

ATTACHMENT D

DUTIES AND PERFORMANCE CONSTRUCTION PROJECT INSPECTOR

1. **Purpose.** To provide the Judicial Council of California, Judicial Branch Facilities Services project managers, Architects, and construction contractors clarification of the duties of the Judicial Council contracted on-site inspectors of record (“IOR” or “PI”) as required to ensure performance under the California Administrative Code (California Code of Regulations, Title 24).

2. **Glossary**

“**Activity Hazard Analysis**” means a written plan that will define the activities being performed and identify the sequences of work, specific hazards anticipated, site conditions, materials and control measures to be implemented to eliminate or reduce each hazard associated with a specific work activity or sequence.

“**Architect**” means collectively the architect(s), engineer(s), and other professional consultant(s) under contract by either the Design Build Entity or directly by the Judicial Council as the designer of record responsible for the preparation and coordination of the drawings and technical sections for the project and to provide design and construction documentation, and construction administration services for the project. Individuals shall be appropriately licensed to practice in the State of California.

“**Authorities Having Jurisdiction**” includes the California State Fire Marshal for fire and life safety; the California State Architect for accessibility; the Board of State and Community Corrections, formerly the Construction Corrections Standard Authority, for detention facilities.

“**Construction Contractor**” means the firm that has entered into an agreement with the Judicial Council to construct the project in conformance with the construction documents as defined in its contract with the Judicial Council. Firm may be procured by Design-Build, Construction Manager at Risk, or Design-Bid-Build procurement method. Firms and individuals shall be appropriately licensed to perform work in the State of California.

“**Continuous Inspection**” means the full-time observation of work requiring special inspection by a Project Inspector who is continuously present in the area where the work is being performed.

“**Inspection**” means inspection of selected materials, equipment, installation, fabrication, erection or placement of components and connections, to ensure compliance with approved construction documents and referenced standards as required by applicable codes or its referenced standards.

“**Inspection Plan**” means a written plan provided to the Project Inspector of those portions of the project that will be inspected on a Continuous Inspection basis versus a Periodic Inspection Basis, The Inspection Plan will be provided to the Project Inspector after it has been developed following consultation between the Judicial Council, the Architect, and the Contractor.

“**Inspection Request**” means a written request made by the Construction Contractor, utilizing a Judicial Council provided form, for the Project Inspector to complete an inspection of construction work in progress as required under the Inspection Plan.

“**Inspector of Record**” or “**IOR**” means the designated and approved Lead Project Inspector responsible for ensuring that all code-prescribed inspections and administrative duties are

completed, including supervision of assistant Project Inspectors and monitoring of Special Inspectors. The Inspector of Record may utilize one or more assistant Project Inspectors to assist in performing inspection and administrative duties on a project.

“On-site Project Manager” or **“OSPM”** means the independent contractor employed by the Judicial Council to provide on-site project representation to ensure control of the scope of the work; project scheduling; optimum use of design and construction firm’s skills and talents; avoidance of delays, changes, and disputes; and enhancing project design and construction quality. The OSPM may also be referred to as the Construction Manager, or Construction Manager, Agency (CMA). The OSPM is responsible exclusively to the Judicial Council and acts in the Judicial Council’s interests throughout each stage of the project.

“Periodic Inspection” means the intermittent observation of work requiring inspection by a Project Inspector who is present in the area where the work has been or is being performed and at the completion of the work. All work requiring inspection shall remain accessible and exposed until approved by the Project Inspector.

“Project Inspector” means the person or firm contracted with by the Judicial Council for the purpose of carrying out the requirements of this Procedure and its appendices.

“Project Manager” means a person(s) employed or hired by Judicial Council in-charge of the overall project.

“Quality” means the degree to which the project and its components meet the Judicial Council’s expectations, objectives, standards, intended purpose, as determined by measuring conformity of the project to the plans, specifications, and applicable standards and codes.

“Quality Assurance” means the application of planned systematic methods to verify that the work is being conducted in conformity with the quality standards required and in conformance with the California Building Code, and the contract documents. Quality Assurance is provided by the Judicial Council and the Project Inspector.

“Quality Compliance Manager” or **“Manager of Quality Compliance”** means the person employed by the Judicial Council in charge of its construction Quality Compliance unit and Quality Assurance on the construction-sites.

“Quality Control” means the review, certification, inspection, and testing of project components, including persons, systems, materials, documents, techniques, and workmanship to determine whether or not such components conform to the plans, specifications, applicable standards, codes, and project requirements. The Construction Contractor provides Quality Control over all portions of their work, including their subcontractors.

“Special Inspection and Materials Testing” or **“Special Inspection”** means the careful and thorough examination and documentation of a specific construction procedure (e.g. welding, masonry placement, etc.) for a project. Note that material identification and other related responsibilities are also generally a part of the special inspector’s duties.

“Special Inspector” means specially qualified individuals employed by a Judicial Council approved testing laboratory, or hired directly by the Judicial Council to perform Special Inspection work as specifically defined in a scope of work specified by the Architect and/or required by applicable code. The Project Inspector may act in the capacity of the Special Inspector if properly qualified and with the consent of the Judicial Council.

