



Superior Court of California, Counties of

- Stockton: New Stockton Courthouse
- San Bernardino: New San Bernardino Court
- Madera: New Madera Court
- Tulare: New Porterville Court

Request for Architectural and Engineering Qualifications

The Administrative Office of the Courts, Office of Court Construction and Management seeks to identify a number of architects and their consulting engineering teams qualified to provide services in all phases of design and construction of new courthouses for the Superior Courts of California, Counties of San Joaquin, San Bernardino, Madera, and Tulare.



**ADMINISTRATIVE OFFICE
OF THE COURTS**

**OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT**



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

REQUEST FOR QUALIFICATIONS

Date

September 26, 2007

Action Requested

You are invited to review and respond with a Statement of Qualifications ("SOQ")

To

Qualified Architectural and Engineering Consulting Teams

Project Title:

RFQ number: OCCM-FY2007-02

Deadline

SOQ must be received by 1 p.m. on Wednesday October 17, 2007

From

Administrative Office of the Courts,
Office of Court Construction and Management

Send Statements of Qualifications to:

Judicial Council of California
Administrative Office of the Courts
Attn: Ms. Nadine McFadden
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102

Subject

Request for Qualifications of Architectural, Engineering, and Related Services;

(Indicate RFQ Number and Project Name on lower left corner of envelope)

Superior Courts of California, Counties of:

- San Joaquin, New Stockton Courthouse
- San Bernardino, New San Bernardino Court
- Madera, New Madera Court
- Tulare, New Porterville Court

Contact

OCCM_Solicitations@jud.ca.gov

1.0 BACKGROUND INFORMATION

The Judicial Council of California, chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Administrative Office of the Courts (AOC) is the staff agency of the Judicial Council. The Office of Court Construction and Management (OCCM), is the division of the AOC responsible for the planning, design, construction, real estate and asset management of facilities for the Superior and Appellate Courts of California.

The mission of OCCM is to create and maintain buildings that reflect the highest standards of excellence.

The Trial Court Facilities Act of 2002 (SB 1732, Escutia) as amended, among other requirements will shift the governance of California's Superior Court buildings from the counties to the state, commencing July 1, 2004 and completing by June 30, 2007. The current inventory is comprised of over 450 court buildings containing approximately ten million usable square feet of space devoted to court occupancy.

Under SB1732, the Judicial Council has authority to "recommend to the Governor and the Legislature the projects [that] shall be funded from the State Court Facilities Construction Fund." In support of this responsibility of the Council, OCCM has developed a Trial Courts Five-year Capital Outlay Plan. The Trial Courts Five-year Capital Outlay Plan, which has been approved by the Judicial Council, can be reviewed at <http://www.courtinfo.ca.gov/programs/occm/5year.htm>.
<http://www.courtinfo.ca.gov/reference/fiveyear.htm>

2.0 PURPOSE OF THIS RFQ

OCCM seeks the services of qualified architectural and engineering consulting teams, led by architects licensed in California (the Consultant), with expertise in all phases of planning and design of public or similar institutional buildings.

This RFQ is the means for prospective Consultants to submit their qualifications for a specific project or projects to the OCCM, for the projects described in Attachment A for the services described in this document. The RFQ and its Attachments A & B, the Standard Agreement, Form 330, Payee Data Record form, and all addenda will be posted at <http://www.courtinfo.ca.gov/reference/rfp/>.

Teams must submit their qualifications for a specific project or projects. Where a team makes single qualification submission for one or more projects, then separate submissions are not required for the individual projects. Separate submissions for individual projects are recommended where specific qualifications or teams have been identified, and customized for an individual project.

3.0 SCOPE OF SERVICES

The scope of architectural, engineering and related services for the project described in this RFQ and its Attachment B may include some or all of the following services:

