



CALIFORNIA COUNCIL OF TESTING AND INSPECTION AGENCIES

Meeting Minutes

February 21, 2008

Hilton Garden Inn – Sacramento/South Natomas

2540 Venture Oaks Way

Sacramento, CA 95833-3200

General Business Meeting

1. Call to Order – Rick Van Horn

- a. Time – 1:13 p.m.
- b. Self-introductions

Michael Abeyta (MatriScope)

Jim Auser (ENGEO)

John Byerly (John R. Byerly, Inc.)

Dan Cherrier (BSK Associates)

Gordon Chin (Terrasearch)

Dave Chippero (Terrasearch)

Denise Corkill (Kleinfelder)

Cliff Craig (DCI)

Miki Craig (DCI)

Corey Dare (Fugro West)

Terry Eglund (TEI)

Osama El-Fiky (Condor Earth)

Dennis Heider (Heider Engrg.)

Nikki Heider (Heider Engrg.)

Dan Inferrera (Kleinfelder)

Bob Joakimson (Ninyo & Moore)

Chris Kavalaris (CEL)

Adbel Khelifa (Coverall)

Elizabeth Levi (BSK Associates)

Anthony Mazzei (Condor Earth)

Jeff Short (Krazan)

Rick Toy (Kleinfelder)

Rick Van Horn (Terracon)

Will Wahbeh (Signet)

Dave Westlake (RMA Group)

Mike Zell (Signet)

2. Special Program – Division of the State Architect

Guest Speakers:

David Thorman, State Architect

Kathy Hicks, Policy Deputy

Frank Nissen, Operations Deputy

Dennis Billet, Senior Structural Engineer

Eric France, LEA Coordinator

a. Initial Questions for DSA Management

- i. From a Testing Laboratory perspective, it appears that DSA Headquarters policies and directives are not implemented uniformly by the Regional Offices. For example, IR 17-1 is utilized by the Oakland and Sacramento Regions and often ignored by Field Engineers in the San Diego and Los Angeles Regions. Many School Districts in the southern part of the state insist that their Project Inspector cast and transport samples while the role of the LEA testing facility is reduced to laboratory only (this is especially true in the Inland Empire). In many cases southern school districts are having the Special Inspectors be employed by the Project Inspector rather than the School District as required by CCR Title 24.



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Question: Is DSA satisfied with the current practice or should we expect gradual or immediate uniform application of DSA Policies?

Mr. Thorman has adopted strategic plan (5 years). It primary focuses on developing consistent operations (no more independent regions). DSA is currently drafting a request for proposal in order to hire an outside contractor to evaluate fiscal operations and current operational programs. This would include auditing each regional office's operations (paperwork and Field Engineers oversight). The goal is to develop standard operating regulations throughout the State. Once adopted regulation is in place, then Field Engineers and regional offices can be required to comply.

DSA prefers problems/complaints be handled at the lowest possible level – assigned field engineers first, regional office manager next, etc. It was asked if there is a way to report problems on a confidential basis? DSA does not currently have such a method, but was curious as to why we felt we needed such a program. Kathy Hicks requested a compilation of issues/problems that the members would prefer to submit confidentially for DSA's evaluation. DSA's consultant may also be assigned to evaluate this request. Miki Craig and John Byerly will contact members and prepare the submittal.

It was noted there was a lack of support of IR 17-1 by Field Engineers at pre-job conferences. Additionally Field Engineer's will not enforce the policy at the job closeout. The testing laboratory is viewed as a "trouble-maker" by DSA staff and its client when it specifies on the verified report that it did not do sampling. DSA responded that if regional offices are not applying policies consistently, it should be reported to Frank Nissen.

Mr. Thorman emphasized DSA's policy that IR's may only be issued by the State Architect (not individuals working for DSA), become regulation, and should be regarded as code interpretations which, similar to regulations, are enforceable. David Thorman stressed that all issues should be elevated if it cannot be resolved at the local office level.

