

Third Party Plans Review Program Policy for Commercial Projects

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
BUILDING PLANS REVIEW DIVISION

I. POLICY JUSTIFICATION:

In response to the increasing volume of construction plans for commercial projects submitted to Building Plans Review for approval, owners, developers and designers may utilize third parties to review building plans for code compliance. This will result in expediting plan review and approval at the permitting stage and expedite plans review generally.

II. AUTHORITY:

Section 12-505, Maryland Public Safety Article of the Annotated Code of Maryland; Building Performance Standards (COMAR 05.02.07.04 B.(1)(a)); Baltimore County Building Code (Baltimore County Council Bill 40-15); and the 2015 editions of the International Building Code, Section 107.3, and the International Residential Code, Section R106.3; and Section 1.7.5, 2012 NFPA (Fire Code).

III. PLAN REVIEW:

Construction documents for commercial projects may be examined by a County approved third-party reviewer to ensure compliance with all applicable building and fire codes and County submission standards.

IV. PLAN REVIEW AND COUNTY PERMIT FEES:

Plan review fees shall be the responsibility of the permit applicant. County permit fees may not be reduced because of the election to obtain third party plan review services.

V. QUALIFICATION OF PLAN REVIEWERS:

All individual plan reviewers shall be licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the State of Maryland or hold a current ICC plan examiner certificate applicable to the type of review performed and demonstrate that they have adequate plan examination experience to ensure compliance with all applicable building, energy, accessibility and other pertinent construction codes.

VI. FINANCIAL INTEREST:

Third party plan reviewers and their employers shall have no financial interest in the project reviewed other than the fee for services hereunder.

VII. INSURANCE & HOLD HARMLESS REQUIREMENTS:

Third party plan reviewers or a firm employing plan reviewers shall obtain and maintain errors and omissions coverage for each occurrence in the amount of \$1,000,000, with Baltimore County listed as additional insured. This requirement is not interpreted to mean that an errors and omissions policy is required for each project under review.

The third party plans reviewer agrees to protect, defend, indemnify and hold the County and elected officials, officials, officers, employees, and agents free and harmless from and against any and all losses, penalties, injuries, liabilities, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of the performance of any work pursuant to this policy. Without limiting the generality of the foregoing, any and all such claims, etc., relating to personal injury, infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal or property right, or actual or alleged violation of any other tangible or intangible personal or property right, or actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, shall be included in the indemnity hereunder. The third party plans reviewer further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc., at his/her sole expense and agrees to bear all other costs and expenses related thereto, even if such claim is groundless, false or fraudulent.

VIII. NO EMPLOYMENT RELATIONSHIP:

Third party plan reviewers or a firm employing plan reviewers shall contract directly with the permit applicant for performance of plans review services on terms agreed to by the parties. Third party plan reviewers or a firm employing plan reviewers shall not be deemed an officer, agent, employee or subcontractor of Baltimore County. Baltimore County shall have no liability to any third party plan reviewer or examiner, including but not limited to liability for payment for services.

IX. FORMS:

All third party plan reviewers shall use the forms provided by the building official for reporting construction documents review results.

X. SANCTIONS:

The Building Official may disqualify third party plan reviewers for the following reasons:

- failure to ensure that construction documents conform to applicable building and fire codes
- falsification of reports
- lapse or revocation of required certifications, licenses or insurance
- failure to comply with this policy.