

Cayman Islands
Department of Planning
Third-Party Plan Review Program



DEPARTMENT OF PLANNING

Cayman Islands Government

www.planning.ky

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Third-Party Plan Review Program

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Third-Party Plan Review Program

1. Scope of Program

The Department of Planning, (Building Control) (the Department of Planning) is responsible for the plan review and approval of all construction projects in the Cayman Islands. Non-governmental persons or entities are authorized to perform Third-Party plan reviews and to certify that such work complies with the Cayman Islands Building Codes, under certain conditions.

The Third-Party Plan Review Program is a voluntary program that provides the option to allow large and/or complex projects to be submitted to a qualified Third-Party Plan Review Agency (“Third-Party”) as an alternative to the departments’ standard plan review process. It is anticipated that this option will reduce permitting turnaround time and allow the limited resources of the Department to be allocated more efficiently, and ultimately improve the customer experience.

This Manual sets forth the minimum qualifications, administrative guidelines, and procedures established and implemented by the Department of Planning for Third-Party Agencies to ensure that all reviews conducted by Third-Party Agencies are at the highest professional level, and to ensure a process for verification and auditing of the Third-Party Agencies.

2. About the Program

Plan Review

The owner of the project has decided to employ a Third-Party agency to process their plans for a construction project. If a Third-Party agency has been selected, then the project must be finished by the Third-Party agency. Plans being reviewed by the Department are not eligible to be reviewed by Third-Party.

The following steps are required for the Plan Review process to proceed as smoothly as possible.

- A letter of intent must be submitted by the Owner on the appropriate form “Owners Notice of Intent” to the Director of Planning for review and approval.
- When approval is received for the Third-Party request copies of the construction documents as required by the Third-Party are submitted directly to the Third-Party for review.
- It is the responsibility of the owner to pay the Third-Party directly in addition to the Department of Planning fees and provide the Third-Party with all required construction documents.

- The Third-Party plan reviewer will review all the following trades, approval will not be granted for any project that does not include all trades;
 - Building
 - Mechanical
 - Electrical
 - Plumbing
 - Mechanical
 - Fire
- Items that must be reviewed by other departments
 - Department of Planning – CPA Approval (before BCU submittal)
 - Department of Planning/Building Control - Elevators
 - Cayman Islands Fire Service – Access by vehicles
 - OfReg --LP Gas Tanks – Size and location
 - National Roads Authority (NRA) Paving & Water runoff,
 - Water Authority (WAC) -- Grease traps/ wastewater treatment
 - Department of Environmental Health (DOEH) – Commercial Pools and Dumpsters(new)
- Third-Party’s responsibility to determine if the construction documents meet the applicable Codes. Also, the Third-Party must verify that the approved planning drawings, if any, match the construction documents.
- The Third-Party shall stamp the plans “Reviewed for Code Compliance” and submit the same together with the Approved Planning (stamped set) to the Department of Planning through the online submission system for verification by the Department.
- The Third-Party shall provide the Department with a Signed owner’s notice of intent, copies of all review notes and/or analysis, comments, and any correspondence between the Third-Party and the Permit Applicant, design professional(s) and contractor(s) to be included in the public record.
- A Plans Examiner will be assigned to do a cursory review of the plans, Normal time 5-7 Business Days

NOTE:

If any changes to the approved plans occur during the construction phase – the original plan review agency must be contacted to review the changes.

If changes to the exterior of the building, location or any major changes to the interior occur approval must be sought from the Department.

Exclusions

Activities excluded from the Third-Party Program include, but are not limited to, the following:

1. Plan reviews of work that is outside the jurisdictional authority of the Department of Planning, including but not limited to work requiring the review and/or approval for:
 - a. Any Utility Companies project not covered in the Cayman Islands Building Codes, Electrical Law or Regulations.
 - b. Any Maritime projects not covered by the Cayman Islands Building Codes
2. Authorization or approval of any modification of any provision of the Cayman Islands Building Codes
3. Authorization or approval of alternative materials, design, and methods of construction and equipment not specified in the Cayman Islands Building Codes
4. Approval of installations in vaults and other projections into public space, without written approval by the Department of Planning
5. Approval of site development work where jurisdictional authority is outside of the scope of the Department of Planning
6. Planning and/ or Zoning compliance
7. The following will require a full review by the Planning Department
 - a. Health Care Facilities – Hospitals
 - b. Hazardous Occupancies
 - c. Gas Stations
8. Or any project excluded by the Director of Planning.

