



DEPARTMENT OF PROCUREMENT SERVICES NON-COMPETITIVE REVIEW BOARD (NCRB) APPLICATION

Complete this cover form and the **Non-Competitive Procurement Application Worksheet** in detail. Refer to the page entitled **"Instructions for Non-Competitive Procurement Application"** for completing this application in accordance with its policy regarding NCRB. Complete "other" subject area if additional information is needed. Subject areas must be fully completed and responses merely referencing attachments will not be accepted and will be immediately rejected.

| | | | | |
|---|--|----------------------------------|-------------------------------------|--|
| Department 67 - Buildings | Originator Name Grant Ullrich | Telephone 312-744-7579 | Date 8/31/21 rev. 10/7 | Signature of Application Author |
| Contract Liaison Lolita Ware-King | Email Contract Liaison lolita.wareking@cityofchicago.org | Telephone 312-743-9084 | | |

List Name of NCRB Attendees/Department

Matthew Beaudet, Commissioner
 Marlene Hopkins, First Deputy Commissioner
 Grant Ullrich, Managing Deputy Commissioner
 Lolita Ware-King, Deputy Commissioner

Request NCRB review be conducted for the product(s) and/or service(s) described herein.

Company: International Code Council, Inc.

| | | |
|---|---|--------------------------------------|
| Contact Person: Sara Yerkes, Senior Vice President, Government Relations | Phone: (202) 370-1800 x 6247 | Email: syerkes@iccsafe.org |
|---|---|--------------------------------------|

Project Description: Code development licensing, code development support, and code training support services in relation to the Chicago Construction Codes.

This is a request for:

New Contract Amendment / Modification

Contract Type **Type of Modification**

Blanket Agreement Term: ____ (# of mo) Time Extension Vendor Limit Increase Scope Change

Standard Agreement

Contract Number: **75072**
 Specification Number: **683606**
 Modification Number: **2**

| | |
|--|---|
| <p>Department Request Approval</p> <p></p> <p>DEPARTMENT HEAD OR DESIGNEE <u>Matthew Beaudet</u> PRINT NAME</p> <p style="text-align: right;">DATE <u>10/7/21</u></p> | <p>Recommended Approval</p> <p></p> <p>BOARD CHAIRPERSON <u>Steven M. Loboda</u> PRINT NAME</p> <p style="text-align: right;">DATE</p> |
|--|---|

(FOR NCRB USE ONLY)

Recommend Approval/Date: _____

Return to Department/Date: _____

Rejected/Date: _____

Approved Rejected

CHIEF PROCUREMENT OFFICER 11/4/2021
DATE



**DEPARTMENT OF PROCUREMENT SERVICES
NON-COMPETITIVE REVIEW BOARD (NCRB) APPLICATION
JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT WORKSHEET**

All applicable information on this worksheet must be addressed using each question found on the "Instructions for Non-Competitive Procurement Application" in this application.

Justification for Non-Competitive Procurement Worksheet

PROCUREMENT HISTORY

1. DESCRIBE THE REQUIREMENT AND HOW IT EVOLVED FROM INITIAL PLANNING TO ITS PRESENT STATUS.

The Department of Buildings ("DOB") is engaged in a multi-year effort to update Chicago's construction codes to better align with up-to-date model codes and standards used throughout the United States. Primary among these standards are the International Codes ("I-Codes"), published by the International Code Council, Inc. ("ICC"). On April 10, 2019, the City Council adopted an ordinance incorporating significant portions of the 2018 International Building Code, International Existing Building Code, and International Energy Conservation Code into the Municipal Code and has adopted a series of amendatory ordinances since that time. On September 14, 2021 the City Council is anticipated to adopt an ordinance that will set a framework for adopting portions of the 2021 International Mechanical Code in 2022. As anticipated in the initial NCRB application in January 2018, and the first NCARB modification request in April 2019, to support continued adoption and enforcement of I-Code-based requirements, the Department is now seeking to expand the duration and vendor limit, and slightly modify the scope, of its contract with ICC to cover ongoing code updating, publication, and training support services.

2. IS THIS A FIRST TIME REQUIREMENT OR A CONTINUATION OF PREVIOUS PROCUREMENT FROM THE SAME SOURCE? IF SO, EXPLAIN THE PROCUREMENT HISTORY.

The original contact was presented to NCRB in January 2018 and the first modification was presented to NCRB in April 2019 when the adoption ordinance, described above, was pending before the City Council. The first modification anticipated that an additional round of code development would occur in 2020-21, however that work was delayed by the COVID-19 pandemic. DOB now anticipates that work will occur in 2022-23. This contract modification will also support updating the codes in 2024, based on the next edition of the I-Codes, and training related to those efforts.

3. EXPLAIN ATTEMPTS MADE TO COMPETITIVELY BID THE REQUIREMENT.

Because the I-Codes are the basis of the building codes enforced in every major jurisdiction in the United States, and the City of Chicago had previously adopted plumbing and mechanical codes based on the I-Codes, the Department did not consider other sources for model codes. Because the I-Codes are protected by copyright law, ICC is the sole source of a development and/or publication license. Training materials supporting implementation of the I-Codes also incorporate ICC-copyrighted material, and therefore are primarily or solely available from ICC.

4. DESCRIBE IN DETAIL ALL RESEARCH DONE TO FIND OTHER SOURCES; LIST OTHER CITIES, COMPANIES IN THE INDUSTRY, PROFESSIONAL ORGANIZATIONS CONTACTED. LIST PERIODICALS AND OTHER PUBLICATIONS USED AS REFERENCES.

In 2017, a survey was conducted to confirm that the I-Codes are the basis of the building code enforced in the 25 largest cities in the United States (other than Chicago). In many cases the I-Codes are adopted at the state level. Because of ICC's copyright in the I-Codes, ICC is the sole source of a publication agreement, and the primary source of implementation and training materials based on the I-Codes. All other providers of training on the I-Codes must license content from ICC. New York City, which transitioned from an out-of-date local code to the I-Codes in 2007, has contracted with ICC for a similar scope of services. NYC Contract ID: CT181020151410849. ICC has similar contracts with other major jurisdictions.

5. EXPLAIN FUTURE PROCUREMENT OBJECTIVES. IS THIS A ONE-TIME REQUEST OR WILL FUTURE REQUESTS BE MADE FOR DOING BUSINESS WITH THE SAME SOURCE?

DOB anticipates that the amended contract with ICC for a 5-year term with two options for 1-year extensions will cover DOB's needs for the proposed term. DOB anticipates reevaluating contract terms prior to release of the 2027



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I-Codes (new model codes are released on a 3-year cycle). Based on its work with ICC under the current contract since 2018, DOB can reasonably anticipate the scope of services needed for the next 5 years. A 5-year contract has the benefit of locking in publication pricing for that term, and securing only CPI-based increases in other prices.

6. EXPLAIN WHETHER OR NOT FUTURE COMPETITIVE BIDDING IS POSSIBLE. IF NOT, EXPLAIN IN DETAIL.

Future competitive bidding will not be possible for the use of ICC-copyrighted materials. Competitive bidding will not be possible for further development of the customized Chicago training materials developed under the contract, which incorporate ICC-copyrighted materials. After investigation of other training providers who license training content from ICC, DOB has determined that working with a third-party training provider would not be economically beneficial to the City as third-party training providers provide licensing costs to ICC which equal or exceed those paid by the City to ICC under this direct contract.

