

Code Development Unit  
Bureau of Fire Prevention  
New York City Fire Department  
9 MetroTech Center, Room 3N2  
Brooklyn, NY 11201

September 21, 2022

**Comments on proposed rule 3 RCNY 104-02**  
**Rule 3 RCNY 104-02**

Dear Code Development Unit,

The letter is provided in response to proposed rule 3 RCNY 104-02. I am encouraged by the Department's efforts to address the stated goal of expediting fire alarm system plan and inspection approvals. At the same time, it is critical to the safety of all New Yorkers that fire alarm systems are designed and installed correctly. To this end, I have the following specific revisions and comments to the proposal rule:

**1. Qualifications required to professionally certify fire alarm plans:** For professional certification of plans, the qualification requirements are too broad and should be revised. The minimum qualification should be a NYS-licensed engineer with expertise in the design of fire alarm systems as is typical for the Engineer of Record responsible for design of the fire alarm system. Please consider the following additional resources related to qualifications:

- Fire Protection Engineering is a nationally recognized engineering license type with experience and expertise requirements in fire protection systems.
- Refer to NFPA 72 (2022) Section 10.5 and NFPA 1031 for additional resources on qualifications for fire alarm systems and plan examiners, respectively.
- [NFPA Certified Fire Plan Examiner Certification](#) is a relevant qualification that could be used in addition to above, or in combination with other requirements such as on-the-job experience, NICET IV certification, and FDNY Certificate of Fitness, etc.
- The qualification requirements of other jurisdictions such as [GSA](#), the [Uniform Facilities Code](#), and [Montgomery County, MD](#) for example.

**2. Independence – Fire alarm plan review:** Professional certification of plans should be performed by an independent firm, not the engineer of record for this system (i.e., self-certification) or the contractor, electrician, or fire alarm company for the project. This will reduce the potential for conflicts of interest. The independent review should be contracted directly to the building owner or tenant, as applicable, and should not be contracted to the engineer-of-record, general contractor, electrician, or fire alarm contractor.

**3. Independence – Certification of Correct Defects and Fire Alarm Inspections:** The current rule for certification of corrected defects requires the S-99 holder to be independent from the fire alarm and electrical companies that performed the work. This requirement should remain, and the proposed rule should be revised to ensure this is maintained as well.

**4. Scope of rule:** For this rule to achieve its stated goals, it should allow for professional certification of tenant fit-outs and other high-volume fire alarm applications. In this light, the definition of "building core fire alarm system" should be reviewed and revised if needed.

**5. Auditing:** Auditing is critical to aid in maintaining high standards. The process for audited projects should be defined further in the rule so that audited projects are not unduly burdened. For example: "The applicant will be notified within 5 business days that the project is being audited. The audit will be completed within 10 business days from notification." This would allow project teams to account for the possibility of an audit in project schedules.

**6. Quality Assurance:** To obtain a certificate of fitness to perform third-party plan reviews, the applicant should be required to submit and maintain a quality assurance plan that describes their review process, documentation, records, etc.

**7. FDNY guidance for third-party agencies:** FDNY should prepare a guidance document for use by third party agencies to establish minimum expectations for plan reviews (similar but with a different purpose to the "Tips for Successful Approval of a Fire Alarm System in NYC". This would help to ensure consistency and provide a framework for which to conduct audits.

If you have any questions, please contact me.

Sincerely,

John Barrot, PE  
President