- 3.1 **Site Analysis and Selection:** Participate in and/or perform detailed site selection and analysis for a new court building, including required countywide, urban, regional, court campus or site-specific development planning;
- 3.2 **Site Acquisition Consultation:** Participate in and coordinate with AOC staff, legal counsel, consultants and real estate brokers in site acquisition activities, and assist with or prepare related documentation, including but not limited to feasibility studies, economic analyses or pro forma, market or demographic surveys or studies, or preliminary project concept design alternatives, as requested, (Real Estate brokerage services are not included in scope of services of this RFQ);
- 3.3 **Land Use Entitlement:** Support and/or participate in the preparation of environmental studies and reports as required under CEQA and related local and state laws and regulations; (Environmental site surveys and hazard documentation; EIR preparation; and site remediation services are not included in scope of services of this RFQ);
- 3.4 **Development Studies:** Conduct or participate in planning, parking and traffic, zoning, geotechnical, on-site and off-site utility and related utilization studies required for site consideration and acquisition and for project development and approvals;
- 3.5 **Functional Programming and Detailed Space Planning:** Conduct functional programming, design definition and space planning for court building functions, including surveys for existing facilities and develop or assist in the development of court building project requirements documents, including complete site, functional and space requirements, conceptual building and test fit studies;
- 3.6 **Architectural and Engineering Design Services for New Construction:** Provide architectural, structural, civil, mechanical, electrical, plumbing, sustainable and LEEDTM design, security, acoustical, interior design, lighting, audio visual, data/telecommunications, graphics design, and related services which may be required in connection with planning, design and a new building project. Special services that may be requested including but not limited to, geotechnical engineering; land surveys; wind engineering; vibration control; life safety/code

consulting; audio visual; physical and electronic security design; parking structure design; parking revenue control; and public art.

Services may be required in any or all project phases including schematic design, design development, construction documents, bidding, and construction contract administration;

- 3.7 **Planning and Building Code Analyses:** Conduct and/or participate in all building and planning code analysis and reviews, including progressive, final and forensic;
- 3.8 **Contracting and Sourcing:** Provide consultation on and analysis of methods of sourcing for new building projects, including traditional design-bid-build, Construction Manager at Risk, and alternate general contracting; participate in preparation of associated conventional or unique contract documents required for procurement; participate in construction contract bid analysis of general and special construction and, or construction management contracts; (Legal services, construction management, and construction services are not included in the scope of services in this RFQ);
- 3.9 **Cost Analysis and Schedule Planning:** Provide, conduct and/or participate in all aspects of project cost estimating and schedule planning, including construction estimating, life cycle costing, value engineering, constructability reviews, critical path and special scheduling;
- 3.10 **Design Services for Furniture, Fixtures and Equipment:** Provide all services required to properly plan, design, specify and coordinate furniture, fixtures, special finishes and equipment, including but not necessarily limited to: interior design, including millwork and furniture planning, finish development and specification;
- 3.11 **Site Planning and Landscape Architecture:** Provide all services required to properly plan, design, specify and coordinate exterior site design, including grading, parking lots, roads, driveways, hardscape, landscape, irrigation and coordination of underground utilities and or building structures with landscape and hardscape elements;
- 3.12 **Construction Contract Administration:** Construction contract administration services, including field observations, submittal review, review of testing and inspection reports required by the bid documents (testing laboratory or construction inspection services are not part of this RFQ), coordination of finishes, furnishings and equipment, evaluation of specialized pricing and consideration/negotiation of changes, and project contract completion, including punch list, warranty review, preparation of record drawings and closeout;

- 3.13 **Building Commissioning:** Participation in development of building commissioning documents and procedures; specification of commissioning procedures, and participation in commissioning program. (Specialized Commissioning agent services are not part of this RFQ);
- 3.14 **Move and Occupancy Planning:** Planning, design and execution of temporary relocation, move planning, and start-up assistance;
- 3.15 **Public Art:** For projects that include a public art component, provide the services of an artist experienced in creation and installation of artworks in and surrounding public buildings;
- 3.16 **Peer Review Panel:** Participate in peer reviews of projects for which the Consultant is not associated, if requested; (OCCM may institute a process of project reviews to be conducted by panels that include Architects and Engineers knowledgeable about court design but not associated with the particular project to be reviewed); limited compensation may be applicable.
- 3.17 **Trial Court Design Standards:** All projects shall be designed subject to the Judicial Council’s Trial Court Facility Standards,” April 2006.
- 3.18 **Sustainable Design and LEED™ Requirements:** All projects shall be designed for sustainability and at a minimum, to the standards of a LEED™ 2.1 “Certified” rating. Depending on the project’s program needs and construction cost budget, projects may be required to meet the standards of a LEED™ 2.1 “Silver” rating. At the outset of a project, the AOC will determine whether a project will participate in the formal LEED™ certification process of the United States Green Building Council (USGBC), as noted below:

Project	Sustainability Requirements
San Joaquin: New Stockton Courthouse	Document sustainability to USGBC standard, LEED “Certified”
San Bernardino: New San Bernardino Court	Obtain LEED “Silver” certification
Madera: New Madera Court	Obtain LEED “Certified” or “Silver” Certification
Tulare: New Porterville Court	Document sustainability to USGBC standard, LEED “Certified”

4.0 SPECIFICS OF A RESPONSIVE SOQ

- 4.1 Each Consultant's Statement of Qualifications (SOQ) should clearly and accurately demonstrate specialized knowledge and experience required for consideration. For each specific project or projects for which the consultant seeks to compete, for each individual projects, submit six (6) copies in paper form of the SOQ, which consists of a Cover Letter and Standard Form 330, (Parts I and II). SOQ shall be prepared in a bound 8.5" x 11" booklet format, preferably using tabs to divide sections of the Form 330. Attachments, except as noted, will not be accepted. In addition to the SOQ, please submit a) one (1) original of the Payee Data Record form completed in the exact legal name of the Consultant's business signed by an authorized representative of the prospective Consultant. (Do not bind Payee Data Record form into the booklets.) and b) one (1) compact disk containing the complete SOQ and Payee Data Record form in the form of a single PDF file. Please do not enclose any materials that are not present on the PDF file.
- 4.2 A **Cover letter**, signed by an authorized representative of the prospective Consultant, shall include the name, address, telephone, fax number, e-mail address, and federal tax identification number of the proposing Consultant (one page maximum).
- 4.3 **Standard Form 330**, (U.S. General Services Administration):
- 4.3.1 Part 1 (A – D): Identify the prospective Consultant's point of contact, proposed team comprised of the Architect and only key sub-consultants, Structural, Mechanical, Electrical, low-voltage and LEED/Sustainability (as applicable), and an organizational team chart for the project or projects described in Attachment A;
- 4.3.2 Part 1 (E): Resumes of key personnel of the proposed teams for the project or projects. For the Consultant include principal-in-charge for this project, project manager, project architect, and project designer or alternate team roles. For the sub-consultants include principal-in-charge for this project or projects and project engineer. (one page per person maximum);
- 4.3.3 Part 1 (F): Examples of the prospective Consultant's projects (no more than 10 projects) which best illustrate their qualifications for the scope and size of the specific project or projects for which they propose to compete. Provide one attached page following the text page for each project for supporting photographs and/or graphics. Indicate any projects accomplished by current firm staff conducted while under the employment of others. Projects shall be relevant to California courts or institutional buildings of similar complexity completed in the last ten (10) years and demonstrate the Consultant's ability and experience to successfully complete the subject court project or projects. Provide Owner's information as a reference contact. (two pages per project maximum);

- 4.3.4 Part 1 (G): Key personnel participation of the proposed team and their participation in the project examples from Part 1 (F). (One page maximum);
 - 4.3.5 Part 1 (H): The prospective Consultant shall describe: a) its approach to the design of public buildings, and b) its response to the selection criteria listed in 7.0 of this RFQ. This section shall be signed by an authorized representative of the prospective Consultant. (4 pages maximum)
 - 4.3.6 Part II: Provide general qualifications for the Consultant's office or branch office that is performing the work described in the RFQ. Fill in sections 1 through 9. Part 9 shall indicate current employees by discipline. Section 12 shall be signed by an authorized representative of the prospective Consultant. Parts 4, 5b, 8c and 11 are not required.
- 4.4 Responsive SOQ's should provide straightforward, concise information that satisfies the requirements noted above. Expensive bindings, color displays, and the like are not necessary. Emphasis should be placed on brevity, conformity to instructions, requirements of this RFQ, as well as the completeness and clarity of content.

