

# NCB Coordination Sheet

Department of General

Services

Document Identification	
EO Assignment Number:	Division/ Assistant/ Phone Number: <i>Building Standards Commission</i>
Subject: NCB's for Publishing Title 24 Code Books	Program/Contact Person/Phone Number: <i>Katrina Benny</i> <i>916-263-1350</i>

**Action Requested**  
 CBSC is seeking NCB approval for our Publishing Contracts of the 2016 Triennial, Title 24, California Code of Regulations, this NCB process is renewed every 4.5 years.

**Brief Description of Package**  
 4 sets of NCB Contract Justifications, Contract Adverting Exemption Request and OSP Printing Waiver, for publishing of the 2016 Triennial Title 24, California Code of Regulations.

***Routing & Approvals***

*By signing this form, I declare that I have no direct or indirect investments, real property, or interest in any company, business entity, or organization that may involve this project or contract.*

Program Approval	Date
Program Author Katrina Benny <i>(Signature)</i>	5/20/15
Program Reviewers Jim McGowan <i>(Signature)</i>	5-20-15
Procurement and Contracting Official (PCO) – (AD Deputy Director)	
Office of Legal Services Alex Holtz	
Deputy Director Approval	Date

Executive Office	
Chief Deputy Director	
Agency	
Secretary (Must approve before routing to PD)	

Proofed by:	Date
Deputy Director Assistant	

Enclosed (circle one):  Disk  or  CD

Executive Office Copy

**Comments**

\_\_\_\_\_

\_\_\_\_\_

Original Sent to EO on: \_\_\_\_\_

By: \_\_\_\_\_

## 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

<b>Agency:</b> Governmental Operations	<b>Department: DGS -</b> California Building Standards Commission (CBSC) <small>(*Includes Boards, Commissions, and Associations)</small>
<b>Institution (if applicable):</b>	

### Department Contact Information

<b>Contact/Buyers Name:</b> Molly Lovett	<b>Street Address:</b> 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833	
<b>Telephone:</b> (916) 376-1844	<b>Mailing Address:</b> Same as above	
<b>FAX:</b> (916)		
<b>E-Mail:</b>		
<b>Technical Contact Name:</b> Katrina Benny	<b>Telephone:</b> (916) 263-1350	<b>E-mail:</b> Katrina.benny@dgs.ca.gov

### Required Contract Information

<b>Contractor Name:</b> International Code Council (ICC)
<b>Contractor Address:</b> 5203 Leeburg Pike, Suite 600, Falls Church, Virginia 22041-3405

<b>Original Contract Amount Excluding:**</b>  \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	<b>Total Original Contract Amount:**</b>  \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	<b>Amendment Amount:** (if applicable)</b>  \$ N/A <small>(*Current amendment only)</small>	<b>Amended Contract Amount:**</b>  \$ N/A <small>(*Includes original contract and all amendments, including current amendment)</small>	<b>Has work commenced?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Have goods been acquired?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>Attach explanations for any "Yes" answers.</small>
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### 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

<b>Contract Type:</b> 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	<b>Contract Term:</b> Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	<b>Type of Award:</b> CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>	<b>Will this transaction be financed?</b> No <input checked="" type="checkbox"/> Yes _____  If yes, attach the Statement of Compliance to the State Financial Marketplace to this form
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### Required Approvals

<b>Department</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature of Director or Designee/Date 5-28-15 Jim McGowan <small>Type Name of Director or See next page instructions</small>	<b>Agency</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Agency Secretary or Designee/Date _____ <small>Type Name of Agency Secretary or See next page instructions</small>	<b>Dept. of General Services</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Director or Designee/Date _____ <small>Type Name of Director or Designee</small>
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\*\*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, 2<sup>nd</sup> Floor, MS201  
 West Sacramento, CA 95605

**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 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.

**B. PRICE ANALYSIS**

**1. How was the price offered determined to be fair and reasonable?**

(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

**2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier**

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

## **Non-Competitively Bid (NCB) Contract Justification Corrective Action Plan**

This section must be completed for any NCB that could have been competitively bid but was not due to insufficient time to complete the competitive acquisition process. This does not apply to emergency procurements in accordance with PCC Sections 10302, 10340(b)(1) and 12102(a)(2).

**Complete responses must be provided for all of the following questions:**

- 1. Why is the submission of a NCB necessary and what are the determining factors that caused the problem?**  
Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).
  
- 2. What are the consequences of not having this NCB approved?**  
Describe in detail the impact to the department and to the program(s) if the NCB is not approved.
  
- 3. How will your department ensure adequate planning to prevent submittal of NCB's for goods or services that should have been competitively bid?**  
Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.