A question was raised concerning the SoCal practice of the Project Inspector hiring the testing agency. Title 24 appears to require the school district to directly hire these services. DSA replied that it does not have the authority to get involved in school district's contracts. The testing agency would have to pursue this by other means (legal?). It was noted that this issue could be corrected by regulation or code change. CCTIA would have to work through the Building Standards Commission to enact code change.

Editorial Note: *Subsequent to the publication of these minutes, Mr. Thorman requested the above paragraph be revised. A full copy of his July 16, 2008 letter is attached.*

A question was raised concerning the SoCal practice of the Project Inspector hiring the testing agency and/or independent special inspectors. Title 24 requires the school district to directly hire the testing agency however, special inspectors may



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be employed by the testing agency, an inspection agency or directly by the school district.

ii. We understand that DSA Field Engineers must be granted some autonomy to accomplish the enormous task of providing oversight during the biggest school construction boom in history. However, this autonomy has resulted in several Field Engineers not always following the policies and procedures established by your office. For example, the new DSA Form 291 is designed as an exception only document (only items which do not meet the inclusive statements should be listed), however, there are at least two Field Engineers from the Oakland office that are changing the form to listing all items that were accomplished.

Question: Does DSA plan to request that District Structural Engineers and Field Structural Engineers adhere to the policies and procedures established by the Headquarters office?

Kathy Hicks emphatically responded in the affirmative. DSA has been working with the Oakland regional manager and we should be seeing immediate change - if not, let them know. A member noted the Oakland regional office recently demanded Form 292 for expansion anchor testing on several projects, which would be included on Form 291, which had been provided. As the agency declined to provide the inappropriate form, the projects were closed without certification. The firm's client was naturally upset. Kathy Hicks and Eric France indicated they would discuss the appropriate use of the forms with the Oakland Regional Manager. Please let HQ know these things (if you can't resolve on local level) so they can determine if it is a performance problem or a training problem. Communication is a key element to success for both sides.

Question: If so, when should we start noticing a change?

Question: If the Field Pilot program is expanded to all Districts, do you believe this will reduce the instances where the Field Engineer is perceived to exceed their authority in regards to modifying DSA policy?

DSA has high hopes for the success of the Field Pilot program. One of the communications included with the new IR's is the affirmation of DSA's level of authority, and that staff may not go beyond that threshold.

iii. DSA has conducted a few discipline meetings with management and inspectors from LEA approved laboratories regarding alleged inspection execution errors. Each meeting has reportedly resulted in a signed letter from the LEA laboratory management staff voluntarily admitting that their inspector made mistakes and agreeing that the inspector in question will not work on DSA projects for a certain time period and attend additional costly training. In



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addition, the LEA firm agrees that their LEA acceptance may be revoked. Feedback from these meetings has indicated that the same revocation threat was used to achieve the “voluntary compliance.” Independent Special Inspectors (not affiliated with an LEA facility) are not subject to this discipline process, since the threat of LEA removal is not applicable.

Question: Every firm here would like to see a level playing field and support a process where the “bad apples” are disciplined. However, it has been reported that this discipline process was not subject to legal review. Many of the 120 LEA facilities find this surprising since the ability to maintain acceptance is crucial for the continuing operation of some firms. Since, this “voluntary discipline procedure” has no formal appeal process and the outcome can be devastating on smaller businesses, can DSA devote any resources to evaluating the discipline procedure as it relates to legality, due process, and appeal?

DSA is redeveloping policy at this time and will be seeking industry input.

It was noted that the disciplinary action does not appear to apply to independent inspectors as well as firms. State statute gives DSA authority to adopt administration procedures. DSA concedes that a step was skipped during the current policy development, which would have defined full due process. This omission will be included during the program re-evaluations.

Concern was expressed about the “negligence” referenced in DSA’s disciplinary letter, and the ramifications it may have for the inspection agency that would not apply to the independent inspector. DSA indicated it does not issue these letters lightly. If a firm does not disagree with the disciplinary process, it should take it up to next level, or David Thorman as a final resort,

Question: Most of the LEA community represented here today feels that for the process to be fair, it must include the independent special inspectors as well. Would it be possible to temporarily suspend the discipline program (including any removal of an LEA acceptance) until such time as it is decided to either: bring all special inspection under an LEA laboratory structure or; find a discipline process that does not penalize LEA facilities for providing special inspectors?