5.0 SELECTION PROCESS

- 5.1. Following publication of the RFQ, per the schedule on Page 12 of this solicitation, a teleconference will be held to review the RFQ, after which questions may be submitted, and responses will be published. A second teleconference to review questions and responses may be held as needed.
- 5.2. As otherwise described, an evaluation panel of OCCM staff and members of the project team, including Court staff, will review the submittals of the Statements of Qualifications (SOQ's). The submissions will be ranked according to the criteria listed in this solicitation.
- 5.3. After the evaluation of SOQ's is completed, a short-list of qualified firms will be established for each Project. OCCM Staff may contact previous Clients and Owners listed in Part 1 (F) of the Standard Form 330 to verify the experience and performance of the prospective Consultant, their key personnel, and their key sub-consultants, as appropriate.
- 5.4. AOC OCCM will notify all proposers of the short-lists which have been established for each project; firms on the short-list will be notified of their interview times and the place of each in the San Francisco, Sacramento, or Burbank offices of the AOC or the location of an individual court (Tentative interview date for the project is indicated on the project description, Attachment A); Only the Consultant's principal, project manager, project designer and/or project architect that are proposed to be assigned to this project should plan to participate in the interview,

along with a key consultant or consultants whose attendance will inform the interview and contribute to the final selection.

- 5.5. Once the interviews have been completed and a selection made, the selected firm will be informed by the project manager, and negotiation of the contract fee and terms may commence.
- 5.6. If a satisfactory contractual agreement on services and compensation cannot be reached between the AOC and the first selected Consultant within 30 calendar days of notification of selection, the AOC reserves the right to assign any project to another qualified Consultant, according to the results of the interview and ranking of firms for each project.
- 5.7. A Consultant or Consultants selected for the project assignment under this RFQ will not be precluded from consideration nor given special status in any succeeding RFQ's for Architectural and Engineering Services, issued by the AOC.
- 5.8. For each of the subject projects, it is the intention of the AOC to contract with the selected firms for all phases of the project, however, only the acquisition phase has been funded currently; thus, authorization for this phase, only, will be given pending budget appropriations in future fiscal years for future phases of the proposed project. AOC cannot guarantee the amount or duration of the work, nor which phases will be authorized for a particular project. Project descriptions are subject to change, to the time a contract is executed, at the sole discretion of AOC OCCM. A Consultant selected by the AOC for a project will be retained for subsequent phases of that project, subject to the successful performance of services, appropriation of funds by the California Legislature, and pursuant to the AOC Agreement for Architectural and Engineering services.

6.0 RIGHTS

- 6.1. The AOC reserves the right to reject any and all SOQ's, in whole or in part, as well as the right to issue similar RFQ's in the future. This RFQ is in no way an agreement, obligation, or contract and in no way is the AOC or the State of California responsible for the cost of preparing the associated SOQ. One copy of a submittal will be retained for official files.
- 6.2. The AOC reserves the right to request a substitution for any one or more of the Consultant's sub-consultants he proposed for consideration. Upon selection of the Consultant, the AOC reserves the right to approve the selection of other sub-consultants.

7.0 EVALUATION OF SOQ's

For each individual project for which a submission has been made, AOC OCCM and other members of a project advisory team, as appropriate, will evaluate Statements of Qualifications using the following criteria, each to be weighted as indicated:

POINTS	SELECTION CRITERIA
30	<p><u>Design Experience:</u></p> <ul style="list-style-type: none"> -Experience of the proposed team and its key individuals in the development of high quality buildings for court or other similar program intensive public/institutional buildings during the past ten years (20 pts); -Recent experience of proposed team and its key individuals in the completion of public/institutional projects of similar size, complexity, and construction cost to the project described in Attachment A (10 pts);
30	<p><u>Technical Expertise:</u></p> <ul style="list-style-type: none"> -Prospective Consultant's record and systems for providing and maintaining high quality consulting services and design/contract documents to it clients;
10	<p><u>Specialized Expertise:</u></p> <ul style="list-style-type: none"> -Demonstrated experience and expertise of the proposed team with institutional building engineering. Specialized expertise may also include sustainable building/site design and LEED™ standards/process; and any other particular technical specialty associated with a given building project;

Project Management:

- Demonstrated ability of Consultant to design buildings within strict cost budgets and time schedules (15 pts);
- Ability of the Consultant to provide staff and resources necessary to develop and manage the project located in the geographical area noted (15 pts).