**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.

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

<b>DEPARTMENTAL CONTACT INFORMATION</b>		<b>AGENCY BILLING CODE</b> 30140	
PLEASE TYPE		CONTRACT DESCRIPTION	
NAME: Katrina Benny	IMS CODE: C-11	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.	
DEPARTMENT: California Building Standards Commission			
DIVISION:			
ADDRESS: 2525 Natomas Park Dr. Ste 130			
CITY, STATE, ZIP: Sacramento, CA 95833		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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<b>PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED</b>	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 		<b>PROCUREMENT DIVISION USE ONLY</b>	
TELEPHONE NUMBER <input type="checkbox"/> CALNET 263-0916	DATE SIGNED 5-28-15	ACTION TAKEN ON REQUEST <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (See Below)	
SEND TO: NAME: DEPARTMENT OF GENERAL SERVICES DEPARTMENT: PROCUREMENT DIVISION DIVISION: ADDRESS: 707 THIRD ST., Second Floor CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605		IMS CODE: Z-1	AUTHORIZED SIGNATURE 
		DATE SIGNED	COMMENTS

**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.



# MEMORANDUM

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Date: May 18, 2015

To: DGS - OBAS  
707 3<sup>rd</sup> Street  
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I  
Building Standards Commission

Subject: **Certification Requirement – NCB, ICC Part 1, 6, 7 (vacant), 8, 11 and 12**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

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.

A handwritten signature in black ink that reads 'Katrina Benny'.

Katrina Benny, Staff Services Manager I  
Building Standards Commission



**SERVICE RELEASE REQUEST SPECIFICATIONS**

OSP 550, NEW (07/2012)

All fields are required (enter "N/A" if not applicable).  
 Fax this completed form to: 916.323.4305 or  
 email it to your OSP Customer Service Representative.

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1-12	
DUE DATE Triennial Publications	FILE READY DATE N/A

**SPECIFICATIONS**

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY 13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	*Attach scope of work. INK: Number of Colors: 4 Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No
BINDERY Binders + Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	
SHIP TO Subscriptions		
MAILING INSTRUCTIONS Varies		
SPECIAL INSTRUCTIONS		

**SERVICE RELEASE JUSTIFICATION**

All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

**CONTACT INFORMATION**

NAME Katrina Benny		
TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin		

**FOR OSP USE ONLY**

RETAIN  RELEASE  TIME  EQUIPMENT

INITIALS

BY

*Niel Siliz for DH*

REASON CODE(S)

*(F) other: Copyrighted materials  
 dst and print those*

*The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.*

**SERVICE RELEASE INFORMATION**

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

**STATEMENT OF FACTS**

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):  <input type="checkbox"/> (A) OSP does not have production time available to meet the customer's required deadline. <input type="checkbox"/> (B) OSP does not have the equipment necessary to produce the requested product. <input type="checkbox"/> (C) OSP does not have the expertise to successfully produce the requested product. <input type="checkbox"/> (D) OSP cannot accommodate the required turnaround time. (less than 5 working days) <input type="checkbox"/> (E) The customer's location/shipping address does not make it feasible for OSP to accept the work. <input checked="" type="checkbox"/> (F) Other <u>Copyrighted Materials</u>	OSP VEND-OUT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	OSP SERVICE RELEASE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

DETAILS

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## NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

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 Attach to Std. 65, Std. 66 or Std. 821, as applicable.

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<b>Agency:</b> Governmental Operations	<b>Department: DGS -</b> California Building Standards Commission (CBSC) <small>(*Includes Boards, Commissions, and Associations)</small>
<b>Institution (if applicable):</b>	

### Department Contact Information

<b>Contact/Buyers Name:</b> Molly Lovett	<b>Street Address:</b> 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833	
<b>Telephone:</b> (916) 375-1844	<b>Mailing Address:</b> Same as above	
<b>FAX:</b> (916)		
<b>E-Mail:</b>		
<b>Technical Contact Name:</b> Katrina Benny	<b>Telephone:</b> (916) 263-1350	<b>E-mail:</b> katrina.benny@dgs.ca.gov

### Required Contract Information

<b>Contractor Name:</b> International Code Council (ICC)
<b>Contractor Address:</b> 5203 Leebug Pike, Suite 600, Falls Church, Virginia 22041-3405

<b>Original Contract Amount Excluding:**</b>  \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	<b>Total Original Contract Amount:**</b>  \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	<b>Amendment Amount:** (if applicable)</b>  \$ N/A <small>(*Current amendment only)</small>	<b>Amended Contract Amount:**</b>  \$ N/A <small>(*Includes original contract and all amendments, including current amendment)</small>	<b>Has work commenced?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Have goods been acquired?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>Attach explanations for any "Yes" answers.</small>
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### 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 2 (CA Building Code), 2.5 (CA Residential Code), 9 (CA Fire Code), 10 (CA Existing Building), and all supplements and errata to these Parts.

