

# Third-Party Support

## Manual

For Authorities Having Jurisdiction

November 2021



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# Preface

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This manual is designed to help Authorities Having Jurisdiction (AHJs) interested in utilizing third-party support providers to plan check and inspect for compliance with the 2020 Energy Conservation Construction Code of New York State (ECCCNYS) and ASHRAE 90.1-2016, as amended by 19 NYCRR Part 1240 or locally adopted energy code. Sections [NY] R105, [NY] R106, [NY] C105, and [NY] C106 authorize AHJs to use qualified third-party support providers to review plans and inspect for compliance with the ECCCNYS 2020 and other pertinent laws or ordinances in relevant commercial and residential buildings.

The manual provides information for AHJs, third-party support providers, and permit applicants using a third-party support provider. It was developed by the New York State Energy Research and Development Authority (NYSERDA) in support of building capacities related to energy code advancement and compliance in New York State. This manual is subject to revision as needed, and accordingly, NYSEDA reserves the right to provide updated guidance to AHJs.

In support of New York State's Climate Leadership and Community Protection Act (Climate Act), signed into law in 2019, NYSEDA offers training and resources to help AHJs and the building industry comply with applicable construction requirements. AHJs are reminded that NYSEDA offers training and resources for those who need to understand and meet the requirements of the ECCCNYS 2020 and NYStretch Energy Stretch Code (NYStretch 2020).

**All information, content, and materials are for general informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular legal matter. You should not act or refrain from acting on the basis of information provided herein without first seeking legal advice. Use of, and access to this information does not create an attorney-client relationship between the reader or user and its authors. All liability with respect to actions taken or not taken based on the contents provided herein are hereby expressly disclaimed.**

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# Definitions and Acronyms

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ASHRAE	American Society of Heating, Refrigeration, and Air-conditioning Engineers
AEE	Association of Energy Engineers
AHJ	Authority Having Jurisdiction
COMcheck™	Commercial energy code prescriptive compliance software tool
CV	Curriculum Vitae, a written summary of a professional’s qualifications, education, and work experience
DOE	U.S. Department of Energy
DOS	New York Department of State
ECCCNYS	Energy Conservation Construction Code of New York State
HERS	Home Energy Rating System, a system for inspecting and calculating a home’s energy performance
NYSERDA	New York State Energy Research and Development Authority
NYStretch	NYSERDA has issued a publication entitled NYStretch Energy Code 2020, Version 1.0, dated July 2019 (hereinafter referred to as “NYStretch”). NYStretch modifies (i.e., amends, replaces, replaces and renames, or adds to) certain sections, certain tables, and a certain appendix in the 2018 IECC; adds certain sections, certain tables, and certain appendices to the 2018 IECC; modifies (i.e., adds to, amends, or replaces) certain sections and certain tables in ASHRAE 90.1-2016; and adds certain new sections to ASHRAE 90.1-2016
Permit Applicant	Project owner, owner’s agent, or operator permitting on behalf of the project owner
Provider Number	A unique permanent reference number assigned to a third-party support provider
REScheck™	Residential energy code prescriptive compliance software tool
RESNET®	Residential Energy Services Network, created and maintains HERS
Third-Party Support Provider	Qualified individual performing third-party plan reviews and inspections for compliance with ECCCNYS 2020 or NYStretch 2020 on behalf of the AHJ

# Introduction

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Authorities Having Jurisdiction (AHJs) throughout New York State are responsible for reviewing building design and construction documents for compliance with the Energy Conservation Construction Code of New York State (ECCCNYS) or locally adopted energy provisions, which are at least as stringent as the ECCCNYS. The guidance information contained in this manual is intended for use by AHJs in their implementation of third-party support within their respective jurisdictions.

**All information, content, and materials are for general informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular legal matter. You should not act or refrain from acting on the basis of information provided herein without first seeking legal advice. Use of, and access to this information does not create an attorney-client relationship between the reader or user and its authors. All liability with respect to actions taken or not taken based on the contents provided herein are hereby expressly disclaimed. Scope and Administration**

NYSERDA is providing this guidance manual to assist AHJs in the implementation of a third-party plan review and inspection process for residential and commercial buildings within their jurisdictions. The contents of the manual are intended solely for voluntary use by AHJs. It should be clearly recognized that plan review and inspection requirements contained in the New York State Uniform Fire Prevention and Building Code (Uniform Code) are outside of the scope of this manual. This manual is part of NYSERDA's ongoing efforts to support energy code related technical capacities of AHJs. It references an overview of NYSERDA's Request for Qualifications (RFQL 4698), which outlined a series of minimum qualifications necessary to be included on NYSERDA's prequalified third-party provider list, the roles and responsibilities for third-party support providers, the process associated with plan reviews, inspection checklists, reporting forms and a locally adoptable resolution authorizing the use of third-party support that AHJs can use.

NYSERDA will maintain a current list of third-party support providers in a PDF file available online at [nyserderda.ny.gov/all-programs/programs/energy-code-training](https://nyserderda.ny.gov/all-programs/programs/energy-code-training). The AHJ has the authority to work with any third-party support providers, including NYSERDA-qualified third-party support providers.

The following section outlines the limited scope of responsibility and role of NYSERDA regarding third-party support within AHJs. NYSERDA is not responsible for the specific implementation of the guidance referenced in this manual. The scope and administration of the guidance contained in this manual, including the overall application and enforcement of third-party support, falls solely to the purview of AHJs.

# Delineation of NYSERDA's Role

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NYSERDA designed this manual for voluntary use by AHJs in New York State. It is intended to assist interested AHJs in building technical capacities and enhancing their energy code enforcement capabilities. As a requisite first step in the process of third-party support in AHJs, NYSERDA issued a Request for Qualifications List (RFQL) 4698 entitled “Third-Party Support Providers: Energy Code Plan Review & Inspection ([Third-Party Support Providers: Energy Code Plan Review & Inspection \(RFQL 4698\) \(ny.gov\)](#)). Working with industry experts, NYSERDA developed a set of qualifications for individuals looking to serve as third-party support providers which was described in the RFQL.

