

Cayman Islands
Department of Planning
Third-Party Building Inspection Program

BUILDING

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DEPARTMENT OF PLANNING

Cayman Islands Government

www.planning.ky

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Third-Party Building Inspection Program

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Third-Party Building Inspection Program

1. Scope of Program

Subject to Section 104.4 and 110 of the Cayman Islands Building Code (2016), The Department of Planning, (Building Control), is responsible for the inspection and approval of all construction projects in the Cayman Islands.

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved.

The Cayman Islands Building Codes also provide the Building Official with the authority to accept reports of approved inspections from persons or entities that are authorized to perform Third-Party Building Inspections and to certify that such work complies with the Code.

110.4 Inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

The Third-Party Building Inspection Program provides the permit holder with an alternative to augment the departments' standard Building Inspection process.

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 inspections 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

2.1 Third-Party Building Inspection Agency Approval

A Third-Party Building Inspection Agency is an agency approved to conduct Third-Party Inspections of projects for compliance with the Cayman Islands Building Codes, including its referenced standards. The Agency shall be a corporate entity, partnership, or sole proprietor licensed to do business in the Cayman Islands. The Agency must employ or subcontract with one (1) or more qualified Design Professionals in Responsible Charge, and qualified Inspectors in each required discipline as approved by the Department of Planning.

2.2 Approval and Qualifications of Third-Party Building Inspection Agencies

An applicant requesting approval of a Third-Party Building Inspection Agency 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.

2.3 Application Process for New Agencies / Agents

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

- A completed application
- A copy of a current Cayman Islands Trade and Business License.
- A copy of Professional Indemnity Insurance enforceable in the Cayman Islands.
- A signed copy of the Third-Party Building Inspection Agreement.
- A resume for all Design Professional(s) in Responsible Charge and Building Inspectors including copies of relevant certifications and qualifications and experience per Table 2.1.
- A completed conflict of interest affidavit by each Design Professional(s) in Responsible Charge and/ Building Inspector.
- Two Reference Letters for all Design Professional(s) in Responsible Charge and Building Inspector.

Upon approval of the application by the Department of Planning, the Third-Party Building Inspection Agency will be issued an Approval Certificate.

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

2.4 Duration of Approval

The Third-Party Building Inspection Agency's approval will be valid for three (3) years, after which a renewal application shall be received by the Department of Planning at least 90 days before expiration.

2.5 Insurance

The Third-Party Building Inspection Agency shall provide proof of Professional Indemnity Insurance (enforceable in the Cayman Islands) for a minimum of \$1,000,000.00 for each occurrence. Design Professional(s) in Responsible Charge and inspectors who are principals of the Agency or who are employed by, or under contract with the Agency, shall be covered by the Agency's insurance.

The insurance policy shall provide coverage for twenty-four (24) months following the completion of the contract to provide coverage for the hold harmless provisions in the policy in the event a claim is made.

Any cancellation of the required insurance without providing the department thirty (30) day advance written notice will result in the removal of Third-Party Approvals effective on the date of the insurance cancellation.

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

2.6 Qualification of Inspectors

It is the responsibility of each Third-Party Building Inspection Agency to ensure that their staff is proficient and competent in the application of the Cayman Islands Building Codes and certifications are current for their respective disciplines.

The Design Professional(s) in Responsible Charge and Building Inspector(s) must meet the qualifications for each discipline as set forth below in Table 2.1.

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 Inspectors
Position	Building Inspector
Minimum Qualifications	3 Years of experience in the relevant trade, or Inspections / Plans Examining and
Building	ICC Certification or other relevant qualification
Mechanical	ICC Certification or equal or other relevant qualification
Plumbing	ICC Certification or equal or a licensed plumber
Responsibility	Residential & Commercial Building Inspection for the following: <ul style="list-style-type: none"> • Building • Mechanical • Plumbing

2.7 Conflicts of Interest

Third-Party Agencies and inspectors shall remain free of conflicts of interests and maintain independence from any person or firm for which inspections are being conducted. The following are considered a conflict of interest.

- The Third-Party Building Inspection Agency is owned or controlled by any entity associated with the Project for which inspections are being conducted.
- The Third-Party Building Inspection Agency or inspector shall have no financial or personal relationship with the property owners, designers, permit holders, contractors, or sub-contractors for which inspections are being conducted.
- The Third-Party Building Inspection Agency has provided advisory, consulting services, and/or design services related to the Project.

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.

If the Director determines that a conflict of interest exist, the Agency may be disqualified from participating in the program.

2.8 Duties of the Design Professional(s) in Responsible Charge

The Design Professional(s) in Responsible Charge must provide direct supervision of all inspections conducted by the Third-Party Building Inspection Agency. The Design Professional(s) in Responsible Charge is responsible for ensuring that each Third-Party Building Inspector is approved to conduct Inspection for each applicable discipline.

3. Third-Party Inspections

3.1 Duties and Responsibilities of Third-Party Agencies

Before commencing inspections on a project, the Third-Party Building Inspection Agency must ensure that an approved Notice of Intent has been issued by the Department of Planning. The letter of intent must be submitted by the property owner or contractor on the appropriate form "Owners Notice of Intent" to the Director of Planning for review and approval.

The Third-Party Agency is responsible to determine if the construction documents are approved and that the project has a valid permit.

3.2 Third-Party Inspections

Where the permit holder employs a Third-Party agency to conduct inspections for a construction project, **all inspections for the approved discipline must be completed by the Third-Party agency**. Projects being inspected by the Department are not eligible to be inspected by Third-Party unless written approval is received from the Director of Planning.