### Contract Type and Term

<b>Contract Type:</b> 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	<b>Contract Term:</b> Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	<b>Type of Award:</b> CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>	<b>Will this transaction be financed?</b> No <u> X </u> Yes _____  If yes, attach the Statement of Compliance to the State Financial Marketplace to this form
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### Required Approvals

<b>Department</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature of Director or Designee/Date 5-8-15 Jim McGowan <small>Type Name of Director or See next page instructions</small>	<b>Agency</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Agency Secretary or Designee/Date _____ <small>Type Name of Agency Secretary or See next page instructions</small>	<b>Dept. of General Services</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____ Signature of Director or Designee/Date _____ <small>Type Name of Director or Designee</small>
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**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 Building Code (CBC), California Residential Code (CRC), California Fire Code (CFC), and California Existing Building Code (CEBC) will be based on four model building codes, the International Building Code (IBC), the International Residential Code (IRC), the International Fire Code (IFC), and the International Existing Building Code (IEBC), respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

ICC owns the copyrights to these model codes; therefore, ICC must be the publisher of the CBC, CRC, CFC, and CEBC if they are each to going to contain model code provisions and California's amendments to the model codes. If ICC is not the publisher, California's amendments to the IBC, IFC, and IEBC could not be published with the IBC, IFC, and IEBC provisions 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 the 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 the 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?)**

ICC owns the copyrights to the model building codes upon which the CBC, CRC, CFC, and CEBC are based. Therefore, ICC must be the publisher of these California building codes if they are each going to contain model code provisions and California's amendments to the model codes.

**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 CBC, CRC, CFC, and CEBC, it will not be able to have the model codes adopted by California published with California's amendments to those model codes. The publishing situation will return to that which existed in the 1980s when California's amendments to the 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?**

ICC owns the copyrights to the model building codes upon which the CBC, CRC, CFC, and CEBC are based. Therefore, ICC must be the publisher of the CBC, CFC, and CEBC if they are each to going to contain model code provisions and California's amendments to the model codes. If the commission does not contract with ICC, it will not be able to have the model codes adopted by California published with California's amendments to these model codes. The building industry found the latter to be unworkable.

**B. PRICE ANALYSIS**

**1. How was the price offered determined to be fair and reasonable?**

(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

**2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier**

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

## **Non-Competitively Bid (NCB) Contract Justification Corrective Action Plan**

This section must be completed for any NCB that could have been competitively bid but was not due to insufficient time to complete the competitive acquisition process. This does not apply to emergency procurements in accordance with PCC Sections 10302, 10340(b)(1) and 12102(a)(2).

**Complete responses must be provided for all of the following questions:**

- 1. Why is the submission of a NCB necessary and what are the determining factors that caused the problem?**  
Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).
  
- 2. What are the consequences of not having this NCB approved?**  
Describe in detail the impact to the department and to the program(s) if the NCB is not approved.
  
- 3. How will your department ensure adequate planning to prevent submittal of NCB's for goods or services that should have been competitively bid?**  
Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.

**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.

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

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 2, 2.5, 9 and 10.	
TELEPHONE NUMBER <i>(Not CALNET-Include Area Code)</i> 916-263-1350	

CONTRACT NUMBER	AMENDMENT NUMBER <i>(if Applicable)</i>	CONTRACT AMOUNT	AMENDMENT AMOUNT <i>(if Applicable)</i>	CONTRACT PERIOD
		\$ 0.00		07/01/2015 - 12/31/2019

<b>PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A NON-COMPETITIVELY BID (NCB) CONTRACT IS PROPOSED</b>	CONTRACTOR'S NAME International Code Council (ICC) CONTRACTOR'S ADDRESS <i>(Number, Street)</i> 5203 Leesburg Pike, Suite 600 <i>(City, State, ZIP Code)</i> Falls Church, VA, 22041-3405	FEDERAL EMPLOYER IDENTIFICATION NUMBER
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**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 Code (California Code of Regulations, Title 24, Part 2), California Residential Code (California Code of Regulations, Title 24, Part 2.5), California Fire Code (California Code of Regulations, Title 24, Part 9), and California Existing Building Code (California Code of Regulations, Title 24, Part 10), are based on four model codes, the International Building Code, International Residential Code, International Fire Code and the International Existing Building Code, respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

The International Code Council (ICC) owns the copyrights to these model codes; therefore, ICC must be the publisher of these California codes, if they are each going to contain model code provisions and California amendments to the model codes. If ICC is not the publisher, California's amendments to the model codes cannot be published with the model codes provisions adopted by California. The building industry found the latter to be unworkable.