**NYSERDA is not responsible for the work/outputs of any Third-Party Support Provider. NYSERDA will not provide any direct funding/compensation for any individual NYSERDA qualifies as a third-party support provider.**

NYSERDA will only be responsible for managing the application and qualification process for third-party support providers who want to assist AHJs in their direct implementation of the guidance contained in the manual. NYSERDA, on an as needed basis, will be responsible for reviewing and updating the application, list of supporting documents, and instructions found on the Request for Qualifications (RFQL) portal.

NYSERDA will maintain the list of approved third-party support providers and perform the reapproval process each code cycle. The list of approved third-party support providers will be made available via a PDF file maintained on NYSERDA's website.

The required minimum qualifications and training for third party support providers will also be maintained by NYSERDA and updated each code cycle.

# Third-Party Support Providers: Guidance for AHJs

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## Third-Party Support Providers: Application, Qualifications, Approval, and Renewal Process

The information contained below is provided as guidance to AHJs. AHJs are reminded that third-party support providers who are interested in being qualified by NYSERDA must submit an online application. The application, list of supporting documents, and instructions can be found on NYSERDA's portal at [Third-Party Support Providers: Energy Code Plan Review & Inspection \(RFQL 4698\)](#). See also Appendix A for the weblink and the interface image. Applicants are required to provide proof of qualifications, insurance coverage, authorization to do business in New York State, and a declaration that they will adhere to all procedures identified in the most recent version of this manual.

If the manual is updated to reflect new policies and procedures, qualified third-party support providers will receive email notification of the changes with a link to the complete revised document.

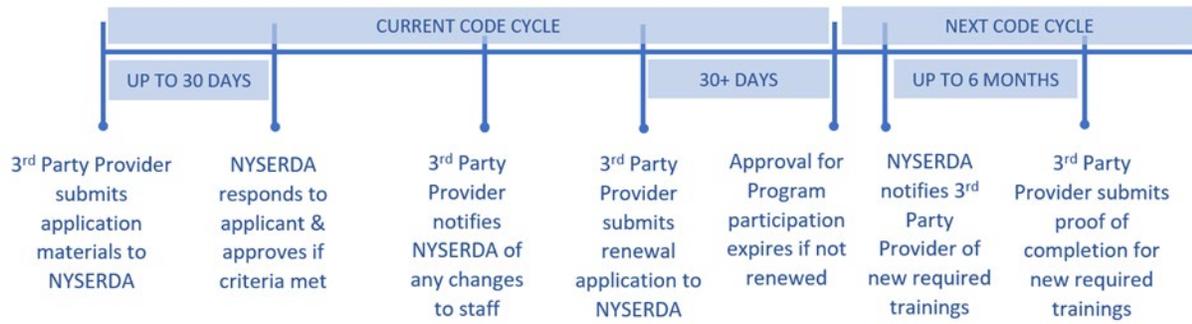
Applicants can apply for one or more of the third-party support provider roles listed. NYSERDA will respond to applicants within 30 days of submission. Once an applicant is approved as qualified, NYSERDA will issue provider numbers for one or more of the following categories of third-party support provider roles:

- Residential Plans Examiner
- Residential Inspector
- Commercial Plans Examiner-Prescriptive
- Commercial Plans Examiner-Performance and
- Commercial Inspector

Approved providers are qualified to review construction documents and/or inspect construction or work for which a permit is required by the ECCCNY in effect when the provider number is issued. In the event the ECCCNY is modified, requiring additional in-service training, providers are expected to complete those new trainings in a timely manner and submit documentation to NYSERDA.

NYSERDA aims to have a list of approved providers and the regions they are available to serve accessible online via a PDF file at [nyserderda.ny.gov/all-programs/programs/energy-code-training](https://nyserderda.ny.gov/all-programs/programs/energy-code-training). This list will be updated monthly as new providers are added.

Figure 1: Third-Party Provider Application and Renewal Process and Timeline



When the State Fire Prevention and Building Code Council adopts an amended and updated version of the ECCCNY, the qualified third-party support provider should complete six hours of training on the amended and updated version of the ECCCNY and provide documentation to NYSERDA in order to renew its provider approvals. This training should be completed within six months of the effective date of the amended and updated version of the ECCCNY.

### Insurance Requirements

The third-party support provider must maintain Minimum Errors and Omissions insurance for each occurrence in the amount of \$1,000,000 and provide a certificate of insurance to NYSERDA. The insurance coverage must be maintained while the third-party support provider remains on NYSERDA’s prequalified providers list. Should insurance coverage be terminated or expire, the third-party support provider must notify NYSERDA in writing within 10 business days, and the provider’s approval to participate will have been deemed to expire on the same date as the insurance termination. Third-party support providers must send NYSERDA certificates of insurance as coverage is renewed or if insurance changes. If a third-party support providers insurance coverage is terminated or expires and NYSERDA is not informed, the third-party support provider may no longer be allowed to be listed as a qualified provider.

### Registration to Do Business in New York State

All third-party support providers must be authorized to do business in New York State or maintain employment with an authorized business. Registration with the New York Department of State must be kept current, and companies must be listed on the Division of Corporation’s website.

<https://apps.dos.ny.gov/publicInquiry/#search>

## Verification of Approved Third-Party Support Provider by AHJ

NYSERDA will maintain a current list of third-party support providers in a PDF file available online at [nysesda.ny.gov/all-programs/programs/energy-code-training](https://nysesda.ny.gov/all-programs/programs/energy-code-training). The permit applicant is strongly encouraged to confirm that their preferred third-party support provider remains in good standing with the AHJ to which they are applying for permit. The AHJ has the authority to work with any third-party support providers, including but not limited to NYSERDA-qualified third-party support providers.

# Minimum Qualifications for Third-Party Support Providers

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The following qualifications were developed based on competencies needed to perform energy code plan check and inspection tasks. Qualification requirements are specified by role and must be met for individual staff approval to perform residential plan check, residential inspection, commercial plan check or commercial inspection. Additional qualifications are required to plan check commercial projects using the performance method in [NY] C407 for compliance.