ESTIMATED COST

1. WHAT IS THE ESTIMATED COST FOR THIS REQUIREMENT OR FOR EACH CONTRACT, IF MULTIPLE AWARDS ARE CONTEMPLATED? WHAT IS THE FUNDING SOURCE?

The current vendor limit for this contract is \$550,000.00 and expenditures to date are \$150,522.74. DOB is seeking a vendor limit increase to \$2,000,000.00 as part of this contract modification in order to provide appropriate flexibility over the extended contract term. DOB's actual utilization of the contract will depend upon requirements.

The contract will be funded from corporate funds for FY22 through FY27.

2. WHAT IS THE ESTIMATED COST BY FISCAL YEAR?

Actual expenditures for 2019 were: \$146,564.49

Actual expenditures for 2020 were: \$3,958.25

Estimated year end expenditures for 2021 are: \$4,477.26

Estimated expenditures for 2022 are not to exceed: \$338,250.00

Estimated expenditures for 2023 are not to exceed: \$369,000.00

Estimated expenditures for 2024 are not to exceed: \$369,000.00

Estimated expenditures for 2025 are not to exceed: \$369,000.00

Estimated expenditures for 2026 are not to exceed: \$369,000.00

Estimated expenditures for 2027 are not to exceed: \$30,750.00

3. EXPLAIN THE BASIS FOR ESTIMATING THE COST AND WHAT ASSUMPTIONS WERE MADE AND/OR DATA USED (I.E., BUDGETED AMOUNT, PREVIOUS CONTRACT PRICE, CURRENT CATALOG OR COST PROPOSAL FROM FIRMS SOLICITED, ENGINEERING OR IN-HOUSE ESTIMATE, ETC.)

These not-to-exceed cost estimates are based on the anticipated scope of services needed to implement additional code changes during the 5-year extension term and provide training and support (both to employees and the public) in connection with such code changes. Estimates are based on 2019 contract utilization, anticipated future tasks to be performed by the vendor, anticipated future training needs (including the Department's bi-annual self-certification training program), and anticipated publication and related support needs. The estimates consider the vendor's updated pricing, which is part of this modification request. The Department has determined that the vendor's hourly rates are commercially reasonable for the type of professional services and subject matter expertise to be provided.

4. EXPLAIN WHETHER THE PROPOSED CONTRACTOR OR THE CITY HAS A SUBSTANTIAL DOLLAR INVESTMENT IN ORIGINAL DESIGN, TOOLING OR OTHER FACTORS WHICH WOULD BE DUPLICATED AT CITY EXPENSE IF ANOTHER SOURCE WAS CONSIDERED. DESCRIBE COST SAVINGS OR OTHER MEASURABLE BENEFITS TO THE CITY WHICH MAY BE ACHIEVED.

Yes. The ICC model codes are copyrighted consensus-based codes which reflect input from a wide range of stakeholders and public safety professionals on how to safely regulate the latest construction technologies. It would



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be impossible for the city to cost-effectively duplicate the consensus gathering process of the ICC code hearings, nor would the city then benefit from aligning its standards with those in place in the rest of the United States.

5. EXPLAIN WHAT NEGOTIATION OF PRICE HAS OCCURRED OR WILL OCCUR. DETAIL WHY THE ESTIMATED COST IS DEEMED REASONABLE.

The Department has carefully reviewed utilization under previous contracts with ICC and this contract to date and evaluated its needs for this project in order to accurately estimate the technical and administrative support needs for the amended scope. The proposed consultant hourly rates are consistent with industry standards for similar professional services and the proposed individual's levels of experience and subject matter expertise.

SCHEDULE REQUIREMENTS

1. EXPLAIN HOW THE SCHEDULE WAS DEVELOPED AND AT WHAT POINT THE SPECIFIC DATES WERE KNOWN.

The Department was not able to develop the specific scope and cost estimates for this second modification request until the Mayor's Office confirmed the policy priorities for future code modernization efforts, in relation to COVID-19-related delays, as well as in relation to intra-Departmental coordination. In July 2021 the Mayor's Office confirmed that the Department should proceed with Mechanical Code modernization in 2022. In August 2021, the Mayor's Office confirmed that modernization of Fire Prevention requirements will be a priority for both the Building Department and Fire Department starting in 2022. The Department of Buildings would like to begin these efforts as early as possible in 2022. Also due to COVID-19-related public health concerns about holding a large in-person event during the holiday season, the Department needs to reschedule its in-person training (supported by this contract) from December 2021 to late January or early February 2022.

2. IS LACK OF DRAWINGS AND/OR SPECIFICATIONS A CONSTRAINING FACTOR TO COMPETITIVE BIDDING? IF SO, WHY IS THE PROPOSED CONTRACTOR THE ONLY PERSON OR FIRM ABLE TO PERFORM UNDER THESE CIRCUMSTANCES? WHY ARE THE DRAWINGS AND SPECIFICATIONS LACKING? WHAT IS THE LEAD TIME REQUIRED TO GET DRAWINGS AND SPECIFICATIONS SUITABLE FOR COMPETITION? IF LACK OF DRAWINGS AND SPECIFICATIONS IS NOT A CONSTRAINING FACTOR TO COMPETITIVE BIDDING, EXPLAIN WHY ONLY ONE PERSON OR FIRM CAN MEET THE REQUIRED SCHEDULE.

No.

3. OUTLINE THE REQUIRED SCHEDULE BY DELIVERY OR COMPLETION DATES AND EXPLAIN THE REASONS WHY THE SCHEDULE IS CRITICAL.

The Mayor's Office has determined that modernization of the Mechanical Code and Fire Prevention Code are critical to furthering key priorities in the Mayor's recovery agenda. Due to COVID-19-related precautions, the Department is delaying its in-person training for self-certification architects from December 2021 to early 2022 and this contract must be in place to support that training.

4. DESCRIBE IN DETAIL WHAT IMPACT DELAYS FOR COMPETITIVE BIDDING WOULD HAVE ON CITY OPERATIONS, PROGRAMS, COSTS AND BUDGETED FUNDS.

Due to ICC's copyright in the model codes, competitive procurement is not possible.

EXCLUSIVE OR UNIQUE CAPABILITY

1. IF CONTEMPLATING HIRING A PERSON OR FIRM AS A PROFESSIONAL SERVICE CONSULTANT, EXPLAIN IN DETAIL WHAT PROFESSIONAL SKILLS, EXPERTISE, QUALIFICATIONS, AND/OR OTHER FACTORS MAKE THIS PERSON OR FIRM EXCLUSIVELY OR UNIQUELY QUALIFIED FOR THE PROJECT. ATTACH A COPY OF THE COST PROPOSAL, SCOPE OF SERVICES, AND TEMPORARY CONSULTING SERVICES FORM.

The ICC is the exclusive source of its copyrighted model codes and training materials incorporating provisions of the model codes. As described more fully below, ICC's model building code is used in every city in the United States and there are no viable alternatives.