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

SEND TO:	
NAME: DEPARTMENT OF GENERAL SERVICES DEPARTMENT: PROCUREMENT DIVISION DIVISION: ADDRESS: 707 THIRD ST., Second Floor CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605	IMS CODE Z-1

COMMENTS
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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.





# MEMORANDUM

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Date: May 18, 2015

To: DGS - OBAS  
707 3<sup>rd</sup> Street  
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I  
Building Standards Commission

Subject: **Certification Requirement – NCB, ICC Part 2, 2.5, 9 and 10**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

The California Building Code (CBC), California Residential Code (CRC), California Fire Code (CFC), and California Existing Building Code (CEBC) will be based on four model building codes, the International Building Code (IBC), the International Residential Code (IRC), the International Fire Code (IFC), and the International Existing Building Code (IEBC), respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

ICC owns the copyrights to these model codes; therefore, ICC must be the publisher of the CBC, CRC, CFC, and CEBC if they are each to going to contain model code provisions and California's amendments to the model codes. If ICC is not the publisher, California's amendments to the IBC, IFC, and IEBC could not be published with the IBC, IFC, and IEBC provisions adopted by California.

  
Katrina Benny, Staff Services Manager I  
Building Standards Commission

STATE OF CALIFORNIA - Office of State Publishing  
**SERVICE RELEASE REQUEST SPECIFICATIONS**

OSP 550, NEW (07/2012)

*All fields are required (enter "N/A" if not applicable).  
 Fax this completed form to: 916.323.4305 or  
 email it to your OSP Customer Service Representative.*

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12	
DUE DATE Triennial Publications	FILE READY DATE N/A

**SPECIFICATIONS**

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY .13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	*Attach scope of work. INK: Number of Colors: 4 Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No
BINDERY Binders +Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	

SHIP TO  
Subscriptions

MAILING INSTRUCTIONS  
Varies

SPECIAL INSTRUCTIONS

SERVICE RELEASE JUSTIFICATION  
 All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

**CONTACT INFORMATION**

NAME  
Katrina Benny

TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
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OSP CUSTOMER SERVICE REPRESENTATIVE  
James Griffin

FOR OSP USE ONLY

RETAIN  RELEASE  TIME  EQUIPMENT

BY: *Noel Soliz for DJH*

REASON CODE(S) *(F) Other: Copyrighted materials  
 231 can't print these*

INITIALS

*The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.*

**SERVICE RELEASE INFORMATION**

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

**STATEMENT OF FACTS**

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):

- (A) OSP does not have production time available to meet the customer's required deadline.
- (B) OSP does not have the equipment necessary to produce the requested product.
- (C) OSP does not have the expertise to successfully produce the requested product.
- (D) OSP cannot accommodate the required turnaround time. (less than 5 working days)
- (E) The customer's location/shipping address does not make it feasible for OSP to accept the work.
- (F) Other Copyrighted Materials

OSP VEND-OUT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
OSP SERVICE RELEASE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

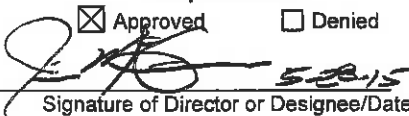
DETAILS

For PD Use only  
 NCB # \_\_\_\_\_

## 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				
<b>Agency:</b> Governmental Operations		<b>Department:</b> DGS - California Building Standards Commission (CBSC) <small>(*Includes Boards, Commissions, and Associations)</small>		
<b>Institution (if applicable):</b>				
Department Contact Information				
<b>Contact/Buyers Name:</b> Molly Lovett		<b>Street Address:</b> 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833		
<b>Telephone:</b> (916) 375-1844		<b>Mailing Address:</b> Same as above		
<b>FAX:</b> (916)				
<b>E-Mail:</b>				
<b>Technical Contact Name:</b> Katrina Benny		<b>Telephone:</b> (916) 263-1350	<b>E-mail:</b> Katrina.benny@dgs.ca.gov	
Required Contract Information				
<b>Contractor Name:</b> National Fire Protection Association (NFPA)				
<b>Contractor Address:</b> 1 Batterymarch Park, Quincy MA 02169-7471				
<b>Original Contract Amount Excluding:**</b>  \$ 0.00  <small>(*Includes original contract and previously approved amendments)</small>	<b>Total Original Contract Amount:**</b>  \$ 0.00  <small>(*Includes original contract and previously approved amendments)</small>	<b>Amendment Amount:** (if applicable)</b>  \$ N/A  <small>(*Current amendment only)</small>	<b>Amended Contract Amount:**</b>  \$ N/A  <small>(*Includes original contract and all amendments, including current amendment)</small>	<b>Has work commenced?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Have goods been acquired?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>Attach explanations for any "Yes" answers.</small>
<b>Provide a brief description of the acquisition, including all goods and/or services the contractor will provide:</b> 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				
<b>Contract Type:</b> 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	<b>Contract Term:</b> Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	<b>Type of Award:</b> CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>	<b>Will this transaction be financed?</b> No <input checked="" type="checkbox"/> Yes _____  If yes, attach the Statement of Compliance to the State Financial Marketplace to this form	
Required Approvals				
<b>Department</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied   Signature of Director or Designee/Date  Jim McGowan Type Name of Director or See next page instructions	<b>Agency</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied  _____ Signature of Agency Secretary or Designee/Date  _____ Type Name of Agency Secretary or See next page instructions	<b>Dept. of General Services</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied  _____ Signature of Director or Designee/Date  _____ 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, 2<sup>nd</sup> Floor, MS201  
 West Sacramento, CA 95605

