

*ICC Part 2
9/10*

For PD Use only
NCB #: **5143**

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 <small>(Type names. Do not sign. Must be same as signature below.)</small>	
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 <small>(Type names. Do not sign. Must be same as signature below. May be Executive Director, Chief Executive Officer, Executive Secretary, etc.)</small>	
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 2013 triennial edition of California Code of Regulations, Title 24, Parts 2 (California Building Code), 9 (California Fire Code), 10 (California Code for Building Conservation), and all supplements and errata to these Parts.			
<i>25 Residential Code</i>			
Contract Type and Term			
Contract Type: 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	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>Dave Walls</i> 8-2-10 Director/Date	Agency <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>Tom Sheehy</i> 8/19/10 for Agency Secretary/Date	Dept. of General Services <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>Mark Dant</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

*1.3/10 Resubmitted
10/26/10
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 Building Code (CBC), California Fire Code (CFC), and California Code for Building Conservation (CCBC) will be based on three model building codes, the International Building Code (IBC), 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, CFC, and CCBC 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, CFC, and CCBC 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, CFC, and CCBC, 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?

(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.)

ICC owns the copyrights to the model building codes upon which the CBC, CFC, and CCBC are based. Therefore, ICC must be the publisher of the CBC, CFC, and CCBC 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.

CONTRACT ADVERTISING EXEMPTION REQUEST

(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD . 821 (REV.4-94)

NOB#5143

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
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IMS CODE C-11

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 2013 triennial edition of California Code of Regulations, Title 24, Parts 2, 9 and 10, and all supplements and errata to these Parts

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

PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A SOLE SOURCE CONTRACT IS PROPOSED	CONTRACTOR'S NAME	FEDERAL EMPLOYER IDENTIFICATION NO.
	International Code Council	
	CONTRACTOR'S ADDRESS (Number, Street)	
	5203 Leesburg Pike, Suite 600	
	(City) Falls Church	(State) VA
		(ZIP Code) 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 Code (California Code of Regulations, Title 24, Part 2), California Fire Code (California Code of Regulations, Part 9) and California Code for Building Conservation (California Code of Regulations, Part 10) are based on three model building codes, the International Building 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 provisions and California's amendments to the model codes. If ICC 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 <i>Dave Wells</i>	OFFICE OF PROCUREMENT USE ONLY ACTION TAKEN ON REQUEST <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DENIED (See Below)
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TELEPHONE NUMBER (916) 263-0916	CALNET 8-435-0916	DATE SIGNED 08/02/10	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

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 2, 9 and 10

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

The California Building Code (CBC), California Fire Code (CFC), and California Code for Building Conservation (CCBC) will be based on three model building codes, the International Building Code (IBC), 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, CFC, and CCBC 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.

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

Katrina Benny
CBSC Administrative Manager

10/20/10