



American Council of Engineering Companies of New York

Comments Submitted to FDNY

Re: Proposed Rule on Professional Certification of Fire Alarm System design & installation September 22, 2022

The American Council of Engineering Companies of New York (ACEC New York) represents close to 300 consulting engineering and affiliate firms throughout New York, with a concentrated presence in New York City. Our members plan and design the electrical, fire protection, structural, mechanical, plumbing, civil, environmental and technology systems for buildings and infrastructure citywide. We thank the FDNY for this opportunity to comment regarding the proposed rule.

ACEC New York understands and supports the FDNY's mandate to create the safest buildings in the world for occupants and for first responders who put their lives at risk to protect the public. As design professionals and as the consulting engineering community, we share the principle that life-safety is the highest priority. We also appreciate the department's recognition that the fire alarm inspection process should not in and of itself impede the development on which the future of the city depends.

In this context, as you might know, ACEC New York and partnering organizations have, over the past few years, supported FDNY's attention to challenges impacting the city's design and construction sector related to review and approval of building projects. We acknowledge and commend the FDNY for its initiative to address these challenges in a thoughtful manner.

The ACEC New York-Electrical Code Committee has reviewed the proposed rule which is the subject of today's hearing, and requests three key clarifications before the rule is finalized:

- 1) **Clarify that *installation inspection is not necessarily required to be done by the design certification firm.*** There will be design firms that choose to perform *installation inspections*, and other design firms that may choose not to do so. This will be based upon the firm's qualifications, expertise and capacity.
 - Therefore, the rule's language should clearly allow a design firm to either 1) perform only the *design certification* (ie. with no obligation to perform the *installation inspection*), or 2) the option to perform both the *design certification* and the *installation inspection*.
 - This is currently unclear in the rule's language as the definition of "Professional certification" uses the words "design and installation" (page 5); provisions in 104-02(c) use "design and installation"; and 104-02(d)(1) uses "plan examination and/or inspection" (page 6).
 - By authorizing two separate functions, the rule structure will have the benefit of creating a pool of entities that meet fitness certification requirements to recruit professional staff who may not have the rigorous training to be a professional engineer but who nonetheless meet all of the qualifications necessary to do the installation inspection work.

- 2) **Prescribe specific standard protocol that constitutes *installation inspection*.** In order for a professional to be able to adhere to the standard of care currently shown by the FDNY, it is critically important that specific procedures for installation inspections be set forth in a FDNY-issued bulletin or rule. The prescribed standard can be based upon the training, protocol and/or checklist that is currently followed by FDNY inspectors, with any adjustments as appropriate. For any professional performing inspections, it will be important that FDNY specifies clear requirements and expectations.
- 3) **Create a new Certificate of Fitness specific to this inspection and prescribe its set of qualifications.** The FDNY should clarify whether the intent of the rule is to utilize the same Certificate of Fitness that currently exists (for Fire Safety Directors, etc.). If not, we recommend FDNY establish *a new* Certificate of Fitness *specific* to this type of inspection. The new Certificate of Fitness should incorporate a set of qualifications relating to the protocols and procedures necessary for this type of inspection. A pool of inspectors who demonstrate training in the specific procedures discussed in the previous point will help fill this need. FDNY should additionally clarify whether the FDNY will provide training for these inspections.
- 4) **Clarify a procedure for a request for reconsideration of an electrical defect.** The FDNY should confirm that a procedure for submitting a request for reconsideration of an electrical defect resulting from an installation audit will be provided and clarified. This procedure should allow the registered design professional or certificate of fitness holder to state the basis of disagreement with the defect and provide supporting documentation.

Our members and our association stand ready to assist the FDNY in advancing our shared objectives and are available to help craft the additional language and subsequent procedures and training which this regulation will authorize. Thank you for your consideration.

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