### **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.

**B. PRICE ANALYSIS**

**1. How was the price offered determined to be fair and reasonable?**

(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

**2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier**

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

## **Non-Competitively Bid (NCB) Contract Justification Corrective Action Plan**

This section must be completed for any NCB that could have been competitively bid but was not due to insufficient time to complete the competitive acquisition process. This does not apply to emergency procurements in accordance with PCC Sections 10302, 10340(b)(1) and 12102(a)(2).

**Complete responses must be provided for all of the following questions:**

- 1. Why is the submission of a NCB necessary and what are the determining factors that caused the problem?**  
Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).
  
- 2. What are the consequences of not having this NCB approved?**  
Describe in detail the impact to the department and to the program(s) if the NCB is not approved.
  
- 3. How will your department ensure adequate planning to prevent submittal of NCB's for goods or services that should have been competitively bid?**  
Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.

**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.

TYPE OF REQUEST <i>(Check one)</i>		SERVICE TYPE	
<input checked="" type="checkbox"/> NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION <i>(attach NCB)</i>	<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**

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, Part 3.

TELEPHONE NUMBER *(Not CALNET-include Area Code)*  
916-263-1350

CONTRACT NUMBER	AMENDMENT NUMBER <i>(if Applicable)</i>	CONTRACT AMOUNT	AMENDMENT AMOUNT <i>(if Applicable)</i>	CONTRACT PERIOD
		\$ 0.00		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  
CONTRACTOR'S ADDRESS *(Number, Street)*: 1 Batterymarch Park  
*(City, State, ZIP Code)*: Quincy, MA 02169-7471

FEDERAL EMPLOYER IDENTIFICATION NUMBER

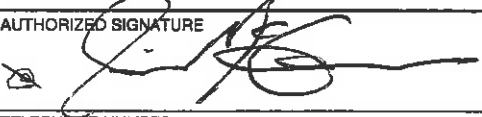
**An exemption from advertising in the California State Contracts Register is not an exemption from Disabled Veteran Business Enterprise (DVBE) participation goal attainment.**

**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.

*\*Next NCB update w/ BNI information*


AUTHORIZED SIGNATURE: 

TELEPHONE NUMBER:  CALNET 263-0916

DATE SIGNED: 5-8-15

**PROCUREMENT DIVISION USE ONLY**

ACTION TAKEN ON REQUEST  
 APPROVED  DENIED *(See Below)*

AUTHORIZED SIGNATURE:  DATE SIGNED:

**SEND TO:**

NAME: DEPARTMENT OF GENERAL SERVICES  
DEPARTMENT: PROCUREMENT DIVISION  
DIVISION:  
ADDRESS: 707 THIRD ST., Second Floor  
CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605

IMS CODE: Z-1

COMMENTS



**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.



# MEMORANDUM

---

Date: May 18, 2015

To: DGS - OBAS  
707 3<sup>rd</sup> Street  
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I  
Building Standards Commission

Subject: **Certification Requirement – NCB, NFPA**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

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.

A handwritten signature in black ink that reads 'Katrina Benny'.

