

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 # 4372

TYPE OF REQUEST (Check one) <input checked="" type="checkbox"/> NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION (attach NCB)		EXEMPTION FROM ADVERTISING		SERVICE TYPE <input checked="" type="checkbox"/> NON-IT/TELECOM RELATED SERVICE		<input type="checkbox"/> IT/TELECOM RELATED SERVICES	
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DEPARTMENTAL CONTACT INFORMATION 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		AGENCY BILLING CODE 30140	
CONTRACT DESCRIPTION Publication contract for the publication of the 2016 triennial edition of the California Code of Regulations, Title 24, Parts 1, 6, 7 (vacant), 8, 11, and 12.						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
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PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED	CONTRACTOR'S NAME International Code Council (ICC)	FEDERAL EMPLOYER IDENTIFICATION NUMBER
	CONTRACTOR'S ADDRESS (Number, Street) 5203 Leesburg Pike, Suite 600	
	(City, State, ZIP Code) Falls Church, VA, 22041-3405	



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 Building Standards Administrative Code (California Code of Regulations, Title 24, Part 1), California Energy Code (California Code of Regulations, Title 24, Part 6), (California Code of Regulations, Title 24, Part 7 - Vacant), California Historical Building Code (California Code of Regulations, Title 24, Part 8), California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), and the California Referenced Standards Code (California Code of Regulations, Title 24, Part 12) are not based on model building codes.

However, in an advice letter dated June 6, 2001, from the Department of Justice, it was stated that, "if it obtains the appropriate administrative approvals, the [California Building Standards] Commission may arrange for publication of [all parts of] the [California] Building Standards Code on a sole-source basis."

The reasoning given was that it may be more cost effective and there would be more uniformity if the non-model code based parts were published by one of the model code publishers publishing the model code based parts.

AUTHORIZED SIGNATURE 		PROCUREMENT DIVISION USE ONLY ACTION TAKEN ON REQUEST <input checked="" type="checkbox"/> APPROVED		<input type="checkbox"/> DENIED (See Below)	
TELEPHONE NUMBER <input type="checkbox"/> CALNET 263-0916	DATE SIGNED 5-28-15	AUTHORIZED SIGNATURE 	DATE SIGNED 7/24/15		

SEND TO: NAME: DEPARTMENT: DEPARTMENT OF GENERAL SERVICES DIVISION: PROCUREMENT DIVISION ADDRESS: 707 THIRD ST., Second Floor CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605	COMMENTS DGS PROCUREMENT IMS CODE Z-1 JUN 26 2015 RECEIVED
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**CONTRACT ADVERTISING EXEMPTION REQUEST
(IN CALIFORNIA STATE CONTRACTS REGISTER)**

STD. 821 (REV. 10/2006) REVERSE

INSTRUCTIONS

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

1. Submit the original and one copy of the completed form and all supporting documents to the Department of General Services, Procurement Division for review and action. (Attach completed, NCB Contract Justification form as applicable.)
2. All applicable elements of the Justification form must be completed or the request may be denied.
3. Do not provide the name and address of the proposed contractor unless the request is to enter into a contract on a non-competitively bid basis.
4. All requests must include comprehensive justification.
5. Non-competitively bid contract justifications must include a narrative of the efforts made to secure similar services from other sources. Refer to the State Contracting Manual Section 5.70.

GENERAL INFORMATION

It is required by statute that State agencies advertise and bid all contracts for services over \$5,000. It is the agency's responsibility to develop and adopt contracting procedures which maximize competition and effect timely and proper contract award and execution.

The STD. 821, Contract Advertising Exemption Request, allows the Department of General Services to exempt agencies from these requirements when such action is justified.

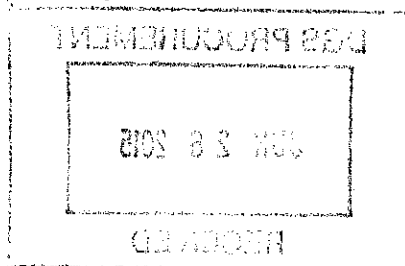
Exemption is granted by either an approved request to be exempt from advertising in the California State Contracts Register or by an approved request to enter into a contract on a non-competitively bid basis.

Definitions of Requests:

REQUEST TO BE EXEMPT FROM ADVERTISING - A bid is going to be conducted. Request is made to be exempt from the requirement of advertising in the California State Contracts Register, which is required by Government Code Section 14827 et seq. The request is made because: (1) the exemption is necessary to preserve life or state property, or (2) there is an interest to the State that is so compelling that the agency believes an exemption is warranted.

REQUEST FOR NCB CONTRACT - Request is made to be exempt from competitive bidding because: (1) there is only one supplier that can perform the service, or (2) there is an interest to the State that is so compelling that the agency believes it warrants forgoing the competitive process per Public Contract Code Sections 10348 and 10380.

Refer to the State Contracting Manual for additional information.






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For PD Use only
NCB #: 6372

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) 376-1844				
FAX: (916)		Mailing Address: Same as above		
E-Mail:				
Technical Contact Name: Katrina Benny		Telephone: (916) 263-1350	E-mail: Katrina.benny@dgs.ca.gov	
Required Contract Information				
Contractor Name: International Code Council (ICC)				
Contractor Address: 5203 Leeburg Pike, Suite 600, Falls Church, Virginia 22041-3405				
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:				
ICC will provide services for the publication of the 2016 triennial edition of California Code of Regulations, Title 24, Parts 1 (CA Building Standards Administrative Code), 6 (CA Energy Code), 7 (Vacant), 8 (CA Historical Building Code), Part 11 (CA Green Building Standards Code), 12 (CA Referenced Standards Code), and all supplements and errata these Parts.				
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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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  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  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

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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 POC that applies, i.e., 12102, 10301/10302, or 10340.)

The California Building Standards Administrative Code (CBSAC), California Energy Code (CEC), California Historical Building Code (CHBC), California Green Building Standards Code (CGBSC) and California Referenced Standards Code (CRSC) are not based on model building codes. However, in an advice letter dated June 6, 2001, from the Department of Justice (DOJ), it was stated that, "If it obtains the appropriate administrative approvals, the [California Building Standards] Commission may arrange for publication of [all parts of] the [California] Building Standards Code on a sole-source basis." The reasoning given was that it may be more cost effective and there would be more uniformity if the non-model code based parts were published by one of the model code publishers publishing the model code based parts.

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

The publication of the CBSAC, CEC, CHBC, CGBSC and CRSC was competitively bid, prior to DOJ's letter. No publisher could outbid the model code publishing organization, which bid to publish these codes for no money. After a few years, the model code publishing organization became the only bidder.

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

In an advice letter dated June 6, 2001, from DOJ, it was stated that, "If it obtains the appropriate administrative approvals, the [California Building Standards] Commission may arrange for publication of [all parts of] the [California] Building Standards Code on a sole-source basis." The reasoning was that it may be more cost effective and there would be more uniformity if the non-model code based parts were published by one of the model code publishers publishing and selling the model code based parts.

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

If the commission does not contract with ICC to publish the CBSAC, CEC, CHBC, CGBSC and CRSC, it will cost the state to have them published, uniformity would be lost in the publication of the California Building Standards Code, and potentially the commission would have to enter into another contract for the sale of the CBSAC, CEC, CHBC, CGBSC and CRSC, if the publisher would not also sell them.

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

The publication of the CBSAC, CEC, CHBC, CGBSC and CRSC was competitively bid, prior to DOJ's letter. No publisher could outbid the model code publishing organization, which bid to publish these codes for no money. After a few years, the model code publishing organization became the only bidder.