

Publication contracts summary:

Historically, an NCB (non-competitive bid) justification has been submitted for approval to use the three separate publishing entities for the California Building Standards Code triennial publication and subsequent supplements and errata. The publication NCB's have routinely been approved as the State licenses intellectual property from these sole sources and amends it, where appropriate, with California language.

Contracts for the 2007 and 2010 publications were prepared by CBSC and sent directly to the respective publishers for review and signature. If memory serves correct, Jim consulted with Alex Holtz concerning OLS review/approval of the 2013 contracts and was advised that they didn't need to be reviewed since they were pretty much boiler-plate, **no-dollar value/exchange**.

2013 Contracts:

IAPMO: Agreement date- July 26, 2012

NFPA/BNI: Agreement date- October 23, 2012

ICC: Agreement date- November 7, 2012

All of these contracts have a start date (noted above) but no end date, however, the contracts only specific what CODE are being produced (2013 Codes).

2016 Contracts (CBSC moves under DGS in 2014):

Factors:

- NCB justification(s) was submitted and approved for all agreements by CBSC on May 28, 2015 , approved by Procurement on June 26, 2015
- CBSC was advised of the new OBAS requirement (additional step; new terms) on June 30, 2015.

(While I was in Montana dealing with mom's funeral a few emails were going back and forth regarding the NCB's approval)

- Email from Laura Frost noting that once the NCB's were approved, they would be able to start working on issuing the contracts.
- CBSC commenced discussions with publishers concerning 2016 agreements/contracts in June 2015;

- July 1, 2015: CBSC submitted ICC 2013 agreements (2) to Laura Frost for her review and instructions on how to proceed.
- July 10, 2015: Laura states OLS requires CBSC to prepare contracts for zero \$

Note: Laura's email of July 10, 2015 does not mention zero \$ contracts. It does request CSBC submit CRF, GC19130 & MC statement and provides links to these documents.

- Sept 15, 2015: OBAS advised CBSC where to submit statement of work (SOW)
- October 7, 2015: CBSC forwards draft SOW to OBAS for first ICC contract
- December 14, 2015: CBSC/OBAS conference call regarding ICC SOW

Note: Laura again requested CRF, GC19130 & MC be submitted to OBAS on this conference call.

- ~~January 7, 2016~~: December 2, 2016 OBAS returned SOW for CBSC review/edit

Note: OBAS actually returned SOWs to CSBS for review/edit on December 2, 2015. OBAS again provided updated SOWs on December 14, 2015 based on discussion and changes agreed upon during 12/14 conference call. The 12/14 email to CSBC asked for approval of SOW and to allow OBAS to forward to ICC to allow for meeting the requested January 1, 2016 start date. Bruce followed up with CSBC on 12/31/15 because we had not heard back from CSBC.

- January 21, 2016: Final SOW for **ICC** contracts were submitted to OBAS, which specified a contract start date of **January 1, 2016**;

OBAS provided CSBC an explanation of the process going forward from this point. From 1/22/16 email Bruce Betts to Kevin Day:

Thank you for getting this back to us Kevin. I will get to work on the agreement right away. The process from here is to gather the required supporting contractor documents (CCC-307, Bidder Deceleration, any applicable insurance documents and proprietary letters and other documents required by the SCM). Once all of those are together, I will obtain signatures on the 213 from the contractor and your office. The agreement then goes to OLS for final approval and we can distribute the final, approved version to the contractor. I will keep you informed of the status throughout the process. Please let me know if any questions or concerns come up. Thanks again!

January 22, 2016: OBAS again requested CRF, GC19130, MC and supporting documents from CSBC

January 25, 2016: CSBC submitted CRF and supporting documents for ICC publications to OBAS.

Feb 5, 2016: OBAS requested contact information for ICC rep. CSBC provided this information Feb 9.

- ~~February 23, 2016~~: February 26, 2016 First IAPMO and NFPA(BNi) SOW was submitted to OBAS, which specified contract start dates of **January 1, 2016** This submission included the CRF, MC, GC19130 for these agreements.
- ~~March 1, 2016~~: February 22, 2016 ICC confirmed receipt of contracts and were reviewing;
- March 25, 2016: Final NFPA SOW submitted to OBAS March 25, 2016

Current Issues:

1. OBAS is stating that contract terms cannot exceed the approved NCB terms, July 1, 2015 – **December 31, 2019**, which would happen if we keep with the current language of a four (4) year term due to the delay in processing contracts.
2. OBAS proposes that all four publication agreements need to reflect a start date of **May 1, 2016**.
3. Problem: A great deal of the contracted work has already been completed.
4. **0 of 4** contracts have been executed to date and much of the work has been done (estimate \geq 50%);
5. CBSC has a definitive publication date of **July 1, 2016**. Pushing the start date of these agreements will not reflect the reality of the process.
6. Elevate priority for CBSC contracts with OBAS

Options:

1. Have a justification signed off by Director Kim, stating that it is ok to back-date our contracts to January 1, 2016. (Laura Frost to provide template for justification letter). **Pros:**
 - a. Aligns with NCB terms;
 - b. Accurately projects work-in-progress
2. Assign a May 1, 2016 start date to our contracts.

Cons: not a viable option