3. Third-Party Plan Review Agency Approval

A Third-Party Plan Review Agency approved to conduct a plan review of projects for compliance with the Cayman Islands Building Codes, including its referenced standards shall be a corporate entity, partnership, or sole proprietor licensed to do business in the Cayman Islands. An Agency must employ or subcontract with one (1) or more qualified Professionals-In-Charge, Third-Party Plan Reviewers in each required discipline as approved by the Department of Planning.

Approval and Qualifications of Third-Party Plan Review Agencies

An applicant that is requesting approval must submit the following information to the Department of Planning for consideration. Failure to provide all of the required information will result in the application being rejected.

Application Process for New Agencies / Agents

An applicant must provide the following in support of the application:

- a. A completed application form
- b. A copy of a current Cayman Islands Trade and Business License.
- c. A copy of Professional Indemnity Insurance coverage required by the Cayman Islands Government.
- d. A signed copy of the Third-Party Plan Review Agreement.
- e. A resume for all Professional(s)-In-Charge and Plan Reviewers including copies of relevant certifications and qualifications and experience in the discipline for which they will be conducting Plan Review per Table 2.1.
- f. A completed conflict of interest affidavit by each Professional(s)-In-Charge and/ Plan Reviewers.
- g. Two Reference Letters for all Professional(s)-In-Charge and Plan Reviewers.
- h. A quality assurance plan that describes the method or plan that the Third-Party Plan Review Agency uses to maintain the quality of all plan review services it provides.

Upon approval of the application by the Department of Planning, the Third-Party Plan Review Agency will be issued an Approval Certificate as evidence that the Agency's participation has been certified.

The Third-Party Plan Review Agency must inform the Department of Planning in writing, within five (5) business days, of any material change to the information previously submitted to in its application.

Qualification of Third-Party Plan Review Agencies

The Third-Party Plan Review Agency must identify the Professional-In-Charge, Certified Plan Reviewer(s) and/or Certified Inspector(s), who meet the qualifications for each discipline as set forth below in Table 2.1, when approved, the Professional(s)-In-Charge, Licensed Plan Reviewer(s) will be authorized to conduct plan reviews as specified in Table 2.1.

Professionals-in-Charge, Plan Reviewers, are required to maintain and renew their International Code Council (ICC) certifications following ICC protocols for certification renewal. It is the responsibility of each Third-Party Plan Review Agency to ensure that its staff is proficient and competent in the application of the Cayman Islands Building Codes for their respective disciplines.

Table 2.1 Qualifications

Position	Professional in Charge
Minimum Qualifications	Design Professional as required by the Cayman Islands the Department of Planning Registry or ICC Certification in at least 3 Commercial Trades or Certified Building Official and Minimum of Four (4) Year experience in the field of engineering or construction Project design, construction management or Inspections/Plans Examining for a Jurisdiction
Responsibility	Oversee the work of the Plan Examiners
Position	Plan Examiner
Minimum Qualifications	3 Years of construction management experience or Inspections / Plans Examining for a Jurisdiction and
<ul style="list-style-type: none"> • Building 	ICC (B3) Certification & (21) Accessibility or equal
<ul style="list-style-type: none"> • Mechanical 	ICC (M3) Certification or equal
<ul style="list-style-type: none"> • Plumbing 	ICC (P3) Certification or equal
<ul style="list-style-type: none"> • Electrical 	ICC (E3) Certification or equal
<ul style="list-style-type: none"> • Fire 	ICC (F3) Certification or equal
Responsibility	Residential & Commercial Plan Review for the following: Building Mechanical Plumbing Electrical Fire

Duration of Approval

The approval will be valid for three (3) years, after which the Third-Party Plan Review Agency will have to re-apply to ensure continuation in the program. The renewal application shall be received by the Department of Planning at least 90 days before expiration.

