

JUSTIFICATION FOR AWARDING PUBLICATION CONTRACT
OF
CALIFORNIA CODE OF REGULATIONS, (CCR), TITLE 24, PART 6

Background leading to acquisition

The California Building Standards Commission (CBSC) is an independent commission within the State and Consumer Services Agency primarily developed to review and approve proposed building standards adopted by state agencies. The 11-member commission appointed by the Governor of California and confirmed by the Senate represents the general public, building design and construction professionals, local governmental building and fire officials, and labor.

In addition to the review and approval of proposed building standards, CBSC publishes the State of California's (State) building codes, Title 24 of the California Code of Regulations. Furthermore, to ensure that the public is provided the most current structural and fire safety building standards, California law mandates the State to expediently adopt and implement the most recent editions of national model building codes.

Every three years, CBSC reviews the newest State mandated¹ national model building codes that are published and copyrighted by various independent code-developing bodies. Adopting the latest model building codes results in statewide and nationally consistent application of building standards, use of current safety technology and in cost effectiveness. In addition, CBSC publishes parts of Title 24 that are not based upon model building codes, such as the California Energy Code (Part 6, Title 24) as adopted by the California Energy Commission (CEC).

Uniqueness of Acquisition

The uniqueness of this acquisition is that there is no cost to the state. In addition, the public is able to get the document at no cost directly from CEC or on the Internet, rather than purchasing it from the publisher. Since 1984, the International Conference of Building Officials, (ICBO) has published Part 6 of Title 24 for CBSC, as per contractual licensing agreement, at no cost to the State. In a joint effort with ICBO, CBSC determined that the estimated value of the latest edition of Part 6 was approximately \$42,870. This value represents the estimated revenue as determined by ICBO if the code had been sold to all interested members of the general public and not acquired from the CEC or on the Internet.

CBSC does not conduct a competitive bid as there assuredly would not be interest from bidders in a contract where the subject matter was available at no cost via CEC or the Internet. Further, CBSC has determined that submission of a non-competitive bid justification is necessary as the proposed good is the only good that meets the State's needs and ICBO is the only source for publication of Part 6, at no cost to the State.

¹ Health and Safety Code 18928

Consequences if Non-Competitive Bid Justification Not Approved

CBSC requests that all future licensing agreements assuring no cost to the State shall be submitted as non-competitive bid justification contracts to ensure that the general public will be assured of access to future building codes at no additional cost. It is CBSC's position that if the State does not maintain the licensing agreement with ICBO it may be forced to search for alternative publishing companies that will charge the State for the cost of these services. However, due to the availability of Part 6 directly from CEC or on the Internet at no cost to the consumer, an alternative bidder is unlikely.

If the consumer purchases Part 6 from an alternative publisher, the cost of publishing services will be ultimately passed on to the consumer. In the interest of public policy, CBSC hopes to maintain the licensing agreement to ensure zero cost to the State and no additional cost to consumers.