8.0 ADDITIONAL REQUIREMENTS

- 8.1 Submittals should be sent by registered mail, certified mail or by hand delivery. Incomplete submittals and/or submittals received after the deadline will be rejected without review.
- 8.2 Registered prospective Consultants may submit questions to the AOC via e-mail to OCCM_Solicitations@jud.ca.gov no later than 4 p.m. on Monday, September 10, 2007. The AOC will post clarifications and addenda to this RFQ on the website [for](#) this solicitation.
- 8.3 After evaluations of the SOQ's, a short-list of top ranked Consultants in each Project Category will be posted on the AOC website, and the individual firms will be notified by the respective project managers of the selections and the forthcoming interview schedules.
- 8.4 Contact to the AOC shall be made only through the email address noted above in 8.2; Telephone calls will not be accepted. Additionally, prospective Consultants and their sub-consultants are asked not to contact any individuals in the Superior Court of San Joaquin, San Bernardino, Madera, and Tulare counties.

9.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES

Contracts with successful Consultants will be signed by the parties on an AOC Standard Agreement form and will include terms appropriate for the project. A typical AOC Standard Agreement for architectural and engineering services on a project assignment is published with this Solicitation.

The AOC reserves the right to modify or update the Standard Agreement in the interest of the AOC, in whole or in part at any time up to the negotiation of a specific agreement of a project assignment. By submitting for this RFQ, the prospective Consultant and their key sub-consultants acknowledge that a) the project team will provide the professional services required in the contract and b) has no objection to Exhibit C - General Terms and Conditions of the Standard Agreement.

Incorporated in this RFQ, and attached as Attachment B, is a document entitled “Administrative Rules Governing Statements of Qualifications.” Prospective consultants shall follow these rules in preparation and submittal of their SOQ’s.

10.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a prospective Consultant’s SOQ contains material noted or marked as confidential and/or proprietary that, in the AOC’s sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If the AOC does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a prospective Consultant is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its proposal or SOQ.

11.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The State of California requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBE's). The AOC is subject to this participation goal. Upon selection of a Consultant for the project assignment under this RFQ, the AOC will require that the selected Consultant demonstrate DVBE compliance and complete a DVBE Compliance Form. If it would be impossible for the selected Consultant to comply, explanation of why and demonstration of written evidence of a “good faith effort” to achieve participation would be required. Information about DVBE resources can be found on the Executive Branch’s internal website at <http://www.dgs.ca.gov/default.htm>. or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

12.0 Schedule

Proposed Schedule	RFQ Publication and Selection of Consultants
Week of 9/24/07	Publication of RFQ
Weeks of 10/1/07 through 10/8/07	10/3/07 Teleconference to explain the RFQ; 10/5/07 Submission of questions 10/10/07 Publication of responses
10/15/07	10/17/07 RFQ closes. Submissions to be made by 1:00 PM PDST 10/18/07 Review and Ranking of SOQ's 10/19/07 Tabulation of final scores and completion of short lists
Week of 10/22/07	10/22/07 Short-lists to be published. Firms to be notified 10/24/07 First interviews may commence
Weeks of 10/22/07 through 11/26/07	Interviews to be scheduled and held All firms to be selected and notified
11/1/07-3/31/07	Authorization to proceed per project as appropriate; contracts to be individually negotiated and signed

ATTACHMENT A

Project Title:	San Joaquin County —New Stockton Courthouse
Project Location:	Stockton, California
Project Description:	The new, 30-courtroom, in-custody capable facility, which will include holding, will replace a functionally and physically deficient facility with 22-courtroom facility in downtown Stockton. The new, 283,000 square foot courthouse will be located primarily at the Hunter Square Plaza site, which is proposed for donation by the City of Stockton. The proposed project and its associated site development will also accommodate some of the court's current and future parking needs.
Estimated Construction Cost:	\$189,400,000
Schedule by Phase:	
Site Acquisition (including Pre-Schematic/Study as required)	July, 2007-June, 2008
Preliminary Plans (Schematic Design and Design Development)	July, 2008-May, 2009
Working Drawings	May, 2009-July, 2010
Construction	August, 2010-September, 2012
Current Funding:	Fiscal year 2007-08 for Acquisition Phase
Tentative Interview Dates:	TBD in October or November, 2007
Interview Location:	TBD, at the offices of the Administrative Office of the Courts in Sacramento or San Francisco, or in Stockton

Project Title: San Bernardino County—New San Bernardino Court

Project Location: San Bernardino, California

Project Description: The proposed project will construct a new 36-courtroom, 357,000 BGSF courthouse. The new, in-custody capable facility, which will include holding, will consolidate court operations from nine facilities, seven of which will be vacated, and will relieve the current space shortfall. The new facility will increase security and replace inadequate and obsolete buildings in the City of San Bernardino. A site is proposed to be donated in downtown San Bernardino by the City of San Bernardino. The proposed project will also develop on this site some of the required parking for the new courthouse, based on the Court's current and projected needs.

