

15993

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 18 (BUILDINGS AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.101.4.9 (SELECTION PROCEDURES FOR THIRD PARTY PLAN REVIEW SERVICES) OF THE EL PASO MUNICIPAL CODE, TO PROVIDE FOR THE INSPECTION OF BUILDINGS AND STRUCTURES BY APPROVED THIRD PARTY COMPANIES AND TO ENUMERATE A SELECTION PROCEDURE FOR SAID COMPANIES.**

**WHEREAS**, the City of El Paso, by Ordinance 15963, adopted the “2003 International Building Code;” and,

**WHEREAS**, pursuant to the “2003 International Building Code”, the Building Official shall examine or cause to be examined applications for permits and amendments thereto, and shall inspect or cause to be inspected at appropriate intervals all construction of buildings; and,

**WHEREAS**, there is a need for an expedited building process in light of the pressing requirement for military housing in the year 2005 and thereafter; and

**WHEREAS**, the City has received recommendations to allow said examination to be performed by a third party company under the provisions of the El Paso Municipal Code; and,

**WHEREAS**, the City desires to adopt a selection process for third party companies to perform said services;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), of the El Paso Municipal Code, shall be and is hereby amended to revise Section 18.02.101.4.9 (Selection Procedures for Third Party Plan Review) to read as follows:

**Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.9 (Selection Procedures for Third Party Plan Review and/or Inspection Services)**

**Section 18.02.101.4.9.1 Purpose and Authority.**

The purpose of the procedures enumerated in this section is to provide the City with a selection procedure for pre-qualifying companies or individuals to perform the services of plan review and/or inspection under the provisions established by this Code. Any reference in this Section to third party plan review or inspection companies shall apply equally to individuals engaged in third party plan review or inspections. This section shall be applicable to the City’s selection of third

party plan review and/or inspection companies under the authority of the Building Official. Specifically, the City, by and through the Building Official, shall select a third party plan review and/or inspection company solely on the basis of qualifications. The Building Official through the Pre-Qualification Procedure enumerated herein shall review a company's qualifications. This section does not apply to the hiring of such companies by the City to provide services relating to potential litigation or to provide services ancillary to compliance with local, state or federal laws. Such hiring shall be done in consultation with the City Attorney and in accordance with the applicable requirements of local, state or federal law.

**Section 18.02.101.4.9.2 Pre-Qualification of Companies.**

The requirements for pre-qualification of any company shall be determined by the Building Official and shall be approved by City Council resolution, which shall be made available to the public. In order to be considered as a provider of plan review and/or inspection services for a municipal project for the City, a company must be pre-qualified by the closing date of such project, as noted herein. The information presented shall objectively demonstrate that the company has the capacity to perform plan review and/or inspection services as provided under the provisions of this Code. A company may update pre-qualification information at any time, but it is the sole responsibility of the company to maintain current records with the City. Updated pre-qualification materials submitted by a company shall replace existing materials in their entirety. Failure to update records as necessary may result in the determination of non-responsiveness of any submittal for pre-qualification. The Building Official shall notify companies in writing as to whether or not they have met the pre-qualification requirements. Upon the granting of pre-qualification, annual renewal shall be required.

In addition to the aforementioned requirements, any company seeking to perform third party plumbing inspections must comply with all statutory requirements of Texas Occupations Code, Title 8, Chapter 1301 and the Texas State Board of Plumbing Examiners Rules.

**Section 18.02.101.4.9.3 Procedures.**

**A. Scope of Services.**

1. The pre-qualified third party plans review and/or inspection companies may perform work for the private sector. However, any agreements entered into between a company and the private sector are private contracts to which the City of El Paso is not a party.
2. The pre-qualified company may also provide services to the City. These services to the City may include plans review and/or inspection related to the City's own municipal projects and/or plans review and inspection of private sector projects by the City for which the Building Official determines that third party plans review and/or inspection services would be appropriate.

**B. Award of City Contract to Provide Third Party Services.**

The City shall abide by all local, state and federal law, statutes, rules and regulations regarding the procurement of the services noted above in 18.02.101.4.9.3 (A)(2).

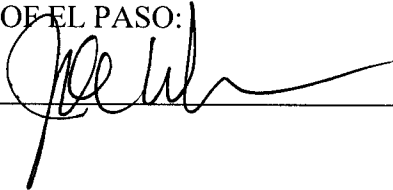
**Section 18.02.101.4.9.4 Appeal Procedures.**

Any company, which feels that the pre-qualification procedure regulated by Section 18.02.101.4.9.2 has occurred improperly, may appeal directly to the Building Board of Appeals of the City of El Paso. Such appeal must be made within ten (10) working days from the date of receiving written notice by the Building Official pursuant to Section 18.02.101.4.9.2. The Building Board of Appeals shall hear any and all appeals related to this section. The Building Board of Appeals shall be the final authority regarding any such appeals.

2. That this ordinance shall be effective upon its final passage by the City Council.
3. Except as expressly herein amended, Title 18 (Building and Construction) of the El Paso Municipal Code, shall remain in full force and effect.

**PASSED AND APPROVED THIS FEBRUARY 1, 2005.**


THE CITY OF EL PASO:

  
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Joe Wardy  
Mayor

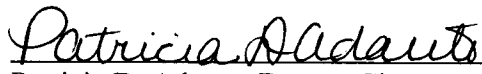
ATTEST:

  
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk


APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lisa A. Hayes  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Patricia D. Adauto, Deputy City Manager  
Building and Planning Services

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
R. Alan Shubert, Director  
Building Permitting and Inspections Dept.