“Staff Construction Inspector” means a person employed by the Judicial Council who is assigned to construction inspection in the Inspection Services division of the Quality Compliance

unit. A Staff Construction Inspector may be designated by the Manager of Quality Compliance to perform certain tasks described in Section 10.0 – Judicial Council Oversight and Section 11.0 – Process Completion Steps and Next Steps and other tasks as assigned by the Manager of Quality Compliance.

3. Duties and Performance of the Project Inspector

- 3.1. The Project Inspector(s) will in consultation and with the approval of the Judicial Council, designate one or more qualified individuals to perform specific duties in accordance with this procedure.
- 3.2. The Project Inspector will comply with the qualification and performance requirements outlined in California Building Code.
- 3.3. If more than one Project Inspector is needed at a single project site the inspection firm, will in consultation and with the approval of the Judicial Council, designate one Project Inspector as the “Lead Project Inspector”.
 - 3.3.1. Lead Project Inspector will be responsible to ensure the requirements of this procedure are followed on the project site and manage the assignments of his/her assistant inspectors.
- 3.4. The Project Inspector acts under the direction of the Manager of Quality Compliance, or his or her designee, within the Judicial Council Facilities Services Quality Compliance Unit.
- 3.5. The Project Inspector will coordinate, consult, and communicate with the Project Manager, and the Judicial Council’s on-site representative if different from the Project Manager (on an established basis).
- 3.6. With the exception of a circumstance involving immediate danger to life or property, the Project Inspector does not have the authority to direct the Construction Contractor in the execution of the work, nor to stop the work of construction.
 - 3.6.1. Should the Project Inspector stop work due to damage to life or property, the Project Inspector shall immediately notify the OSPM who will be responsible to make further notifications within the Judicial Council management hierarchy.
- 3.7. The Project Inspector’s responsibilities include:
 - 3.7.1. A thorough understanding of all requirements of the construction documents, including shop drawings, change orders, supplemental instructions from the Architect, and applicable submittals.
 - 3.7.2. Attendance of any pre-construction meetings.
 - 3.7.3. Timely review of all approved changes made to construction documents throughout the construction process.
 - 3.7.4. Observing, checking, measuring, and inspecting the construction work in progress, in accordance with the Project Inspection Plan, for compliance with the requirements of all approved construction documents.
 - 3.7.5. Maintaining a photographic record of work in progress throughout construction.

- 3.7.6. Coordination and monitoring of materials testing and special inspection. Project Inspector shall ensure special inspection and testing program is satisfactorily completed.
- 3.7.7. Coordination with utility companies for inspections as necessary.
- 3.7.8. Maintaining an awareness of safety and health requirements and submitting notice to the contractor and Project Manager when applicable regulations and contract provisions are violated, including those within the contractor's site safety plan.
- 3.7.9. Identification, documentation, and reporting of deviations in the construction from the requirements of the approved construction documents and applicable codes, including any instances of non-compliance. Reports should be forwarded to the Project Manager, Quality Compliance Manager, Construction Contractor, and the Architect immediately.
- 3.7.10. Submittal of verified reports on forms provided by the Judicial Council.
- 3.7.11. Participation in all final inspections and preparation of rework items lists.
- 3.7.12. At the conclusion of inspection services on the Project any outstanding deviations must be noted on the Final Verified Report.
- 3.7.13. *The daily inspection reports shall be regularly uploaded to the project Service Work Order and SharePoint by the inspection team. The Final Verified Report shall be uploaded at the end of the project to the Service Work Order and SharePoint by the inspection team. A monthly inspection report shall be distributed to the Quality Manager in conjunction with participation in a monthly project status update conference call. [Added 09/28/2021]*
- 3.8. The Project Inspector is responsible to pre-inspect for all jurisdictional and special inspections prior to calling and scheduling the inspection with the jurisdiction having authority.
- 3.9. The Project Inspector will perform Continuous or Periodic inspection as established under the Project Inspection Plan developed under Section 7.0 of the Project Inspector Duties and Performance Procedure.
 - 3.9.1. Continuous inspection means the full-time observation of work requiring special inspection by a Project Inspector who is continuously present in the area where the work is being performed.
 - 3.9.2. Periodic Inspection means the intermittent observation of work requiring inspection by a Project Inspector who is present in the area where the work has been or is being performed and at the completion of the work. All work requiring special inspection shall remain accessible and exposed until approved by the Special Inspector.
- 3.10. The Project Inspector is prohibited from performing functions associated with actual construction work such as:
 - 3.10.1. Performing construction work;
 - 3.10.2. Ordering or purchasing materials;

- 3.10.3. Directing the work of the Construction Contractor, subcontractor(s), volunteer labor, or any entity performing construction work;
- 3.10.4. Coordinating or scheduling the construction work; or
- 3.10.5. Performing Quality Control of construction. Quality Control is the responsibility of the Construction Contractor. However, Quality Assurance is the responsibility of the Judicial Council and its inspectors.
- 3.10.6. Authorizing deviations from the construction documents or code requirements.
- 3.10.7. Interfering in contractor/subcontractor relationships.
- 3.10.8. Approving shop drawings or samples.