Certifications and licensure used to meet qualification requirements must be maintained by third-party support providers to remain approved as qualified by NYSERDA. Proof of completion for the additional six (6) hours of NYSERDA-supported energy code training must be provided to NYSERDA within six months from the new code adoption date at every code adoption cycle.

NYSERDA will grant an additional approval to plan, check, or inspect projects complying with NYStretch. Third-party support provider applicants wishing to obtain this additional approval must demonstrate completion of the training on NYStretch, listed as optional in the qualifications list. Qualifications for Commercial Plans Examiner – Prescriptive Compliance and Commercial Inspector Certifications/Licensing.

One of the following:

- AEE® Certified Energy Manager (CEM)
- AEE® Existing Building Commissioning Professional (EBCP)
- NYS DOS Code Enforcement Basic Training Program (BTP) – Certified Code Enforcement Official Certificate
- Professional Engineer License issued by New York State
- Registered Architect License issued by New York State

## Training

- COMcheck™ Basics by U.S. DOE
- Six hours of NYSERDA-supported Energy Code Training for Commercial Buildings
- Optional: S3.1 NYStretch Energy Code for Commercial Buildings (Pt 1)
- Optional: S3.2 NYStretch Energy Code for Commercial Buildings (Pt 2)

## Work Experience

One of the following based on certifications/ licensing:

- CEM/EBCP + submission of Curriculum Vitae (CV) with related work experience
- Licensed Professional Engineer/Registered Architect + submission of CV with a minimum of two years of relevant work experience
- Submission of CV with a minimum of four years of code enforcement experience

## Qualifications for Commercial Plans Examiner – Performance Compliance

### Certifications/Licensing

One of the following:

- AEE® Certified Energy Manager (CEM)
- AEE® Existing Building Commissioning Professional (EBCP)
- NYS DOS Code Enforcement Basic Training Program (BTP) – Certified Code Enforcement Official Certificate
- Professional Engineer License issued by New York State
- Registered Architect License issued by New York State

Plus, one of the following:

- ASHRAE® Building Energy Modeling Professional (BEMP)
- AEE® Building Energy Simulation Analyst (BESA)

### Training

- 6 hours of NYSEDA Energy Code Training and Support Services for Commercial Buildings
- Optional: S3.1 NYStretch Energy Code for Commercial Buildings (Pt 1)
- Optional: S3.2 NYStretch Energy Code for Commercial Buildings (Pt 2)

### Work Experience

One of the following based on certifications/ licensing:

- CEM/EBCP + submission of CV with related work experience
- Licensed Professional Engineer/Registered Architect + submission of CV with a minimum of two years of relevant work experience
- Submission of CV with a minimum of four years of code enforcement experience

## Qualifications for Residential Plans Examiner and Residential Inspector

### Certifications/Licensing

One of the following:

- AEE® Certified Energy Manager (CEM)
- DOS Code Enforcement Basic Training Program (BTP) – Certified Code Enforcement Official Certificate
- HERS Rater certified by a RESNET® accredited rating provider

- Professional Engineer License issued by New York State
- Registered Architect License issued by New York State

## Training

- REScheck™ Basics by US DOE
- Six hours of NYSERDA Energy Code Training and Support Services for Residential Buildings
- Optional: S2.1 NYStretch Energy Code for Residential Buildings (Pt 1)
- Optional: S2.2 NYStretch Energy Code for Residential Buildings (Pt 2)

## Work Experience

One of the following based on certifications/ licensing:

- CEM + submission of CV with related work experience
- HERS Rater certified by a RESNET® accredited rating provider/Licensed Professional Engineer/Registered Architect + submission of CV with a minimum of two years of relevant work experience
- Submission of a CV with a minimum of four years of code enforcement experience

## Resources to Meet Qualification Requirements

There are several resources available to meet qualifications required to participate as a third-party support provider.

NYSERDA energy codes training can be found at

[nyserdera.ny.gov/All%20Programs/Programs/Energy%20Code%20Training](https://nyserdera.ny.gov/All%20Programs/Programs/Energy%20Code%20Training)

The screenshot shows the NYSERDA website interface. At the top, there are navigation tabs for Business & Industry, Communities & Governments, Residents & Homeowners, Partners & Investors, and Researchers & Policymakers. Below the navigation is a search bar and a 'SUBSCRIBE' button. The main content area is titled 'Energy Codes: Training, Support Services and Stretch Codes'. The text describes the 2020 Energy Conservation Construction Code of New York State (2020 State Energy Code) and its relationship to the 2018 International Energy Conservation Code (IECC) and ASHRAE 90.1-2016. It also mentions that local jurisdictions enforce the State Energy Code in whole or may adopt a local energy conservation construction code (Energy law § 19-109) with approval from the State Fire Prevention and Building Code Council. A list of resources is provided, including 'Energy Code Training and Support Services' and 'NYStretch Energy Code-2020'.

Professional Engineers and Registered Architects are licensed by New York State. Visit <http://www.op.nysed.gov/> for more information on licensure.

Certification requirements may involve organizations outside NYSERDA, such as the Association of Energy Engineers (AEE®) or the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE®). Links to the relevant organizations have been provided to the right.

New York State provides training to become a Certified Building Safety Inspector or a Certified Code Enforcement Official.

<https://dos.ny.gov/code/basic-training-program>

The American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE®) certifies Building Energy Modeling Professionals (BEMP).

<https://www.ashrae.org/professional-development/ashrae-certification/certification-types/bemp-building-energy-modeling-professional-certification>



The Association of Energy Engineers (AEE®) certifies Building Energy Simulation Analysts (BESA).



<https://www.aeecenter.org/certifications/certifications/certified-building-energy-simulation-analyst>

The Residential Energy Services Network (RESNET®) accredits rating providers who certify Home Energy Rating System (HERS) Raters.



