



Request for Qualifications: Prequalification of General Contractors

South County Regional Center Courthouse Remodel

Superior Court of California, County of San Diego

The Administrative Office of the Courts, Office of Court Construction and Management seeks to prequalify General Contractors seeking to bid on a new courthouse for the Superior Court of California, County of San Diego.



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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REQUEST FOR QUALIFICATIONS

**Request for Qualifications: Prequalification of General Contractors
for the South County Regional Center Courthouse in Chula Vista, San Diego
County**

Date
March 24, 2009

To
General Contracting Firms

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

Project Title
SCRC Courthouse, Chula Vista, San Diego
County
Solicitation Number: OCCM-FY2008-09

Send Proposals To:
Judicial Council of California
Administrative Office of the Courts
Attn: **Denise Aisenon**
2255 N. Ontario Street, Suite 200
Burbank, CA 91504
*(Indicate RFQ OCCM-FY-2008-09)RFQ for
General Contractors for SCRC, Chula Vista
Courthouse) San Diego County*
**Proposals must be received by 2 p.m. on
April 10, 2009**

Contact:
OCCM_Solicitations@jud.ca.gov

Schedule of Events

No.	Events	Dates (Calif. Time)
1	Mandatory Pre-Proposal Job Walk–Meet at 500 Third Avenue, Chula Vista, CA	April 2, 2009 11:00 AM
2	Deadline for submission of Proposer’s Requests for Clarifications re: the RFQ and non-binding email of Intent to Respond.	April 3, 2009 5:00 PM
3	Clarifications, Modifications and/or Answers to Questions posted on the “courtainfo” website: http://www.courtinfo.ca.gov/reference/rfp/ .	April 6, 2009 5:00 PM
4	Proposal Due Date and Time	April 10, 2009 2:00 PM
5	Posting of Interview List Proposers on courtinfo website	April 23, 2009
6	Interviews of Listed Proposers at AOC Offices in Burbank, CA	April 27 & 28, 2009 Times TBD
7	Posting of Prequalified List on courtinfo (estimated).	April 30, 2009

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Related Documents:

- A Application for Pre-Qualification of General Contractors
- B Project Information and Project Plan
- C General Conditions of the Contract for Construction, Document 00700

1.0 Introduction

This Request for Qualifications (RFQ) is the means for prospective General Contractors to submit their qualifications to the AOC for the services described in this document. The RFQ and all associated documents and addenda are available in electronic form at <http://www.courtinfo.ca.gov/reference/rfp/>.

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.

2.0 Purpose of this RFQ

The AOC seeks to prequalify a pool of qualified General Contractors from which to solicit bids for the construction of the South County Regional Center Courthouse (SCRC) in Chula Vista, San Diego County. Firms selected for Prequalification will be given the opportunity to submit bids for the construction of the Project as described in Article 3. Subject to the conditions prescribed by the AOC and provided herein, the AOC is hereby soliciting qualifications for the Project. Selection will be made on the basis of qualifications. The AOC intends to prequalify a group of General Contractors in a timely manner, and solicit construction bids from them shortly thereafter.

In responding to this RFQ, all Proposers are required to adhere to all of AOC requirements provided herein. All Proposers must hold a type B general contractor license from the State of California.

3.0 Project Description

The project consists of remodeling approximately 38,500 square feet of space on the first, second and third floor of the building. The project scope includes demolishing an existing hearing room, business counters, private offices, restrooms and cafeteria. The remodel includes 4 new criminal courtrooms, in-custody holding area, judges' chambers, support offices, multi-purpose conference rooms, deliberation room, business office with public counters, jury lounge and restrooms. New construction includes a 3-

story staircase, expansion of the building entrance lobby, existing elevator extension, mechanical/electrical/plumbing systems, surveillance camera and card access systems, and bullet-resistant materials in courtroom millwork. Interior finishes include painted gypsum board, suspended ceiling systems, vinyl wallcovering, wood paneling, storefront glazing, courtroom woodwork, ceramic tile, carpet, folding wall panels, and detention-grade concrete-filled metal wall system. Specialty items such as audio/visual, court alarms and telephone/data will be installed by other contractors. Complete electrical, mechanical and plumbing systems shall be installed. Some systems, such as A/V, security, CCTV, and telephone/data may be installed by another contractor.

It is the intention of the AOC to begin construction during the second quarter of 2009. Construction will be done in 3 phases and is estimated to take a total of 12 months. All work will be done after-hours and on weekends and court holidays. All workers will have to go through security background check which will be performed by the Sheriff.

