

BBRS Official Interpretation No. 2012_6

Date: October 9, 2012

Subject: 8th Edition Base Code; Construction control and Registered Design Professional in Responsible Charge, Sections 107.6 and 107.3.4.1

INTRODUCTION

The 8th Edition of the MA State Building Code (780 CMR) has duplication and/or conflict between two (2) administrative sections of Chapter 1: Sections 107.3.4.1 and Section 107.6.4.

The following background information and series of questions and answers will clarify these code sections and provide guidance on application of construction control.

BACKGROUND

780 CMR has historically regulated the construction oversight of certain “commercial” buildings (35,000 ft³ or greater in interior aggregate volume and where *registered design professional* services are required per Section 107.6.1).

This construction oversight is referred to as “construction control”, and is unique to Massachusetts, with the associated regulations found in Chapter 1, Section 107.6. Within this section is 107.6.4, titled: “On-Site Project Representation” and where, for unusual designs or large magnitude projects or where reference standards require special architectural or engineering inspections, the building official **may require** (emphasis added) full time, on-site project representation by a *registered design professional* (RDP) in addition to the RDPs required for design and construction oversight under Section 107.6.2.2. It is recognized that the role of this full time, on-site representative is that of providing coordination of the activities of the RDPs required under Section 107.6.2.2.

In addition 780 CMR incorporates the *International Building Code 2009* (IBC) which includes IBC Section 107.3.4.1 and addresses a “*registered design professional in responsible charge*” (RDPRC). The IBC Commentary to Section 107.3.4.1 in part, reads: “Since (required) documents and reports are prepared by numerous individuals, firms and agencies, it is necessary to have a single person charged with responsibility for coordinating their submittal to the building official.”

IBC Section 107.3.4.1 essentially serves the same function as the full time on-site representative set forth in Section 107.6.4 that is being a key coordinator ensuring reports, records, etc. are provided to the building official, however project size and complexity are not considered so it is unclear if this applies to all construction control projects. This official interpretation addresses this issue.

QUESTION 1

Given the apparent duplication and/or conflict in requirements between Section 107.3.4.1 and Section 107.6.4, how should building officials and the regulated community treat these code sections?

ANSWER 1

Section 107.3.4.1 which requires coordination efforts by RDPRC should be viewed as serving the same function as the full time, on-site RDP (providing coordination services) required in Section 107.6.4. Note that a full time on-site RDP should only be imposed as discussed in question 5 below.

QUESTION 2

On projects of unusual design or magnitude of construction or where reference standards require special architectural or engineering inspections the building official **may require** (emphasis added) full time on-site representation by a single RDP per Section 107.6.4. Is this single individual responsible for assuring that detailed design and construction activities are in accordance with the approved plans?

ANSWER 2

No, unless the on-site RDP has designed and has construction oversight of the entire project.

QUESTION 3

What is the role of the RDP who serves as the On Site Project Representative per Section 107.6.4?

ANSWER 3

He or she shall provide project coordination and keep daily records and submits reports if required by the building official and will submit the final reports of the various RDPs identified in Section 107.6.2.1 & 107.6.2.2.

QUESTION 4

Can an RDP who serves as the On Site Project Representative per Section 107.6.4 and the RDPRC, identified in Section 107.3.4.1 be the same individual since both are providing coordination services to the building official?

ANSWER 4

Yes.

QUESTION 5

Can the building official require full time, on-site project representation by a RDP?

ANSWER 5

Yes but this is not intended to be common practice and should only be done where projects are of a large or complex nature as generally indicated by Section 107.6.4. A large building undergoing a small renovation or a small building of simple design would typically not warrant full time, onsite, representation by an RDP.

QUESTION 6

Can a building official rely on project coordination efforts of clerks of the works or project managers who are not RDPs?

ANSWER 6

Yes. It is very common for building officials to rely on the coordination efforts of clerks of the works or project managers who are not RDPs, when projects are not of unusual design or magnitude. Note that the applicable requirements of Section 107.6.2.2 would still need to be satisfied by the RDPs with design and construction control responsibilities.

QUESTION 7

What individuals are responsible for defining special testing and providing detailed plans outlining any and all special testing, and inspections, per the requirements of Chapter 17, "STRUCTURAL TESTS AND SPECIAL INSPECTIONS"?

ANSWER 7

Although a RDPRC is referenced in Chapter 17, the RDPs with design and construction control responsibilities per Section 107.6.2.2 must satisfy these requirements.

QUESTION 8

Does the building code require the RDP to submit to the building official all three construction control documents^a?

ANSWER 8

It is up to the discretion of the building official and depends on the project. For a simple project the *Final Construction Control Document* is required and the other two documents may be required by the building official. This is consistent with section 107.6.4 which requires that, "Upon completion of the work, the registered design professional shall file a final report indicating that the work has been performed in accordance with the approved plans and this code."

In an effort to create consistency for both RDPs and building officials, the *Final Construction Control Document* found [here](#) is provided to demonstrate compliance with the requirements of section 107.6.4. With regard to the remaining two documents, the code leaves it to the discretion of the building official to determine whether their submission shall be required. If the building official requires this additional documentation per section 107.6.6.2, the RDPs will be expected to use and submit the documents found at the DPS website.

Note a.

- 1) Initial Construction Control Document
- 2) Phase Construction Control Document
- 3) Final Construction Control Document