<https://www.resnet.us/raters/hers-raters/become-rater/>

# Responsibilities of Third-Party Support Providers

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## Conflicts of Interest

AHJs are responsible for ensuring that third party support providers comply with the following conflict of interest rules. Third-party support providers should not have any involvement or connection to the projects they review that are considered conflicts of interest. Conflicts of interest include but are not limited to:

- Any entity involved in the project including designers, specialty consultants, contractors, planners, owners, financiers, etc., that has an economic or financial interest, or serves as an officer or director in the third-party support provider
- The third-party support provider has acted in a consulting, design, or advisory capacity on the project
- The permit applicant or project team members have a business or family relationship with the third-party support provider

Any potential conflicts of interest must be disclosed to the AHJ on the Conflict-of-Interest Disclosure form in Appendix B. If the AHJ has reason to deny the use of the third-party support provider on the specific project because of a conflict of interest, the permit applicant should be notified in writing stating the reason for denial.

## Ethical Conduct Considerations

Third-party support providers should be contracted directly by the permit applicant (project owner, owner's agent, or operator permitting on behalf of the project owner). Staff conducting plan review and inspection activities should remain independent from designers and contractors and send all plan review and inspection records to the permit applicant with a copy to the designers or contractors at the permit applicant's discretion.

Third-party support providers act in the interest of the permit applicant by ensuring code compliance for the project and as a partner to the AHJ by ensuring compliance for buildings within the community. It is critical the third-party support provider act ethically in delivery of all services provided. Some examples of possible discipline/ethical violations are listed below for consideration by the AHJ.

## Examples of Discipline/Ethical Violations

- Falsifying or failing to properly retain project records
- Failure to document violations
- Misrepresenting or failing to meet qualifications for all staff
- Failure to abide by conflict-of-interest provisions
- Failure to maintain required insurance

- Knowingly conducting inspections for projects with stop work orders
- Knowingly conducting inspections for projects that have not been issued a construction permit
- Failure to participate in the audit process in a timely manner

## Third-Party Support: Scope of Services

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The overall responsibility for the implementation of commercial and residential plans and inspections resides with the AHJ. Appendix C of the Manual summarizes the forms and checklists. The checklists and reporting forms are guidance tools to build technical capacities within AHJs. It should be clearly noted that the checklists and forms are subject to revision and updates and are dependent on practical experiences and implementation feedback from AHJs to NYSERDA. The permit applicant is strongly encouraged to confirm that their preferred third-party support provider remains in good standing within their respective AHJs.

AHJs should consult with their legal counsel and code enforcement staff in implementing any and all plans and inspections related to Third-Party Support Providers. As previously stated, all information, content, and materials are for general informational purposes only and not for the purpose of providing legal advice. Use of, and access to this information does not create an attorney-client relationship between the reader or user and its authors. All liability with respect to actions taken or not taken based on the contents provided herein are hereby expressly disclaimed.

The third-party support provider should submit the checklist and forms from Appendix C to the permit applicant and AHJ as part of the energy code plan review process. See the Responsibilities of Permit Applicants and Design/Construction Teams section of this manual for more detail.

The third-party support provider may conduct residential, commercial prescriptive, or commercial performance plan reviews and inspections using the provided checklists and reporting resources from Appendix C. A video overview of these resources and their intended use will be made available on NYSERDA's energy codes. [www.nyserda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training](http://www.nyserda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training)

### Plan Review Reports

Plan review checklists are available to guide verification of compliance with the ECCCNYS or NYStretch at the time of permit application. The appropriate plan review checklist may be used by the third-party support provider and submitted to the permit applicant with the other forms upon completion of plan review.

The plan review report form may be used to record any items found to be non-compliant or items inadequately documented in the construction documents. The plan review report includes correction comments for the permit applicant to resolve before resubmission and reference any relevant code sections from the ECCCNYS or NYStretch. It can be returned to the permit applicant until all deficiencies are resolved and the construction documents reflect compliance with the applicable requirements of the energy code.

Once compliance is demonstrated in the construction documents, the plan review report may be updated by the third-party support provider and submitted to the permit applicant along with the checklist. The plan review package submitted to the permit applicant is intended to document the history of plan review and deficiency resolution and attest that the approved construction documents

are compliant with the ECCCNYS 2020 or NYStretch 2020. These materials should be submitted directly to the AHJ by the permit applicant.



## Inspection Reports

The third-party support provider may submit the checklist and forms from Appendix C to the permit applicant as part of the energy code inspection process. See the Responsibilities of Permit Applicants and Design/Construction Teams section of this manual for more detail.

Upon approval by the AHJ, the third-party support provider may conduct residential and commercial inspections using the provided checklists and the Inspection Report form from Appendix C. A video overview of these resources and their intended use will be made available at:

[nyserderda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training](https://nyserderda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training)



Inspection checklists are available to guide field verification of compliance with the ECCCNYS 2020 or NYStretch 2020 during the construction process. The appropriate inspection checklist can be used by the third-party support provider and submitted to the permit applicant with the other forms once inspection is complete.

The inspection report should be used to detail areas of non-compliance identified during inspection, which can be corrected before a Certificate of Occupancy will be issued by the AHJ. The Inspection Report should be submitted by the third-party support provider to the responsible contractor until all inspection failures are resolved and deemed compliant.

Upon resolution of inspection failures, the inspection report should be updated by the third-party support provider attesting the project complies with the ECCCNY or NYStretch. The inspection report and the checklist should be submitted to the permit applicant. The permit applicant is responsible for submitting these forms directly to the AHJ prior to receiving a Certificate of Occupancy, which will be issued by the AHJ.

## Project Documentation Format and Retention

Checklists and forms produced by third-party support providers must be submitted to the permit applicant in non-editable format. Project records should not be used for any purpose other than verifying compliance with the energy code. AHJs should retain the right to audit project records to ensure quality services. See the Responsibilities of Authorities Having Jurisdiction section of this manual for more detail on audit procedures. The third-party support provider should retain all checklists and forms as part of the project records for no less than three years and provide them to the AHJ upon request for any relevant AHJ audit purposes.

## Code Interpretations

The third-party support provider **does not have authority** to render code interpretations. If found that a code interpretation is necessary, but no evidence of DOS issuing interpretation was provided, the third-party support provider must notify the permit applicant to submit the issued interpretation or initiate the code interpretation process with DOS. More information on how to submit a code interpretation request can be found on the DOS webpage.