4. Project Inspector's Job File

- 4.1. The Project Inspector shall coordinate with the OSPM to ensure that the following records are maintained at the job site during construction, in an organized and readily accessible electronic or paper file (collectively the Job File). It is not necessary that both the Project Inspector and the OSPM maintain the documents only that they are available to both parties:
 - 4.1.1. Approved (stamped and initialed) plans and specifications (printed copy).
 - 4.1.2. A copy of the Inspection Plan.
 - 4.1.3. Approved submittals as required by approved plans (printed copy).
 - 4.1.4. Project addenda and change orders.
 - 4.1.5. Construction change documents with a log of all construction changes.
 - 4.1.6. Copies of Construction Contractor submittals (construction schedules, shop drawings, certificates, product labels, concrete trip tickets, etc.).
 - 4.1.7. Project document logs referencing all project construction related documents, such as Construction Contractor's requests for information (RFI), Architect's supplemental instructions, submittal logs, and project related meeting minutes and/or notes.
 - 4.1.8. Inspection Requests, Correction Notices, and Notices of Non-Compliance with logs (summary record) including resolution status for each deviation.
 - 4.1.9. Evidence of continuous or periodic inspection, such as daily inspection reports.
 - 4.1.10. Materials testing and special inspection reports.
 - 4.1.11. Judicial Council, State Fire Marshal, Division of the State Architect, and Board of State and Community Corrections field trip notes from prior visits with copies provided to the Architect, Construction Manager and Project Manager indicating resolution of each field trip note item requiring action.
 - 4.1.12. Applicable California Building Standards Codes (Title 24): Part 1 (Administrative Code); Part 2, Volumes 1 and 2 (Building Code); Part 3

(Electrical Code); Part 4 (Mechanical Code); Part 5 (Plumbing Code); Part 6 (Energy Code), Part 9 (Fire Code), and Part 11 (Green Code). The code edition must be as referenced on the approved plans and specifications. The Project Inspector should have access to applicable structural referenced standards, as needed for particular project inspection activity. Structural Standards are referenced in Chapter 35, CBC, Title 24 Part 2 Vol 2 of 2.

- 4.1.13. Applicable NFPA Standards (NFPA is referenced in Chapter 35 of the CBC)
 - 4.1.14. Construction Contractor's Project Site Safety Program
 - 4.1.15. Inspector generated Inspector's Request for Clarification (IRFC)
 - 4.1.16. Bulletins and Architect's Supplementary Instructions issued by Architect
 - 4.1.17. Quality Control documentation generated by the Construction Contractor.
 - 4.1.18. Copy of State Fire Marshal on-site inspection records and daily reports.
- 4.2. The Job File records listed above may be maintained in paper (i.e. hard copy) and/or electronic format, unless otherwise specified above. Appendix 1 – Guidelines for Completion of Project Inspector's Daily Report provides guidance for required record-keeping. At the completion of the project, the Project Inspector shall transfer the Job File, with the exception of building codes and reference standards, to the Judicial Council, which shall maintain the Job File as part of the permanent Judicial Council records.

5. Project Inspector's Comprehension of the Construction Documents

- 5.1. The inspector must study and fully comprehend the requirements of the construction documents in order to provide competent inspection of the work. It is necessary for the inspector to possess a thorough understanding of the requirements of the plans and specifications before that portion of the work is performed.
- 5.2. The inspector must:
 - 5.2.1. Consult with the responsible Architect(s), via a written memorandum or email to resolve any uncertainties in the inspector's comprehension of the plans and specifications prior to construction of that portion of the work.
 - 5.2.2. Review requirements for each phase of the construction with the Construction Contractor prior to commencing that phase of the work. Good communications will prevent construction errors from occurring.
 - 5.2.3. Readily identify non-compliant work as the construction progresses, to facilitate prompt corrective action.
 - 5.2.4. Verify code-compliant implementation of the materials testing and special inspection program.
- 5.3. The Project Inspector must direct any IRFC's regarding document interpretation to the Architect with a copy to the Construction Contractor, the Judicial Council Project Manager, and the Construction Manager.

6. Inspection of the Work

- 6.1. Inspection means complete and timely inspection of the work on either a Continuous Inspection or Periodic Inspection basis as determined in the Inspection Plan and periodic consultation with the Architect, the Project Manager, and the Construction Manager charged with the administration of the construction of the Project. The Judicial Council requires prompt Inspection of the work as it progresses. The Judicial Council also requires that prompt notification be made to the Construction Contractor of any deviation, so that the deviation can be immediately corrected. If deviation is not immediately corrected, the Judicial Council requires the Project Inspector notify the Project Manager, Quality Compliance Manager, Architect, and the Contractor via Notice of Non-Compliance and track on the Non-Compliance log.
- 6.2. The Lead Project Inspector must have personal knowledge of the construction, obtained through a Project Inspector's own physical inspection of the work in all stages of its progress.
- 6.3. When a Special Inspector(s) or approved assistant Project Inspector(s) are used on a project, the Lead Project Inspector's personal knowledge may include that knowledge obtained from these individuals. The Lead Project Inspector must keep a log of time spent on the project site by all inspectors.