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2. DOES THE PROPOSED FIRM HAVE PERSONNEL CONSIDERED UNQUESTIONABLY PREDOMINANT IN THE PARTICULAR FIELD?

Yes. ICC's model building code is the basis of construction regulation in every major jurisdiction in the United States, including (as of 2020) the City of Chicago. ICC's technical code development experts and training staff have decades of experience working with ICC's model codes and assisting jurisdictions with customized adoptions. ICC's staff provide these services throughout the United States and internationally. No other entity offers this type of service because of ICC's copyrights in the model codes.

3. WHAT PRIOR EXPERIENCES OF A HIGHLY SPECIALIZED NATURE DOES THE PERSON OR FIRM EXCLUSIVELY POSSESS THAT IS VITAL TO THE JOB, PROJECT OR PROGRAM?

ICC has overseen the development of the consensus-based model codes used in the vast majority of jurisdictions in the United States since the mid-1990s. ICC was formed from the merger of several regional model code organizations. ICC possesses unrivaled resources and subject matter expertise on the technical basis for specific provisions of the ICC model codes. ICC staff provide hundreds of training programs to thousands of participants each year.

4. WHAT TECHNICAL FACILITIES OR TEST EQUIPMENT DOES THE PERSON OR FIRM EXCLUSIVELY POSSESS OF A HIGHLY SPECIALIZED NATURE WHICH IS VITAL TO THE JOB?

Not applicable.

5. WHAT OTHER CAPABILITIES AND/OR CAPACITY DOES THE PROPOSED FIRM POSSESS WHICH IS NECESSARY FOR THE SPECIFIC JOB, PROJECT OR PROGRAM WHICH MAKES THEM THE ONLY SOURCE WHO CAN PERFORM THE WORK WITHIN THE REQUIRED TIME SCHEDULE WITHOUT UNREASONABLE COSTS TO THE CITY?

ICC's model building code is the basis of construction regulation in every major jurisdiction in the United States, including (as of 2020) the City of Chicago. ICC's related model codes are adopted in the majority of jurisdictions in the United States. There are no competing model building codes currently in use in the United States and it is not foreseeable that a viable competing model code will be developed for use in the United States. The City of Chicago has made a long-term strategic commitment to adopt code requirements based on ICC's family of model codes.

6. IF PROCURING PRODUCTS OR EQUIPMENT, DESCRIBE THE INTENDED USE AND EXPLAIN ANY EXCLUSIVE OR UNIQUE CAPABILITIES, FEATURES AND/OR FUNCTIONS THE ITEMS HAVE WHICH NO OTHER BRANDS OR MODELS, POSSESS. IS COMPATIBILITY WITH EXISTING EQUIPMENT CRITICAL FROM AN OPERATIONAL STANDPOINT? IF SO, PROVIDE DETAILED EXPLANATION?

Not applicable.

7. IS COMPETITION PRECLUDED BECAUSE OF THE EXISTENCE OF PATENT RIGHTS, COPYRIGHTS, TRADE SECRETS, TECHNICAL DATA, OR OTHER PROPRIETARY DATA (ATTACH DOCUMENTATION VERIFYING SUCH)?

Yes. ICC's model codes and training materials are copyrighted. While some other entities have developed and offer training materials based on the model codes, these organizations often must license material from ICC. Because of the degree of customization in Chicago's codes, the department has determined that is not practical to independently work with a third party to develop training materials when that third party would likely still need a license from ICC. (Copyright registration certificates are attached.)

8. IF PROCURING REPLACEMENT PARTS AND/OR MAINTENANCE SERVICES, EXPLAIN WHETHER OR NOT REPLACEMENT PARTS AND/OR SERVICES CAN BE OBTAINED FROM ANY OTHER SOURCES? IF NOT, IS THE PROPOSED FIRM THE ONLY AUTHORIZED OR EXCLUSIVE DEALER/DISTRIBUTOR AND/OR SERVICE CENTER? IF SO, ATTACH LETTER FROM MANUFACTURER ON COMPANY LETTERHEAD.

Not applicable.



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9. MBE/WBE COMPLIANCE PLAN

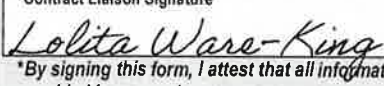
The Department of Buildings concurs with the vendor's request for a waiver of MBE/WBE subcontracting goals on this second modification. The specific mix of services to be procured under this agreement are dependent upon future requirements of the Department and future policy priorities of the Mayor's Office; accordingly, percentage or dollar-based goals for subcontractor participation cannot reasonably be established.

OTHER

1. EXPLAIN OTHER RELATED CONSIDERATIONS AND ATTACH ALL APPLICABLE SUPPORTING DOCUMENTS, I.E., AN APPROVED "ITGB FORM" OR "REQUEST FOR INDIVIDUAL HIRE FORM".

Not applicable.

Attach required forms for each procurement type and detailed scope of services and/or specifications and forward original documents to the Chief Procurement Officer; City Hall, Room 806.

