

Number: 99-7 (87-1)Page 1 of 3Date: September 15, 1998

Subject:Definition and requirements of an Affidavit Project
In the City of Boston

Determination:

Commissioner's Bulletin 87-1 is hereby rescinded.

Part I

1. The purpose of this bulletin is to amplify the requirements for affidavit projects as authorized by the Massachusetts State Building Code (780CMR), and to clarify their application to the City of Boston.
2. Projects currently under construction on the effective date of this bulletin shall continue with respect to the requirements of bulletin 87-1. Projects currently under review or in the approval process shall be subject to the requirements of this bulletin.

Part II

3. It is established policy that affidavits are to be filed with the Inspectional Services prior to the issuance of the building permit for certain buildings or structures. This will remain the policy when the estimated cost of the project exceeds a fair market estimated cost of \$1,000,000.00, or when the project, in the opinion of the head of the Plan Review division, is determined to be a "complex structure". Notwithstanding these requirements, the head of the Plan Review division, with the approval of the Commissioner, may require individual affidavits, such as structural or mechanical affidavits, if deemed necessary, on projects which may not otherwise qualify as "Affidavit Projects".
4. When a project is, under the above criteria, designated as an "Affidavit Project", the following affidavits shall be required:
 - A. Design Affidavits
 1. Architectural Design Affidavit
 2. Structural Design Affidavit
 3. Mechanical Design Affidavit
 4. Electrical Design Affidavit



Signed:
Commissioner
Inspectional Services Department

4. Continued

B. Inspection and Final Affidavits

5. Inspection Affidavit
6. Licensed Builder Affidavit
7. Inspection Final Affidavit (Architect and/or Engineer)
8. Architectural Final Affidavit
9. Structural Final Affidavit
10. Mechanical Final Affidavit
11. Electrical Final Affidavit
12. Licensed Builder Final Affidavit

Copies of these affidavits are attached and made part of this bulletin.

5. The inspection Affidavit Architect or Engineer shall be in the employ of the Owner, Design Architect or Design Engineer, and not in the employ of the General Contractor (Licensed Builder), or acting as the General Contractor.
6. When the estimated cost of any project is expected to exceed \$2,000,000.00, or the project in the opinion of the head of the Plan Review division may be classified as a complex structure, the Owner, Inspection Architect, or Inspection Engineer shall appoint a qualified person to be the Clerk of the Works for the proposed project. In no case shall the Clerk of the Works be employed by or be responsible to the General Contractor (Licensed Builder). However, the Clerk of the Works, in addition to all other responsibilities shall be under the direct authority of the Commissioner of Inspectional Services or his designee, who shall approve the appointment of the Clerk of the Works prior to the issuance of the building permit. The Clerk of the Works shall submit a resume to the Commissioner or his designee, indicating his technical qualifications. Upon approval by the Commissioner, there shall be executed an Appointment and Approval form which is attached to this bulletin as Appendix A.

The Commissioner or his designee may waive the requirement of a full time Clerk of the Works if in his opinion full time or site observation is not required. In such event the Inspection Architect or Engineer shall assume the duties of the Clerk during his weekly site visit.

7. The inspection Architect or Engineer or their representative shall make at least one site visit per week to the building or structure until the completion of the project. A report shall be filed monthly with the Commissioner or the local building inspector.

In addition, the Clerk of the Works, as described above, shall maintain a daily log in a form as furnished or approved by the Inspectional Services Department.

8. With respect to the logbook as required by item #7, the following requirements shall be in force:
 - A. The log book must contain detailed information for all sign-ins so that a summary record of the project will be obtained. A copy of a sample log sheet is attached as an example.
 - B. Substantial changes in design as well as significant problems in construction must be reported to the Commissioner with proposed modifications or proposed problem solutions before they are affected.
 - C. Regular reports on progress and problems during construction are to be sent to the Commissioner on a monthly basis by the Licensed Builder or by the inspection affidavit engineer and or architect.