- iv. Many of the Laboratory Responsible Engineers are concerned about the linking of Forms 291, 292, and 293 to the entire set of DSA approved documents. The issue is the ability to catch all structural tests and inspections that may be placed in obscure sections of the approved documents. The best individual to list the required tests and inspections is the original design professional.



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Question: Can Forms 291, 292, and 293 be linked only to those tests and inspections listed on Form 103?

No, as Form 103 is outdated and misused already, needing serious updating. This item would need to be handled by code change or regulation. DSA agrees the design professional is the best person to complete Form 103, but it is not required under (UBC) code. It is required under the new (IBC) code through the new Statement of Special Inspections. This issue will be revisited when policies are developed for project closeout under the new code.

DSA will discuss the format of Forms 291, 292, 293 now that it has some understanding of our concerns regarding the inflexibility and language. Alternate code language in Part 1 would be of great assistance (i.e., final says agency has completed all tests/inspection specified by design professional...).

v. Most LEA approved laboratories offer the full range of testing and inspection services. Furthermore, each LEA facility operates under the general direction of ASTM E-329 which establishes a quality system that the laboratory must adhere to and requires the full time supervision of a registered professional engineer. In addition, the firm is required (by the school district contract) to have E&O and General Liability insurance. This is in direct contrast to individual Special Inspectors (these are not the Project Inspectors) that are often self employed and not subject to any quality assurance program, additional training on such things as the new code, engineering oversight, and are normally not covered by insurance.

Question: This issue has been significantly discussed the last few years. However, recently all discussion has stopped and the DSAAB Inspection & Testing Committee has passed a motion to no longer consider this item. Furthermore, the full DSAAB has decided not to take action until a recommendation is put forward by the Inspection & Testing Committee. Can you explain why the apparent lack of movement on this important issue?

Kathy Hicks indicated she did not know what was posed to DSA Advisory Committee, so could not directly respond. Attendees responded the question was: Should all special inspectors work for an LEA lab or, alternately, should inspector qualification be removed from the LEA accreditation process? Dan Cherrier explained that the issue became stalled as half of committee felt one way, half of committee felt the opposite. DSA regards and independent inspector as being his own agency, just like a business firm is an agency. The State protects minority and women-owned firms, so DSA is hesitant to take on a political issue like this. It was noted that independents do not have the oversight requirements imposed on testing labs, so this requirement should be removed for testing agencies. A member asked if NorCal firms could be LEA approved as a laboratory only?



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DSA responded that they could not if they were also providing inspections. Pointing out this iniquity once again, DSA responded it would revisit the issue and get back to us.

A member firm talked about the code language allowing the Project Inspector to perform special inspections if he has time, and is approved by the Field Engineer. This has created significant problems in SoCal. Although it was intended for use on small projects, when it would not be practical to bring in an agency, that is not the way it is being used. As an example, another member talked about a \$100,000 (in fees) project where the Project Inspector performed so many inspections, the agency only did about \$8,000 in fees. The Project Inspector did his own scheduling and brought in his own inspectors. The client did not object to this process, nor did the DSA regional office.

Dan Cherrier emphasized that we are all design professionals, and we should be acknowledged as such. The end product should be a quality school, and that is where we are trying to get.

Question: The main issue is the double standard, when an LEA firm places a Special Inspector on a project, there is considerable more overhead and liability then experienced by the independent Special Inspectors. While not as desirable (the added ASTM E329 oversight adds to the final product safety) an alternate solution would be to remove any inspector qualifications background and oversight from the LEA application process. Could you direct the DSAAB to make a recommendation as to either requiring all Special Inspectors work for an LEA facility or removing any reference to Special Inspectors during the LEA application process and not linked inspector discipline with any laboratory?