7. Records of Inspections

- 7.1. The Project Inspector must maintain detailed records of all Inspection Requests. The inspector's records must provide a comprehensive and timely documentation of the inspected work, promptly identifying all compliant and non-compliant construction. These records must be readily accessible and maintained in an organized manner.
- 7.2. The following is a list of the Inspection records that must be maintained at the job site:
 - 7.2.1. A systematic record of those materials and assemblies delivered to the Project site that according to the Project Inspection Plan require an inspection before being incorporated into the work, e.g. switch gears, chillers, boilers, air handling units and other high value components with long lead times for replacement.
 - 7.2.2. A systematic record of the Inspection of all work required by code and the construction documents. This may be provided through the Inspection Request process or the Project Inspector's process management system. The inspector must also record the resolution of reported deviations through the Inspection Request process.
 - 7.2.3. Special Inspection Records per Title 24, Part 2, Volume 2, such as concrete placement operations, welding operations, pile penetration blow counts, and other records as specified on the approved construction documents.
 - 7.2.4. Copy of the Daily Report that includes Project Inspector's and assistant Project Inspector(s)'s time spent at the Project site, or with the prior approval of the Manager of Quality Compliance at an offsite project location where Inspection is required. The time should be reported on the Daily Report and the Monthly Document Log.
 - 7.2.5. Construction procedure records. The Project Inspector shall keep a record of certain phases of construction procedure including, but not limited to, the following:

- i. Concrete placing operations. The record shall show the time and date, and ambient temperature/weather conditions of placing concrete and the time and date of removal of forms in each portion of the structure.
 - ii. Welding operations. The record shall include identification marks of welders, lists of defective welds, manner of correction of defects, etc.
 - iii. Pile driving operations. The record shall include penetration under the last 10 blows for each pile when piles are driven for foundations.
- 7.2.6. Construction project log. The inspector shall maintain construction logs on-site at all times including, but not limited to, the following:
- i. A log of all deviation notices. The log shall reference all applicable details and specification sections related to nonconforming materials and workmanship including field change documents, change orders, addenda and deferred approvals. The log shall describe all corrective actions taken whether performed in accordance with Judicial Council approved documents or not, the current status of each deviation issue and the resolution for each issue.
 - ii. Copies of all deviation notices, daily reports, test reports, special inspection reports, RFI's and IRFC's, responses to RFI's and IRFC's, interpretations and clarifications from the Architect, and other applicable documents required to provide a complete record of the construction.
- 7.2.7. All such records shall be kept on the project site until the completion of the work and shall be readily accessible to Judicial Council personnel during site visits. These records shall be made a part of the permanent project records.

8. Communications Required of the Project Inspector

- 8.1. The Project Inspector must maintain records of all communications. These records must be readily accessible and maintained in an organized manner. The date and recipients of all communications must be clearly indicated.
- 8.2. The Project Inspector is required to provide the following communications during the course of a construction project:
 - 8.2.1. Notify and schedule the State Fire Marshall when construction elements are ready for inspection
 - 8.2.2. Notify the Board of State and Community Corrections when holding cells are ready for inspection
 - 8.2.3. Submit daily and monthly activity reports on forms provided by the Judicial Council
 - 8.2.4. Submit daily site safety reports. These can be incorporated into the Inspector's Daily Report.
- 8.3. The Project Inspector shall provide the following notices in writing (e-mail is acceptable):
 - 8.3.1. *Correction Notices:* When the Project Inspector identifies deviations from the approved plans and specifications, the Project Inspector must verbally notify the Construction Contractor. If the deviation is not immediately corrected, the

Project Inspector is required to promptly issue a written Correction Notice to the Construction Contractor, with a copy sent to the Architect and the Project Manager. The status and resolution of all Correction Notices must be tracked on a log.

8.3.2. *Notice of Non-Compliance:* When a Project Inspector finds work that is in progress or is complete and is found to be defective or nonconforming in a material respect, a Notice of Non-Compliance shall be issued after verbally notifying the Construction Contractor. The Project Inspector shall notify the following parties, immediately in writing, of the Notice of Non-Compliance the Construction Contractor, the Architect, the Judicial Council field representative, the Project Manager, and the Manager of Quality Compliance. The status and resolution of all Notice of Non-Compliance must be tracked on a log.

8.3.3. *Daily Reports:* The Project Inspector shall submit daily reports on a form provided by the Judicial Council directly to Manager of Quality Compliance as more specifically stipulated in Appendix A to this procedure.

8.3.4. *Final Verified Reports:* When any of the following occurs, a Final Verified Report shall be submitted on a form provided by the Judicial Council.

- i. Work on the project is suspended for a period of more than one month.
- ii. The services of the Project Inspector are terminated for any reason prior to completion of the project and such termination is not a result of work stoppage.
- iii. The entire project is complete.

8.3.5. *The Daily Reports, Inspection Requests, Correction Notices, and Notices of Non-Compliance shall be regularly uploaded to the project Service Work Order and SharePoint by the inspection team. The Final Verified Report shall be emailed to the Quality Manager and uploaded to the Service Work Order and SharePoint by the inspection team. A Monthly Inspection Report shall be emailed to the Quality Manager in conjunction with participation in a monthly project status update conference call. [Added 09/28/2021]*

~~8.3.5—Electronic copies of all Daily Reports, Inspection Requests, Correction Notices, and Notices of Non-Compliance shall be emailed to the Judicial Council Manager of Quality Compliance, or his or her designee at the end of each month.~~

~~8.3.6—Project Inspector Final Verified Report: The Project Inspector shall make and submit directly to Judicial Council Manager of Quality Compliance the Final Verified Report.~~

9. **Inspector's Monitoring of the Special Inspection and Materials Testing Program.** If special inspection and materials testing is required on a project, the Project Inspector is responsible for monitoring the work of any Special Inspectors and materials testing laboratories to ensure that all special inspections and materials testing required for the project are satisfactorily completed in accordance with the approved documents.