Katrina Benny, Staff Services Manager I  
Building Standards Commission

STATE OF CALIFORNIA - Office of State Publishing  
**SERVICE RELEASE REQUEST SPECIFICATIONS**

OSP 550\_NEW (07/2012)

*All fields are required (enter "N/A" if not applicable).  
 Fax this completed form to: 916.323.4305 or  
 email it to your OSP Customer Service Representative:*

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12	
DUE DATE Triennial Publications	FILE READY DATE N/A

**SPECIFICATIONS**

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY 13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	*Attach scope of work INK: Number of Colors: 4 Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No
BINDERY Binders +Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	
SHIP TO Subscriptions		
MAILING INSTRUCTIONS Varies		
SPECIAL INSTRUCTIONS		

**SERVICE RELEASE JUSTIFICATION**

All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

**CONTACT INFORMATION**

NAME Katrina Benny		
TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin		

**FOR OSP USE ONLY:**

RETAIN     RELEASE     TIME     EQUIPMENT

BY: *Noel Soliz for DJH*

REASON CODE(S) *(F) Other: Copyrighted materials  
OSP can't print these*

INITIALS:

*The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.*

**SERVICE RELEASE INFORMATION**

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

**STATEMENT OF FACTS**

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):	OSP VEND-OUT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> (A) OSP does not have production time available to meet the customer's required deadline.	OSP SERVICE RELEASE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> (B) OSP does not have the equipment necessary to produce the requested product.	
<input type="checkbox"/> (C) OSP does not have the expertise to successfully produce the requested product.	
<input type="checkbox"/> (D) OSP cannot accommodate the required turnaround time. (less than 5 working days)	
<input type="checkbox"/> (E) The customer's location/shipping address does not make it feasible for OSP to accept the work.	
<input checked="" type="checkbox"/> (F) Other <u>Copyrighted Materials</u>	

DETAILS

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For PD Use only  
 NCB #

## 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

<b>Agency:</b> Governmental Operations	<b>Department:</b> DGS - California Building Standards Commission (CBSC) <small>(*Includes Boards, Commissions, and Associations)</small>
<b>Institution (if applicable):</b>	

### Department Contact Information

<b>Contact/Buyers Name:</b> Molly Lovett	<b>Street Address:</b> 2525 Natomas Park Drive, Suite 130 Sacramento CA 95833	
<b>Telephone:</b> (916) 376-1844	<b>Mailing Address:</b> Same as above	
<b>FAX:</b> (916)		
<b>E-Mail:</b> Molly.lovett@dgs.ca.gov		
<b>Technical Contact Name:</b> Katrina Benny	<b>Telephone:</b> (916) 263-1350	<b>E-mail:</b> Katrina.benny@dgs.ca.gov

### Required Contract Information

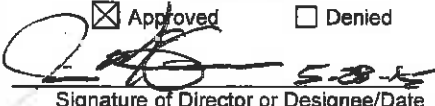
<b>Contractor Name:</b> International Association of Plumbing and Mechanical Officials (IAPMO)				
<b>Contractor Address:</b> 5001 E. Philadelphia Street, Ontario, California 91761				
<b>Original Contract Amount Excluding:**</b>  \$ 0.00  <small>(*Includes original contract and previously approved amendments)</small>	<b>Total Original Contract Amount:**</b>  \$ 0.00  <small>(*Includes original contract and previously approved amendments)</small>	<b>Amendment Amount:** (if applicable)</b>  \$ N/A  <small>(*Current amendment only)</small>	<b>Amended Contract Amount:**</b>  \$ N/A  <small>(*Includes original contract and all amendments, including current amendment)</small>	<b>Has work commenced?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Have goods been acquired?</b> <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:**  
 IAPMO will provide services for the publication of the 2016 triennial edition of California Code of Regulations, Title 24, Parts 4 (California Mechanical Code) and 5 (California Plumbing Code), and all supplements and errata to these Parts.

### Contract Type and Term

<b>Contract Type:</b> 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	<b>Contract Term:</b> Begin: 07/01/2015 End: 12/31/2019 Explain late contract submittal (services only):	<b>Type of Award:</b> CMAS: <input type="checkbox"/> Master: <input type="checkbox"/> Competitive: <input type="checkbox"/> Form 42: <input type="checkbox"/>	<b>Will this transaction be financed?</b> No <input checked="" type="checkbox"/> Yes _____  <small>If yes, attach the Statement of Compliance to the State Financial Marketplace to this form</small>
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### Required Approvals

<b>Department</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied   Signature of Director or Designee/Date  Jim McGowan <small>Type Name of Director or See next page instructions</small>	<b>Agency</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied  _____ Signature of Agency Secretary or Designee/Date  _____ <small>Type Name of Agency Secretary or See next page instructions</small>	<b>Dept. of General Services</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied  _____ Signature of Director or Designee/Date  _____ <small>Type Name of Director or Designee</small>
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\*\*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, 2<sup>nd</sup> Floor, MS201  
 West Sacramento, CA 95605

### **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 Mechanical Code (CMC) and California Plumbing Code (CPC) are based on two model building codes, the Uniform Mechanical Code (UMC) and the Uniform Plumbing Code (UPC) respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

IAPMO owns the copyrights to these model codes; therefore, IAPMO must be the publisher of the CMC and CPC if they are each going to contain model code provisions and California's amendments to the model codes. If IAPMO is not the publisher, California's amendments to the UMC and UPC could not be published with the provisions of the UMC and UPC 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 the 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 the 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?)**

IAPMO owns the copyrights to the model building codes upon which the CMC and CPC are based. Therefore, IAPMO must be the publisher of these California building codes if they are each going to contain model code provisions and California's amendments to the model codes.