<https://dos.ny.gov/code/code-interpretations>

# Role of Authorities Having Jurisdiction: Guidance

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## Code Interpretations

AHJs will verify that a code interpretation was issued by DOS in accordance with ECCCNY Section C103 and Section 11-103(4) of New York State Energy Law.

## Recordkeeping

AHJs should comply with the New York State Records Retention and Disposition Schedule requirements found in “Publication #41, Retention and Disposition of Records: How Long to Keep Records and How to Destroy Them” and the “General Retention and Disposition Schedule for New York State Government Records” documents, in addition to any other AHJ recordkeeping policies.

## Permit and Certificate of Occupancy Issuance

The AHJ remains responsible for issuing the building permit and certificate of occupancy for the project with the third-party support provider operating on behalf of the AHJ. Energy code compliance is one aspect of overall building code compliance verification and construction permits, and certificates of occupancy remain under the responsibility of the AHJ.

## Resources for Implementation including Model Resolution

The manual offers materials to support AHJs with third-party support implementation.

Resources for AHJs, such as this manual, overview videos and model resolution language will be maintained by NYSERDA for AHJ use.

It is anticipated that these materials will be updated each code cycle and available on NYSERDA’s website.

Appendix D includes a Model Resolution that is provided to assist AHJs with the process of enabling a third-party support process locally. **AHJs are reminded that they should consult with their legal counsel with regards to the requisite local adoption.**

RESOLUTION XX of 202X

**A RESOLUTION AUTHORIZING THIRD PARTY PLAN REVIEW AND INSPECTION FOR RESIDENTIAL AND COMMERCIAL BUILDINGS FOR THE [INSERT JURISDICTION NAME], NEW YORK**

**WHEREAS**, New York State has adopted the 2018 International Building Code family of codes with amendments, named 2020 Codes of NYS, as the guiding principle pertaining to residential and commercial construction and development within the state; and,

**WHEREAS**, the [INSERT JURISDICTION NAME] realizes that to promote public safety and preserve the quality and value of property within the community, coordinated development review processes are essential to ensuring that the adopted, nationally-recognized building codes and best practices are incorporated into buildings and structures; and,

**WHEREAS**, third party plan review and inspection services will only be for energy code compliance review. Review by other departments in [INSERT JURISDICTION NAME] will still be required; and,

**WHEREAS**, the [AUTHORIZING BODY] deems it in the best interest of the citizens of [INSERT JURISDICTION NAME] to authorize the Building Official to allow third party plan review for residential and commercial buildings in the [COUNTY, CITY, TOWN, VILLAGE]; and,

**WHEREAS**, the Building Official for the [INSERT JURISDICTION NAME] shall be the authorized designee to determine whether a potential third party service provider meets the qualification requirements of this Resolution to perform third party plan review and inspection services authorized herein and thus be entitled to receive approval or authorization from the [INSERT JURISDICTION NAME] to perform these services. The Building Official is also authorized to oversee a third-party service provider's compliance with the requirements of this Resolution; and,

**WHEREAS**, time of performance and terms of service are negotiated solely between the permit applicant and third-party plan review and inspection services provider; and,

**WHEREAS**, it shall be the permit applicant's responsibility to ensure the third-party plan review and inspection services provider receives all the necessary construction documents and materials per municipal requirements. Approved stamped documents shall be submitted to the [INSERT DIVISION NAME] prior to the issuance of a building permit.

**NOW, THEREFORE, BE IT RESOLVED BY THAT THE [THE AUTHORIZING BODY FOR THE MUNICIPALITY], NEW YORK:**

**SECTION 1.** The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the [AUTHORIZING BODY] and made a part of hereof for all purposes.

**SECTION 2.** [INSERT JURISDICTION NAME] shall hereby authorize the Building Official to allow third party plan review and inspection for residential and commercial buildings for compliance with the Energy Conservation Construction Code of New York State.

**This model resolution is provided in Appendix D.**

A short video overview of the third-party support process structure and additional guidance materials will be made available at [nyscrda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training](https://nyscrda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training)

# Responsibilities of Permit Applicants and Design/ Construction Teams

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## Contracts and Payments for Third-Party Services

The permit applicant can contract directly with the third-party support provider, independent from design and construction teams. Payments for third-party services will be between the permit applicant and third-party support provider. Any contract, payment, or service disputes are between the permit applicant and third-party support provider and will not involve the AHJ. Permit and Certificate of Occupancy fees are to be paid directly to the AHJ in accordance with AHJ's rules and regulations.

NYSERDA takes no responsibility for any payments, contracts, and service disputes between the permit applicant and the third-party support provider.

## Submit Plan Check or Inspection Results to AHJ

The permit applicant can submit the checklist, forms, and any other project records related to plan check or inspection to the AHJ, within the time frame specified by the AHJ. The third-party support provider is not authorized to issue a construction permit or Certificate of Occupancy.

# Summary: Delineation of Authority/Responsibilities

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## Authority of the AHJ

It is the direct responsibility of the AHJ to ensure all construction within the jurisdiction is compliant with the ECCCNY 2020 or NYStretch 2020. As such, the AHJ has the authority to deny the use of specific third-party support providers within their jurisdiction. The guidance contained in this manual and the overall implementation of third-party support processes, including the role of providers falls within the purview of AHJs.

## Limited Responsibility of NYSERDA

NYSERDA is only responsible for reviewing third-party support provider applications against the published qualification requirements.

The required minimum qualifications and required training will also be maintained by NYSERDA and updated each code cycle.

In conclusion, it is reiterated that NYSERDA will not provide any direct funding/compensation for any individual selected by NYSERDA as a qualified third-party support provider, nor will NYSERDA be responsible for implementing third-party support processes within any AHJ.

# Appendix A: Request for Qualifications (RFQL) Portal

The RFQL portal is where applications are submitted for pre-qualification of third-party support providers.

[nyscrda.seamlessdocs.com/f/RFQLCodesProvider](https://nyscrda.seamlessdocs.com/f/RFQLCodesProvider)

 **NYSDA**

## Third-Party Support Providers: Energy Code Plan Review & Inspection (RFQL 4698)

Thank you for your interest in participating in the Third-Party Support Providers: Energy Code Plan Review & Inspection Request for Qualifications (RFQL) 4698.