9.1. The Project Inspector must monitor the following aspects of the Special Inspection and Materials Testing Program:

9.1.1. With 48 hours advance notice by an Inspection Request from the Construction Contractor make the necessary arrangement for the materials testing lab and

Special Inspectors to perform the required material sampling or Special Inspection.

- 9.1.2. Verify that all required material sampling and Special Inspections have been performed. The Project Inspector is also responsible to observe any Special Inspector's on-site presence, performance of duties, and the Special Inspector's documentation of complying and non-complying work.
- 9.1.3. Receive, review, and approve with a digital stamp all invoices from the Special Inspector before they are sent to the Judicial Council for processing.
- 9.1.4. Review all materials test and Special Inspection reports.
- 9.1.5. Issue any Notice of Non-Compliance resulting from the findings of the Special Inspector.
- 9.1.6. Report the status and resolution of deviations reported by any materials testing lab or Special Inspector on daily reports.

10. Judicial Council Oversight

- 10.1. The Judicial Council Quality Compliance (QC) Manager, or staff designated and assigned by the Quality Compliance Manager, conducts oversight of each project through review of documents and monthly construction-site visits. Each site visit typically includes the following:
 - 10.1.1. Monitoring of the Project Inspector's administration and documentation of project Inspection activities;
 - 10.1.2. Observation of construction; and
 - 10.1.3. Documentation in the form of meeting minutes of the monthly Quality Compliance meeting at the construction-site written and published by the firm providing Construction Manager Agency (CMA) services for each project.
 - 10.1.4. The following project team members will be invited to the monthly Quality Compliance meeting for all capital projects:
 - i. JCC Project Manager
 - ii. JCC Quality Compliance Manager and designated staff
 - iii. CMA representative
 - iv. Office of the State Fire Marshal (OSFM) – Deputy State Fire Marshal assigned to the project
 - v. Lead Project Inspector (Inspector of Record)
 - vi. Representative of the firm providing Special Inspection & Materials Testing
 - vii. Architect of Record
 - viii. Construction Contractor Project Manager
 - ix. Construction Contractor Superintendent
 - x. Construction Contractor Quality Manager

- 10.2. Job File Review. The Judicial Council Quality Compliance Manager or designated Quality Compliance staff shall evaluate the Project Inspector's administration of the project through a job file review. The purpose of the job file review is to verify completeness of the Project Inspector's records, communicate with the Project Inspector and responsible Architect, and address any project documentation or other issues during construction to facilitate timely project completion. The job file review is a project record, which is maintained in the Judicial Council project files. Copies are provided to the Project Inspector, the Judicial Council Quality Compliance Manager, and the Project Manager after completion of each job file review.
- 10.3. Observation of Construction by Judicial Council. If needed, as part of the monthly Quality Compliance meeting, the Quality Compliance Manager or designated Quality Compliance staff conducts a site walk to make observations as necessary to ascertain that Inspections have been completed diligently. During the site visit, the Judicial Council Quality Compliance Manager or designated Quality Compliance staff may provide guidance to the Project Inspector, as needed, to ensure enforcement of construction documents.
- 10.4. Judicial Council Field Trip Notes. See 10.1.3 above. The meeting minutes may include informational comments, including construction status and guidance given to the Project Inspector. The meeting minutes become a part of the Judicial Council project records.

11. Process Completion Steps and Next Steps

- 11.1. The project inspection process for each project is complete at the time that all of the following are complete:
 - 11.1.1. The project has filed its Notice of Completion with the County
 - 11.1.2. All change orders making claim for additional cost or time are closed
 - 11.1.3. All outstanding work, either in the form of a punch list item, or warranty work are closed
 - 11.1.4. The Project Inspector has filed its Final Verified Report
 - 11.1.5. The Project Inspectors Job File has been turned over to, and accepted by, the Judicial Council
 - 11.1.6. The Project Inspector has participated in the formal Lessons Learned Review for the project.
- 11.2. The Project Manager and Quality Compliance Manager or designated Quality Compliance staff will conduct a formal Lessons Learned review that includes representatives of the Architect, the Contractor, and the quality team within 60 days of final completion of the project to discuss and make suggestions on areas of improvement. The minutes of the meeting will be maintained in the Lessons Learned Data Base
- 11.3. The Judicial Council Quality Compliance Manager will issue a Contract Completion Memo to the Project Inspector and the project team as the Judicial Council's advice of project completion. After receiving Certificate of Occupancy from all Authorities Having Jurisdiction, the Quality Compliance Manager will subsequently issue a Certificate of Occupancy.

