

Technical Exhibits in Support of Comment

New York City Department of Buildings — Regulatory Agenda for Fiscal Year 2027

Submitted by	Yosep Blake Bak, P.E. — New York State Professional Engineer, License No. 107881
Date	August 3, 2026
Subject rules	Item 2 (QPSI / QEWI / QRWI designation fees) · Items 5, 6 and 7 (sustainability laws; 2025 NYCECC implementation; Local Law 23 of 2026) · Item 14 (fee amendments) · Item 16 (facades)
Exhibits	A — Roster census and data integrity findings B — Cost analysis of the proposed designation fees C — CAPA record completeness, Items 5 through 7

Method and standard of proof. Every factual statement below is drawn from a document published by the City of New York or by a party of record, cited at the point of use and indexed on the final page. Roster counts were obtained by direct enumeration of the Department's published PDF registers on the dates shown and are stated as approximate. Cost figures are order-of-magnitude engineering estimates; every assumption is stated on its face so that the Department may rebut with its actual cost data. Where a question is open on the public record, it is identified as an open question rather than asserted as a finding.

No allegation of individual misconduct is made or implied anywhere in these exhibits. Licensees named in Exhibit A appear on the Department's own published registers and are identified solely because the Department's records conflict with one another as to their names. Nothing here reflects on their professional conduct or standing.

EXHIBIT A — Roster Census and Data Integrity Findings

A.1 Census of published designation registers

Register	Published location	Revision	Records
QEWI	nyc.gov/assets/buildings/pdf/qewi.pdf	11/5/25	~490
QEWI (second file)	nyc.gov/assets/buildings/pdf/QEWI_list.pdf	undated	divergent
QPSI	nyc.gov/assets/buildings/pdf/active_QPSI_list.pdf	11/5/25	~175
QRWI	nyc.gov/assets/buildings/pdf/qwri_list.pdf	01/8/26	~61
Total designation records			~726

Unique individuals are fewer than the record count: twelve persons hold all three designations and eight hold two, yielding approximately 694 distinct licensees. **The operative number for a per-designation fee is 726; the operative number for a per-person fee is approximately 694.** The Department should state which it intends.

Independent corroboration. The FISP Recommendations Report dated December 10, 2025, prepared for the Department by Thornton Tomasetti, Inc., states at Section 4.1 that 484 registered QEWIs were contacted for the Department's survey. That figure is consistent with the QEWI enumeration above.

A.2 Conflicting name records for the same license number

The following three license numbers are recorded under different names on different Departmental registers. These are not typographic variants within one document; they are disagreements between the Department's own authoritative-facing publications.

License	QPSI register	QRWI register	QEWI register
PE 094087	Feldman, Gary	Feldman, German	Feldman, German
PE 090604	Koklanos, Panagiotis	Koklanos, Peter	not listed
PE 068107	Sampat / Vikrant	Vikrant / Sampat S. (surname in first-name column)	Sampat / Vikrant

Each discrepancy is resolvable in under one minute against the New York State Education Department's free public license verification service. **None is resolvable from the Department's registers alone.** That is the entire argument: the State already maintains the authoritative record, at no cost to the City, and the Department has declined to treat it as the source of truth.

A.3 Structural defects in the published registers

1. Two separate and divergent QEWI files are published simultaneously, with no statement of which is authoritative.
2. The QRWI register is published at a URL reading *qwri_list.pdf*, with the designation abbreviation transposed.
3. The QRWI register is not in alphabetical order; the entry for Al-Khusaibi precedes the entry for Accardo.
4. The QPSI document header reads “Qualified Parking Inspectors,” omitting the statutory term “Structure.”
5. License numbers are inconsistently zero-padded within a single file; six-digit and five-digit forms coexist on the QPSI register.
6. Some entries run the license type into the number with no delimiter.
7. Holders of both PE and RA credentials are recorded in a single free-text field rather than as structured values.

8. No register carries a status field, effective date, expiration date, or revocation history.
9. No register is published in a machine-readable format or to the NYC Open Data portal.

Consequence. A licensed professional cannot reliably verify from these documents that a colleague, subconsultant, or retained inspector currently holds a Department designation. That is a public safety defect, not a clerical one, and it exists today at no charge to anyone. The Department proposes to begin charging an annual fee while the defect persists.

EXHIBIT B — Cost Analysis of the Proposed Designation Fees

Two independent analyses are offered. The first prices a purpose-built public register on commercial cloud infrastructure. The second prices the same functionality on systems the regulated professions have already funded. Both are deliberately generous to the Department.

B.1 Analysis 1 — purpose-built public register on commercial cloud infrastructure

Data volume. 726 designation records at approximately 300 bytes each (name, license type and number, designation, status, effective and expiration dates, history pointer) totals **approximately 213 kilobytes**. The complete register of every facade, parking structure and retaining wall inspector authorized in the City of New York is roughly one fifth of one megabyte.