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

If the commission does not contract with IAPMO to publish the CMC and CPC, it will not be able to have the model codes adopted by California published with California's amendments to those model codes. The publishing situation will return to that which existed in the 1980s where California's amendments to the 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?**

IAPMO owns the copyrights to the model building codes upon which the CMC and CPC are based. Therefore, IAPMO must be the publisher of the CMC and CPC, if they are each going to contain model code provisions and California's amendments to the model codes. If the commission does not contract with IAPMO, it will not be able to have the model codes adopted by California published with California's amendments to these model codes. The building industry found the latter to be unworkable.

## **B. PRICE ANALYSIS**

- 1. How was the price offered determined to be fair and reasonable?**  
(Explain what the basis was for comparison and include cost analyses as applicable.)

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

- 2. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier**

There is no cost involved in this contract. The publisher recoups its publication costs in sales of the codes.

## **Non-Competitively Bid (NCB) Contract Justification Corrective Action Plan**

This section must be completed for any NCB that could have been competitively bid but was not due to insufficient time to complete the competitive acquisition process. This does not apply to emergency procurements in accordance with PCC Sections 10302, 10340(b)(1) and 12102(a)(2).

**Complete responses must be provided for all of the following questions:**

- 1. Why is the submission of a NCB necessary and what are the determining factors that caused the problem?**  
Explain why your department has not conducted a competitive bid. Provide the background of events (timeline) leading to the submission of this NCB. Identify any critical time delays or issues that prevented your department from completing this acquisition using a competitive process (i.e., budget, approvals, and/or appropriate analysis).
  
- 2. What are the consequences of not having this NCB approved?**  
Describe in detail the impact to the department and to the program(s) if the NCB is not approved.
  
- 3. How will your department ensure adequate planning to prevent submittal of NCB's for goods or services that should have been competitively bid?**  
Provide a detailed plan of your department's efforts to improve your acquisition planning to maximize the use of competition to meet your needs. This plan must include how the department will provide for a tracking system to ensure timely review of upcoming requirements. Departments acknowledge that submission of a corrective action plan is the basis for how the department will provide for sufficient time to use competition in the acquisition process. Failure to follow the Corrective Action Plan may result in the loss of your department's delegated procurement authority. This plan must be kept on file for future auditing purposes.



**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.

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**

PLEASE TYPE

NAME: Katrina Benny IMS CODE  
C-11

DEPARTMENT: California Building Standards Commission

DIVISION:

ADDRESS: 2525 Natomas Park Dr. Ste 130

CITY, STATE, ZIP: Sacramento, CA 95833

**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 4 and 5.

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 Association of Plumbing and Mechanical Officials (IAPMO)	FEDERAL EMPLOYER IDENTIFICATION NUMBER
CONTRACTOR'S ADDRESS (Number, Street) 5001 E. Philadelphia Street	
(City, State, ZIP Code) Ontario, CA 91761	

**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 Mechanical Code (California Code of Regulations, Title 24, Part 4), and the California Plumbing Code (California Code of Regulations, Title 24, Part 5) are based on two model building codes, the Uniform Mechanical Code, and the Uniform Plumbing Code, respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

The International Association of Plumbing and Mechanical Officials (IAPMO) owns the copyrights to these two model codes; therefore, IAPMO must be the publisher of these California codes, if it they are going to contain model code provisions and California's amendments to the model codes. If IAPMO is not the publisher, California's amendments to the model codes cannot be published with the provisions adopted by California. The building industry found the latter to be unworkable.

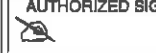
AUTHORIZED SIGNATURE 

TELEPHONE NUMBER  CALNET 263-0916

DATE SIGNED 5-28-15

**PROCUREMENT DIVISION USE ONLY**

ACTION TAKEN ON REQUEST  
 APPROVED  DENIED (See Below)

AUTHORIZED SIGNATURE  DATE SIGNED

**SEND TO:**

NAME: IMS CODE  
Z-1

DEPARTMENT: DEPARTMENT OF GENERAL SERVICES

DIVISION: PROCUREMENT DIVISION

ADDRESS: 707 THIRD ST., Second Floor

CITY, STATE, ZIP: WEST SACRAMENTO, CA 95605

COMMENTS

**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.



# MEMORANDUM

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Date: May 18, 2015

To: DGS - OBAS  
707 3<sup>rd</sup> Street  
West Sacramento, CA 95605

From: Katrina Benny, Staff Services Manager I  
Building Standards Commission

Subject: **Certification Requirement – NCB, IAPMO**

I certify that this purchase is vital and mission critical for the Building Standards Commission.

