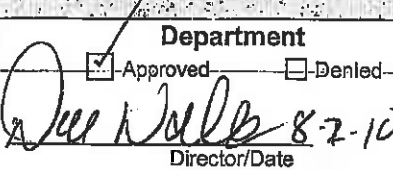

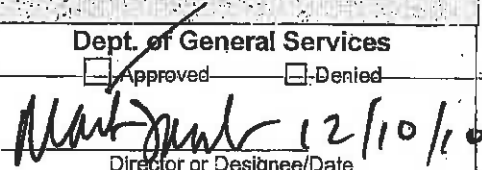


### NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

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><br>State and Consumer Services Agency  | <b>Agency Secretary/Immediate Next Ranking Official:</b><br>Secretary, Bill Leonard/Undersecretary Tom Sheehy<br><small>(Type names. Do not sign. Must be same as signature below.)</small>  |   |   |
| <b>Department:*</b><br>California Building Standards Commission<br><br><small>(*Includes Boards, Commissions, and Associations)</small>   | <b>Director/Immediate Next Ranking Official:</b><br>Executive Director Dave Walls/Staff Services Manager I Katrina Benny<br><small>(Type names. Do not sign. Must be same as signature below. May be Executive Director, Chief Executive Officer, Executive Secretary, etc.)</small> |   |   |
| <b>Institution (if applicable):</b>   |  |   |   |
| Department Contact Information  |  |   |   |
| <b>Contact Name:</b><br>Katrina Benny   | <b>Street Address:</b><br>2525 Natomas Park Drive, Suite 130<br>Sacramento, California 95833   |   |   |
| <b>Telephone:</b><br>(916) 263-0916   | <b>Mailing Address:</b><br>Same as above   |   |   |
| <b>FAX:</b><br>(916) 263-0959   |  |   |   |
| <b>E-Mail:</b><br>Katrina.Benny@dgs.ca.gov  |  |   |   |
| Required Contract Information   |  |   |   |
| <b>Contractor Name:</b><br>International Association of Plumbing and Mechanical Officials (IAPMO)   |  |   |   |
| <b>Contractor Address:</b><br>5001 E. Philadelphia Street, Ontario, California 91761  |  |   |   |
| <b>Original Contract Amount:*</b><br>\$ 0.00<br><small>(*Includes original contract and previously approved amendments)</small>   | <b>Amendment Amount:*</b> (if applicable)<br>\$ N/A<br><small>(*Current amendment only)</small>  | <b>New Contract Amount: *</b><br>\$ N/A<br><small>(*Includes original contract and all amendments, including current amendment)</small>   | <b>Has work commenced?</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><b>Have goods been acquired?</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><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><br>IAPMO will provide services for the publication of the 2013 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><br>Select One: <input type="checkbox"/> Non-IT Goods<br><input checked="" type="checkbox"/> Non-IT Service<br><input type="checkbox"/> IT Goods<br><input type="checkbox"/> IT Service<br><input type="checkbox"/> IT Goods & Services  | <b>Contract Term:</b><br>Begin: 1/1/11<br>End: 7/1/15<br>Explain late contract submittal (services only):  | <b>Type of Award:</b><br>CMAS: _____<br>Master: _____<br>Competitive: _____<br>Form 42: _____   | <b>Will this transaction be financed?</b><br>No <input checked="" type="checkbox"/> Yes _____<br>If yes, attach the Statement of Compliance to the State Financial Marketplace to this form   |
| Required Approvals  |  |   |   |
| <b>Department</b><br><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied<br><br>Director/Date 8-2-10   | <b>Agency</b><br><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied<br><br>Agency Secretary/Date 8/19/10   | <b>Dept. of General Services</b><br><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied<br><br>Director or Designee/Date 12/10/10 |   |

Remit completed form to:

Procurement Division  
One-Time Acquisitions  
707 Third Street, 2<sup>nd</sup> Floor  
West Sacramento, CA 95605

9.3.10 Resubmitted  
10/26/10  
(Rev 10/08/03)

10/26/10  
CA

**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?**

(Provide a narrative of your efforts to identify other similar or appropriate goods/services, including a summary of how the department concluded that such alternatives are either inappropriate or unavailable. The names and addresses of suppliers contacted and the reasons for not considering them must be included OR an explanation of why the survey or effort to identify other goods/services was not performed.)