| Date: August 31, 2021 Department Name: Buildings Requisition No: 421411 Specification No: 683606 PO No: 75072 Modification No: 2 Contract Liaison: Lolita Ware-King Telephone: 312-743-9084 Email: lolita.wareking@cityofchicago.org Project / Program Manager: Grant Ullrich Telephone: 312-744-7579 Email: grant.ullrich@cityofchicago.org Check One: <input type="checkbox"/> New Contract Request <small>*By signing below, I attest the estimates provided for this contract are true and accurate.</small> *Project / Program Manager Signature  *Commissioner/Authorized Designee Signature  | <p>For Blanket Agreements, the lead department must consult with other departments who may want to participate in the Blanket Agreement. If grant funded, attach copy of the approved grant application and other terms and conditions of the funding source.</p> <p>Note:</p> <ol style="list-style-type: none"> 1) Funding: Attach information if multiple funding lines 2) Individual Contract Services: Include approval form signed by all parties 3) ITGB: IT project valued at \$100,000.00 or more, attach approval transmittal sheet. <p style="text-align: right;"><small>*Contract Liaison Signature</small>  <small>*By signing this form, I attest that all information provided is true and accurate.</small></p> <p>Project Title: Model Code Licensing and Chicago Building Code Modernization Support Services</p> <p>Project Description: Aligning the Chicago Building Code with the I-Codes that are published by the International Code Council and maintaining alignment with subsequent model code editions</p> <p>Funding:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td><input checked="" type="checkbox"/> Corporate</td> <td><input type="checkbox"/> Bond</td> <td><input type="checkbox"/> Enterprise</td> <td><input type="checkbox"/> Grant</td> <td><input type="checkbox"/> Other:</td> </tr> <tr> <td><input type="checkbox"/> IDOT/Transit</td> <td><input type="checkbox"/> IDOT/Highway</td> <td><input type="checkbox"/> FHWA</td> <td><input type="checkbox"/> FTA</td> <td><input type="checkbox"/> FAA</td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>LINE</th> <th>FY</th> <th>FUND</th> <th>DEPT</th> <th>ORGN</th> <th>APPR</th> <th>ACTV</th> <th>PROJECT</th> <th>RPTG</th> <th>ESTDOLLAR AMOUNT</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>021</td> <td>100</td> <td>67</td> <td>2005</td> <td>0140</td> <td>220140</td> <td>00000000</td> <td>000000</td> <td>1,450,000</td> </tr> </tbody> </table> | <input checked="" type="checkbox"/> Corporate | <input type="checkbox"/> Bond | <input type="checkbox"/> Enterprise | <input type="checkbox"/> Grant | <input type="checkbox"/> Other: | <input type="checkbox"/> IDOT/Transit | <input type="checkbox"/> IDOT/Highway | <input type="checkbox"/> FHWA | <input type="checkbox"/> FTA | <input type="checkbox"/> FAA | LINE | FY | FUND | DEPT | ORGN | APPR | ACTV | PROJECT | RPTG | ESTDOLLAR AMOUNT | 1 | 021 | 100 | 67 | 2005 | 0140 | 220140 | 00000000 | 000000 | 1,450,000 |
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| <input checked="" type="checkbox"/> Corporate | <input type="checkbox"/> Bond | <input type="checkbox"/> Enterprise | <input type="checkbox"/> Grant | <input type="checkbox"/> Other: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> IDOT/Transit | <input type="checkbox"/> IDOT/Highway | <input type="checkbox"/> FHWA | <input type="checkbox"/> FTA | <input type="checkbox"/> FAA | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| LINE | FY | FUND | DEPT | ORGN | APPR | ACTV | PROJECT | RPTG | ESTDOLLAR AMOUNT | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 021 | 100 | 67 | 2005 | 0140 | 220140 | 00000000 | 000000 | 1,450,000 | | | | | | | | | | | | | | | | | | | | | | |
| <p>Purchase Order Information:</p> <p>Contract Term (No. of Months): 60</p> <p>Extension Options (Rate of Recurrence): 1</p> <p>Estimated Spend/Value: \$ 2,000,000</p> <p>Grant Commitment / Expiration Date: _____</p> <p>Pre-Bid/Submittal Conference: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Mandatory <input type="checkbox"/> Site Visit</p> | <p>Purchase Order Type:</p> <p><input checked="" type="checkbox"/> Blanket/Purchase Order (DUR)</p> <p><input type="checkbox"/> Master Consultant Agreement (Task Order)</p> <p><input type="checkbox"/> Standard/One-Time Purchase</p> <p>Procurement Method:</p> <p><input type="checkbox"/> Bid <input type="checkbox"/> RFP <input type="checkbox"/> RFQ <input type="checkbox"/> RFI</p> <p><input type="checkbox"/> Small Order</p> <p>Special Approvals Required:</p> <p><input type="checkbox"/> Emergency</p> <p><input checked="" type="checkbox"/> Non-Competitive Review Board (NCRB)</p> <p><input type="checkbox"/> Request for Individual Contract Services</p> <p><input type="checkbox"/> Information Technology Governance Board (ITGB)</p> <p><input type="checkbox"/> IDOT Concurrence</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><input checked="" type="checkbox"/> Modification or Amendment</p> <p>Modification Information:</p> <p>PO Start Date: 1/9/2022</p> <p>PO End Date: 1/31/2027</p> <p>Amount (Increase/Reduction): + \$1,450,000</p> <p>MBE/WBE/DBE Analysis: (Attach MBE/WBE/DBE Goal Setting Memo)</p> <p><input type="checkbox"/> Full Compliance <input type="checkbox"/> Contract Specific Goals</p> <p><input type="checkbox"/> No Stated Goals <input checked="" type="checkbox"/> Waiver Request</p> <p><input checked="" type="checkbox"/> Risk Management / EDS / IDOT</p> <p>Insurance Requirements (included) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>EDS Certification of Filing (included) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>IDOT Concurrence (required) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Contract Type:</p> <p><input type="checkbox"/> Architect Engineering <input type="checkbox"/> Commodity <input type="checkbox"/> Construction <input type="checkbox"/> JOC <input type="checkbox"/> SBI</p> <p><input type="checkbox"/> Professional Services <input type="checkbox"/> Revenue Generating <input type="checkbox"/> Vehicle & Heavy Equipment</p> <p><input type="checkbox"/> Work Service <input type="checkbox"/> Joint Procurement <input type="checkbox"/> Reference Contract</p> <p>Safety Enhancing Vehicle Equipment (MCC 2-92-597) Yes ___ No ___</p> <p>Modification/Amendment Type:</p> <p><input checked="" type="checkbox"/> Time Extension <input checked="" type="checkbox"/> Scope Change/Price Increase /Additional Line Item(s)</p> <p><input checked="" type="checkbox"/> Vendor Limit Increase <input type="checkbox"/> Requisition Encumbrance Adjustment</p> <p><input type="checkbox"/> Other (specify): _____</p> <p>Vendor Information</p> <p>Name: International Code Council</p> <p>Contact: Sara C. Yerkes</p> <p>Address: 500 New Jersey Ave NW, Washington DC, 20001</p> <p>E-mail: SYerkes@iccsafe.org</p> <p>Phone: 202-307-1800 ext. 6247</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |




CITY OF CHICAGO



DEPARTMENT OF BUILDINGS

MEMORANDUM

TO: Aileen Velazquez
Acting Chief Procurement Officer

FROM: Matthew Beaudet 
Commissioner

RE: Request for second amendment to non-competitive bid contract number 75072 with International Code Council, Inc. for model code licensing and Chicago Construction Code modernization support services

DATE: August 31, 2021 (revised: October 7, 2021)

The Department of Buildings hereby requests approval for a second amendment to non-competitive bid contract number 75072 with International Code Council, Inc. ("ICC") for model code licensing and Chicago Construction Code modernization support services, as described more fully below and in the accompanying materials.

The Department's needs were discussed with Steve Tantillo in the Law Department on August 27, 2021, and he advised that the requested changes should be processed as an amendment to the existing contract, not a new contract.

I appreciate your urgent attention to this request, which is necessary to maintain continuity of services beyond January 7, 2022, and to implement important commitments in Mayor Lightfoot's COVID-19 Recovery Agenda, including providing enhanced support for life sciences, food and agriculture, manufacturing, film and television production, and corporate headquarters and spurring reinvestment in Invest South/West corridors and communities.

Through the current contract the City of Chicago has been able to successfully implement the first comprehensive revision of the Chicago Building Code in nearly 70 years and completed this massive project in record time. While plans to continue this effort, with comprehensive revisions to mechanical, plumbing, and fire prevention requirements have been delayed by COVID-19, the Department and our industry partners are eager to resume this important work in 2022.

This proposed contract amendment will also facilitate ongoing support for both our employees and customers through ICC's support for training and publication efforts, and support for keeping our code up to date with newer releases of model codes.

I am attaching the following items in support of this request, based on the NCRB Policy and Procedures Memorandum dated February 8, 2018 (file name dated October 2019):

- DPS Non-Competitive Review Board (NCRB) Application

- DPS Checklist
- Memo detailing Amended Scope of Work, prepared by the Department of Buildings
- Email documenting that vendor has received City's General Contract Terms and Conditions
- Letter from ICC detailing why it is the exclusive provider of these services (with ICC's certificates of copyright registration attached)
- Vendor request for waiver of M/WBE goals
- Departmental concurrence with vendor request for waiver of M/WBE goals
- ICC's insurance certificate
- ICC's EDS filing certificate
- ICC's revised schedule of compensation (dated August 31, 2021).