Verification lookups per year	Reads billable above no-cost tier	Annual read cost
100,000	0	\$0.00
1,000,000	0	\$0.00
5,000,000	0	\$0.00

The no-cost tier for the document database service assumed here is 50,000 document reads per day, or **18,250,000 per year**. Five million lookups per year — approximately 294 verifications annually for each of the roughly 17,000 buildings covered by the Facade Inspection and Safety Program — does not reach the paid tier. Storage of 0.0002 GiB costs approximately **\$0.0004 per year**. Cloud pricing should be confirmed against the provider's current published schedule at the time of any Departmental cost analysis.

One-time build. A public search interface, an authenticated administrative interface, CSV and JSON export, and an audit log, at 40 to 80 hours of development at \$100 to \$150 per hour loaded: **\$4,000 to \$12,000, once**. This is a single-table application over 726 rows.

B.2 Analysis 2 — implementation on systems already funded by the regulated professions

DOB NOW already stores designation status and gates access to DOB NOW: Safety on it; already authenticates every designee through eFiling; already processes payments; and already operates periodic renewal workflows for other credentials. Adding an initial and renewal fee to an existing credential object is a configuration change, not a build. Amortizing a systems change order across five years and 726 designations:

Systems change order	Amortization	Cost per designation per year
\$25,000	5 years / 726 designations	\$6.89
\$100,000	5 years / 726 designations	\$27.55
\$150,000	5 years / 726 designations	\$41.32

B.3 The only component that can legitimately support a larger fee

Activity	Assumption	Cost
Initial designation review (credentials, work samples, interview)	4 to 8 hours at \$75 to \$110 per hour, loaded	\$300 to \$880, once
Annual renewal (confirm license currency and good standing)	15 to 30 minutes at \$75 to \$110 per hour	\$19 to \$55 per year

The annual renewal check is a query against the New York State Education Department's existing free public license verification service. **The Department proposes to charge annually for a lookup against a State database that already exists and costs the City nothing.**

B.4 Revenue sensitivity

Annual fee per designation	Annual revenue across 726 designations
\$50	\$36,300
\$100	\$72,600
\$200	\$145,200
\$305	\$221,430

\$305 is shown for scale because it is the Department's current initial filing fee for a periodic inspection report; it is not a prediction of the proposed fee.

B.5 Conclusion and request

Infrastructure cost is not a defensible basis for a recurring designation fee. It rounds to zero. The only component capable of supporting a fee is staff review labor, and the Department has published no estimate of it.

Under settled New York law a regulatory fee must be reasonably related to the cost of the regulation it funds; a fee exceeding that cost is an unauthorized tax, which a city may not levy without State authorization. Separately, Section 1043(d) of the Charter requires the Mayor's Office of Operations to certify that a rule minimizes compliance costs for the discrete regulated community. Neither showing can be made on the present record.

Absent a published, itemized cost basis — staff hours per initial review and per renewal, fully loaded hourly rates, the systems change-order estimate, and projected annual revenue — any annual fee materially above approximately \$30 to \$55 per designation is presumptively revenue-raising rather than cost-recovering. The Department is asked to publish that cost basis or to withdraw the fee.

EXHIBIT C — CAPA Record Completeness, Items 5 through 7

This exhibit concerns the sustainability and energy code items for which Ms. Golub is the named contact. It raises questions of record completeness. It alleges no wrongdoing by any person or firm.

C.1 Contract CT181020268807803, as published by the City

Vendor	2050 Partners LLC
Purpose field	LL97 STUDIES
EPIN / OCA	81026O0001001 / 1018854674
Award method	Intergovernmental procurement; 1 solicitation, 1 response
Value	\$1,600,000 current and original; \$270,320 spent to date; \$285,380 encumbered (PROF SERV OTHER)
Dates	Start March 6, 2026 · Registered June 8, 2026 (94 days later) · Last modified August 1, 2026
Awarding unit	Buildings, Strategic Planning and Policy
Status	Appears on the Comptroller's Late Contracts Dashboard

C.2 Two discrepancies on the face of the public record

Scope. The contract is titled “LL97 STUDIES.” The notice of award published in The City Record on June 15, 2026 at page 2534 describes the services as *Technical, Policy, and Program Design Support for Market Development Programs*. A study produces findings. Program design support for market development describes ongoing advisory work directed at shaping demand within a market. These are not the same undertaking, and the difference bears directly on the compliance pathways in the pending energy rule.

Contracting entity. The City Record notice lists the vendor at 9 El Sueno, Orinda, California. Checkbook NYC lists the vendor at 700 South Flower Street, Suite 3000, Los Angeles, California. 2050 Partners LLC was acquired by West Monroe Partners LLC in a transaction announced September 17, 2025, approximately six months before the contract start date; the Los Angeles address corresponds to a West Monroe office. The identity of the contracting entity as of March 6, 2026 is **an open question on the public record**.

