



COMMISSIONER'S BULLETIN
INSPECTIONAL SERVICES DEPARTMENT
CITY OF BOSTON

Number: 2023-01

Date: January 5, 2023

Subject: Definition and Requirements of an Affidavit Project in the City of Boston

Purpose: The purpose of this Bulletin is to update certain definitions and requirements related to Affidavit Projects authorized by the Massachusetts State Building Code (780 CMR). Commissioner's Bulletin 1997-07, *Definition and Requirements of an Affidavit Project in the City of Boston*, is rescinded and replaced.

Determination:

The purpose of this bulletin is to amplify the requirements for affidavit projects as authorized by the Massachusetts State Building Code (780 CMR), and to clarify their application to the City of Boston.

The Inspectional Services Department (ISD) establishes this policy pursuant to [780 CMR 107.6](#) (107.6.2).

Projects currently under construction on the effective date of this bulletin shall continue with respect to the requirements of bulletin 1999-07. Projects currently under review or in the approval process shall be subject to the requirements of this bulletin.

1. Affidavit Projects; Defined

It is established policy that affidavits are to be filed with Inspectional Services prior to the issuance of the building permit for certain buildings or structures, as of 01/03/2023, with the implementation of IBC 2015 and 9th Edition of Mass Amendments. This will remain the policy when the estimated cost of the project exceeds a fair market estimated cost of \$6,000,000.00 (six million dollars) 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 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".

2. Affidavit Projects; Requirements

When a project is, under the above criteria, designated as an "Affidavit Project", the following affidavits shall be required:

- A. Design Affidavits
 - a. Architectural Design Affidavit
 - b. Structural Design Affidavit
 - c. Mechanical Design Affidavit
 - d. Electrical Design Affidavit
- B. Inspection and Final Affidavits
 - a. Inspection Affidavit
 - b. Licensed Builder Affidavit
 - c. Inspection Final Affidavit (Architect and/or Engineer)
 - d. Architectural Final Affidavit
 - e. Structural Final Affidavit
 - f. Mechanical Final Affidavit
 - g. Electrical Final Affidavit
 - h. Licensed Builder Final Affidavit

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

3. Affidavit Architect or Engineer Requirement

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.

4. Cost of Construction

When the estimated cost of any project is expected to exceed \$6,000,000.00, 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 an event, the Inspection Architect or Engineer shall assume the duties of the Clerk during his weekly site visit.

5. Site Visits; Reports; Logs

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.

6. Log Book Requirements Detailed

With respect to the log book, as required by item #5, 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 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 and 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.

7. More Frequent Site Visits Authorized

The Commissioner of Inspectional Services, at their discretion, may require that the Inspection Affidavit Architect or Engineer visit the project on a more frequent basis than that required in No. 5 above.

8. Required Notification to Commissioner

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 they observe in the course of performing their 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 an immediate hazard to the public.

9. Final Affidavits

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.

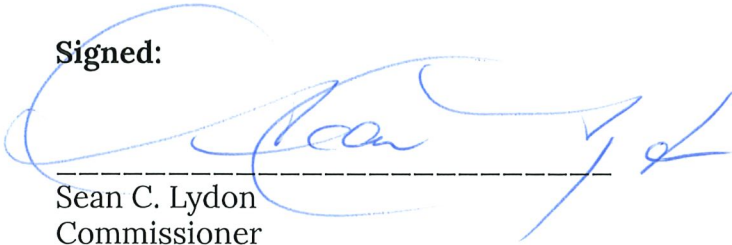
10. Architect and Engineer Registration Required; Provided Services Consistent with Massachusetts State Building Code and other applicable laws, rules and regulations

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 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.

11. Additional Requirements for Complex Projects/Structures/Systems

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 their examination and conference with the designer, will send a letter to the Commissioner of Inspectional Services stating that they have checked the details, computations, stress diagrams and other data necessary to describe the construction and basis of calculations and further stating that in their judgment the requirements of the code have met with respect to the design.

Signed:



Sean C. Lydon
Commissioner

Date 1/5/2023



Marc A. Joseph
Inspector of Buildings

Date 01/05/2023

APPENDIX A

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

Pursuant to Sections 107.6, 1706.2.2 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 this 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 their approval of the Representative previously given if, in their 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.

**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

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

Signed for the Affidavit Architect:

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

Signed by Designated Clerk of the Works:

Print Name: -----
Company: -----
Address: -----

Phone: -----
Date: -----
Email: -----

PROJECT ADDRESS

Licensed Builder: -----
Company: -----
Address: -----
Phone: ----- **Email:** -----
Class: ----- **Lic. No.:** -----

Affidavit Engineer or Architect: -----
Company: -----
Address: -----
Phone: ----- **Email:** -----
Mass. Reg. No.: -----

PERMITS:

	NUMBER	CONTRACTOR	ADDRESS
Building:	-----	-----	-----
Electrical:	-----	-----	-----
Gas:	-----	-----	-----
Plumbing:	-----	-----	-----
Sprinkler:	-----	-----	-----
Elevator:	-----	-----	-----
Sheet Metal:	-----	-----	-----

NFPA Provided: YES or NO