

3rd Party Code Enforcement Official Program

March 28, 2000

Program Description: To provide added inspection or plan review services, using part time or independent contractor CEO resources.

Background

Last summer, the General Assembly passed initiatives removing conflict of interest criteria as a roadblock to the use of independent contractor (3rd party) code enforcement officials (CEO) by the Department. However, this legislation was written generically excluding some elements which we wish to incorporate in a Department policy. Specifically, the legislation makes no reference to the use of NC licensed architects and engineers.

In order to develop a comprehensive policy, the Department held 5 management meetings to outline concerns and policy needs. During the fall, these points were reviewed with Bobbie Shields, as well as CEO's on staff. The policy was further refined, reviewed with the BDC on 11/8/99 and became effective on January 4, 2000. The Department is in the process now of seeking 3 or 4 large projects on which to test the proposed program.

This program will be a premium service for a premium fee.

1. Customers participating

- Customers would voluntarily enter into an agreement with E&BS for added inspections or plan review services.
- The added inspections or plan review will be a premium service, with fees charged in addition to any regular project permit fee.

2. Who may participate as CEO's in the Added Inspections or Plan Review Program

- By law, anyone may participate who does not have a conflict of interest, that is;
 - a) has not worked for the owner or developer in the last two years
 - b) is not related to the owner or developer
 - c) does not have a commercial interest in the project
- NC licensed architects or engineers, holding a standard level III (by Certification Exam) in their area of work.
- CEO's who have formerly worked for Mecklenburg County as CEO's in plan review or inspections, provided their field or office experience qualifies them for the specific project type.
- CEO's who work for Mecklenburg County as part time employees, provided their field or office experience qualifies them for the specific project type.

3. How the overall Added Inspections or Plan Review Program works

- Project defined as: work on a defined site agreed to by Director and Core Process Manager's (CPM), and assigned to the independent contractor 3rd party CEO, or part time employee CEO.
 - Exact project type range subject to pilot testing
 - Single family residential is excluded from the program
- Independent contractor (3rd party) CEO enters into a contract with Mecklenburg County for a specific project
 - in lieu of this, E&BS may assign a part time inspector to perform the CEO work
- The cost of the contract or part time labor is passed along to the owner
- Fee setting: premium fee for premium service

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- Selection of engineers as independent contractor CEO's
 - Based on experience in discipline in question
 - Experience in project type to be inspected; (Min. X Projects)
 - Interview with core process manager (CPM), inspector, plan review rep (trade specific), and Director
- Architect selection as independent contractor CEO's: same as above
- Discipline: as in express review, to be 3 strikes and you're out:
 - with automatic referral to Qualification Board and Licensing Board
- Contract to name the independent contractor CEO person or part time employee CEO:
 - This person to be among interviewees
- Independent contractor CEO is the one with:
 - Level III experience
 - A or E NC license
- Contract form as stipulated by the County Attorney
- "Ground Rules" meeting to be held with formal documentation/meeting notes of CEO concerns and "To Do's"
- Contract Scope
 - Mix of min Hrs/Wk to be approved by Department
 - Plus additional hours owner will request
- E&O conditions as stipulated by County Attorney:
 - Same for Conflict of Interest Verification
- Availability
 - During project: stipulated to be immediate
 - After project completed: strictly records based
- Misrepresentation in interview may be cause for termination

4. How independent contractor CEO/part time employee CEO plan review works in this program

- Independent contractor CEO answers to an assigned plan reviewer
- E&BS designate reviewer is point person on:
 - Grey areas
 - Disputes / interpretations
 - Consistency
 - It is not another check of the review
- Plan Review process:
 - Plans reside with independent contractor reviewer
 - Questions move directly between professional team and independent contractor reviewer
- Revisions to approved plans included on an added service basis

5. How independent contractor CEO/part time employee CEO field inspections works in this program

- Independent contractor CEO answers to an assigned inspector
- Formal weekly/biweekly reports submitted
- Department field CEO's responsibility include:
 - Receive/review reports
 - Visit site on regular basis (Biweekly/weekly)
 - Quality control
 - Point person on consistency
- Primary inspector named in the contract, backup agreed to:
 - Independent contractor CEO will propose a backup/coverage plan for acceptance by E&BS
 - Backup copied on reports

- The Department will stipulate scope and content of independent contractor CEO report
 - Date/time
 - Exact location of inspection
 - Inspect type
 - Conditions
 - Report to be signed and sealed A/E
 - Other to be determined
- Independent contractor CEO site visits to be recorded
 - minimum hours per week on site agreed to
 - maintain log book on site
 - extra charge to owner if service is in excess of hours/ week limit
- Owner may request work be extended to upfits; the Department must approve making the independent contractor CEO available.
- Inspection results are entered under the contracted inspectors name

6. Other

- Regular department CEO's must do either plan review or inspection, that is, a project may not have both plan review and field inspections done by an independent contractor CEO
- Define gross negligence: either
 - a.) Significant oversight impacting life safety
 - b.) Pattern of lesser oversights indicating lax, or improper code enforcement