

NFPA Part 3

For PD Use only  
NCB #: 5145

### 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> State and Consumer Services Agency	<b>Agency Secretary/Immediate Next Ranking Official:</b> Secretary Bill Leonard/Undersecretary Tom Sheehy <small>(Type names. Do not sign. Must be same as signature below.)</small>		
<b>Department:*</b> California Building Standards Commission  <small>(*Includes Boards, Commissions, and Associations)</small>	<b>Director/Immediate Next Ranking Official:</b> 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>		
<b>Institution (if applicable):</b>			
Department Contact Information			
<b>Contact Name:</b> Katrina Benny	<b>Street Address:</b> 2525 Natomas Park Drive, Suite 130 Sacramento, California 95833		
<b>Telephone:</b> (916) 263-0916	<b>Mailing Address:</b> Same as above		
<b>FAX:</b> (916) 263-0959			
<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> 5001 E. Philadelphia Street, Ontario, California 91761			
<b>Original Contract Amount:*</b> \$ 0.00 <small>(*Includes original contract and previously approved amendments)</small>	<b>Amendment Amount:*</b> (if applicable) \$ N/A <small>(*Current amendment only)</small>	<b>New 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 2013 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: 1/1/11 End: 7/1/15 <b>Explain late contract submittal (services only):</b>	<b>Type of Award:</b> CMAS: _____ Master: _____ Competitive: _____ Form 42: _____	<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  <i>David Walls 8-2-10</i> Director/Date	<b>Agency</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  <i>Tom Sheehy 8/19/10</i> Agency Secretary/Date	<b>Dept. of General Services</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied  <i>Mark Gault 12/10/10</i> Director or Designee/Date	

Remit completed form to:

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

10/26/10  
CA

13-10 Resubmitted  
10/26/10  
1/1/10 (Rev 10/08/03)



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?**

(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.)

**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.**

**CONTRACT ADVERTISING EXEMPTION REQUEST**

(IN CALIFORNIA STATE CONTRACTS REGISTER)

STD. 821 (REV. 4-94)

NCB#5145

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) <input checked="" type="checkbox"/> SOLE SOURCE CONTRACT	<input type="checkbox"/> EXEMPTION FROM ADVERTISING	SERVICE TYPE <input checked="" type="checkbox"/> NON-EDP/TELECOM RELATED SERVICE	<input type="checkbox"/> EDP/TELECOM RELATED SERVICES
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<b>DEPARTMENTAL CONTACT INFORMATION</b>	<b>AGENCY BILLING CODE</b> 30140
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NAME: Katrina Benny DEPARTMENT: California Building Standards Commission DIVISION: ADDRESS: 2525 Natomas Park Drive, Suite 130 CITY, STATE, ZIP CODE: Sacramento, CA 95833	IMS CODE: C-11	CONTRACT DESCRIPTION Publication contract for the publication of the 2013 triennial edition of California Code of Regulations, Title 24, Part 3, and all supplements and errata to this Part
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TELEPHONE NUMBER (Not CALNET-Include Area Code) (916) 263-0916
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CONTRACT NUMBER	AMENDMENT NUMBER (If Applicable)	CONTRACT AMOUNT \$ 0.00	AMENDMENT AMOUNT (If Applicable) \$	CONTRACT PERIOD 1/1/11 - 7/1/15
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PROVIDE CONTRACTOR'S NAME AND ADDRESS ONLY IF A SOLE SOURCE CONTRACT IS PROPOSED	CONTRACTOR'S NAME National Fire Protection Association	FEDERAL EMPLOYER IDENTIFICATION NO.
	CONTRACTOR'S ADDRESS (Number, Street) 1 Batterymarch Park	
	(City) Quincy	(State) MA
	(ZIP Code) 02169-7471	

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 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.

The National Fire Protection Association (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 cannot be published with the provisions of the NEC adopted by California. The building industry found the latter to be unworkable.

AUTHORIZED SIGNATURE <i>Joe 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	AUTHORIZED SIGNATURE <i>Mark J...</i>	DATE SIGNED 12/10/10
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SEND TO: NAME: Procurement Division DEPARTMENT: Department of General Services DIVISION: 707 Third Street, 2 <sup>nd</sup> ADDRESS: West Sacramento, CA 95605	IMS CODE: Z1 UC COMMENTS: 26 2010 RECEIVED
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**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, 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.

 10/20/10  
Katrina Benny  
CBSC Administrative Manager