12. Dispute Resolution

- 12.1. The purpose of this procedure is to establish a process to apply logical and systematic methods to manage project construction quality. The Judicial Council establishes its right to inspect and test the quality of the work through the terms and conditions of its contract between the Judicial Council and the Construction Contractor. The terms and conditions of the contract between the Judicial Council and the Construction Contractor clearly establish that the responsibility for the quality of the work rests with the Contractor and any inspection or testing done by the Judicial Council is for the Judicial Council's benefit and does not accrue to the benefit of the Contractor.
- 12.2. The Project Inspector is charged with the identification of deviations from the approved plans and specifications on behalf of the Judicial Council. The Project Inspector will notify the Construction Contractor of any such deviations pursuant to section 9.0 of this procedure. The following process will be utilized when the Construction Contractor disagrees with a deviation notice:
 - 12.2.1. Should the Construction Contractor agree with the Correction Notice and/or the Notice of Non-Compliance then no further activity is necessary.
 - 12.2.2. Should the Construction Contractor not agree with the Correction Notice and/or the Notice of Non-Compliance then the Construction Contractor shall notify the Project Manager, who shall contact and discuss the deviation notice with the Judicial Council Manager of Quality Compliance.
 - 12.2.3. The desired outcome of the meeting between the Project Manager and the Judicial Council Manager of Quality Compliance is to develop a single position concerning any deviation notice that can be communicated to the Construction Contractor. In developing this position, the assistance of the Architect and any other available subject matter experts should be utilized.
 - 12.2.4. The Project Manager will communicate the Judicial Council's position to the Construction Contractor as the Judicial Council's representative.
 - 12.2.5. Should the Construction Contractor disagree with the Judicial Council's position the Construction Contractor's may request the matter will be elevated to the Facilities Services Director. Before being considered by the Facilities Services Director, the Architect or the Criteria Architect, if Design-Build shall issue an opinion concerning the matter, which shall be forwarded to the Facilities Services Director who shall make a final decision.
- 12.3. Disputes concerning Correction Notices and/or the Notices of Non-Compliance can also be resolved under the terms and conditions of the contract between the Judicial Council and the Construction Contractor, which establishes the following Project quality related responsibilities for the Contractor:
 - 12.3.1. Maintain a construction quality control program and perform such inspections that will ensure that the work is being performed in conformance with the contract documents.
 - 12.3.2. Maintain complete inspection records and make them available to the Judicial Council.
 - 12.3.3. Notify the Judicial Council in writing, at least 24 hours in advance, of any inspection or testing required of the Judicial Council and its Inspector of Record.

- 12.3.4. Should work be performed outside of the established hours of construction operations, then the Contractor must provide the Judicial Council with 48 hours advance notice of any inspection or testing required of the Judicial Council and its Inspector of Record.
- 12.3.5. If work is found to be defective the Contractor shall perform the work as designated by the Judicial Council, and then within the time period established by the terms and conditions of the contract between the Judicial Council and the Contractor provide a written protest of the direction to perform the work.
- 12.3.6. The resolution of any protest to perform work will be resolved pursuant to the terms and conditions of the contract for construction between the Judicial Council and the Contractor.

APPENDIX 1 - GUIDELINES FOR COMPLETION OF PROJECT INSPECTOR'S DAILY REPORT

1. Duties of the Project Inspector

1.1. Completion:

- 1.1.1. Prepare and submit a separate daily report for each and every day the Project Inspector is at the Project site, or a site directly related to the Project during construction of the project.
- 1.1.2. The first report shall be made on the first day after the start of construction. For Construction Start date, use the date the Contractor mobilizes on the project site to begin construction (or demolition, if demolition work is included in the project scope and in the approved construction documents).
- 1.1.3. Daily reports shall continue until the Final Verified Report is submitted.
- 1.1.4. For any buildings occupied prior to completion of the entire project scope, the Project Inspector shall indicate the date of the final verified report filed for each building occupied prior to project completion and may attach a copy of such report to the daily report.
- 1.1.5. For any project with construction suspended, the Project Inspector shall continue filing daily reports. For any project where all work is suspended for more than one month, the Project Inspector may use the daily report to notify Judicial Council of the stoppage, and shall also file a final verified report as required, which may be attached to the daily report.

1.2. Format & Content. Use the Daily Report Template provided by the Judicial Council.

1.3. Distribution. The reports shall be addressed to the Judicial Council Quality Compliance Manager.

1.3.1. A copy shall be forwarded to the following individuals:

- i. Judicial Council Project Manager,
- ii. Architect,
- iii. Construction Contractor,
- iv. Construction Manager, Agency (if applicable),
- v. Judicial Council Manager of Quality Compliance, and
- vi. Judicial Council inspection administrative specialist.

1.4. Daily Report Template.

- 1.4.1. Keep the report brief, generally one or two pages in length and include the following:
 - i. Date of Report,

- ii. Judicial Council File No.,
 - iii. Name of Contractor,
 - iv. Name of Architect in Charge, and
 - v. Name of Judicial Council on-site representative.
- 1.4.2. *Construction Work Accomplished*: Include a brief statement of site-work and building construction work performed. List each building or structure on which work was performed, with a brief description of work in progress and work completed. List fabrication work performed off-site.
- 1.4.3. *Summary of Materials Testing & Special Inspections Performed*: List any material sampling or special inspections performed on-site or off-site. List any material tests performed on-site.
- 1.4.4. *Instructions Received from the Architect(s)*: List any documents (including change orders, preliminary change orders, Supplemental Instructions, RFI's) or instructions regarding the construction work or materials testing and special inspection program, issued. Record any significant absence of the Project Inspector from the job-site when work is progressing, and approved provision for inspection during this time.
- 1.4.5. *Problems, Concerns or Unusual Conditions*: List any problems, concerns or unusual conditions with the construction work, testing & special inspection program, or assistant inspection work that occurred. Indicate to whom the issue has been directed for review.
- 1.4.6. *Outstanding Correction Notices and Notices of Non-Compliance*: List any deviation notices that were issued or previously issued and that remain unresolved, by date and brief description.
- 1.4.7. *Notices Resolved*: List any deviation notices that were resolved on that date and brief description of the deviation.
- 1.4.8. *Judicial Council "Field Trip Note(s)" Issued*: Indicate the date of the Judicial Council Field Trip Note(s), if any, received that date. Indicate whether or not the Field Trip Note requests any actions by the Architect.
- 1.4.9. *Official Site Visitors*: List official visitors to the job-site during the time period and whom they represent. Official visitors may include, but not limited to, the responsible Architect, engineering consultants, geotechnical engineer, Judicial Council representatives, state agency representatives, and materials testing laboratory engineer.

