

**CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)**

STD. 821 (REV. 10/2006)

Government Code Section 14825 (et seq.) requires that all agreements entered into by state agencies for services shall be published in the California State Contracts Register (CSCR), unless exempted. Agreements which have been exempted by Department of General Services shall be listed in the CSCR.

NCB# 6310

TYPE OF REQUEST (Check one)		SERVICE TYPE	
<input checked="" type="checkbox"/> NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION (attach NCB)	<input type="checkbox"/> EXEMPTION FROM ADVERTISING	<input checked="" type="checkbox"/> NON-IT/TELECOM RELATED SERVICE	<input type="checkbox"/> IT/TELECOM RELATED SERVICES

DEPARTMENTAL CONTACT INFORMATION	AGENCY BILLING CODE 30140
PLEASE TYPE NAME: Katrina Benny DEPARTMENT: California Building Standards Commission DIVISION: ADDRESS: 2525 Natomas Park Dr. Ste 130 CITY, STATE, ZIP: Sacramento, CA 95833 IMS CODE: C-11	CONTRACT DESCRIPTION Publication contract for the publication of the 2016 triennial edition of the California Code of Regulations, Title 24, Part 3. TELEPHONE NUMBER (Not CALNET-Include Area Code) 916-263-1350

CONTRACT NUMBER	AMENDMENT NUMBER (If Applicable)	CONTRACT AMOUNT \$ 0.00	AMENDMENT AMOUNT (If Applicable)	CONTRACT PERIOD 07/01/2015 - 12/31/2019
-----------------	----------------------------------	----------------------------	----------------------------------	--

PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED	CONTRACTOR'S NAME National Fire Protection Association	FEDERAL EMPLOYER IDENTIFICATION NUMBER
	CONTRACTOR'S ADDRESS (Number, Street) 1 Batterymarch Park	
	(City, State, ZIP Code) Quincy, MA 02169-7471	

An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.

EXEMPTION JUSTIFICATION (Attach additional sheets if necessary)

The California Electrical Code (California Code of Regulations, Title 24, Part 3), is based on a model code, the National Electrical Code, (NEC). The California Electrical Code includes both provisions of the NEC and amendments to the NEC.

The National Fire Protection Association (NFPA) owns the copyrights to the NEC; therefore, NFPA must be the publisher of the California Electrical Code, if it is going to contain both NEC provisions and California's amendments to the NEC. If NFPA is not the publisher, California's amendments to the NEC cannot be published with the provisions adopted by California. The building industry found the latter to be unworkable.

AUTHORIZED SIGNATURE 	PROCUREMENT DIVISION USE ONLY		
TELEPHONE NUMBER <input type="checkbox"/> CALNET 263-0914	DATE SIGNED 5/28/15	ACTION TAKEN ON REQUEST <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (See Below)	AUTHORIZED SIGNATURE
			DATE SIGNED 7/22/15

SEND TO: NAME: DEPARTMENT: DEPARTMENT OF GENERAL SERVICES DIVISION: PROCUREMENT DIVISION ADDRESS: 707 THIRD ST., Second Floor CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605	IMS CODE Z-1 <div style="border: 2px solid blue; padding: 5px; display: inline-block;"> JUN 26 2015 RECEIVED </div>
---	--



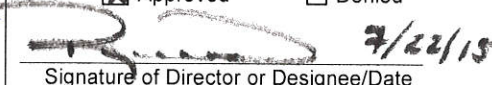
040

For PD Use only
 NCB #: 6370

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

For use on all information technology (IT) and non-IT goods and services acquisitions.
 Attach to Std. 65, Std. 66 or Std. 821, as applicable.

This justification document consists of two (2) pages. All information must be provided and all questions must be answered. The "Required Approvals" section must include a date for each signature, as appropriate for the transaction.