The key features of the requested amendment are as follows:

| | |
|------------------|---|
| Duration: | Extend contract for 5 years (to January 31, 2027) with allowance for up to two, one-year extensions |
| Scope: | Amend scope to reflect minor changes in services to be provided, as well as to remove references to services which are completed and/or no longer required; amend 2019 schedule of compensation to reflect increased costs for M/WBE subcontractors providing technical assistance and catering and add annual price adjustment provision tied to CPI-U |
| MBE/WBE goals: | Waive MBE/WBE goals for amendment due to unpredictability of future needs; continue with current M/WBE subcontractors |
| Vendor Limit: | Increase by \$1,450,000.00 (Total \$2 million) |
| Project Manager: | Grant Ullrich, Managing Deputy Commissioner (312) 744-7579 |

If you have any questions or need additional information regarding this request, please contact Grant Ullrich at (312) 744-7579 or Lolita Ware-King at (312) 743-9084. Thank you for your assistance in this matter.

cc: Marlene Hopkins
Grant Ullrich
Lolita Ware-King

attachments

ATTACHMENT 1:

SECOND AMENDED AND RESTATED SCOPE OF SERVICES AND TIME LIMITS FOR PERFORMANCE

Recitals: The Department of Buildings (“DOB”) intends to draft one or more ordinances to align provisions of the Chicago Construction Codes (“CCC”) with model codes (“I-Codes”) published by the International Code Council (“ICC”) and has enlisted the assistance of ICC in this effort. ICC will help DOB with comparing existing provisions of the CCC with provisions of the I-Codes, preparing a draft code which incorporates provisions of the CCC, I-Codes and newly-drafted language, and circulating proposed language and concepts to stakeholders (as more fully described below) prior to DOB submitting recommendations to the City Council for adoption. The I-Codes include: the International Building Code (“IBC”), the International Energy Conservation Code (“IECC”), the International Existing Building Code (“IEBC”), the International Fire Code (“IFC”), the International Fuel Gas Code (“IFGC”), the International Mechanical Code (“IMC”), the International Plumbing Code (“IPC”), International Property Maintenance Code (“IPMC”), and the International Residential Code for One- and Two-Family Dwellings (“IRC”). ICC is an internationally-recognized authority on building codes and numerous other U.S. jurisdictions use or have used ICC’s services in assisting them in drafting building code language for adoption.

ICC, a non-profit organization, has developed a uniform, consistent, and correlated set of model codes based on the best and most recent fire and building science, as well as the input and consensus of member municipal, state, and federal government agencies. These model codes are created through the effort of thousands of code enforcement officials, technical experts, construction industry professionals, and building material and equipment manufacturers, who volunteer their time and expertise to the study of the code and related issues. In order to address industry innovation and keep the model codes current, ICC's code development process is ongoing, with an updated draft developed, reviewed, and accepted every three years.

Licensing Material: ICC owns the copyright for the model codes, which is therefore proprietary and available exclusively through ICC. In addition, an extensive library of proprietary materials, specially designed for use in support of the code adoption process, is available exclusively from ICC. The license regarding such copyrights is attached as Exhibit 6.

Working Groups are volunteer groups established by DOB to assist with comparing and evaluating specific provisions or topics in the current CCC and I-Codes and developing recommendations on concepts and language to incorporate into a proposed ordinance. DOB anticipates 3-4 working groups will be formed as part of Phase 3 of this effort. DOB anticipates between 1 and 6 working groups will be formed in subsequent phases of this effort. The working groups will meet regularly for several months to complete assigned tasks. ICC will document discussions which occur during working group meetings and consensus recommendations of the working groups.

SCOPE OF SERVICES

All work to be performed under this contract must be at the written direction of DOB's Commissioner or the Commissioner's designee. ICC will provide the following services in connection with this project:

- 1) A licensing agreement for use of the I-Codes and other ICC-owned materials. See Exhibit 6.

2)

In Phase 3: Administrative support for up to 4 technical drafting working groups (each to meet weekly for approximately 2 hours per week over approximately 5 months) and 1 oversight stakeholder working group (to meet monthly for approximately 9 months) and for other related functions for the duration of the contract.

In subsequent phases: Administrative support for up to 6 technical drafting working groups (to meet for frequencies and durations determined by DOB) and 1 oversight stakeholder working group (to meet for frequencies and durations determined by DOB) and for other related functions for the duration of the contract.

For both Phase 3 and subsequent phases, such support shall include:

- a) scheduling and coordination of meetings
- b) attendance at meetings
- c) preparation, distribution, and maintenance of meeting minutes
- d) keeping records of any member objections to code language
- e) coordination of work across working groups, including identifying conflicts between different committees' proposals
- f) track, research, and resolve open working group items

In order to ensure accurate records and communications, the person or persons providing such services will have substantial training or experience in architecture, engineering or a related field.

- 3) Project management guidance to assess whether the project will meet targeted milestones
- 4) Technical guidance from ICC subject matter experts, on an as-needed basis, justifying various provisions of the model codes identified in item 1(a), including but not limited to structural provisions and fire protection provisions.
- 5) Preparation of one or more draft code(s) for adoption by the City of Chicago, based on the decisions of DOB and consensus recommendations of the working groups. ICC shall provide electronic and up to 100 print copies of the draft code(s) suitable for public and legislative review.

At the appropriate time, the City may among other things, direct the draft code(s) either:

- (a) differentiate language incorporated from the I-Codes and language developed by the City (i.e. by shaded text or marginal markings), or
- (b) fully integrate language incorporated from the I-Codes and language developed by the City.

The City may, in accordance with the license agreement (Exhibit 6) either adopt the ICC-copyrighted portions of the draft code(s) by reference, through an ordinance to be drafted by the City reflecting only intended amendments to the I-Codes, in which case no further agreement is required between the parties, or the City may, subject to the terms of a separate publication and ongoing development agreement, adopt the entirety of the draft code(s) through appropriate ordinances(s) (adoption by incorporation).

- 6) Preparation, as requested by DOB, of summaries of key changes made by the ordinance for distribution to internal audiences and/or stakeholders.
- 7) Attendance, by the project manager and senior ICC subject matter experts, at hearing(s) before the City Council or its committees on any ordinances resulting from this project.
- 8) Based on ordinances incorporating provisions of the I-Codes and/or the National Electrical Code (“NEC”), develop and/or revise, on an hourly or task-order basis subject to the rates of compensation set forth in Exhibit 2, Schedule of Compensation: (a) plan review processes and supporting documents; (b) inspection processes and supporting documents; (c) training materials for plan reviewers; (d) training materials for inspectors; (e) training materials for self-certification architects and structural peer reviewers; and (f) informational materials for the public.
- 9) Assist DOB with developing and offering internal and external training programs regarding ordinances incorporating provisions of the I-Codes and/or NEC and make arrangements to offer such training programs at locations within one mile of DOB’s fixed work sites (121 North LaSalle Street and 2045 West Washington Boulevard, Chicago), or at other locations within the City of Chicago acceptable to DOB, including food and beverages for participants where consistent with ICC’s ordinary training practices. Pursuant to this scope and individual task orders, ICC may collect registration fees for training programs from external attendees on behalf of the City and remit the balance of such fees, less expenses provided for in Attachment 2 to this Scope of Services and the individual task order, to the City within 30 days of receipt.
- 10) Publish and provide the City with copies of publications in accordance with the Publication Agreement incorporated as Attachment 1 to this Scope of Services.
- 11) With the written authorization of DOB, ICC may sell training materials developed jointly by the City and ICC to the public. As part of such an agreement, DOB may require a per-copy royalty to be paid by ICC to the City or credited against expenditures under this contract on a quarterly basis.