APPENDIX 2 - OBSERVATION OF CONSTRUCTION BY THE ARCHITECT

1. The Judicial Council requires the Architect of Record to perform periodic site visits and submit a field report within 48 hours of each visit detailing observations, deviations, and any concerns.
2. A geotechnical engineer or his or her qualified representative shall perform special inspection of the placement and compaction of fills according to the approved construction documents. The

geotechnical engineer shall submit reports of each site visit to the Project Inspector, with copies to the Project Manager and the Architect.

APPENDIX 3 - SPECIAL INSPECTION AND TESTING

1. The Architect shall establish the extent of the testing and special inspection program consistent with the applicable codes and needs of the particular project and shall issue specific instructions to the Project Manager, the Project Inspector and the testing facility and Special Inspectors prior to start of construction. The Project Inspector shall also notify Project Manager as to the disposition of materials noted on laboratory testing, and/or special inspection, reports as not conforming to the Judicial Council approved documents.
2. The Judicial Council will select and contract for a Laboratory to conduct all special inspections and materials testing; costs for all special inspections and materials testing will be paid for by the Judicial Council.
3. **Duties and Performance of the Laboratory**
 - 3.1. Attend pre-construction meetings.
 - 3.2. Review applicable shop drawings and submittals from Construction Contractors.
 - 3.3. Provide materials testing and special inspections of work in progress to ensure compliance with State and local building codes, architect's plans and specifications, and the requirements of the Judicial Council.
 - 3.4. The Laboratory shall also notify the Project Inspector as to the disposition of materials noted on laboratory testing, and/or special inspection, reports as not conforming to the Judicial Council approved documents.
4. **Special Inspections**
 - 4.1. Special inspection by inspectors specially approved by Judicial Council may be required on certain types of construction work as described in the approved construction documents.
 - 4.2. Judicial Council may require Special Inspectors for types of construction in addition to those listed in Chapter 17 of Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.
 - 4.3. Judicial Council may require Special Inspectors for any off-site fabrication procedures that preclude the complete inspection of the work after assembly.
 - 4.4. Special Inspectors shall be in the direct employ of the testing laboratory, and if not, subcontractors must be specifically approved by Judicial Council.
 - 4.5. Special Inspectors may be required to be approved by Judicial Council for each individual project prior to performing inspections. Approval of a Special Inspector's resume and certifications shall be made on a case by case basis.
 - 4.6. A Special Inspector shall have had at least three years' experience in construction work or inspection responsibilities on one or more projects similar to the project for which the

inspector is applying, shall have a thorough knowledge of the building materials of his or her specialty, and shall be able to read and interpret plans and specifications.

- 4.7. Judicial Council reserves the right to reject any proposed Special Inspector at any point. Firm shall supply an approved replacement .
- 4.8. Construction work that the Special Inspector finds not to be in compliance with the approved plans and specifications, shall be reported immediately to the Project Inspector, the Project Inspector will review the work under question and if found in agreement will then contact the Construction Contractor about the deviated work. If it cannot be corrected immediately the Architect, and the Project Manager shall be notified.
- 4.9. Special Inspectors shall submit reports the same day to the Project Inspector Project Manager, the Architect, the Contractor, and the Project Inspector. Reports of special inspections performed on-site shall be submitted to the Project Inspector and Judicial Council Manager of Quality Compliance on the day the inspections were performed. Reports shall include all special inspections made regardless of whether such inspections indicate that the work is satisfactory or unsatisfactory.
- 4.10. Special inspection reports shall include a description of all sampling of materials performed and/or witnessed. Reports shall clearly state whether the work was inspected in accordance with the requirements of the Judicial Council approved construction documents for the project. Reports shall also clearly state whether the work inspected met the requirements of the Judicial Council approved construction documents.
- 4.11. The acceptance or approval of Special Inspectors may be withdrawn by Judicial Council if the Special Inspector fails to comply with any part of this code or the standards referenced on the approved plans and specifications.