The Third-Party Inspector will perform inspections only as authorized and approved by the Director of Planning for the disciplines listed below.

- Building
- Mechanical
- Plumbing

Items that must be inspected by other departments

- Elevators, Electrical, Fire, Gas and Final Inspection - Department of Planning/Building Control
- Fire vehicles access, hydrants - Cayman Islands Fire Service
- LP gas tanks size and location - OfREG
- Paving and Storm Management - National Roads Authority (NRA)
- Grease traps/ wastewater treatment - Water Authority (WAC)
- Commercial Pools and Dumpsters - Department of Environmental Health (DOEH)

3.3 Building Inspection Reports

The Third-Party Inspection Agency shall submit an inspection report to the Department of Planning for each inspection and shall indicate if compliance was achieved based on the approved drawings, applicable codes, Laws and regulations.

The report shall be certified by the inspector or responsible agency representative.

Photographs, videos or other sources of pertinent data or information may be included in the reports and.

The Inspection Report shall include the following information:

- Name of the Project
- The applicable permit number(s)
- Project address
- Third-Party Building Inspection Agency's name and address
- Name and contact information of the Building Inspector
- Date and time of the inspection
- Discipline(s) for which the Building Inspection was performed
- Results of the inspection including non-compliant items or other correction where applicable
- Verification that previous inspection noncompliant issues were addressed where applicable.
- A statement that reads, "This inspection report is subject to review and approval by the Department of Planning."

All inspection reports shall be submitted through the departments' Online Permitting System (OPS) by close of business on the day the inspection was performed.

The Director of Planning may modify the reporting requirements and procedures as deemed necessary

NOTE:

If any changes to the approved plans occur during the construction phase the revisions must be submitted to the department for approval.
If changes to the exterior of the building, location or any major changes to the interior occur approval must be sought from the Department.

4. 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 of a Third-Party Building Inspection Agency to meet Program requirements are subject to discipline, suspension, or removal from the Program.

Responsibilities are as follows:

- Maintain the Third-Party Program Manual and update it as required.
- Review, approve or disapprove all Third-Party Building Inspection Agency Applications and recertification applications.

- Review, approve or disapprove the owner's Notice of Intent to use a Third-Party Building Inspection Agency within (5) five business days of submission of a complete application.
- Rescind the Notice of Intent on any Project assigned to a Third-Party Building Inspection Agency after determining non-compliance with this Manual or violations of the Cayman Islands Building Codes.
- Perform compliance review and audits of the Third-Party Agencies.
- Review Inspection Reports for quality assurance.
- Create and maintain a current and accurate list of all Third-Party Agencies to be made publicly available on the Department of Planning website.
- Issue disciplinary actions based on the process outlined in this Manual.
- The Department of Planning will conduct periodic and random compliance reviews of all approved Third-Party Agencies to determine compliance with the requirements of the Third-Party Program.
- The Third-Party Building Inspection Agency shall cooperate with the Department of Planning in any audit or compliance review or face disciplinary action including removal from the program.

4.1 Duties and Responsibilities of the Project Owner

Execution of Notice of Intent (Notice of Intent)

Before the submission of a building permit application, the owner shall submit a letter of intent to the Director of Planning for review and approval.

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 application will be rejected and may be resubmitted with the additional information.

4.2 Conflict of Interest between Plan Review and Building Inspection 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 Plan Review and Building Inspection for the same Project.

4.3 Payments to Third-Party Agencies

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

Utilization of a Third-Party Building Inspection Agency does not entitle the Owner to a refund of any portion of the fees required by the Department of Planning. Any monetary claims that arise from incomplete, inaccurate, or defective Building

Inspections provided by the Third-Party Building Inspection Agency shall be remedied without cost to the Department of Planning.

5. Third-Party Program Disciplinary Process

5.1 Disciplinary Actions

The Deputy Director of Planning (Building) may suspend or revoke the inspection privileges of a Third-Party Building Inspection Agency or approved inspector for any of the following violations.

- An ethical violation by any inspector or agency such as acceptance or offering of a bribe or making a threat.
- Altering or falsifying any reports, documents, or plans on a project.
- Misrepresentation of information required for qualification or certification.
- Performing inspections while on suspension.
- Failure to abide by the conflict of interest provisions as contained in this Manual.
- Failure to fully document inspection results and submit to the Department of Planning within a reasonable time frame.
- Failure to perform proper inspections according to the Cayman Islands Building Codes and ensure compliance with the approved drawings.
- Failure of a Third-Party Building Inspection Agency to maintain current certifications or licenses regarding the Agency, Professionals-In-Charge, and/or Building Inspectors.
- Failure to maintain the required insurance.
- Failing to ensure that the project has a current Building Permit.
- Failing to obtain the approved Notice of Intent from the owner before commencing the Building Inspection.

5.2 Investigation

Upon receipt of a complaint or as part of its compliance oversight, the Department of Planning may investigate to determine if the Third-Party Building Inspection Agency acted improperly.

The Department of Planning shall issue a written letter via Registered/Certified mail and/or e-mail to the Third-Party Building Inspection Agency and the Owner of the Project stating the basis for the investigation.

If after investigation the Third-Party Building Inspection 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 Registered/Certified mail and/or e-mail to the Third-Party Building Inspection Agency and the Owner of the Project stating the outcome the investigation.

5.3 Appeal

The Third-Party Building Inspection 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 and 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.

All appeals shall be heard by the Director of Planning who shall issue a final decision on the appeal within ten (10) business day

6. Special Inspections

This program does not cover special inspection requirements. See Special Inspection program for specific requirement.

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.