Requesting Department Information					
Agency: Governmental Operations		Department: DGS - California Building Standards Commission (CBSC) <small>(*Includes Boards, Commissions, and Associations)</small>			
Institution (if applicable):					
Department Contact Information					
Contact/Buyers Name: Molly Lovett		Street Address: 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833			
Telephone: (916) 375-1844		Mailing Address: Same as above			
FAX: (916)					
E-Mail:					
Technical Contact Name: Katrina Benny		Telephone: (916) 263-1350	E-mail: Katrina.benny@dgs.ca.gov		
Required Contract Information					
Contractor Name: National Fire Protection Association (NFPA)					
Contractor Address: 1 Batterymarch Park, Quincy MA 02169-7471					
Original Contract Amount Excluding:** \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	Total Original Contract Amount:** \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	Amendment Amount:** (if applicable) \$ N/A <small>(*Current amendment only)</small>	Amended Contract Amount:** \$ N/A <small>(*Includes original contract and all amendments, including current amendment)</small>	Has work commenced? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Have goods been acquired? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>Attach explanations for any "Yes" answers.</small>	
Provide a brief description of the acquisition, including all goods and/or services the contractor will provide: NFPA will provide services for the publication of the 2016 triennial edition of California Code of Regulations, Title 24, Part 3 (California Electrical Code), and all supplements and errata to this Part.					
Contract Type and Term					
Contract Type: Select One: <input type="checkbox"/> Non-IT Goods <input checked="" type="checkbox"/> Non-IT Service <input type="checkbox"/> IT Goods <input type="checkbox"/> IT Service <input type="checkbox"/> IT Goods & Services		Contract Term: Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	Type of Award: CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>	Will this transaction be financed? No <u> X </u> Yes _____ If yes, attach the Statement of Compliance to the State Financial Marketplace to this form	
Required Approvals					
Department <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature of Director or Designee/Date Esteban Almanza, Acting Director Type Name of Director or See next page instructions		Agency <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  6/25 Signature of Agency Secretary or Designee/Date Jennifer Osborn Type Name of Agency Secretary or See next page instructions		Dept. of General Services <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  7/22/15 Signature of Director or Designee/Date Ricardo G. Martinez Type Name of Director or Designee	

**Excluding sales and use tax, finance charges, postage and handling. Shipping charges are also excluded from the dollar threshold limits unless the shipping charge is included in the evaluation such as Free On Board (FOB) Origin, Freight Collect or FOB Destination

Remit completed form to: Procurement Division
 Intake and Analysis Unit
 707 Third Street, 2nd Floor, MS201
 West Sacramento, CA 95605

7.20.15
 3:44
 YME

6/30/15
 CA

Signature Instructions for Agencies with an Agency Secretary

This form requires approval by Agency Secretary or Agency Undersecretary and the department director or designee. The Agency Secretary may designate one person, in addition to Agency Undersecretary, to sign on his/her behalf, of cabinet officer level (e.g., Assistant Undersecretary, Deputy Secretary, etc., the actual title is dependent upon the Agency's organizational structure). The department director may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The director's designee shall send ratification notification to their director upon the designee's approval of the NCB transaction. The typed name and signature must match for both signatures.

Signature Instructions for Agencies that do not have an Agency Secretary

This form requires approval by the highest ranking executive officer or designee. The highest ranking officer may designate one person to sign on his/her behalf subject to DGS approval. The highest ranking officer may delegate review and approval authority to his/her deputy directors and/or the Procurement and Contracting Officer. The designee shall send ratification notification to their highest ranking executive officer upon their approval of the NCB. The typed name and signature must match.

Complete responses must be provided for all of the following items.

A. THE GOOD/SERVICE REQUESTED IS RESTRICTED TO ONE SUPPLIER FOR THE REASONS STATED BELOW:

1. Why is the acquisition restricted to this good/service/supplier?

(Explain why the acquisition cannot be competitively bid. Explain if this is an emergency purchase or how the supplier is the only source for the acquisition and reference the PCC that applies, i.e., 12102, 10301/10302, or 10340.

The California Electrical Code is based on a model building code, the National Electrical Code (NEC). The California Electrical Code includes both provisions of the NEC and amendments to the NEC adopted by California.

NFPA owns the copyright to the NEC; therefore, NFPA must be the publisher of the California Electrical Code if it is going to contain both NEC provisions and California's amendments to the NEC. If NFPA is not the publisher, California's amendments to the NEC could not be published with the provisions of the NEC adopted by California.

2. Provide the background of events leading to this acquisition.

Throughout most of the 1980s, California published only the amendments it made to model building codes, using the Office of State publishing as the publisher. The building industry did not like having to refer back-and-forth between model code books and books containing California's amendments to model codes. Therefore, in 1989, publication agreements were entered into, pursuant to Health and Safety Code Section 18928.1, so that California's amendments could be published with the model codes they amended.

3. Describe the uniqueness of the acquisition (why was the good/service/supplier chosen?)

NFPA owns the copyright to the model building code upon which the California Electrical Code is based. Therefore, NEC must be the publisher of the California Electrical Code if it is going to contain both NEC provisions and California's amendments to the NEC.

4. What are the consequences of not purchasing the good/service or contracting with the proposed supplier?

If the commission does not contract with NFPA to publish the California Electrical Code, it will not be able to have the NEC provisions adopted by California published with California's amendments to the NEC. The publishing situation will return to that which existed in the 1980s where California's amendments to model codes were not published with the model codes they amended. This was something the building industry found problematic.

5. What market research was conducted to substantiate no competition, including evaluation of other items considered?

NFPA owns the copyright to the NEC, which is the model building code upon which the California Electrical Code is based. Therefore, NFPA must be the publisher of the California Electrical Code if it is going to contain both NEC provisions and California's amendments to the NEC. If the commission does not contract with NFPA, it will not be able to have the NEC provisions adopted by California published with California's amendments to the NEC. The building industry found the latter to be unworkable.