Re: Alternative materials, design and methods of construction and equipment.

In view of a recent case and investigation by BORA staff, and recommendations by a 10/8/2018 Joint Structural and Mechanical Committee meeting, we would like to remind everyone of the following:

The approval of “Alternative materials, design and methods of construction and equipment” (Alternative) lays solely in the hands of the Building Official and/or Fire Marshal/Fire Code Official (in fire code issues).

The Chiefs of the disciplines involved in the Alternative can review it, comment and advise the Building Official, but the final decision and responsibility belongs to the Building Official and/or Fire Marshal/Fire Code Official.

Below are applicable code sections.

Respectfully,

Rolando Soto

Mike Guerasio

Ch. 1, Broward County Administrative Provisions for the 2017 FBC (6th Edition)

104.12 Powers and Duties of the Building Official. The Building Official shall be vested with the powers and subject to regulations, as provided by Chapter 468 Florida Statues and BORA, as set forth in Section 113 of this Code. The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall delegate powers, duties and assignments to BORA certified Chief Inspectors to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of the technical provisions of this Code in categories in which the Building Official is not certified. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

104.4 Powers and Duties of the Chief Electrical, Mechanical, Plumbing and Structural Inspector. The Chief
Inspector (each discipline stated above) shall be vested with the powers and subject to regulations by BORA as set forth in Section 113 of this Code. The Chief Inspector shall have the power to delegate powers, duties and assignments to subordinate regular employees working under his or her authority, but only to those employees certified by BORA as qualified to perform such powers, duties and assignments within his or her particular discipline. It shall be his or her duty and responsibility to supervise and coordinate the work of all subordinate Plans Examiners and Inspectors within his or her particular discipline. The Chief Inspector shall have the sole authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions within his or her particular discipline. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waving requirements specifically provided for in this Code. The Inspection Department shall consist of one (1) Chief Inspector, one (1) or more Plans Examiner and one (1) or more Inspectors within his or her particular discipline. The Chief Inspector may hold any or all of these positions within his or her particular discipline.

104.32 Alternative materials, design and methods of construction and equipment. The provisions of the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided any such alternative has been reviewed and approved by the Building Official and/or Fire Marshal/Fire Code Official (according to the Fire Protection Provisions of this Code and FFPC). An alternative material, design or method of construction shall be approved where the Building Official and/or Fire Marshal/Fire Code Official (according to the Fire Protection Provisions of this Code and FFPC) finds that the proposed design is
satisfactory and complies with the intent of the provisions of this code, and that the material, method of construction offered for the purpose intended; is at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. Where alternate life safety systems are designed, the “SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings,” or other methods approved by the Building Official and/or Fire Marshal/Fire Code Official (according to the Fire Protection Provisions of this Code and FFPC) may be used. The Building Official and/or Fire Marshal/Fire Code official (according to the Fire Protection Provisions of this Code and FFPC) shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

104.32.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from approved sources.

104.32.2 Tests: Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by
the Building Official for the period required for retention
of public records.

104.32.3 Accessibility. Alternate designs and technologies
for providing access to and usability of a facility for
persons with disabilities shall be in accordance with
provisions of the FBC, Accessibility.

104.33 Standards: The types of construction or materials or
methods of design referred to in this Code shall be considered
as standards of quality and strength. New types of construction
or materials or methods of design shall be at least equal to these
standards for the corresponding use intended.

104.34 Approved materials and equipment. Materials,
equipment and devices approved by the Building Official shall
be constructed and installed in accordance with such approval.

104.34.1 Used materials and equipment. The installation of
used materials which meet the requirements of this Code
for new materials is permitted. Used equipment and
devices shall not be installed unless approved by the
Building Official

104.35 Application for the use of alternative methods and
materials.

104.35.1 Any person desiring to use types of construction
or materials or methods of design not specifically
mentioned in this Code shall file with the Building Official
and/or Fire Marshal/Fire Code Official, in writing,
authentic proof in support of claims that may be made
regarding the sufficiency of such types of construction or
materials or methods of design and request approval and
permission for their use. Such documentation shall be
attached to and be made a part of the permit documents.

104.35.2 The Building Official and/or Fire Marshal/Fire
Code Official shall approve such alternate types of
construction or materials or methods of design if it is clear
that the standards of this Code are at least equaled. If, in the
opinion of the Building Official and/or Fire Marshal/Fire
Code Official, the standards of this Code will not be
satisfied by the requested alternate, he or she shall refuse
approval.