5. Tests

- 5.1. General. Tests of materials are required as set forth in the applicable regulations. Whenever there is insufficient evidence of compliance with any of the provisions of the code or evidence that any material or construction does not conform to the requirements of the code, Judicial Council may require tests as proof of compliance to be made. Test methods shall be as specified by the California Building Code, the Architect or Engineer, or by other recognized and accepted test standards. If there are no recognized and accepted test methods for the proposed alternate, the Architect shall submit written test procedures for review and acceptance by Judicial Council.
- 5.2. Performance of Tests
 - 5.2.1. Test samples or specimens of material for testing shall be taken by a representative of the testing facility. The Project Inspector may, if qualified and other duties permit, be authorized in writing by Judicial Council Manager of Quality Compliance to sample test specimens.
 - 5.2.2. In general samples are selected at random; however, if there is reason to believe that specific materials may be defective, sample locations may be selected by the Project Inspector, Architect, or Project Manager or his or her designee. In no case shall the Contractor or vendor select the sample or specimens.
 - 5.2.3. Sampling, handling, transportation, preparation of samples and testing shall be in accordance with the standards as provided for in the approved plans, specifications and in the applicable building regulations.

- 5.2.4. Where a sample has failed to pass the required tests the Architect, subject to the approval of Judicial Council, may permit retest of the sampled material.
- 5.3. Payments. The Judicial Council will pay for all tests, but if so specified the amount or a portion thereof may be collected from the Contractor by the Judicial Council. When in the opinion of the Architect, additional tests are required because of the manner in which the Contractor executes the work, such tests shall be paid for by the Judicial Council, but if so specified the amount paid may be collected from the Contractor by the Judicial Council. Examples of such tests are: tests of material substituted for previously accepted materials, retests made necessary by the failure of material to comply with the requirements of the specifications, and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.
- 5.4. Test Reports
- 5.4.1. One copy of all test reports shall be forwarded to Project Manager, the Architect, Judicial Council Quality Compliance Manager, and the Project Inspector by the testing facility within 5 days of the date of the test. Such reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or unsatisfactory. Records of special sampling operations as required shall also be reported.
- 5.4.2. The reports shall show that the material or materials were sampled and tested in accordance with the requirements of these guidelines and with the approved plans and specifications. In the case of materials such as masonry, concrete or steel, test reports shall show the specified design strength.
- 5.4.3. All reports of test results shall also definitely state whether or not the material or materials tested comply with requirements of the plans and specifications. Reports of test results of materials not found to be in compliance with the requirements of the plans and specifications shall be forwarded immediately.
- 5.5. Final Report. Each testing facility shall submit to Project Manager the Architect, and the Project Inspector at the completion of the testing program a final report covering all of the tests and inspections that were required to be made by that facility. Such report shall be furnished any time that work on the project is suspended, or services of the testing lab are terminated, covering the tests up to that time.
- 5.5.1. The final report shall be signed, under penalty of perjury, by the California registered engineer charged with engineering managerial responsibility for the testing facility. The report shall indicate that all tests and inspections were made as required by the approved plans and specifications and shall list any noncompliant tests or inspections that have not been resolved by the date of the report. In the event that not all required tests or inspections were made by the laboratory making this report, those tests or inspections not made shall be listed on the report.

6. Duties of the Project Inspector for Special Inspection and Testing

- 6.1. The Project Inspector shall act as the Judicial Council Quality Assurance Program representative during any special inspections and/or tests.
- 6.2. The Project Inspector may obtain personal knowledge of the work of construction, either on-site or off-site, performed under the inspection of Special Inspectors.

- 6.3. The Project Inspector may obtain personal knowledge that materials used in the construction conform to the Judicial Council approved documents by verifying test reports performed by accepted testing facilities, verifying materials certifications shipped with the materials, or other means as specified in the Judicial Council approved documents and referenced codes and standards.
- 6.4. The Project Inspector shall be responsible for monitoring the work of the Special Inspectors and testing laboratories to ensure that the testing program is satisfactorily completed.
- 6.5. The Project Inspector shall be responsible for supervising the work of all assistant inspectors. The exercise of reasonable diligence to obtain the facts shall be required.

APPENDIX 4 - PROJECT SITE SAFETY

1. Project Site Safety Plan

- 1.1. The Construction Contractor is responsible to develop and enforce the Project Site Safety Plan that is in conformance with federal, State and local laws, rules, regulations and ordinances.
- 1.2. The Judicial Council has instituted an Owner Controlled Insurance Program (OCIP) at the Project site. The OCIP insurer, Old Republic Insurance Company and the OCIP Administrator, Willis Insurance Services of California will periodically conduct on-site inspections of the Project to ensure compliance with the Project Site Safety Plan and established state occupational safety standards.
- 1.3. The OCIP safety inspection team will coordinate with the Project Inspector for each site visit, will debrief the Construction Contractor and the Project Inspector following an inspection, and will copy the Project Inspector on all safety inspection reports.
- 1.4. With the assistance of the OCIP insurer and the OCIP Administrator the Construction Contractor is responsible for accident investigation and mitigation planning. The Project Inspector will be provided for comment and monitoring any accident mitigation plan prepared by the Construction Contractor.

1.4.1. *Activity Hazard Analyses*

- i. The Construction Contractor is, as part of its Project Site Safety Plan, responsible to prepare, maintain and implement an Activity Hazard Analysis that will define the activities being performed and identify the sequences of work, specific hazards anticipated, site conditions, materials and control measures to be implemented to eliminate or reduce each hazard associated with a work related activity of sequence.
- ii. If the Project Inspector feels work is being performed in an unsafe manner, then he or she should request a copy of the Activity Hazard Analysis associated with the work to ensure compliance with the Project Site Safety Plan.
- iii. The Project Inspector may call upon the OCIP safety inspection team at any time for advice and consultation, including a site visit.