4. Insurance

The Third-Party Plan Review Agency shall obtain and maintain minimum Professional Indemnity Insurance (enforceable in the Cayman Islands) for each occurrence of \$1,000,000.00. Professionals-In-Charge and Reviewers who are principals of the Third-Party Plan Review Agency or who are employed by, or under contract with the Third-Party Plan Review Agency, shall be covered by the Third-Party Plan Review Agency's insurance.

The insurance coverage provided by THIRD-PARTY AGENCY shall contain language providing coverage up to six (6) months following the completion of the contract to provide insurance coverage for the hold harmless provisions of the policy.

Any cancellation of the required insurance shall result in the removal of Third-Party Approvals effective on the date of the insurance cancellation.

If the Third-Party Plan Review Agency changes insurance providers, the Third-Party Plan Review Agency must submit, within fifteen (15) calendar days, updated insurance coverage to the Department of planning. Failure to do so shall result in the Agency's removal from the Program.

The insurance shall be cancelable only after thirty (30) days' written notice to the Department of Planning by certified mail with return receipt, addressed to the following address or such other address as may be specified.

5. Conflicts of Interest

Third-Party Agencies shall remain free of conflicts of interest on projects in which it is conducting Third-Party Plan Reviews.

Each Third-Party Plan Review Agency, Professional-In-Charge, and Plan Reviewer is individually and solely responsible for maintaining compliance with the conflict of interest provisions outlined in this Manual.

The following circumstances and/or activities of a Third-Party Plan Review Agency constitute a conflict of interest and will result in the Third-Party Plan Review Agency being disqualified from participating in the Third-Party program.

- a) The Third-Party Plan Review Agency is owned or controlled by any entity associated with the Project.
- b) The Project Architect(s), Engineer(s), or other design professionals of record, or their firms have an ownership interest in the Project or the Third-Party Plan Review Agency.
- c) The code or planning consultant or other specialty consultants or advisors are associated with the design of the Project or their firms.
- d) The General Contractor of the Project or any of its Subcontractors maintains a financial or economic interest in or serving (with or without compensation) as an officer or director in the Third-Party Plan Review Agency.

- e) Any person or entity performing functions of Project Management, Construction Management, Value Engineering, or Quality Control of the Project maintains a financial or economic interest in or serving (with or without compensation) as an officer or director in the Third-Party Plan Review Agency.
- f) Any person or entity associated with the financing of the Project maintains a financial or economic interest in or serving (with or without compensation) as an officer or director in the Third-Party Plan Review Agency.
- g) Any person or entity associated with the Third-Party Plan Review Agency performs legal counsel to the owner of the Project.
- h) Any person or entity associated with the Third-Party Plan Review Agency, who performs functions of permit expediting or acting as Owner's agent, or any other party or entity associated with advocating for the Owner's interest in the Project.
- i) The Third-Party Plan Review Agency has provided advisory, consulting services, and/or design services related to the Project.
- j) The Third-Party Professional-In-Charge is subject to all conflicts of interest requirements of the Third-Party Plan Review Agency in which there is a business or family relationship.

Any other circumstances or activities not listed above that the Director of Planning may reasonably prove, to constitute an actual, potential or apparent conflict of interest based on consideration of specific circumstances

6. Duties and Responsibilities of Third-Party Agencies

Before commencing work on a project, the Third-Party Plan Review Agency must ensure that an approved Notice of Intent (Notice of Intent) has been issued by the Department of Planning. The Notice of Intent must be applied for by the, however, a Third-Party Plan Review Agency or a designated agent may submit the Notice of Intent to the Department of Planning. If the Owner is not the signing party, a notarized letter confirming the Third-Party Plan Review Agency or Agent's authority and identity must be attached to the Notice of Intent.

Duties of the Registered Professional-In-Charge

The Registered Professional-In-Charge must provide direct supervision of all Plan Reviews conducted by the Third-Party Plan Review Agency. The Professional-In-Charge is responsible for ensuring that each Third-Party Plan Reviewer is approved to conduct a plan review for each applicable discipline.