Estimated Construction Cost: \$251,700,000

Schedule by Phase:

Site Acquisition (including Pre-Schematic/Study as required)	July, 2007-June, 2008
Preliminary Plans	July, 2008-June, 2009
Working Drawings	July, 2009-December 31, 2010
Construction	January, 2011-November, 2012

Current Funding: Fiscal year 2007-08 for Acquisition Phase

Tentative Interview Dates: TBD in October, 2007

Interview Location: TBD at the offices of the Administrative Office of the Courts in Burbank, or in San Bernardino

Project Title: Madera County-New Madera Court

Project Location: TBD in or near downtown Madera, CA

Project Description: The project is envisioned as the construction of a new ten courtroom courthouse of approximately 100,000 gross square feet. Site improvements will include approximately 350 minimum surface parking spaces, landscaping, and 12 secure underground parking spaces for judicial officers. A site has not been selected for the new courthouse in or near the city of Madera in Madera County. The site acreage and parking spaces required for site acquisition will be validated by the AOC during the Site Selection and Acquisition Phase.

Estimated Construction Cost: \$70,100,000

Schedule by Phase:

Land Acquisition (including Pre-Schematic/Study as required)	July, 2007-June, 2008
Preliminary Plans	July, 2008-June, 2009
Working Drawings	July, 2009-June, 2010
Construction	July, 2010-January, 2012

Current Funding: Fiscal year 2007-08 for Acquisition Phase

Tentative Interview Dates: TBD in October, 2007

Interview Location: TBD, at the offices of the Administrative Office of the Courts in San Francisco or Sacramento, in Madera, or at a nearby courthouse in the Central Valley

Project Title: Tulare County—New Porterville Court

Project Location: Porterville, California

Project Description: The proposed project will construct a new nine-courtroom, 90,000 BGSF, in-custody capable court facility, with holding. This project will consolidate court operations from two facilities, and will solve current space shortfall, increase security and replace an inadequate and obsolete building. Parking for the facility will include 315 surface parking spaces and 11 secure basement parking spaces.

Estimated Construction Cost: \$64,600,000

Schedule by Phase:

Land Acquisition (including Pre-Schematic/Study as required)	July, 2007-February, 2009
Preliminary Plans	February, 2009-October, 2009
Working Drawings	October, 2009-October, 2010
Construction	October, 2010-July, 2012

Current Funding: Fiscal year 2007-08 for Acquisition Phase

Tentative Interview Dates: TBD in October or November, 2007

Interview Location: TBD at the offices of the Administrative Office of the Courts in San Francisco or Sacramento, in Tulare or elsewhere in the Central Valley

ATTACHMENT B

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR SOQ's

A. General

1. This solicitation document, the evaluation of SOQ's, and the award of any contract shall conform with current competitive solicitation procedures as they relate to the procurement of goods and services. By virtue of submission of an SOQ, prospective consultants agree to be bound by these administrative rules.
2. In addition to explaining the Administrative Office of the Courts' (AOC's) requirements, the solicitation document includes instructions which prescribe the format and content of SOQ's.

B. Errors in the solicitation document

1. If a prospective consultant submitting a SOQ discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the prospective consultant shall immediately provide the AOC with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, the AOC may modify the solicitation document prior to the date fixed for submission of SOQ by issuing an addendum to all prospective consultants to whom the solicitation document was sent.
2. If prior to the date fixed for submission of SOQ's a prospective consultant submitting a SOQ knows of or should have known of an error in the solicitation document but fails to notify the AOC of the error, the prospective consultant shall bid at its own risk, and if the prospective consultant is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

C. Questions regarding the solicitation document

1. If a prospective consultant's question relates to a proprietary aspect of its SOQ and the question would expose proprietary information if disclosed to competitors, the prospective consultant may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the prospective consultant must submit a statement explaining why the question is sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the

question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the prospective consultant will be notified.

2. If a prospective consultant submitting a SOQ believes that one or more of the solicitation document's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the prospective consultant may submit a written request that the solicitation document be changed. The request must set forth the recommended change and prospective consultant's reasons for proposing the change. Any such request must be submitted to Nadine McFadden at the AOC by the SOQ due date and time listed on the cover letter of this RFQ.