A member noted Form 150 was developed by Eric France to assist LEA labs by simplifying the inspector approval process. We understand that form was abandoned by DSA, but it would have gone far in pacifying LEA firms. DSA reiterated that it is firmly committed to making the entire process as consistent and simple as possible.

vi. California Code of Regulations, Title 24, Part 1, Chapter 4, Article 9, Section 4-355 establishes the membership of the DSA Advisory Board. CCTIA has previously requested that DSA submit new code language to add a Civil Engineer from a LEA facility to the DSAAB. Furthermore, CCTIA has requested that one of the ex officio membership slots be utilized for LEA representation until this can be accomplished. The fees for testing and inspection are approximately 1% of the construction cost. The DSAAB recommendations often affect LEA facilities a great deal due to the tightly regulated nature of our business. Stakeholder participation is very important.

Question: Do you think this request maybe acted upon?



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DSA is not prepared to change the makeup of the Advisory Board at this time, but will keep our concerns in mind. Cliff Craig stated that public attendees have been welcomed at the meetings, and treated with professional courtesy. Dan Cherrier has also noticed the friendlier outreach by DSA in recent years.

b. Questions from the Floor

i. SEAONC/CCTIA Joint Development of Statement of Special Inspections and Guideline

Eric France requested CCTIA keep DSA in the loop on the joint development of the new Statement of Special Inspections and Commentary guideline. Mark Gilligan (joint subcommittee chair) is moving it forward as quickly as possible. Additionally, CCTIA's Standard of Practice Committee will be updating its "Guidelines for Special Inspection in Construction" and special inspector guidelines.

ii. Open Communication between DSA and Industry

Frank Nissen expressed DSA's appreciation for attendee's candidness and willingness to keep communication lines open. Mr. Thorman emphasized communication is the key for success between DSA and industry.

iii. User Education

A member brought up the lack of education of school districts regarding new/changed regulations. DSA is looking into this as part of its evaluation program, and will continue monitoring its success.

iv. AWS CWI Certification

Dan Cherrier explained that during the last code change cycle, there were some public comments regarding proposals to eliminate the Title 24's AWS CWI requirement. All other standards-producing bodies are removing specific program names and defining minimum criteria instead. However, the submitted code change proposals and comments were thrown out. Will DSA continue to promote this sole source certification? Eric France responded it can be considered, but the certification requirement was included by a reference standard (AISC?) and that is what would have to change, rather than the code being changed. Another member offered the opinion that DSA gave AWS a monopoly that has been detrimental to the industry. Kathy Hicks assured the members that DSA would consider CCTIA's suggested language to fix this issue.

3. Approval of Minutes

a. December 13, 2007

Approved as submitted.

b. January 26, 2008 (ABM)

Deferred to March meeting.

4. Financial Report

a. As of December 31, 2007



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Checking balance is currently \$12,419.67. ABM registration fees and sponsorships totaled \$7,025.00. Approximately half of the 2008 dues have been collected and will be deposited.

5. Committee Reports

a. ICC/Local Jurisdictions – Miki Craig

City of San Francisco has set up a task force regarding qualifications of special inspectors and inspection agencies. Terry Eglund, Cliff Craig and Zan Turner have volunteered but it is unknown at this time who will be appointed. The City is looking at possibly requiring IAS accreditation. Cliff Craig has suggested giving them the CCTIA blue book and fighting any other proposed programs or regulations.

The new Joint Review Committee appears to be changing criteria on the fly – still a work in progress. Terrasearch had to submit resumes, DCI had to add a column on the matrix for ACI certification. The City of Livermore will only allow submitted inspectors to work in the city. Rick Toy says San Joaquin Valley jurisdictions are developing policies and procedures unique to every jurisdiction. Manteca is also removing agencies from the job if the inspector is not on the city's list. Stockton is getting pretty diligent about verifying lab and inspector qualifications.

It was suggested industry needs to encourage the Building Official's to accept the ID cards, which are certified to by the Responsible Engineer of each firm. The matrix being requested by most programs is obsolete as soon as it is published. SoCal has paid inspector approval in many jurisdictions so cities are not looking for a matrix of employees. As long as an inspector has the approved certifications or city credential, nothing else is required.

