meetings as necessary. All qualified Inspectors shall attend all the following training to maintain their approval:

- Any South Carolina Building Code Council (BCC) code update or mandated training; and
- Any required training to maintain a professional license or certification.

## **XII. Annual Renewal of Third Party Inspector Qualification**

To maintain approval to conduct third party inspections in the City of Charleston, the Inspector shall submit, one month before their approval anniversary date, all the following:

- Proof of attendance of any mandatory training to maintain LLR registration or professional qualifications;
- Proof of the required insurance; and
- Proof of business license.

Failure to submit the above documentation will result in suspension status and suspension of inspection privileges. The Inspector will be required to be re-approved before being authorized to perform inspections.

## **XIII. Inspection Scheduling**

Third Party Inspections shall be scheduled by the established procedures below:

Inspection requests shall be scheduled directly by the general contractor. The process will be reviewed and a procedure approved at a mandatory TPI pre-permit meeting conducted by the City of Charleston Building Inspections Division (BID). Unless otherwise directed, inspections must be requested by using the automated scheduling system and documented as any other BID performed inspection. An inspection code shall be provided to the permit holder and/or the Inspector so that the inspection request can be identified by BID. It shall be the responsibility of the pre-qualified Third Party Inspector to contact BID before conducting an inspection as noted in this policy. If the agent performing the inspection is pre-qualified, the Building Official or designee may approve the TPI. The inspection shall not be authorized if BID can perform the inspection within two working days and during normal working hours. No TPI shall be performed without pre-inspection approval.

## **XIV. Inspection and Inspection Reports**

TPI reports conducted by approved Inspectors shall be in writing and shall indicate if compliance was achieved based on the applicable codes and City ordinances and regulations. The report shall be certified by the individual Inspector or responsible agency representative. The Inspector is not authorized to approve any construction field changes and must make sure that the approved plans are strictly followed.

**Note:** Photographs, videos or other sources of pertinent data or information may be considered as constituting such reports and tests.

### **A. TPI Reports Shall Be Legible and Include:**

- The Inspector's name, address, phone number and E-mail
- The name of the approved agent if different from above
- The applicable permit number(s)
- Project street address

- Inspection type
- Date and time of the inspection
- Most currently City approved permit plans were available on site for inspection
- The inspection results with deficiencies properly identified
- Verification that previous inspection discrepancies were known, reviewed and approved or need correction where applicable
- A statement that reads, "This inspection report is subject to review and approval by the City of Charleston Building Inspections Division. Construction is not to proceed until inspection validation is assured."

## **B. Recording TPI Reports**

All inspection reports shall be submitted through the City's designated electronic permitting system by close of business on the day the inspection was performed.

Any inspection deficiencies must be identified with sufficient detail and applicable code sections cited and provided, in writing, to the permit holder on the day the inspection was performed. The written notice shall provide the reason for the rejection, any concerns raised through the inspection process and the terms to achieve compliance and remedy the rejection.

The City reserves the right to perform quality assurance (QA) inspections without prior notice to evaluate the performance of the Inspector. The interval shall be determined by the City, but shall be conducted at least weekly.

Code deficiencies subsequently found by the City, which may have been missed by the Inspector, shall be corrected prior to concealment.

It will be the responsibility of the Inspector to verify all required inspections have been completed and passed before sequential inspections may be performed.

## **XV. Third Party Inspector Revocation**

The Building Official may suspend or revoke inspection privileges of an approved Inspector for just cause. Any decision rendered by the Building Official may be appealed to the City of Charleston Building Codes Board of Appeals (BCBOA). Failure to strictly comply with all of the below terms may result in inspection reports being rejected and suspension or termination of approval to conduct TPIs.

- Failure to maintain required certifications or licenses;
- Failure to maintain the minimum required insurance;
- Failure to adhere to the requirements for inspection scheduling or reporting;
- Failure to perform proper inspections in accordance with the code and City ordinances, policies and the TPI program;
- Failure to attend training or meetings that are required by TPI program;
- Failure to follow the written City directives when unacceptable inspection practices or results are identified;

- Evidence of misrepresentation of fact that led to approval by the City;
- Failure to maintain independence from the individuals or firms responsible for the project construction being inspected;
- Failure to have City approved Inspectors performing inspections;
- Falsification of any reports;
- Any act or omission that is deemed by the City to violate the letter or intent of the TPI program or any laws or ordinances of the Federal Government, State of South Carolina or City of Charleston.

## **XVI. Third Party Inspection Costs**

The permit holder is responsible for all costs associated with TPIs. In addition to paying the TPI services, the permit holder shall be responsible for all normal City permit fees.

**City of Charleston, SC**  
**Third Party Inspection Program Policy - Acknowledgement Form**

*Please read the City of Charleston's Third Party Inspection Program Policy carefully to ensure that you understand the policy before signing this acknowledgement.*

I have read and understand the City of Charleston's Third Party Inspections Program Policy.

I have received a copy of the policy and agree to abide by the policy guidelines as a condition to use third party inspection for my permitted project.

**Project Information**

Project Address \_\_\_\_\_

Master Building Permit(s) \_\_\_\_\_

Permit Holder's or Authorized Designee's Printed Name: \_\_\_\_\_

Permit Holder's or Authorized Designee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Contact Information**

Third Party Inspection Company \_\_\_\_\_

TPI Program Administrator Name \_\_\_\_\_

Field Contact Phone Number \_\_\_\_\_

Field Contact Email \_\_\_\_\_

*If multiple TPI approved for the project, please provide a separate page with listed names, mobile phone numbers and email addresses.*

THIRD PARTY INSPECTOR

(Complete for each Third Party Inspector for the Project)

AFFIDAVIT OF INDEPENDENCE

PERSONALLY, appeared before me the undersigned who, being duly sworn, deposes and says:

My name is \_\_\_\_\_.

I currently am employed as a \_\_\_\_\_ with \_\_\_\_\_.

I understand that as a Third Party Inspector for the City of Charleston (“TPI”), I am required to demonstrate and maintain independence from any person or entity responsible in any way for the work I am inspecting.

I have no financial or personal relationship with the property owners, designers, permit holders or sub-contractors associated with the \_\_\_\_\_ [“the Project”].

I understand that as the TPI, I cannot accept money or any other item of value other than remuneration for my third party inspection services related to this Project.

I further understand that as the TPI, I cannot have performed services or other work other than third party inspections for the property owners, designers, permit holders, contractors or sub-contractors for the Project being inspected for a period of TWO (2) years prior to performing such inspections.

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(Signature)

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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Notary Public

My Commission Expires: \_\_\_\_\_