D. Addenda

1. The AOC may modify the solicitation document prior to the date fixed for submission of SOQ's by faxing an addendum to the prospective consultants to whom the solicitation document was sent. If any prospective consultant determines that an addendum unnecessarily restricts its ability to submit, it must notify Nadine McFadden at the AOC no later than one day following the receipt of the addendum.

E. Withdrawal and resubmission/modification of SOQ

1. A prospective consultant may withdraw its SOQ at any time prior to the deadline for submitting SOQ's by notifying the AOC in writing of its withdrawal. The notice must be signed by the prospective consultant. The prospective consultant may thereafter submit a new or modified SOQ, provided that it is received at the AOC no later than the SOQ due date and time listed on the cover letter of this RFQ. Modifications offered in any other manner, oral or written, will not be considered. SOQ's cannot be changed or withdrawn after the SOQ due date and time listed on the coversheet of this RFQ.

F. Evaluation process

1. An evaluation team will review in detail all SOQ's that are received to determine the extent to which they comply with solicitation document requirements.
2. If a SOQ fails to meet a material solicitation document requirement, the SOQ may be rejected. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements. Material deviations cannot be waived. Immaterial deviations may cause a bid to be rejected.

3. SOQ's that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the state regarding a requirement of the solicitation document.
4. During the evaluation process, the AOC may require a prospective consultant's representative to answer questions with regard to the prospective consultant's SOQ. Failure of a prospective consultant to demonstrate that the claims made in its SOQ are in fact true may be sufficient cause for deeming a SOQ non-responsive.

G. Rejection of solicitations

1. The AOC may reject any or all SOQ's and may or may not waive an immaterial deviation or defect in a bid. The AOC's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a prospective consultant from full compliance with solicitation document specifications. The AOC reserves the right to accept or reject any or all of the items in the SOQ, to award the contract in whole or in part and/or negotiate any or all items with individual prospective consultants if it is deemed in the AOC's best interest. Moreover, the AOC reserves the right to make no selection if SOQ's are deemed to be outside the fiscal constraint or against the best interest of the State of California.

H. Award of contract

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible prospective consultant submitting a SOQ compliant with all the requirements of the solicitation document and any addenda thereto, except for such immaterial defects as may be waived by the AOC.
2. The AOC reserves the right to determine the suitability of SOQ's for contracts on the basis of a Sow's meeting administrative requirements, technical requirements, its assessment of the quality of service proposed.

I. Decision

1. Questions regarding the AOC's award of any business on the basis of SOQ's submitted in response to this solicitation document, or on any related matter, should be addressed to Nadine McFadden at the AOC who will forward the matter to the appropriate contracting officer.

J. Execution of contracts

1. The AOC will make a reasonable effort to execute any contract based on this solicitation document within 30 days of selecting a SOQ that best meets its

requirements. However, exceptions taken by a prospective consultant may delay execution of a contract

2. A prospective consultant submitting a SOQ must be prepared to use a standard state contract form rather than its own contract form.

K. Protest procedure

1. General

Failure of a prospective consultant to comply with the protest procedures set forth in this Section K, will render a protest inadequate and non-responsive, and will result in rejection of the protest.

2. Prior to Submission of SOQ

An interested party that is an actual or prospective consultant with a direct economic interest in the procurement may file a protest based on allegedly restrictive or defective improprieties in the solicitation process that are apparent, or should have been reasonably discovered prior to the submission of a SOQ. Such protest must be received prior to the SOQ Closing Time. The protestor shall have exhausted all administrative remedies discussed in this Attachment B prior to submitting the protest. Failure to do so may be grounds for denying the protest.

3. After Award

A prospective consultant submitting a SOQ may protest the award based on allegations of improprieties occurring during the SOQ evaluation or award period if it meets all of the following conditions:

- a. The prospective consultant has submitted a SOQ that it believes to be responsive to the solicitation document;
- b. The prospective consultant believes that its SOQ meets the administrative and technical requirements of the solicitation and proposes services of proven quality and performance; and,
- c. The prospective consultant believes that the AOC has incorrectly selected another prospective consultant submitting a SOQ for an award.

Protests must be received no later than five (5) business days after the protesting party receives a Non-Award letter.