Rick Toy suggested we take it back to the local ICC Chapters to address our concerns with the jurisdictions. It was also suggested we set up a special meeting for NorCal jurisdictions to educate them as to how agencies meet qualification requirements based on ASTM standards. Maybe they will come – maybe they won't, but we should at least try.

Dan Inferrera suggested we push the Building Official's "hot buttons" to remind them that we are here to help them, not hinder. Cliff Craig suggested the new joint Special Inspection guideline and revised CCTIA blue book would help to open dialog. If we can show them the two guidelines solve their problem, perhaps we can bring a stop to all these individual programs.

b. ASTM – Jeff Cannon

No report.

c. SEAONC CQA – Ross Esfandiari

Terry Eglund reported. The committee continues working on the SI guidelines. Elizabeth Levi, Will Wahbeh, Ross Esfandiari, and Terry Eglund are writing commentaries for some of the sections. Structural Engineer's are still working on the format for the Statement of Special Inspections. The



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TUCC declined to support or adopt SEAONC's draft of the Statement of Special Inspections. DSA is currently reviewing it. Next draft of the guideline should be out in March. They are trying to set up examples of what special inspections/tests would be required on sample projects (i.e., a 3 story steel frame building requires this, that and that).

Terry did not know what the status of the wood inspection manual was at this time. The aggregate manual is complete.

The committee is also trying to put together a group of mini-seminars on special inspection requirements in the IBC. These would be little 1 hour programs with a single topic.

d. DSA – Dan Cherrier

CCTIA will invite Mr. Thorman back next year and keep in touch with Kathy Hicks and Frank Nissen. President Van Horn expressed the members' thanks to Dan Cherrier for putting this program together.

We need to prepare language for the code change to eliminate the AWS certification requirement. John and Miki will canvass members, prepare case histories of "DSA horror stories", and submit to Kathy Hicks so she can address specific problems. Dan Cherrier will bring DSA's new instruction sheet on how to complete Form 103 to our next meeting for discussion.

e. ACI – Cliff Craig

The ACI Lab Tech Grade 2 program is difficult to get in California, usually have to go out of state to find it being offered. ACI's current testing programs include the Field Testing Technician – Grade 1, the Concrete Strength Tester, the Aggregate Testing Technician – Level 1, the Aggregate Testing Technician – Level 2, and the Lab Tech – Grade 2.

f. Membership – Mike Parker/Jim Backman

Miki Craig reported. We have three applications in progress – Leighton Consulting, Geotek Inc., and Inland Foundation Engineering. Audits are being arranged.

g. Code Adoption/IBC – Dan Cherrier

Per our discussions with DSA today, we may need to work on some code change proposals for next cycle. Dan Cherrier will look into the process required to bring this to Building Standards Commission, and assist in preparing the necessary language and forms.

h. Newsletter – Elizabeth Levi

The deadline for articles is March 7th. Please submit as soon as possible.

i. Internal Auditing – Terry Egland

E605 has been issued to membership for comment. There was general discussion about how many agencies actually review field staff performance, and how much evaluation is actually done.



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j. ASFE RO – Elizabeth Levi

Elizabeth Levi has been designated as CCTIA's liaison with BSK's support.

We have been asked by ASFE to endorse its "Recommended Practices for Design Professionals Engaged as Experts in the Resolution of Construction Industry Disputes" document. Members will be polled and asked to support/decline by March 15th.

Elizabeth Levi will be meeting with Michael Laney of CGEA next month to discuss any mutual concerns of our 2 associations.

k. Standard of Practice – Miki Craig

The CAP program is currently quiet.