- D. An up to date project listing is to be filed with the Commissioner's Office containing the following information:
- a. work site phone number
 - b. Name, address and phone number of on-the-job Licensed Builder, Architect, Structural Engineer, etc.
 - c. Name, address, and phone number of owner or owner's representative.
- E. The fully documented project log must be accompanied by the request for a certificate of Occupancy. Moreover, any change in the estimated "fair cost" of the project shall be settled before a Final Certificate of Occupancy is issued
9. The Commissioner of Inspectional Services, at his Discretion, may require that the Inspection Affidavit Architect or Engineer visit the project on a more frequent basis than that required in No. 7 above.
10. The Inspection Affidavit Architect or Engineer and the Clerk of the Works shall promptly notify the Commissioner regarding any of the following events or conditions which he observes in the course of performing his duties: code violations, changes which affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by code, major or substantial changes between approved plans and specifications and the work in progress, or any condition which he identifies as constituting as immediate hazard to the public.
11. Upon substantial completion of the project and prior to the issuance of a Certificate of Occupancy, a final affidavit will be required to be filed with the Department by the Inspection affidavit or engineer, as well as the other affidavit personnel. No final affidavit will be waived. However, a final affidavit may, upon good cause shown and at the discretion of the Commissioner, be furnished and accepted from an architect, engineer(s) and builder other than the one who first filed the Inspection Affidavit.
12. All architects or engineers as mentioned above must be registered in the Commonwealth of Massachusetts. They shall perform all services required under this Bulletin in a non-negligent manner in accordance with generally accepted standards of professional practice and in accordance with pertinent provisions of the Massachusetts State Building Code and other applicable laws, rules, and regulations. Nothing contained in the bulletins or in the affidavits required hereunder shall be deemed to reduce, extend, or modify the standard of professional care set forth in the foregoing sentence.
13. Certain plans and computations of complex structures or systems may be required by the Inspectional Services Department, to undergo examination by a second engineer or architect registered in the Commonwealth of Massachusetts. The expense of the second examination shall be borne by the owner. It shall consist of an examination by an impartial engineer or architect who, upon his examination and conference with the designer, will send a letter to the Commissioner of Inspectional Services state that he has checked the details, computations, stress diagrams and other data necessary to describe the construction and basis of calculations and further stating that in his judgement the requirements of the code have met with respect to the design.

APPENDIX A

(continued)

**ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING
ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT**

The Representative shall make available to the Commissioner for inspection at the site office for the Project all diaries and logs, records and reports of test procedures and results, and similar records maintained by the Representatives during the course of construction

Signed for the Owner:

Signed for Department of
Inspectional Services:

COMMISSIONER

Company: _____

Address: _____

Phone: _____

Date: _____

Date: _____

Signed for the Affidavit Architect:

Company: _____

Address: _____

Phone: _____

Date: _____

Signed by Designated Clerk of the Works:

Company: _____

Address: _____

Phone: _____

Date: _____

APPENDIX A

ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT

Pursuant to Sections 105.6 and 127.4 of the Commonwealth of Massachusetts State Building Code (the "Code") and Commissioner's Bulletin, the following procedure for construction inspection reporting is hereby required during construction of the project.

The Project Representative, the "Representative," engaged by the Architect or owner to fulfill the requirements of Bulletin respecting a Clerk of the Works shall be subject to the approval of the Commissioner, which approval shall not be unreasonably withheld or delayed. The Commissioner may withdraw his approval of the Representative previously given if, in his reasonable judgment, the Representative is not discharging the responsibilities required by this Order with the professionalism required for a job of the size and complexity of the Project. Any replacement of the Representative shall be subject to the provisions of this paragraph concerning approval and withdrawal of approval by the Commissioner.

The Representative shall submit written reports directly to the Commissioner on the 1st day of each month. The reports shall contain a summary of construction activities on the Project site during the preceding month, including work in progress and work completed, and a summary of all material deviations from the plans and specifications upon which said Building Permits were issued, or the requirements of Code, observed during such period and the disposition thereof. In addition to such monthly reports, the Representative shall advise the Commissioner whenever in his professional judgment a condition arises in the course of construction of the Project which is a material deviation from the plans and specifications upon which said Building Permits were issued, or the requirements of the Code, the remedy or correction of which cannot be or is not being undertaken in the ordinary course. Such advice shall be in writing and shall be hand delivered to the Commissioner.

INSTRUCTIONS FOR MAINTAINING THE LOG BOOK

1. The Inspectional Services Department shall require the Affidavit Engineer or Architect to keep a log of his weekly visits until the final affidavit is filed. The log sheets shall be filed in a standard 3-ring loose-leaf binder with each page numbered.
2. The Log Book shall be signed by all Inspectional Services Department inspectors, all personnel for the testing lab, clerk of works, Affidavit Engineer and his consultants, and daily by the Licensed Builder.
3. The Log Book shall be kept in a neat and orderly manner and at a location where all required personnel shall have access to it.
4. The Clerk of the Works shall note conditions of weather, noting maximum wind velocity, maximum and minimum temperature and low temperature of preceeding 24-hour period. He shall also note maximum wind velocity and minimum temperatures for holidays and weekends when no construction operations take place.
5. The Log Book shall not be used as a visitor's registration book.
6. Whenever there is a change in the principal personnel of the project, all changes shall be duly noted, with the appropriate dates, on a new title sheet, marked Revision #1, etc. In addition, these changes should be mailed directly to the Commissioner of Inspectional Services.
7. After the final affidavit is signed and before the Certificate of Occupancy is granted, the Log Book shall be returned to the Inspectional Services Department.