7. Plan Review Reports

Provide Complete and Timely Plan Review Reports

The Third-Party Review Agency shall submit the following completed reports to the Department of Planning for each Project. The Director of Planning may modify the reporting requirements

and procedures as deemed necessary.

Plan Review Code Deficiency Report

The Third-Party Plan Review Agency shall complete a Plan Review Code Deficiency Report, containing a list of non-complying items and the relevant code section for each review. The Code Deficiency report shall be in the format defined by the Director of Planning.

The Code Deficiency Report shall include the following information:

- Project address
- Occupancy Classification
- Type of Construction
- Allowable area
- Building fire-resistant rating and exterior wall rating
- Design Occupant Load
- Third-Party Plan Review Agency's name and address
- Notice of Intent Number(s)
- Discipline(s) for which the plan review was performed
- Name and contact information of the approved Registered Professional-In- Charge and Plan Reviewers completing the review for each applicable discipline
- A list of non-complying items and the relevant code section

The Third-Party Plan Review Agency shall submit copies of each Code Deficiency Report to the Owner or the Owner's designated recipient(s).

The Third-Party Plan Review Agency shall communicate with the Owner or its designated representatives as necessary to clarify and ensure the non-compliant items are corrected and in full compliance with the Cayman Islands Building Codes.

The Third-Party Plan Review Agency must ensure all identified code deficiencies are corrected in the final set of plans.

Third-Party Plan Review Approval Letter

The Third-Party Plan Review Approval Letter shall be sealed and signed by the Professional-In-Charge and must be submitted in a PDF format. The Approval Letter shall specify:

- Project address
- Third-Party Plan Review Agency's name and address
- Notice of Intent Number(s)

- Discipline(s) for which the plan review was performed
- Name and contact information of the approved Professional(s)-In-Charge and Plan Reviewer(s) signing off on the review for each applicable discipline
- A copy of all Code Deficiency Reports issued by the Third-Party Plan Review Agency, if applicable
- A statement testifying to the compliance of the Discipline's plans for the Project with construction documents, specifications and all regulations of the Cayman Islands Building Codes

8. Project Documents

The Third-Party Plan Review Agency shall agree to exercise due diligence in the safekeeping of any project documents received from the Owner and to return promptly any requested documents to the Department of Planning or the Owner upon request. The drawings, specifications electronic files in all types of media, or other materials received by the Third-Party Plan Review Agency in connection with the performance of any work under the Program may be protected by copyright law and shall remain the property of the Department of Planning or the Owner.

Plans utilized by a Third-Party Plan Review Agency shall be solely for completing the Third-Party Plan Review Agency's work under the program and not for any other purpose.

The Third-Party Plan Review Agency agrees to treat such materials as restricted information.

9. Internal Quality Assurance

The Third-Party Plan Review Agency shall comply with the approved quality assurance plan, by ensuring that its personnel and/or agents are subject to internal performance evaluations conducted by the Third-Party Plan Review Agency and submitting the required annual summary report to the Department of Planning Third-Party Program Manager describing the number of reviews conducted for each employee or contractor and the results of those reviews. The Third-Party Plan Review Agency shall maintain all records regarding the evaluation, certifications, and continuing education requirements of its personnel and/or agents. The Third-Party Plan Review Agency must maintain a tracking system to monitor the submissions of all documents required by the Third-Party Program.

10. Duties and Responsibilities of the Department of Planning

The Department of Planning has the responsibility to ensure that all plans meet the requirements of the Cayman Islands Building Codes. This includes establishing qualifications for participation in the Third-Party Program and to monitor performance by approved Agencies. Failure Third-Party Plan Review Agency to meet Program requirements are subject to discipline, suspension, or removal from the Program.