The California Mechanical Code (CMC) and California Plumbing Code (CPC) are based on two model building codes, the Uniform Mechanical Code (UMC) and the Uniform Plumbing Code (UPC) respectively. The California codes include both provisions of the model codes and amendments to those codes adopted by California.

IAPMO owns the copyrights to these model codes; therefore, IAPMO must be the publisher of the CMC and CPC if they are each going to contain model code provisions and California's amendments to the model codes. If IAPMO is not the publisher, California's amendments to the UMC and UPC could not be published with the provisions of the UMC and UPC adopted by California.

A handwritten signature in black ink that reads 'Katrina Benny'.

Katrina Benny, Staff Services Manager I  
Building Standards Commission



STATE OF CALIFORNIA - Office of State Publishing  
**SERVICE RELEASE REQUEST SPECIFICATIONS**  
 OSP 550, NEW (07/2012)

*All fields are required (enter "N/A" if not applicable).  
 Fax this completed form to: 916.323.4305 or  
 email it to your OSP Customer Service Representative.*

DATE OF REQUEST 5/20/2015	OSP ESTIMATE NUMBER (if available) 0
AGENCY Building Standards Commission	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12	
DUE DATE Triennial Publications	FILE READY DATE N/A

**SPECIFICATIONS**

PROJECT DESCRIPTION Building Standards Code Books		CONTRACT AMOUNT* (when applicable) \$0.00
QUANTITY 13 Volumes	SIZE 8 1/2 x 11	CONTRACT TERM 4.5 Years
PAPER Various	PACKAGING mail or ship	*Attach scope of work. INK: Number of Colors: 4 Large Solids: <input type="checkbox"/> Yes <input type="checkbox"/> No Bleeds: <input type="checkbox"/> Yes <input type="checkbox"/> No
BINDERY Binders + Printed Subscriptions	PROOFS REQUIRED <input type="checkbox"/> Yes <input type="checkbox"/> No	

SHIP TO  
Subscriptions

MAILING INSTRUCTIONS  
Varies

SPECIAL INSTRUCTIONS

SERVICE RELEASE JUSTIFICATION  
 All 13 Volumes of the California Code of Regulations, Title 24, Building Codes are copyright model code materials from 3 organizations, International Code Council, International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

**CONTACT INFORMATION**

NAME  
Katrina Benny

TELEPHONE 916-263-1350	FAX 916-263-0959	EMAIL ADDRESS katrina.benny@dgs.ca.gov
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OSP CUSTOMER SERVICE REPRESENTATIVE  
James Griffin

FOR OSP USE ONLY

RETAIN  RELEASE  TIME  EQUIPMENT

INITIALS

BY: Noel Soliz for DH

REASON CODE(S) (F) Other: Copyrighted materials  
OSP can't print these

STATE OF CALIFORNIA – Office of State Publishing  
**SERVICE RELEASE DETERMINATION**

OSP 551 REV: (1/2013)

*The Office of State Publishing has reviewed the specifications and delivery time frames for the project below. Please keep this notice with related contracting information as your documentation.*

**SERVICE RELEASE INFORMATION**

REQUEST FOR PRINTING SERVICES NUMBER 05-21-404-50-06188	DATE OF REQUEST 5/20/15	EXPIRATION DATE OF SERVICE RELEASE
REVIEWED BY Noel Soliz		
AGENCY DGS	CONTACT NAME Katrina Benny	
AGENCY CODE 404	CONTACT PHONE 263-1350	
PROJECT TITLE Publication of CA Code of Regulations, Title 24, Building Code Volumes 1 - 12		
PROJECT SPECIFICATIONS		
COMMENTS		
OSP CUSTOMER SERVICE REPRESENTATIVE James Griffin	CSR PHONE 916-322-1006	

**STATEMENT OF FACTS**

CHECK APPLICABLE JUSTIFICATION STATEMENT(S):	OSP VEND-OUT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> (A) OSP does not have production time available to meet the customer's required deadline.	OSP SERVICE RELEASE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> (B) OSP does not have the equipment necessary to produce the requested product.	
<input type="checkbox"/> (C) OSP does not have the expertise to successfully produce the requested product.	
<input type="checkbox"/> (D) OSP cannot accommodate the required turnaround time. (less than 5 working days)	
<input type="checkbox"/> (E) The customer's location/shipping address does not make it feasible for OSP to accept the work.	
<input checked="" type="checkbox"/> (F) Other <u>Copyrighted Materials</u>	

DETAILS