PROJECT ADDRESS

LICENSED BUILDER: _____

Company: _____

Address: _____

Phone: _____

Class. _____ Lic. No. _____

AFFIDAVIT ENGINEER or ARCHITECT: _____

Company: _____

Address: _____

Phone: _____

Mass. Reg. No. _____

PERMITS:

NUMBER

CONTRACTOR

ADDRESS

Building _____

Electrical _____

Gas _____

Plumbing _____

Sprinkler _____

Elevator _____

LOG BOOK

Log Book Sheets

YEAR:

SHEET

PROJECT ADDRESS:

WARD:

PERMIT NO.

TIME
IN OUT

COMPANY/POSITION

ACTIVITY/FINDINGS

DATE NAME

PROJECT LOCATION _____

LICENSED BUILDER: _____

Class _____ Lic No _____

AFFIDAVIT ENGINEER or ARCHITECT _____

Mass Reg No _____

PERMITS:

NUMBER

CONTRACTOR

Building _____

Electrical _____

Gas _____

Plumbing _____

Sprinkler _____

Elevator _____

AFFIDAVIT
ARCHITECTURAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State building Code and all other pertinent laws and ordinances

ARCHITECT — MASS REG NO

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true

Before me:

My Commission expires

_____ 19 _____

LICENSED BUILDER FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

LICENSED BUILDER — LICENSE NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me.

My Commission expires

_____ 19 _____

AFFIDAVIT
STRUCTURAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO. _____

COMPANY _____

ADDRESS _____

PHONE _____

Then personally appeared the above-stated _____ and made oath that the above statement is true.

before me _____

My Commission expires _____

_____ 19 _____

AFFIDAVIT
MECHANICAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department:

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS REG NO

COMPANY

ADDRESS

PHONE

Then personally appeared the above-stated _____ and made oath that the above statement is true.

Notary

My Commission expires

19 _____

LICENSED BUILDER FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

LICENSED BUILDER — LICENSE NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

ELECTRICAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit

No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true

Before me

My Commission expires

_____ 19 _____

MECHANICAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

_____ Ward _____ on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS REG NO

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement is true.

Before me

My Commission expires

_____ 19 _____

STRUCTURAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____, on the dates used below or on at least _____ occasions during construction, and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true

Before me,

My Commission expires

_____ 19 _____

LICENSED BUILDER FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

LICENSED BUILDER — LICENSE NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true

Before me

My Commission expires

_____ 19 _____

ARCHITECTURAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit

No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ARCHITECT — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

before me.

My Commission expires

_____ 19 _____

INSPECTION FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances

ARCHITECT OR ENGINEER — MASS REG NO

COMPANY

ADDRESS

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true

Before me

My Commission expires

_____ 19 _____

AFFIDAVIT
LICENSED BUILDER

Permit No. _____

To the Commissioner, Inspectional Services Department

Re: _____ Ward _____

I certify that I am duly licensed to take personal charge of work under the provisions of the Massachusetts State Building Code and that I shall perform only that work described on the Building Permit application and in accordance with the plans approved by the Inspectional Services Department. I further certify that this work shall be done in accordance with the provisions of the Massachusetts State Building Code and that I will be on the site at all times during the construction of operations at _____

LICENSED BUILDER LICENSE NO.

CLASS WHEN EXPIRES

COMPANY ADDRESS

PHONE

_____ 19 _____

Then personally appeared the one named _____
and made oath that the above statement by him is true

Before me, _____

My Commission expires _____

_____ 19 _____

INSPECTION AFFIDAVIT

Permit No. _____

To the Commissioner, Inspectional Services Department

Re: _____ Ward _____

I certify that I shall make at least one site visit per week from start to completion of construction to observe compliance with the Code and the approved plans and will make a report of my visits and findings. There will be a representative in my employ or in the employ of the owner on site, as outlined in Commissioner's Bulletin No. 86- revised, during construction operations. He will maintain a daily log of construction activities and report any discrepancies noted to me for my action or for my reporting to Inspectional Services Department. If the need or the situation warrants, I may substitute a Massachusetts registered architect or engineer for me subject to the written approval of the Inspectional Services Commissioner.

ARCHITECT OR ENGINEER — MASS REG NO

COMPANY

ADDRESS

PHONE

19 _____

Then personally appeared the above-named _____
and made oath that the above statement is true to the best of his knowledge.

Before me:

My Commission expires

19 _____

AFFIDAVIT
ELECTRICAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department

Re. _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

before me

My Commission expires

_____ 19 _____