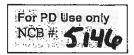
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NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

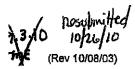
For use on all information technology (IT) and non-IT goods and services acquisitions.

Attach to Std. 65, Std. 66 or Std. 821, as app!lcable.

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					
Requesting Department Information					
Agency:		Agency Secretary/Immediate Next Ranking Official:	•		
State and Consumer Services Agency		Secretary Bill Leonard/Undersecretary Tom Sheehy (Type names. Do not sign. Must be same as signature below.)			
Donastro onti*	·				
Department:* California Building Standards Commission		Director/Immediate Next Ranking Official:			
Camornia Building Standa	as commission	Executive Director Dave Walls/Staff Services Manage	r i		
(*Includes Boards, Commissions, a	nd Associations)	Katrina Benny			
(1110)2222 232123 2321213	. ~	(Type names. Do not sign. Must be same as signature below. May be Executive Director, Chief Executive Officer, Executive Secretary, etc.)	3		
Institution (if applicable):	,	Excessive Silector, Office Excessive Officer, Excessive Occident, etc.)			
montanon (n apphoasie):	Denartment (Contact Information			
Contact Name:	Dopartment	Street Address:			
Katrina Benny		2525 Natomas Park Drive, Suite 130			
	· · · · · · · · · · · · · · · · · · ·	Sacramento, California 95833			
Telephone:		Sacramento, Camornia 55655			
(916) 263-0916		BB-165			
FAX:		Mailing Address:			
(916) 263-0959		Same as above			
E-Mail:					
Katrina.Benny@dgs.ca.go\					
	Required Co	intract Information	4-1-5		
Contractor Name:	· -				
International Code Council	(ICC)				
Contractor Address:	ξ,				
5203 Leesburg Pike, Suite	600, Falls Church, Virginia 2	22041-3405			
Original Contract	Amendment Amount:* (if	New Contract Amount: * Has work commenced?			
Official Collinact	Willetiatifelit Willowitz (ii	Hew Contract Amount: Has work confinenced?			
Amount:*	•	\$ N/A Yes No			
Amount:*	applicable)	\$ N/A	ed?		
_	applicable) \$ N/A	\$ N/A (*Includes original contract and all amendments, including current Yes No Have goods been acquire	ed?		
Amount:* \$ 0.00 (*Includes original contract and previously approved	applicable)	\$ N/A			
Amount:* \$ 0.00 (*Includes original contract and previously approved amendments)	applicable) \$ N/A (*Current amendment only)	\$ N/A (*Includes original contract and all amendments, including current amendment) Yes No Have goods been acquired Yes No Attach explanations for any "Yes" answers.	17		
Amount:* \$ 0.00 (*Includes original contract and previously approved amendments) Provide a brief description	applicable) \$ N/A (*Current amendment only) of the acquisition, including	\$ N/A (*Includes original contract and all amendments, including current amendment) Yes No Have goods been acquired Yes No Attach explanations for any "Yes" answers. g all goods and/or services the contractor will provide:	n J		
Amount:* \$ 0.00 (*Includes original contract and previously approved amendments) Provide a brief description ICC will provide services for	applicable) \$ N/A (*Current amendment only) of the acquisition, including the publication of the triennial	\$ N/A (*Includes original contract and all amendments, including current amendment) Yes No	n J		
Amount:* \$ 0.00 (*Includes original contract and previously approved amendments) Provide a brief description ICC will provide services for 11 (California Green Building	applicable) \$ N/A (*Current amendment only) of the acquisition, including the publication of the triennial Standards Code), and all sur	\$ N/A (*Includes original contract and all amendments, including current amendment) Yes No	n J		
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Amount:* \$ 0.00 (*Includes original contract and previously approved amendments) Provide a brief description ICC will provide services for 11 (California Green Building Contract Type: Select One: Non-IT Goods Non-IT Service IT Goods & Services	applicable) \$ N/A (*Current amendment only) of the acquisition, including the publication of the triennial Standards Code), and all support Contract Term: Begin: 1/1/11 End: 7/1/15 Explain late contract submit (services only):	\$ N/A (*Includes original contract and all amendments, including current amendment) Yes	Part		
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One-Time Acquisitions 707 Third Street, 2nd Floor West Sacramento, CA 95605



STATE OF CAL!FORNIA

CONTRACT ADVERTISING EXEMPTION REQUEST

(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD . 821 (REV.4-94)

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

			exempted by I	Jepartment	of General Services	3 snall be listed
TYPE OF REQUEST (Check one) SCLE SOURCE CONTRACT	EXEMPTION FROM ADVERTISING	SERVICE TYPE NON-EDP/TELECOM	RELATED SERVICE	EDP/TELE	COM RELATED SERVICES	
DEPARTM	ENTAL CONTACT INFORM	MATION	AGENCY BILLING O	CODE	30140	
division: Address: 2525 Na	ia Building Standards Co atomas Park Drive, Suite	ommission	Publication contract edition of California and all supplement	Code of F nts and er	Regulations, Title trata to this part	
city, state, zip code Sacram	ento, CA 95833		TELEPHONE NUMBER (Not C (916) 263-0916	ALNET-Include Ai	rea Code)	
CONTRACT NUMBER	AMENDMENT NUMBER (FApplicable)	CONTRACT AMOUNT	AMENDMENT AMOUNT	(If Applicable)	CONTRACT PERIOD	
		\$ 0.00	\$		1/1/11 -	7/1/15
	CONTRACTOR'S NAME				FEDERAL EMPLOYER IDI	ENTIFICATION NO.
PROVIDE	International Code Cou	noil			-	
CONTRACTOR'S						
NAME AND ADDRESS ONLY IF A SOLE	CONTRACTOR'S ADDRESS (Number	r, Street)				
SOURCE CONTRACT	500 New Jersey Avenu	e, 6 th floor				
IS PROPOSED	(Olty)		(State)		(ZIP Code)	
	Washington,		» D.C.		20001-2070	
	tion from advertising in t			not an exe	nption from Disab	led
Veteran E	lusiness Enterprise (DVB	E) participation goa	l attainment.			
the [California] Buildin	ative approvals, the [Calling Standards Code on a nore uniformity if the noncode based parts.	sole-source basis.'	'The reasoning give	n was that	it may be more c	ost effective
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AUTHORIZED SIGNATURE	e Walle	AC	OFFICE CTION TAKEN ON REQUEST APPROVED	OF PROCUI	REMENT USE ONLY DENIED (See Be	
TELEPHONE NUMBER	CALNET	DATE SIGNED GS PA	OPEREMENT	11	1	DATE SIGNED
(916) 263-0916	8-435-0916	08/02/10	MMUSA	WV		2/10/10
SEND TO:		1 11110000	OMMENTS 111			1. 1.
DEPARTMENT: Departm	ment Division ent of General Services d Street, 2 nd cramento, CA 95605	Z-1	CEIVED			

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 Green Building Standards Code (CGBSC) is not based on a model building code. 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 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 non-model code based parts 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 CGBSC, 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 CGBSC, if the publisher would not also sell them.

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 <u>OR</u> an explanation of why the survey or effort to identify other goods/services was not performed.)

The publication of non-model code based parts 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

 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.

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	9	

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, ICC Part 11

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

The California Green Building Standards Code (CGBSC) is not based on a model building code. 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 non-model code based parts were published by one of the model code publishers publishing the model code based parts.

10/20/10

Katrina Benny

CBSC Administrative Manager