The AOC may enlist the services of a Construction Manager to assist during the construction of the Courthouse in schedule evaluation, document management, issue tracking, meeting facilitation, and other tasks.

It is the intention of the AOC to open bidding to the General Contractors selected in this solicitation in May 2009, with a Notice to Proceed to the selected contractor in mid-June.

Plans, sections and elevations can be found in Appendix B, Building Information.

4.0 Responding to this Request for Qualifications

The AOC has developed the schedule of events (see page 2) with dates showing the key events in this solicitation process. The RFQ and schedule are subject to change, and the AOC does not send notifications of changes to this RFQ or the schedule to prospective Proposers and is not responsible for failure of any Proposer to receive notification of any change in a timely manner. Proposers are advised to visit the AOC website (<http://www.courtinfo.ca.gov/reference/rfp/>) frequently to check for changes and updates to the RFQ, including the Schedule. Prospective Proposers must take the following actions according to the specified timelines in order to participate in this process.

4.1 Optional: Submit Questions Prior to the Pre-Proposal Job Walk:

If your organization wishes to submit questions that will be answered at the Pre-Proposal Job Walk, please submit your written questions via email as described below. Pay particular attention to correct identification and citation of areas of the RFQ about which you raise questions. Questions at this stage should address the particulars of the RFQ process and general questions about the overall nature of the Project. Proposers are requested to withhold highly specific questions regarding the Project until after the Pre-Proposal Job Walk. Note: Your firm name will appear when the answers to the questions you have submitted are posted to the AOC website. Posting of answers to this initial set of questions to the AOC website will be made after the Pre-Proposal Job Walk.

All questions must be sent as attachments to an e-mail sent to the following e-mail address: "OCCM_Solicitations@jud.ca.gov" and must include the following in the e-mail subject line: "**GC Prequalification (SCRC, Chula Vista, San Diego County): RFQ Questions + (the name of your organization)**".

4.2 **Mandatory Pre-Proposal Job Walk: April 2, 2009 at 11:45 AM. Meet at 500 Third Avenue, Chula Vista, CA. (BECAUSE OF SPACE CONSIDERATIONS, EACH GENERAL CONTRACTOR SHOULD BE REPRESENTED BY NO MORE THAN TWO (2) ATTENDEES.)**

Members of the AOC project team and design consultants will provide an overview of the Project. Specific requirements of the SCRC relative to construction operations will be presented, and the phasing plan will be discussed. General Contractors will be able to investigate conditions affecting their ability and planned approach to accomplish the objectives of performing construction at the courthouse. Questions about the RFQ process, and the Project in general will be answered. Although questions will be responded to verbally, the official and binding response will be the written response posted to the AOC website.

4.3 **Optional: Submit Requests for Clarifications re: the RFQ and Email Intent to Respond:**

If your organization wishes to submit questions prior to submission of a Proposal, please submit using the form and process as described in section 4.1 above. Answers to questions will be posted to the Courtinfo website on the page/link of this RFQ.

Email Indicating Interest: General Contractors who intend to respond to this solicitation are requested to notify the AOC by sending an email to solicitations@jud.ca.gov with the RFQ number and name in the subject line. This is not mandatory but is strongly encouraged, to assist the AOC in managing the RFQ process. Please include the name, address, telephone, fax number, and e-mail address of the Contractor (firm) and contact person.

4.4 **Preparing and Packaging Your Proposal:**

Proposals should provide straightforward, concise information that satisfies the requirements noted in this RFQ. Expensive binding, color displays, and the like are discouraged. Emphasis should be placed on brevity, conformity to the AOC's instructions, selection criteria of this RFQ, and completeness and clarity of content. Organizing proposals into the tab order suggested below will not only help each proposer achieve the proper emphasis, but will also facilitate review and evaluation. Attachments, except as noted, will not be accepted.

Each Proposer's Statement of Qualifications (SOQ) should clearly and accurately demonstrate specialized knowledge and experience required for consideration. In a sealed envelope (clearly marked "Proposal – (firm name). Project Name, RFQ Number"), submit the following:

- a) one (1) original of the Payee Data Record form completed in the exact legal name of the Proposer's business signed by an authorized representative of the Proposer (Do not bind Payee Data Record form into the SOQ booklets);
- b) one (1) compact disk containing the complete SOQ and Payee Data Record form;
- c) four (4) copies in paper form of the SOQ, which consists of a Cover Letter, completed Application For Pre-Qualification of General Contractors, and Project Approach.