ICC shall provide the draft code(s) called for in item 5 to the City as quickly as possible but no later than 30 days after the City provides ICC with written notice of its intended amendments to the I-Codes.

For the avoidance of doubt, the Contractor acknowledges and agrees that any Deliverables prepared under items 9 and 10 of this Exhibit 1 are not Contractor Intellectual Property, except and only to the extent that Licensed Material is incorporated into such Deliverables.

ATTACHMENT 2:

REVISED SCHEDULE OF COMPENSATION

Fees for the International Code Council's ("ICC") services shall be determined by the amount of time devoted by personnel, including ICC staff and contractors, multiplied by hourly rates, or fixed rates for specified services or publications, not to exceed the maximum amounts specified below. ICC staff and contractor hourly rates are set forth below.

The ICC will provide a detailed monthly invoice to the City of Chicago concerning each individual's time, fixed-price services, and publications provided during the previous month. Time billed shall be accounted for in one-tenth of an hour increments, or every six minutes.

Payments shall be due within 60 days of receipt of the billing invoice.

| Description | Maximum Rate | Total |
|--|--|--------------|
| <u>Personnel Services *</u> | | |
| Project Coordinator I | \$105/hour | |
| Project Coordinator II | \$180/hour | |
| Project Manager | \$240/hour | |
| ICC Coordination and Project Support | \$150/hour | |
| ICC Design/Development/Customization of Training and Support Materials | \$150/hour | |
| Structural Engineer | \$275/hour | |
| Fire Protection Advisor | \$275/hour | |
| ICC Technical Advice/Research | \$275/hour | |
| <u>Fixed-Rate Services *</u> | | |
| Training program (base fee) | \$3,000/full day \$2,000/half day | |
| Training room | \$800 (full or half day) | |
| Participant materials | \$30/participant | |
| Participant food/beverage | \$50/participant (full day) \$30/participant (half day) | |
| Replacement pages for code publications | \$30/page (first 50 pages per year at no cost) | |
| <u>ICC Publications * **</u> | | |
| Administrative Provisions of the Chicago Construction Codes | \$27.00 /copy | |

| | |
|---|------------------|
| Chicago Building Code including ICC A117.1-2009 | \$102.00 /copy |
| Chicago Energy Conservation Code | \$32.40 /copy |
| Chicago Building Rehabilitation Code | \$51.60 /copy |
| Chicago Minimum Requirements for Existing Buildings | \$28.80 /copy |
| Accessibility-related provisions of the Chicago Construction Codes | \$100.00 /copy |
| Chicago Fire Prevention Code | \$77.40 /copy |
| Chicago Fuel Gas Code | \$58.80 /copy |
| Chicago Mechanical Code | \$58.80 /copy |
| Chicago Plumbing Code | \$58.80 /copy |
| Other ICC Publications | ICC member price |

* On September 1, 2022 and each subsequent September 1, maximum rates and prices shall be adjusted based on the change in the Consumer Price Index for All Urban Consumers over the most-recently-reported 12-month period.

** Prices exclusive of applicable taxes and shipping/delivery charges.

GRAND TOTAL MAXIMUM: \$2,000,000.00

REVISED Schedule I to ICC Internal Use License

| | |
|---|--|
| Effective Date: | January 1, 2021 |
| <p>Licensed Material:</p> <ul style="list-style-type: none"> • 1 editable WORD electronic copy of Group A material. • Up to 20 hard copies of Group A material. • Up to 5 hard copies of Group B material. • 120 PDF copies of Group A and Group B materials. • 3 individual premium access accounts to Group A and Group B materials. | <p><u>GROUP A</u></p> <p>2018, 2021, 2024 and 2027 <i>International Building Code</i></p> <p>2018, 2021, 2024 and 2027 <i>International Residential Code for One- and Two-Family Dwellings</i></p> <p>2018, 2021, 2024 and 2027 <i>International Fire Code</i></p> <p>2018, 2021, 2024 and 2027 <i>International Existing Building Code</i></p> <p>2018, 2021, 2024 and 2027 <i>International Property Maintenance Code</i></p> <p>2018, 2021, 2024 and 2027 <i>International Energy Conservation Code</i></p> <p>2018, 2021, 2024 and 2027 <i>International Plumbing Code</i></p> <p>2018, 2021, 2024 and 2027 <i>International Fuel Gas Code</i></p> <p>2018, 2021, 2024 and 2027 <i>International Mechanical Code</i></p> <p><u>GROUP B</u></p> <p>2018, 2021, 2024 and 2027 commentaries on Group A material, when and if available</p> <p>2018, 2021, 2024, and 2027 significant changes guides to Group A material, when and if available</p> <p><i>ICC A117.1-2009 Standards for Accessible and Usable Buildings and Facilities</i> and all subsequent editions issued through 2027</p> |
| License Fee: | N/A |



Prepared by: Grant Ullrich, Managing Deputy Commissioner



International Code Council
500 New Jersey Avenue, NW
Sixth Floor
Washington, DC 20001
t: 888.ICC.SAFE (422.7233)
t: 202.370.1800
f: 202.783.2348
www.iccsafe.org

August 31, 2021

Sole Source

The International Code Council (ICC), a non-profit organization, has developed a uniform, consistent and correlated set of model codes based on the best and most recent fire and building science, as well as the input and consensus of member municipal, state, and federal government agencies. These model codes are created through the effort of thousands of code enforcement officials, technical experts, construction industry professionals, and building material and equipment manufacturers, who volunteer their time and expertise to the study of the code and related issues. In order to address industry innovation and keep the model codes current, the ICC's code development process is on-going, with an updated draft developed, reviewed, and accepted every three years. The ICC recently finalized the 2021 version of the model codes.

The ICC owns the copyright for the model codes, which is therefore proprietary and available exclusively through the ICC. In addition, an extensive library of proprietary materials, specially designed for use in support of the code adoption process, is available exclusively from the ICC.

Yours truly,

A handwritten signature in black ink that reads "Sara C. Yerkes". The signature is written in a cursive, flowing style.

Sara C. Yerkes
Senior Vice President of Government Relations



International Code Council
500 New Jersey Avenue, NW
Sixth Floor
Washington, DC 20001
t: 888.ICC.SAFE (422.7233)
t: 202.370.1800
f: 202.783.2348
www.iccsafe.org

Schedule of Compensation

Fees for the International Code Council's (ICC) services shall be determined by the service or amount of time devoted by personnel, including ICC staff and contractors, multiplied by hourly rates, not to exceed the maximum amounts specified below. ICC staff and contractor service rates and hourly rates are set forth below.