The committee will be meeting within the next month to begin updated the "blue book". This effort will not be limited to committee members. Interested volunteers should contact Miki Craig.

l. Education – Greg Ruf/Jeff Cannon

Rick Van Horn reported. We are planning to come out with a class schedule next month. If you have any suggestions for a topic, please email Jeff or Greg. The committee needs to get a series put together for SoCal members as well.

m. FAQ's – Terry Egland/William Wahbeh

There are currently three FAQ's on fireproofing out for comment, Will is working on one for pull test witnessing under the new code (IBC). The FAQ on after-the-fact welding is in limbo (Greg Ruf is working on it). An FAW addressing shear testing of veneer (per DSA requirements) is also pending. The committee is looking for a copy of a written procedure, if there is one.

n. Pins & Honors – William Wahbeh/Mike Parker

Elizabeth Levi will deliver honorarium to MatriScope as they were unable to attend the ABM.

o. Website – Miki Craig

The 2008 meeting schedule will be updated within a few days.

6. Old Business

a. None

7. New Business

a. None

8. Adjournment

a. Time – 4:22 p.m.



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b. Next meeting March 27, 2007, 3:00 p.m., Four Points Sheraton, Pleasanton

Respectfully submitted,
Miki Craig
Secretary/Treasurer



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES
Division of the State Architect

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July 16, 2008

RECEIVED
JUL 18 2008

Michelle Craig
Dynamic Consultants, Inc.
1300 Space Park Way
Mountain View, CA 94043

Dear Ms. Craig:

It has recently been brought to my attention that minutes of our meeting on February 21, 2008 may be subject to misinterpretation. A member of the California Council of Testing & Inspection Agencies (CCTIA) told one of my staff that we had stated that the Division of the State Architect (DSA) would not enforce the Code requirement that the "...testing laboratory shall be directly employed by the school board and not be in the employ of any other agency or individual." (see Title 24, Part 1, Section 4-335(b)).

I believe the confusion may have stemmed from the discussion on the employment of special inspectors. The Code is less strict on the "employer requirement" for special inspectors. It is DSA's interpretation that special inspectors may be employed by the school district, the testing laboratory, or an inspection agency. I understand the concerns of CCTIA with this issue and am willing to discuss changes to our special inspector approval processes that would help to insure that special inspectors appropriately supervised and free from potential conflicts of interest.

Paragraph 2.a.i from the minutes posted on your website says, "A question was raised concerning the SoCal practice of the Project Inspector hiring the testing agency. Title 24 appears to require the school district to directly hire these services. DSA replied that it does not have the authority to get involved in school district's contracts. The testing agency would have to pursue this by other means (legal?)."

I would suggest the following wording, "A question was raised concerning the SoCal practice of the Project Inspector hiring the testing agency and/or independent special inspectors. Title 24 ~~appears to require~~ requires the school district to directly hire the testing agency however, special inspectors may be employed by the testing agency, an inspection agency or directly by the school district. these services. DSA replied that it does not have the authority to get involved in school district's contracts. The testing agency would have to pursue this by other means (legal?)."

While it is true that DSA does not have the authority to get involved in school district contracts per se, DSA does have the authority to take action when such contracts violate regulations. Such actions could include:

- Refusing to accept test reports from a testing agency who was employed by an entity other than the school district (which could lead to expensive retesting or a lack of certification of construction), and/or

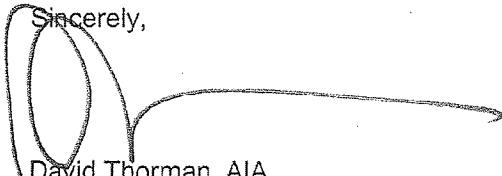
- Withdrawal of LEA acceptance of a testing agency that enters into a contract with an inspector, a construction manager, contractor, or any other entity other than the school district and proceeds to represent testing performed as if it were done in accordance with DSA approved drawings.

Clearly, the consequences of misunderstanding of the February meeting minutes could lead to dire consequences for the school district and/or the testing laboratory.

I am writing to request that you clarify the posted minutes for individuals who may access your website and get the impression that the Code is not clear and/or that DSA will not enforce this requirement.

I appreciate your cooperation in clarifying this matter.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a long horizontal stroke that ends in a small arrowhead pointing to the right.

David Thorman, AIA
State Architect