Please note: Partially completed information cannot be saved, be sure to have all details with you before beginning the form. Upon submission, you will receive a confirmation and a tracking number on your screen to print or save. Refer to this tracking number to check on the status of your request.

For any specific technical questions with this application, please contact [codes@nyscrda.ny.gov](mailto:codes@nyscrda.ny.gov).

\* required field

### Provider Information

**Provider Name**

First Name \*      Last Name \*

**Current Job Title \***

**Email Address \***

**Work Phone Number \***

# Appendix B: Conflict of Interest Disclosure Form

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The Conflict-of-Interest Disclosure form is used by third-party support providers and permit applicants to disclose any potential conflicts of interest to the AHJ.

## CONFLICT OF INTEREST DISCLOSURE

Please complete this form to disclose any potential conflict of interest in the Third-party Plan Review/Inspection Process.

### CONFLICT OF INTEREST (to be signed by permit applicant)

Please describe any potential conflict of interest from Third-party Plan Review/Inspection Agency's involvement in the project.			
PERMIT APPLICANT		SIGNATURE	

### CONFLICT OF INTEREST (to be signed by Third-party agency)

Please describe any potential conflict of interest from Third-party Plan Review/Inspection Agency's involvement in the project.			
PROFESSIONAL-IN-CHARGE		SIGNATURE	

# Appendix C: Plan Review/Inspection Checklists and Reporting Forms

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The following checklists and forms can be used by third-party support providers to conduct and document plan checks and inspections for which they are approved. The materials will be made available at [nyserdera.ny.gov/all-programs/programs/energy-code-training](https://nyserdera.ny.gov/all-programs/programs/energy-code-training). The checklists and reporting forms are envisaged as tools to build technical capacities within AHJs.

**The checklists and forms are voluntary resources being made available for AHJs to deploy as they deem fit. AHJS are advised to consult their relevant legal counsel and code enforcement staff in relation to guidance contained in Appendix C.**

It should be clearly noted that the checklists and forms are subject to revision and updates and are dependent on practical experiences and implementation feedback from AHJs to NYSERDA.





2020 Energy Conservation Construction Code of New York State, NYStretch Energy Code 2020

**Residential  
Energy Plans Review Checklist**

Permit Number: <input style="width: 95%;" type="text"/> Project Name: <input style="width: 95%;" type="text"/> Project Address: <input style="width: 95%;" type="text"/> Building Type: <input style="width: 95%;" type="text"/>	Review Date: <input style="width: 95%;" type="text"/> Updated: <input style="width: 95%;" type="text"/> Permit Applicant: <input style="width: 95%;" type="text"/> Phone: <input style="width: 45%;" type="text"/> Email: <input style="width: 45%;" type="text"/> Plans Examiner: <input style="width: 95%;" type="text"/> Phone: <input style="width: 45%;" type="text"/> Email: <input style="width: 45%;" type="text"/>
---	--

This is a dynamic document that creates a custom energy code checklist for a project scope. This checklist can also be used to create a set of example correction comments that may be used or modified by the plans examiner.

**Would you like to use the sample correction comments feature?**  
 YES

The dynamic version of this checklist is available on  
<https://www.nysed.ny.gov/All%20Programs/Programs/Energy%20Code%20Training>

Compliance Pathway				
<input type="checkbox"/> Performance	<input type="checkbox"/> Prescriptive <sup>1</sup>	<input type="checkbox"/> Energy Rating Index		
ECCCNYS Compliance Option				
<input type="checkbox"/> ECCCNYS Residential Provisions	<input type="checkbox"/> NYStretch over 2018 IECC			
Compliance Scope (Check all that apply and confirm required forms are included in permit application)				
<input type="checkbox"/> Envelope	<input type="checkbox"/> HVAC	<input type="checkbox"/> Service Water Heating	<input type="checkbox"/> Lighting & Electrical	

2020 Energy Conservation Construction Code of New York State, NYStretch Energy Code 2020

**Residential**  
**Energy Building Inspection Checklist**

Permit Number: <input style="width: 95%;" type="text"/> Project Name: <input style="width: 95%;" type="text"/> Project Address: <input style="width: 95%;" type="text"/> Building Type: <input style="width: 95%;" type="text"/> Inspection Date: <input style="width: 95%;" type="text"/>	Review Date: <input style="width: 95%;" type="text"/> Updated: <input style="width: 95%;" type="text"/> Permit Applicant: <input style="width: 95%;" type="text"/> Phone: <input style="width: 45%;" type="text"/> Email: <input style="width: 45%;" type="text"/> Building Inspector: <input style="width: 95%;" type="text"/> Phone: <input style="width: 45%;" type="text"/> Email: <input style="width: 45%;" type="text"/>
--	--

This is a dynamic document that creates a custom energy code checklist for a project scope. This checklist can also be used to create a set of example correction comments that may be used or modified by the building inspector.

**Would you like to use the sample correction comments feature?**

YES

The dynamic version of this checklist is available on <https://www.nysersda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training>

Compliance Scope (Check all that apply)				
<input type="checkbox"/> Envelope	<input type="checkbox"/> HVAC	<input type="checkbox"/> Service Water Heating	<input type="checkbox"/> Lighting & Electrical	

General	Applicable To This Project?	Plan Sheet Location?	Addressed In The Field?	
	Yes	No	Yes	No
Confirm the following items during the inspection. Any items not addressed in the field should be provided a correction comment.				
G1. Which residential compliance path is the project pursuing?	<a href="#">R401.2</a>			
G2. Is the project pursuing compliance with NYStretch Code 2020?	<a href="#">NYStretch Energy Code 2020</a>			
G3. If the building complied via the performance path, has the compliance report been submitted with the following: building address/site identification, statement of compliance with R405.3, a certificate indicating that the building passes the performance matrix & showing energy saving features, energy analysis report, the name of the individual performing the analysis and report generation, name and version of the compliance tool?	<a href="#">R405.4.2.2</a>			
G4. Is there a physical permanent certificate completed and posted at a compliant or approved location inside the building, disclosing building component energy efficiency metric values?	<a href="#">R401.3</a>			
Envelope	Applicable To This Project?	Plan Sheet Location	Addressed In The Field?	
	Yes	No	Yes	No
Any items applicable to the project not addressed in the field should be provided a correction comment.				
E1. Are insulating materials installed such that the manufacturer's R-value mark is readily observable, or provided with certifications of R-values?	<a href="#">R303.1.2</a>			