Responsibilities are as follows:

- a. Maintain the Third-Party Program Manual and update it as required.
- b. Review, approve or disapprove all Third-Party Plan Review Agency Applications and recertification applications.
- c. Review, approve or disapprove the owner's Notice of Intent to use a Third-Party Plan Review Agency within (5) five business days of submission of a complete application.
- d. Rescind the Notice of Intent on any Project assigned to a Third-Party Plan Review Agency after determining non-compliance with this Manual or violations of the Cayman Islands Building Codes resulting in Class 1 disciplinary action as in Section 13.
- e. Perform compliance review and audits of the Third-Party Agencies as prescribed in the Manual.
- f. Meet as necessary with Third-Party Agencies to share new information, changes, and provide an open forum for discussion around the concerns of the agencies and their clients.
- g. Review Inspection and Plan Review Reports for quality assurance.
- h. Confirm submission by each Third-Party Plan Review Agency of the annual summary of quality assurance reviews of employees and contractors undertaken according to the approved quality assurance plan.
- i. Create and maintain a current and accurate list of all Third-Party Agencies to be made publicly available on the Department of Planning website.
- j. Issue disciplinary actions based on the process outlined in this Manual under section 13.

The Department of Planning Oversight Protocol for Third-Party Agencies

The Department of Planning will conduct periodic and random audits of all approved Third-Party Agencies to determine compliance with the requirements of the Third-Party Program. The responsible person within the Third-Party Plan Review Agency shall be accessible to the Department during normal business hours and shall allow access by personnel to conduct compliance reviews and audits of the Agency.

The Third-Party Plan Review Agency shall cooperate with the Department of Planning in any audit or compliance review or face disciplinary action including removal from this program.

Non-Compliance Protocol

When a Department of Planning auditor finds initial non-compliance in plan review, the Third-Party Plan Review Agency will receive a discipline notice according to Section 13, depending on the seriousness of the non-compliant issue.

11. Duties and Responsibilities of the Project Owner

Execution of Notice of Intent (Notice of Intent)

The Owner may elect at the beginning of a Project to use a Third-Party Plan Review Agency for plan review and/or inspection instead of the Department of Planning. To use a Third-Party Plan Review Agency, the Owner or designated Agent of the Owner must fully execute, sign and submit a Notice of Intent (Notice of Intent) Application to use a Third-Party Plan Review Agency and wait for the Department of Planning's review and approval of the Notice of Intent before commencing plan review and/or inspections on a project. A notarized letter confirming the Agent's authority and identity must be attached to the Notice of Intent if the Owner is not the signing party. The Department of Planning shall review the Notice of Intent to ensure compliance with this Manual and shall grant approval or disapproval within five (5) business days. If the Notice of Intent is incomplete or incorrect, the Department of Planning will request additional information.

Conflict of Interest between Inspections and Plan Review Agencies

To ensure compliance with the Conflict of Interest requirements the Owner must identify separate entities to conduct the plan review and the inspections for a single project. A Third-Party Plan Review Agency cannot perform Third-Party Inspections and Plan Review for the same Project.

Payments to Third-Party Agencies

The Owner or his/her authorized representative is responsible for all payment for services rendered to the Third-Party Plan Review Agency. The Department of Planning is not a party to the contract between the Owner and the Third-Party Plan Review Agency. All fees and costs associated with the performance of a Third-Party Plan Review Agency are the sole responsibility of the Owner.

Utilization of a Third-Party Plan Review Agency does not entitle the Owner to a refund of any portion of the permit fee required by the Department of Planning. Any monetary claims that arise from incomplete, inaccurate or defective plan reviews provided by the Third-Party Plan Review Agency shall be remedied without cost to the Department of Planning

12. Third-Party Program Disciplinary Process

The Department of Planning is authorized to discipline or remove a Third-Party Plan Review Agency from the Third-Party Program for failure to comply with this Manual and the Cayman Islands Building Codes. Disciplinary actions may include but are not limited to the following: warning, probation, suspension, and/or removal. This Manual sets forth the policies and procedures for imposing discipline.

