

BCC - Part II

For PD Use only
NCB #: **5146**

NON-COMPETITIVELY BID (NCB) CONTRACT JUSTIFICATION

For use on all information technology (IT) and non-IT goods and services acquisitions.
Attach to Std. 65, Std. 66 or Std. 821, as applicable.

This justification document consists of two (2) pages. All information must be provided and all questions must be answered. The "Required Approvals" section must include a date for each signature, as appropriate for the transaction.

Requesting Department Information			
Agency: State and Consumer Services Agency	Agency Secretary/Immediate Next Ranking Official: Secretary Bill Leonard/Undersecretary Tom Sheehy (Type names. Do not sign. Must be same as signature below.)		
Department:* California Building Standards Commission <small>(*Includes Boards, Commissions, and Associations)</small>	Director/Immediate Next Ranking Official: Executive Director Dave Walls/Staff Services Manager I Katrina Benny (Type names. Do not sign. Must be same as signature below. May be Executive Director, Chief Executive Officer, Executive Secretary, etc.)		
Institution (if applicable):			
Department Contact Information			
Contact Name: Katrina Benny	Street Address: 2525 Natomas Park Drive, Suite 130 Sacramento, California 95833		
Telephone: (916) 263-0916	Mailing Address: Same as above		
FAX: (916) 263-0959			
E-Mail: Katrina.Benny@dgs.ca.gov			
Required Contract Information			
Contractor Name: International Code Council (ICC)			
Contractor Address: 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3405			
Original Contract Amount:* \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	Amendment Amount:* (if applicable) \$ N/A <small>(*Current amendment only)</small>	New Contract Amount: * \$ N/A <small>(*Includes original contract and all amendments, including current amendment)</small>	Has work commenced? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Have goods been acquired? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>Attach explanations for any "Yes" answers.</small>
Provide a brief description of the acquisition, including all goods and/or services the contractor will provide: ICC will provide services for the publication of the triennial edition (2013) of California Code of Regulations, Title 24, Part 11 (California Green Building Standards Code), and all supplements and errata to this part.			
Contract Type and Term			
Contract Type: Select One: <ul style="list-style-type: none"> <input type="checkbox"/> Non-IT Goods <input checked="" type="checkbox"/> Non-IT Service <input type="checkbox"/> IT Goods <input type="checkbox"/> IT Service <input type="checkbox"/> IT Goods & Services 	Contract Term: Begin: 1/1/11 End: 7/1/15 Explain late contract submittal (services only):	Type of Award: CMAS: _____ Master: _____ Competitive: _____ Form 42: _____	Will this transaction be financed? No <input checked="" type="checkbox"/> Yes _____ If yes, attach the Statement of Compliance to the State Financial Marketplace to this form
Required Approvals			
Department <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>Tom Sheehy</i> 8-2-10 Director/Date	Agency <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>Tom Sheehy</i> 8/19/10 Agency Secretary/Date	Dept. of General Services <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>Mark D. ...</i> 12/10/10 Director or Designee/Date	

Remit completed form to:
Procurement Division
One-Time Acquisitions
707 Third Street, 2nd Floor
West Sacramento, CA 95605

7/3/10 resubmitted 10/26/10
7/3/10
(Rev 10/08/03)

10/26/10 CA

STATE OF CALIFORNIA
CONTRACT ADVERTISING EXEMPTION REQUEST

(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 4-94)

NCB# 5146

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

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

CONTRACT NUMBER	AMENDMENT NUMBER (if Applicable)	CONTRACT AMOUNT \$ 0.00	AMENDMENT AMOUNT (if Applicable) \$	CONTRACT PERIOD 1/1/11 - 7/1/15
PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A SOLE SOURCE CONTRACT IS PROPOSED	CONTRACTOR'S NAME International Code Council			FEDERAL EMPLOYER IDENTIFICATION NO.
	CONTRACTOR'S ADDRESS (Number, Street) 500 New Jersey Avenue, 6th floor			
	(City) Washington,	(State) D.C.	(ZIP Code) 20001-2070	

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 Green Building Standards Code (California Code of Regulations, Title 24, Part 11) is not based on a model building code. 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 <i>Don Wells</i>	OFFICE OF PROCUREMENT USE ONLY		
	ACTION TAKEN ON REQUEST <input checked="" type="checkbox"/> APPROVED		<input type="checkbox"/> DENIED (See Below)

TELEPHONE NUMBER (916) 263-0916	CALNET 8-435-0916	DATE SIGNED 08/02/10	AUTHORIZED SIGNATURE <i>[Signature]</i>	DATE SIGNED 12/10/10
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SEND TO:
 NAME: **Procurement Division**
 DEPARTMENT: **Department of General Services**
 DIVISION: **707 Third Street, 2nd**
 ADDRESS: **West Sacramento, CA 95605**

DGS PROCUREMENT

IMS CODE: **Z-1** COMMENTS: **OCT 26 2010**

RECEIVED

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 OR 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

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.

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.

A handwritten signature in cursive script that reads "Katrina Benny".

Katrina Benny
CBSC Administrative Manager

10/20/10