4. Form of Protest

A prospective consultant who is qualified to protest should submit the protest to Nadine McFadden at the AOC, who will forward the matter to the appropriate Contracting Officer.

- a. The protest must be in writing and sent by certified, or registered mail, or overnight delivery service (with proof of delivery), or delivered personally to the address noted above. If the protest is hand-delivered, a receipt must be requested.
- b. The protest shall include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
- c. The title of the solicitation document under which the protest is submitted shall be included.
- d. A detailed description of the specific legal and factual grounds of protest and any supporting documentation shall be included.
- e. The specific ruling or relief requested must be stated.

The AOC, at its discretion, may make a decision regarding the protest without requesting further information or documents from the protestor. Therefore, the initial protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If the protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the AOC will not consider such new grounds or new evidence.

5. Determination of Protest Submitted Prior to Submission of SOQ

Upon receipt of a timely and proper protest based on allegedly restrictive or defective specifications or other improprieties in the solicitation process that are apparent, or should have been reasonably discovered prior to the submission of a SOQ, the AOC will provide a written determination to the protestor prior to the SOQ Due Date. If required, the AOC may extend the SOQ Due Date to allow for a reasonable time to review the protest. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below and the AOC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the contract.

6. Determination of Protest Submitted After Submission of SOQ

Upon receipt of a timely and proper protest, the AOC will investigate the protest and will provide a written response to the prospective consultant within a

reasonable time. If the AOC requires additional time to review the protest and is not able to provide a response within ten (10) business days, the AOC will notify the prospective consultant. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below. The AOC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the agreement.

7. Appeals Process

The Contracting Officer's decision shall be considered the final action by the AOC unless the protesting party thereafter seeks an appeal of the decision by filing a request for appeal with the AOC's Business Services Manager, at the same address noted in the Submission of SOQ section of the coversheet of this RFQ, within five (5) calendar days of the issuance of the Contracting Officer's decision.

The justification for appeal is specifically limited to:

- a. Facts and/or information related to the protest, as previously submitted, that were not available at the time the protest was originally submitted;
- b. The Contracting Officer's decision contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
- c. The decision of the Contracting Officer was in error of law or regulation.

The prospective consultant's request for appeal shall include:

- a. The name, address telephone and facsimile numbers, and email address of the prospective consultant filing the appeal or their representative;
- b. A copy of the Contracting Officer's decision;
- c. The legal and factual basis for the appeal; and
- d. The ruling or relief requested. Issues that could have been raised earlier will not be considered on appeal.

Upon receipt of a request for appeal, the AOC's Business Services Manager will review the request and the decision of the Contracting Officer and shall issue a final determination. The decision of the AOC's Business Services Manager shall constitute the final action of the AOC.

8. Protest Remedies

If the protest is upheld, the AOC will consider all circumstances surrounding the procurement in its decision for a fair and reasonable remedy, including the seriousness of the procurement deficiency, the degree of prejudice to the protesting party or to the integrity of the competitive procurement system, the good faith efforts of the parties, the extent of performance, the cost to the AOC, the urgency of the procurement, and the impact of the recommendation(s) on the AOC. The AOC may recommend any combination of the following remedies:

- a. Terminate the contract for convenience;
- b. Re-solicit the requirement;
- c. Issue a new solicitation;
- d. Refrain from exercising options to extend the term under the contract, if applicable;
- e. Award a contract consistent with statute or regulation; or
- f. Other such remedies as may be required to promote compliance.

L. News releases

1. News releases pertaining to the award of a contract may not be made without prior written approval of the AOC's Business Services Manager.

M. Disposition of materials

1. All materials submitted in response to this solicitation document will become the property of the State of California and will be returned only at the AOC's option and at the expense of the prospective consultant submitting the SOQ. One copy of a submitted SOQ will be retained for official files and become a public record. Any material that a prospective consultant considers as confidential but does not meet the disclosure exemption requirements of the California Public Records Act should not be included in the prospective consultant's SOQ as it may be made available to the public.

N. Payment

1. Payment terms will be specified in any agreement that may ensue as a result of this solicitation document.
2. **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** Payment is normally made based upon completion of tasks as provide in the agreement between the AOC and the selected prospective consultant. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final product. The amount of the withhold may depend upon the length of the project and the payment schedule provide in the agreement between the AOC and the selected prospective consultant.

End of Attachment B