13. Disciplinary Violations

Class 1 Violations

Class 1 violations are the most serious violations warranting disciplinary action including failure to comply with administrative procedures, protocols, and substantive rules that may

immediately impact the health, safety, and/or welfare of the public. A Class 1 violation can result from, but is not limited to, the following conduct:

- a. An ethical violation by any reviewer or agency on a Third-Part Project such as acceptance or offering of a bribe or making a threat.
- b. Altering or falsifying any reports, documents, or plans on a project, as documented by the owner or the contractor or another person with credible knowledge of such an event.
- c. Misrepresentation of information required for qualification or certification.
- d. Failure to properly document and cite code violations that pertain to fire and life safety and/or welfare of the public. These may include but are not limited, to fire-resistance-rated construction, fire stopping, and smoke control systems, means of egress, fire suppression systems, fire alarm systems, structural elements, or accessibility.
- e. Performing reviews while on suspension.
- f. Failing to detect dangerous conditions during plan review
- g. Failing to detect the need for fire sprinkler/standpipes.
- h. Failing to check for all applicable documents associated with the discipline in which the Third-Party Plan Review Agency is performing (e.g., a soil report, special inspection, etc.).
- i. Failure to perform adequate Third-Party Plan Review in a Discipline following the Construction Codes
- j. Failure to abide by the conflict of interest provisions as contained in this Manual.
- k. Performing reviews without the Department of Planning Third-Party approval as an Agency, Reviewer.
- l. Failure to submit any requested documents to the Department of Planning within a reasonably prescribed time frame.
- m. Failure to exercise due diligence in the safekeeping of any project documents.

Class 2 Violations

Class 2 violations are serious conduct warranting disciplinary action including failure to comply with administrative procedures, protocols, and substantive rules that are egregious but do not immediately impact the health, safety, and/or welfare of the public. A Class 2 violation can result from, but is not limited to, the following conduct:

- a. Failure to fully document plan review and/or inspection results as required by the Third-Party Manual.
- b. Failure to adhere to stated review criteria or any Department of Planning governing

specification or ICC standards.

- c. Failure to declare a conflict of interest.
- d. Failure of a Plan Review Agency to ensure that all documents are reviewed for compliance with Construction Codes or regulations.
- e. Failure of a Third-Party Plan Review Agency to update the Department of Planning with current information regarding its Professionals-In-Charge, and/or Plan Reviewers.
- f. Failure to cooperate fully with the Department of Planning conducting a compliance review, audit, or investigation.
- g. Failure to maintain the required insurance.

Class 3 Violations

Class 3 violations are minor offenses that impact the efficiency, and overall performance of the Third-Party Plan Review Agency Program are the least severe and encompass failure to comply with basic administrative procedures and review protocols and do not impact the life safety of the public. A Class 3 violation can result from, but not limited to, the following conduct:

- a. Failing to obtain the approved Notice of Intent from the owner before beginning the Plan Review or Inspection.
- b. Failure to provide an appropriate approval stamp to signify specific personnel performing the plan review task.

14. Discipline Procedures

The disciplinary procedures that will be followed where there is an apparent code violation are outlined in this section.

Upon receipt of a complaint or as part of its compliance oversight, the Department of Planning shall determine if the Third-Party Plan Review Agency acted improperly. Upon determining that the Third-Party Plan Review Agency is not in compliance with this Manual the Department of Planning shall investigate that may include, but is not limited to, the following steps:

- a. Upon confirmation of a violation, the Department of Planning shall issue a written letter via first-class mail and/or e-mail to the Third-Party Plan Review Agency and the Owner of the Project stating the basis for the investigation.
- b. If after investigation the Third-Party Plan Review Agency is found to be in breach of any of the requirements of this document the Department of Planning shall issue a written letter via first-class mail and/or e-mail to the Third-Party Plan Review Agency and the Owner of the Project stating the outcome the investigation and the Class violation.
- c. Once the Third-Party Plan Review Agency has been given notice, the Third-Party Plan Review Agency may appeal the decision within ten (10) business days of the date of official notification of impending disciplinary action to the Director of the Department of

Planning. The Third-Party Plan Review Agency may submit evidence supporting its position to the Director. Failure to file a written appeal within the ten (10) business days will result in the issuance of disciplinary action.

- d. All appeals shall be heard by the Director of Planning or his/her designee. The Director of the Department of Planning shall issue his/her final decision on the appeal within ten (10) business day

For additional information, or to obtain a copy of this document, please contact the Department of Planning at (345) 244-6501 or visit our website at www.planning.ky.