**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.**

**CONTRACT ADVERTISING EXEMPTION REQUEST**

(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 4-94)

NOB#5142

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

|  |   |   |   |
|--|---|---|---|
| TYPE OF REQUEST (Check one)                              |   | SERVICE TYPE  |   |
| <input checked="" type="checkbox"/> SOLE SOURCE CONTRACT | <input type="checkbox"/> EXEMPTION FROM ADVERTISING | <input checked="" type="checkbox"/> NON-EDP/TELECOM RELATED SERVICE | <input type="checkbox"/> EDP/TELECOM RELATED SERVICES |

|   |  |   |  |
|---|--|---|--|
| <b>DEPARTMENTAL CONTACT INFORMATION</b>   |  | <b>AGENCY BILLING CODE</b> 30140  |  |
| NAME: Katrina Benny<br>DEPARTMENT: California Building Standards Commission<br>DIVISION:<br>ADDRESS: 2525 Natomas Park Drive, Suite 130.<br>CITY, STATE, ZIP CODE: Sacramento, CA 95833 |  | IMS CODE: C-11<br>CONTRACT DESCRIPTION: Publication contract for the publication of the 2013 triennial edition of California Code of Regulations, Title 24, Parts 4 and 5, and all supplements and errata to these Parts<br>TELEPHONE NUMBER (Not CALNET-Include Area Code): (916) 263-0916 |  |

|   |  |                 |                                  |                                     |
|---|--|-----------------|----------------------------------|-------------------------------------|
| CONTRACT NUMBER   | AMENDMENT NUMBER (if Applicable)                               | CONTRACT AMOUNT | AMENDMENT AMOUNT (if Applicable) | CONTRACT PERIOD                     |
|   |  | \$ 0.00         | \$                               | 1/1/11 - 7/1/15                     |
| <b>PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A SOLE SOURCE CONTRACT IS PROPOSED</b> | CONTRACTOR'S NAME  |                 |                                  | FEDERAL EMPLOYER IDENTIFICATION NO. |
|   | International Association of Plumbing and Mechanical Officials |                 |                                  |                                     |
|   | 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, 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 model codes; therefore, IAPMO must be the publisher of these California codes if they are each going to contain model 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 model code provisions adopted by California. The building industry found the latter to be unworkable.

|                      |  |   |  |
|----------------------|--|---|--|
| AUTHORIZED SIGNATURE | OFFICE OF PROCUREMENT USE ONLY               |   |  |
| <i>Dan Walls</i>     | ACTION TAKEN ON REQUEST                      |   |  |
|                      | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DENIED (See Below) |  |

|   |            |             |                      |             |
|---|------------|-------------|----------------------|-------------|
| TELEPHONE NUMBER  | CALNET     | DATE SIGNED | AUTHORIZED SIGNATURE | DATE SIGNED |
| (916) 263-0916  | 8-435-0916 | 08/02/10    | <i>Mark Jant</i>     | 12/10/10    |
| SEND TO:  |            | IMS CODE    | COMMENTS             |             |
| NAME: Procurement Division<br>DEPARTMENT: Department of General Services<br>DIVISION: 707 Third Street, 2 <sup>nd</sup><br>ADDRESS: West Sacramento, CA 95605 |            | Z-1 001     | 26 2010              |             |
| <b>RECEIVED</b>   |            |             |                      |             |

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936  
(916) 263-0916  
FAX (916) 263-0959

**MEMORANDUM**

**DATE:** October 20, 2010  
**TO:** DGS – Procurement  
**FROM:** Katrina Benny  
**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  
CBSC Administrative Manager

10/20/10