2020 Energy Conservation Construction Code of New York State, NYStretch Energy Code 2020

**Commercial  
Energy Plans Review Checklist**

Permit Number: _____ Project Name: _____ Project Address: _____ Building Type: _____	Review Date: _____ Updated: _____ Permit Applicant: _____ Phone: _____ Email: _____ Plans Examiner: _____ Phone: _____ Email: _____
---	--

This is a dynamic document that creates a custom energy code checklist for a project scope. This checklist can also be used to create a set of example correction comments that may be used or modified by the plans examiner.

**Would you like to use the sample correction comments feature?**

YES

The dynamic version of this checklist is available on <https://www.nysrerda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training>

Compliance Pathway				
<input type="checkbox"/> Performance	<input type="checkbox"/> Prescriptive <sup>1</sup>			
ECCCNYS Compliance Option				
<input type="checkbox"/> ECCCNYS Commercial Provisions	<input type="checkbox"/> ASHRAE 90.1 - 2016 <sup>2</sup> (as amended)	<input type="checkbox"/> NYStretch over 2018 IECC	<input type="checkbox"/> NYStretch over ASHRAE 90.1 - 2016	
Compliance Scope (Check all that apply and confirm required forms are included in permit application)				
<input type="checkbox"/> Envelope	<input type="checkbox"/> HVAC	<input type="checkbox"/> Service Water Heating	<input type="checkbox"/> Lighting & Electrical	<input type="checkbox"/> Commissioning

General (prescriptive)	Applicable To This Project?	Plan Sheet Location?	Addressed In CDs?		
			Yes	No	
Confirm the following items on the construction documents. Any items applicable to the project not addressed in the construction documents (CDs) should be provided a correction comment.					
G1. Which energy code is the project complying with?	<a href="#">C401.2</a>				
G2. Does the project scope fall under the commercial provisions of the Energy Code?	<a href="#">C101.3</a> <a href="#">ASHRAE 90.1-2016 Section 2.2</a>				
G3. Which climate zone is the building in?	<a href="#">Table C301.1</a> <a href="#">ASHRAE 169 Table Annex 1-1</a>				
G4. Are all plan sheets signed, dated and stamped by the designer of record (as required, and applicable by local and state guidelines)?	<i>Local and State guidelines</i>				
G5. Are all disciplines complying prescriptively with one of the options below? 1. 2020 ECCCNYS - Insulation Component R-value-based Method 2. 2020 ECCCNYS - Assembly U-factor, C-factor or F-factor-based Method 3. 2020 ECCCNYS - Component Performance Alternative 4. ASHRAE Standard 90.1-2016 with NYS amendments	<a href="#">C402-C406 &amp; C408 (new) or C402-C405 &amp; C502.2 (additions)</a> <a href="#">ASHRAE 90.1-2016 Sections 5-10</a>				



**Commercial  
Energy Building Inspection Checklist**

Permit Number: <input style="width: 90%;" type="text"/>	Review Date: <input style="width: 90%;" type="text"/>
Project Name: <input style="width: 90%;" type="text"/>	Updated: <input style="width: 90%;" type="text"/>
Project Address: <input style="width: 90%;" type="text"/>	Permit Applicant: <input style="width: 90%;" type="text"/>
Building Type: <input style="width: 90%;" type="text"/>	Phone: <input style="width: 40%;" type="text"/> Email: <input style="width: 50%;" type="text"/>
Inspection Date: <input style="width: 90%;" type="text"/>	Building Inspector: <input style="width: 90%;" type="text"/>
	Phone: <input style="width: 40%;" type="text"/> Email: <input style="width: 50%;" type="text"/>

This is a dynamic document that creates a custom energy code checklist for a project scope. This checklist can also be used to create a set of example correction comments that may be used or modified by the building inspector.

Would you like to use the sample correction comments feature?

YES

The dynamic version of this checklist is available on <https://www.nysersda.ny.gov/All%20Programs/Programs/Energy%20Code%20Training>

Compliance Scope (Check all that apply)				
<input type="checkbox"/> Envelope	<input type="checkbox"/> HVAC	<input type="checkbox"/> Service Water Heating	<input type="checkbox"/> Lighting & Electrical	<input type="checkbox"/> Commissioning

General	Applicable To This Project?	Plan Sheet Location?	Addressed In The Field?	
			Yes	No
Confirm the following items on the construction documents. Any items applicable to the project not addressed in the field should be provided a correction comment.				
G1. Does the project scope fall under the commercial provisions of the Energy Code?	<a href="#">C101.3</a> <a href="#">ASHRAE 90.1-2016 Section 2.2</a>			
G2. Which climate zone is the building in?	<a href="#">Table C301.3</a>			
G3. Is the project pursuing compliance with the NYStretch code?	<i>Local and State guidelines</i>			
Envelope	Applicable To This Project?	Plan Sheet Location	Yes	No
Any items applicable to the project not addressed in the field should be provided a correction comment.				
E1. Are insulating materials installed such that the manufacturer's R-value mark is readily observable, or provided with certifications of R-values?	<a href="#">C303.1.2</a> <a href="#">ASHRAE 90.1-2016 5.8.1.1, Tables 5.5-4, 5.5-5, 5.5-6</a>			
E2. Do footing and foundation insulation R-value, location, thickness, depth of burial match construction documents and meet code requirements?	<i>Construction Documents, C106.2.1, C402.1.3</i> <a href="#">ASHRAE 90.1-2016 Tables 5.5-4, 5.5-5, 5.5-6</a>			
E3. Does insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors have a rigid, opaque and weather-resistant protective covering?	<a href="#">C303.2.1</a> <a href="#">ASHRAE 90.1-2016 Section 5.8.1.7, Tables 5.5-4, 5.5-5, 5.5-6</a>			
E4. For roof, wall (below and above grade), and floor (non-foundation) assemblies: do type of insulation, R-value, and location of insulation match construction documents and meet code requirements?	<i>Construction Documents, C106.2.2, C402.1.3</i> <a href="#">ASHRAE 90.1-2016 Section 5.8, Tables 5.5-4, 5.5-5, 5.5-6</a>			