Open question. The notice of award cites no Procurement Policy Board Rule subsection and identifies no underlying governmental contract, unlike other award notices published in the same issue. If a competitively awarded federal or State contract exists whose scope covers this work, its production would substantially resolve this exhibit.

C.3 The concurrent rulemaking

The proposed amendment to Section 5000-01 of Title 1 of the Rules of the City of New York, implementing Local Law 47 of 2026, is presently open for comment, with a public hearing and a written comment deadline of **August 27, 2026**. It adds a Total System Performance Ratio compliance path for HVAC systems and requires projects electing that path to be modeled using **NYC-specific TSPR software**.

Total System Performance Ratio exists today in a single implementation: a module of the United States Department of Energy's Building Energy Asset Score tool, developed by Pacific Northwest National Laboratory and advanced for the 2018 Washington State Energy Code by the Northwest Energy Efficiency Alliance. There is no competitive market of TSPR engines.

Buildings Bulletin 2026-005, issued February 17, 2026, states that the 2025 New York City Energy Conservation Code was adopted in compliance with State law but **would not be enforced until updated compliance software platforms became publicly available**, with an anticipated enforcement date of March 30, 2026. The Department has therefore already tied the operative date of a code to a software delivery schedule. The contract described in C.1 began performance on March 6, 2026, twenty-four days before that date.

No deliverable produced under Contract CT181020268807803 appears in the rulemaking record or anywhere in the public domain.

C.4 The CAPA problem

Section 1043(b) of the Charter requires a statement of basis and purpose. Section 1043(d) requires the Law Department to certify that a rule is narrowly drawn and contains a clear explanation of the requirements imposed, and requires the Mayor's Office of Operations to certify that the rule minimizes compliance costs for the discrete regulated community. Section 1043(e) requires an opportunity to comment, including outreach to that community, and requires that all written comments and summaries of oral comments be placed in a public record and made readily available, not delayed by the pendency of the rule.

Where publicly funded technical or program design work informs a rule and is withheld during the comment period, those certifications cannot rest on a complete record and the comment opportunity is nominal rather than real.

C.5 Requests

1. Disclose any work product under Contract CT181020268807803 bearing on the 2025 NYCECC rulemaking, or state on the record that none informed it.
2. Extend the comment period on Section 5000-01 and re-notice the rule following that disclosure.
3. Publish the developer, source-code and dataset owner, hosting arrangement, licensing terms, cost to filers, ASHRAE Standard 140 validation reports, versioning policy, and grandfathering policy for the NYC-specific TSPR software.
4. Publish objective, tool-neutral acceptance criteria and accept any software meeting them.
5. Identify the underlying governmental contract relied upon for the intergovernmental purchase.
6. Confirm where the public record of comments required by Section 1043(e) is maintained and how the public may inspect it.

Source Index

Document	Location
Regulatory Agenda FY2027	rules.cityofnewyork.us/wp-content/uploads/2026/05/CAPA-AGE-NDA-FY27-final.pdf
QEWI register (Rev. 11/5/25)	nyc.gov/assets/buildings/pdf/qewi.pdf
QEWI register, second file	nyc.gov/assets/buildings/pdf/QEWI_list.pdf
QPSI register (Rev. 11/5/25)	nyc.gov/assets/buildings/pdf/active_QPSI_list.pdf
QRWI register (Rev. 01/8/26)	nyc.gov/assets/buildings/pdf/qwri_list.pdf
FISP Recommendations Report, Dec. 10, 2025 (Thornton Tomasetti, Inc.)	nyc.gov/assets/buildings/pdf/fisp.pdf
Buildings Bulletin 2026-005, Feb. 17, 2026	nyc.gov/assets/buildings/bldgs_bulletins/bb_2026-005.pdf
The City Record, Vol. CLIII No. 114, June 15, 2026, at p. 2534	nyc.gov/assets/dcas/downloads/pdf/cityrecord/2026/cityrecord-06-15-26.pdf
Contract CT181020268807803 record	checkbooknyc.com
Comptroller's Late Contracts Dashboard	checkbooknyc.com
Acquisition of 2050 Partners LLC by West Monroe Partners LLC, Sept. 17, 2025	westmonroe.com/press-releases/west-monroe-acquires-2050-partners
TSPR technical basis (Pacific Northwest National Laboratory; Northwest Energy Efficiency Alliance)	published literature; DOE Building Energy Asset Score
Local Law 47 of 2026; Local Law 49 of 2025	nyc.gov/assets/buildings/local_laws/
New York City Charter sections 316, 328, 643, 1043, 1133	Charter
Procurement Policy Board Rules sections 3-09 and 3-13	PPB Rules

Prepared by Yosep Blake Bak, P.E., New York State Professional Engineer License No. 107881. Submitted in an individual capacity. No client interest is held in any matter addressed in these exhibits. The author is a member of the discrete regulated community to which Charter Section 1043(e) directs agency outreach and files design and compliance documentation under the codes and rules discussed. Supporting source documents and the underlying enumeration are available to the Department on request.