The ICC will provide a detailed monthly invoice to the City of Chicago containing each individual's time during the previous month. Time billed shall be accounted for in one-tenth of an hour increments, or every six minutes. Payments shall be due within 60 days of receipt of the billing invoice.

| Task | Maximum Rate* |
|--|--------------------------------------|
| Project Coordinator I | \$105/hour |
| Project Coordinator II | \$180/hour |
| Project Manager | \$240/hour |
| ICC Coordination and Project Support | \$150/hour |
| ICC Design/Development/Customization Training and Support Materials | \$150/hour |
| ICC Technical Advice / Research | \$275/hour |
| Structural Engineer | \$275/hour |
| Fire Protection Advisor | \$275/hour |
| Services | Maximum Rate* |
| Training program (base fee) | \$3,000/full day \$2,000/half day |
| Training room | \$800 (full or half day) |
| Participant materials | \$30/participant |

| | |
|--|--|
| Participant food/beverage | \$50/participant (full day) \$30/participant (half day) |
| Replacement pages for code publications | \$30/page (first 50 pages per year at no cost) |
| Publications | Maximum Price/copy * ** |
| Administrative Provisions of the Chicago Construction Codes | \$27.00 |
| Chicago Building Code including ICC A117.1-2009 | \$102.00 |
| Chicago Energy Conservation Code | \$32.40 |
| Chicago Building Rehabilitation Code | \$51.60 |
| Chicago Minimum Requirements for Existing Buildings | \$28.80 |
| Accessibility-related provisions of the Chicago Construction Codes | \$100.00 |
| Chicago Fire Prevention Code | \$77.40 |
| Chicago Fuel Gas Code | \$58.80 |
| Chicago Mechanical Code | \$58.80 |
| Chicago Plumbing Code | \$58.80 |
| Other ICC Publications | ICC Member Rate |

* On September 1, 2022, and each subsequent September 1, maximum rates and prices shall be adjusted based on the change in the Consumer Price Index for All Urban Consumers over the most-recently-reported 12-month period.

** Prices exclusive of applicable taxes and shipping/delivery charges.

August 31, 2021 (revised)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/01/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | |
|---|---|
| PRODUCER Paradigm Risk Management 1016 West Jackson Blvd. Chicago, IL 60607 | CONTACT NAME: Kevin Greer |
| | PHONE (A/C, No, Ext): 312-332-6900 FAX (A/C, No): |
| | E-MAIL ADDRESS: Kevin_Greer@prm-ins.com |
| | INSURER(S) AFFORDING COVERAGE NAIC # |
| INSURED International Code Council, Inc. 4051 Flossmoor Road Country Club Hills, IL 60478 | INSURER A: The Charter Oak Fire Insurance Company 25615 |
| | INSURER B: Travelers Property Casualty Company of America 25674 |
| | INSURER C: Axis Insurance Company 37273 |
| | INSURER D: |
| | INSURER E: |
| | INSURER F: |

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSD WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|--------------------|----------------------------|-------------------------|-------------------------|---|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: | Y | P-630-4P243453-COF-21 | 01/01/2021 | 01/01/2022 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ N/A GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 |
| A | <input checked="" type="checkbox"/> AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY | | 810-4P247403-21-43-G | 01/01/2021 | 01/01/2022 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ |
| B | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ | | CUP-4P258466-21-43 | 01/01/2021 | 01/01/2022 | EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below. | Y/N N | N/A UB-4P245919-21-43-G | 01/01/2021 | 01/01/2022 | <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 |
| C | Professional Liability | | P-001-000066542-03 | 01/01/2021 | 01/01/2022 | \$10,000,000 Each Claim \$10,000,000 Annual Aggregate |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate holder is included as additional insured, as their interests may appear (does not include Workers' Compensation or Professional Liability)

CERTIFICATE HOLDER CANCELLATION

| | |
|--|---|
| City of Chicago Department of Procurement, City Hall, Room 806 121 N LaSalle Street Chicago, IL 60602 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
| | AUTHORIZED REPRESENTATIVE |



CERTIFICATE OF FILING FOR
CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT

EDS Number: 165486

Certificate Printed on: 08/30/2021

Date of This Filing: 08/30/2021 10:54 AM

Original Filing Date: 08/30/2021 10:54 AM

Disclosing Party: International Code Council, Inc Title: Vice President, Government Relations

Filed by: Mr. Justin Wiley

Matter: Update to Chicago Building Codes

Applicant: International Code Council, Inc

Specification #: 683606

Contract #: 75072

The Economic Disclosure Statement referenced above has been electronically filed with the City. Please provide a copy of this Certificate of Filing to your city contact with other required documents pertaining to the Matter. For additional guidance as to when to provide this Certificate and other required documents, please follow instructions provided to you about the Matter or consult with your City contact.

A copy of the EDS may be viewed and printed by visiting <https://webapps1.chicago.gov/eds> and entering the EDS number into the EDS Search. Prior to contract award, the filing is accessible online only to the disclosing party and the City, but is still subject to the Illinois Freedom of Information Act. The filing is visible online to the public after contract award.



International Code Council
500 New Jersey Avenue, NW
Sixth Floor
Washington, DC 20001
t: 888.ICC.SAFE (422.7233)
t: 202.370.1800
f: 202.783.2348
www.iccsafe.org

August 31, 2021

Commissioner Matthew W. Beaudet
City of Chicago Department of Buildings
121 North LaSalle Street, Room 906
Chicago, Illinois 60602

Dear Commissioner Beaudet:

In connection with the proposed second modification to the contract between the International Code Council, Inc. ("ICC") and the City of Chicago, ICC respectfully requests a waiver of MBE/WBE subcontracting participation goals as the overall contract expenditure and specific categories of expenditures during the contract term will depend upon future requirements of the Department of Buildings, which cannot be adequately foreseen at this time, making it impossible for ICC to commit to any specific percentages or dollar values of subcontractor participation.

A significant portion of the goods and services which ICC is prepared to provide to the City under the second modification are provided directly by ICC, through its employees, and there are no reasonable opportunities for subcontracting. These include licensed training materials, technical advising, and publishing support services, all of which are provided by ICC staff. Where there are opportunities for subcontracted services, such as technical support of code development meetings or catering in connection with in-person training programs, ICC is committed to working with Chicago-based MBE and/or WBE-certified subcontractors.

One of ICC's core values is supporting diversity, equity and inclusion in the building safety industry, and ICC similarly shares the City of Chicago's commitment to supporting and building the capacity of minority- and women-owned businesses. Under this contract to date, 17.5% of expenditures have gone to Koo, LLC, an MBE and WBE certified architecture firm, and 34% of expenditures have gone to Clark Catering, an MBE and WBE certified catering company. ICC is fully committed to working with these subcontractors under the second modification.

Thank you for your consideration of this request.

Yours truly,

A handwritten signature in black ink that reads "Sara C. Yerkes". The signature is written in a cursive, flowing style.