# Appendix D: Model Resolution Language

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The following model resolution language may voluntarily be used by AHJs to approve the process to use third-party plan check and inspection services within their jurisdiction. **AHJS are advised to consult their relevant legal counsel and code enforcement staff in relation the adoption of this model resolution.**

## RESOLUTION XX of 202X

A RESOLUTION AUTHORIZING THIRD PARTY PLAN REVIEW AND INSPECTION FOR RESIDENTIAL AND COMMERCIAL BUILDINGS FOR THE [INSERT JURISDICTION NAME], NEW YORK

**WHEREAS**, New York State has adopted the 2018 International Building Code family of codes with amendments, named 2020 Codes of NYS, as the guiding principle pertaining to residential and commercial construction and development within the state; and,

**WHEREAS**, The [INSERT JURISDICTION NAME] realizes that to promote public safety and preserve the quality and value of property within the community, coordinated development review processes are essential to ensuring that the adopted, nationally-recognized building codes and best practices are incorporated into buildings and structures; and,

**WHEREAS**, third party plan review and inspection services will only be for ECCCNYS or NYStretch compliance review. Review by other departments in [INSERT JURISDICTION NAME] will still be required; and,

**WHEREAS**, the [AUTHORIZING BODY] deems it in the best interest of the citizens of [INSERT JURISDICTION NAME] to authorize the Building Official to allow third party plan review for residential and commercial buildings in the [COUNTY, CITY, TOWN, VILLAGE]; and,

**WHEREAS**, time of performance and terms of service are negotiated solely between the permit applicant and third-party plan review and inspection services provider; and,

**WHEREAS**, it shall be the permit applicant’s responsibility to ensure the third-party plan review and inspection services provider receives all the necessary construction documents and list of municipal requirements. Approved stamped documents shall be submitted to the [INSERT DIVISION NAME] prior to the issuance of a building permit.

**NOW, THEREFORE, BE IT RESOLVED BY THAT THE [THE AUTHORIZING BODY FOR THE MUNICIPALITY], NEW YORK:**

**SECTION 1.** The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the [AUTHORIZING BODY] and made a part of hereof for all purposes.

**SECTION 2.** [INSERT JURISDICTION NAME] shall hereby authorize the Building Official to allow third party plan review and inspection for compliance with the Energy Conservation Construction Code of New York State.

**SECTION 3.** This Resolution shall be and become effective from and after its adoption.

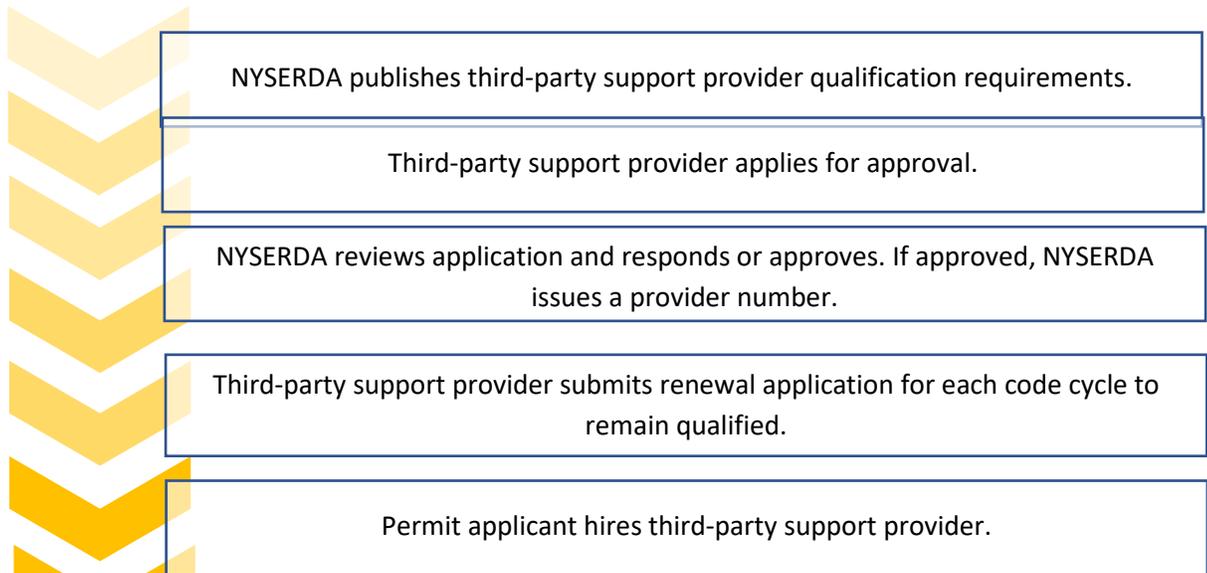
On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and a vote of XXX for and XXX against, XXX abstained and XXX absent this Resolution was adopted on XXXX XX, 202X

ATTEST: [INSERT JURISDICTION NAME], NEW YORK:

By: \_\_\_\_\_ By: \_\_\_\_\_

# Appendix E: Third-Party Support Process Diagram

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## PLAN CHECK

- Third-party Support Provider utilizes checklist and form in Appendix C to conduct plan review
- Once all issues are resolved, third-party support provider sends documentation package to the permit applicant
- Permit applicant submits documentation package to the AHJ
- AHJ reviews and responds or issues a construction permit

## INSPECTION

- Third-party support provider utilizes checklist and form in Appendix C to conduct inspection
- Once all issues are resolved, the third-party support provider sends documentation package to the permit applicant
- Permit applicant submits documentation package to the AHJ
- AHJ reviews and responds or issues the Certificate of Occupancy



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