Sara C. Yerkes
Senior Vice President of Government Relations




CITY OF CHICAGO



DEPARTMENT OF BUILDINGS

MEMORANDUM

TO: Monica Jimenez,
Acting Chief Procurement Officer

FROM: Matthew Beudet 
Commissioner

DATE: August 31, 2021

RE: Concurrence with vendor request for waiver of MBE and WBE goals for
Modification 2 to Contract with International Code Council, Inc.
(Specification #683606)

The Department of Buildings (“DOB”) respectfully requests a waiver of MBE and WBE goals for the above-referenced second contract modification due to the variable nature of the services and expenditures to be procured under the contract and the unique services and licensed content that can only be provided by the International Code Council, Inc. (“ICC”).

ICC is a 501(c)(6) not-for-profit membership organization that develops and publishes a family of consensus-based model construction codes (the “I-Codes”), which are updated on a 3-year cycle. The I-Codes are widely adopted as the basis for construction regulation throughout the United States. ICC also develops proprietary training and support materials related to the I-Codes. ICC maintains copyrights in the I-Codes and in its related training and support materials. ICC contracts with numerous jurisdictions throughout world to provide code development support and training.

In 2018, the City of Chicago contracted with ICC to support it in a comprehensive multi-year effort to modernize Chicago’s construction regulations to better align with widely adopted model codes and standards adopted elsewhere in the United States while retaining longstanding requirements that are uniquely adapted to local conditions. Under this contract, ICC helped DOB to work with more than 100 stakeholders to review the existing Chicago Building Code and draft a new code for Chicago in less than a year. When the City Council adopted the ordinance based on this effort in April 2019 it was the first comprehensive revision of Chicago’s Building Code in nearly 70 years. Under the contract, ICC helped Chicago to publish user-friendly code books in both print and electronic formats, develop customized training materials, and train over 1,000 city employees and external users on the new codes.

DOB is seeking to extend this valuable partnership through this second contract modification, which will last through 2027. Because the specific mix of services required by the City under this contract over the next 5 years cannot be reasonably foreseen at this time, and a significant number of services that could be offered under this contract have no subcontracting

opportunities, DOB concurs in the vendor's request for a waiver of MBE and WBE subcontracting goals for this second contract modification.

The inability to reasonably predict expenditure levels under the contract has been a challenge for both DOB and ICC under both the original contract and first modification. Under both of those agreements, ICC attempted to establish project-specific goals for MBE and WBE participation, however because actual expenditures turned out to be significantly below projected maximum expenditures due to changing needs of DOB and the ability of DOB to perform certain activities with City employees.

As stated in their waiver request, ICC has demonstrated a commitment to finding MBE and WBE subcontractors under the original contract and first contract modification and remains committed to seeking MBE and/or WBE participation in subcontracting opportunities that arise under this second contract modification. Further, ICC will retain the MBE and WBE subcontractors used under the original contract and the first modification to this contract. Due to the specialized nature of the services (including numerous services that are provided directly by ICC) and inability to anticipate the precise needs of the Department for the full term of the contract, however, it is unreasonable to expect the vendor to commit to specific percentages or dollar values of subcontractor participation.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Spina Perlmutter
United States Register of Copyrights and Director

Registration Number

TX 8-915-281

Effective Date of Registration:
November 19, 2020

Registration Decision Date:
December 04, 2020

Title

Title of Work: 2021 International Building Code

Completion/Publication

Year of Completion: 2020
Date of 1st Publication: October 23, 2020
Nation of 1st Publication: United States
International Standard Number: ISBN 978-1-60983-955-0

Author

- Author: International Code Council
Author Created: text
Work made for hire: Yes
Citizen of: United States

Copyright Claimant

Copyright Claimant: International Code Council
4051 Flossmoor Road, Country Club Hills, IL, 60478

Limitation of copyright claim

Material excluded from this claim: text, some material published in prior versions

New material included in claim: text, New and revised text

Rights and Permissions

Organization Name: International Code Council
Email: tmuick@iccsafe.org
Telephone: (708)799-2300x4215
Address: 4051 Flossmoor Road
Country Club Hills, IL 60478

Certification

Name: Margaret M. Leddin

Date: November 19, 2020

Applicant's Tracking Number: T025567 3000S21

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria Strong
Acting United States Register of Copyrights and Director

Registration Number

TX 8-901-109

Effective Date of Registration:
September 21, 2020

Registration Decision Date:
October 07, 2020



Title

Title of Work: 2021 International Fuel Gas Code

Completion/Publication

Year of Completion: 2020
Date of 1st Publication: August 17, 2020
Nation of 1st Publication: United States
International Standard Number: ISBN 978-1-60983-966-6

Author

• Author: International Code Council
Author Created: text
Work made for hire: Yes
Citizen of: United States

Copyright Claimant

Copyright Claimant: International Code Council
4051 Flossmoor Road, Country Club Hills, IL, 60478

Limitation of copyright claim

Material excluded from this claim: text, some material published in prior versions

New material included in claim: text, New and revised text

Rights and Permissions

Organization Name: International Code Council
Name: Margaret M Leddin
Email: tmuick@iccsafe.org
Telephone: (708)799-2300x4215
Address: 4051 Flossmoor Road

Country Club Hills, IL 60478

Certification

Name: Margaret M. Leddin
Date: September 21, 2020
Applicant's Tracking Number: 3600S21 T025355

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.



Shira Perlmutter
United States Register of Copyrights and Director

Registration Number
TX 8-915-285

Effective Date of Registration:
November 19, 2020

Registration Decision Date:
December 04, 2020

Title

Title of Work: 2021 International Fire Code

Completion/Publication

Year of Completion: 2020
Date of 1st Publication: November 03, 2020
Nation of 1st Publication: United States
International Standard Number: ISBN 978-1-60983-959-8

Author

• Author: International Code Council
Author Created: text
Work made for hire: Yes
Citizen of: United States

Copyright Claimant

Copyright Claimant: International Code Council
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Limitation of copyright claim

Material excluded from this claim: text, some material published in prior versions

New material included in claim: text, New and revised text

Rights and Permissions

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Date: November 19, 2020

Applicant's Tracking Number: T025624 3400S21

Certificate of Registration



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Shirley Perlmutter

United States Register of Copyrights and Director

Registration Number

TX 8-980-834

Effective Date of Registration:

March 16, 2020

Registration Decision Date:

July 07, 2021

Title

Title of Work: 2021 International Plumbing Code

Completion/Publication

Year of Completion: 2020

Date of 1st Publication: March 05, 2020

Nation of 1st Publication: United States

International Standard Number: ISBN 978-1-60983-962-8

Author

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Work made for hire: Yes
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Material excluded from this claim: text, Some material published in previous versions

New material included in claim: text, New and revised text

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Service Request #: 1-8630643574



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TX 8-980-838

Effective Date of Registration:
March 16, 2020

Registration Decision Date:
July 07, 2021

Title

Title of Work: 2021 International Mechanical Code

Completion/Publication

Year of Completion: 2020
Date of 1st Publication: March 05, 2020
Nation of 1st Publication: United States
International Standard Number: ISBN 978-1-60983-964-2

Author

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Work made for hire: Yes
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Material excluded from this claim: text, Some material published in previous versions

New material included in claim: text, New and revised text

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Registration #: TX0008980838
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