Tab 1. Cover Letter

Provide a cover letter that references this RFQ and confirms that all elements of the RFQ have been read and understood and that the Proposer takes no exception to the materials provided including Appendix C – Standard Agreement (including its Exhibits and any other referenced documents). The cover letter shall be one page maximum and

SCRC Courthouse, Chula Vista, San Diego County
Prequalification of General Contractors

signed by an individual authorized to bind the Proposer contractually. Include in the letter:

- The exact legal name, address, telephone and fax numbers, and federal tax identification number of the organization proposing to do business with the AOC (or social security number if the organization is a sole proprietorship),
- The name, telephone, fax, address, and e-mail address of one business person who is the organization's designated representative,
- The name, telephone, fax, address, and e-mail address of the contracts management or legal person who will liaison with the AOC in contractual matters.

Tab 2. Application for Prequalification of General Contractors:
Complete Application form in full, per specific instructions included therein.

Section 1 : Part A – General Information
Part B – Data Required
Part C - Questions

Section 2: Parts I through VI. The prospective Contractor shall describe its specific responses to the selection criteria, numbered and titled as listed in section. Responses should provide specific information regarding experience, expertise of the key personnel, description of continuous quality improvement process, and capacity to deliver high quality General Contractor construction services for this project, and any other relevant selection criteria information not provided elsewhere the Application form.

Tab 3. Proposed Approach

Provide a Project Plan for performing the activities specified in the Statement of Work provided in this RFQ. The Project Plan should deal directly with the issues identified by the AOC as critical to a successful outcome: Phased construction and continued court operations. Indicate your strategies for quality control, issue anticipation and resolution throughout the project, your methodology for coordination and issue tracking, as well as any other information you feel is pertinent. This section shall be signed by an authorized representative of the prospective Contractor.

Any questions regarding this solicitation document shall be directed in writing to the Business Services Manager for this RFQ process. Proposers/potential Proposers are to refrain from contacting any other AOC personnel with regards to this RFQ. The Business Services Manager for this solicitation process is:

Mr. George Santore
Senior Contract Specialist
Administrative Office of the Courts, Business Services
455 Golden Gate Avenue
San Francisco, CA 94102
george.santore@jud.ca.gov or OCCM_solicitations@jud.ca.gov
(415) 865-8893

5.0 Project Plans, Legal Terms and Conditions

Project Plans can be found attached as Exhibit B and legal terms and conditions applicable to the SCRC Construction Project can be found in Attachment C of this solicitation, “General Conditions of The Contract for Construction, Document 00700.” (Please note that Document 00700, Section 7.3, contains a provision for \$1,000 a day liquidated damages).

6.0 Submitting Your Proposal

In order to be considered for award, the AOC requires that the Application for Pre-Qualification be provided in written form, not later than the time and date indicated in the Schedule of Events on page 2 of the most current version of this RFQ, to the following address:

Judicial Council of California
Administrative Office of the Courts
Attn: **Denise Aisenon**
2255 N. Ontario, Suite 200
Burbank, CA 91504

Proposals are not to be submitted as e-mails. Proposals may be sent by US mail service certified mail, or overnight delivery carrier, or may be delivered in person. The Proposer assumes all risk of loss regarding any delivery method it chooses to use, and the AOC shall not be held responsible for any failure of any delivery service/method. The Proposer is solely responsible for ensuring delivery no later than the date and time specified. The AOC will return unopened, any proposal received after the time specified in the most current RFQ Schedule.

7.0 Selection Process

It is the intention of the AOC to select prequalified firms to provide bids for construction services for this project taking into consideration both the quality of the Proposer, as demonstrated by their evidenced competence and experience, and on the Contractor’s plan to accomplish the work of this project.

7.1 Proposal Evaluation Process

The evaluation team will first evaluate the Qualifications/Technical portion of the submitted Proposal to determine its responsiveness to the AOC’s expressed needs, and score them as described below. The evaluation team will not be privy to the contents of the Price Proposals during this part of the evaluation process.

7.1.1 Qualifications/Project Plan Evaluation Process:

The Proposals received will be analyzed and scored by members of an evaluation team which will be comprised of AOC staff. Each member of the evaluation team will assign a point score according to the following grading schedule. Points assigned by the individual team members will then be averaged to determine a Total Quality Points score for each Proposer.

Demonstrated Experience of the Firm: 40 points

Experience of the firm in relation to the work to be performed, including demonstrated ability to meet project budgets and schedules, demonstrated

effectiveness of the quality assurance program and procedures being utilized by the firm, and the nature and quality of recently completed work.

Demonstrated Experience and Training of Project Personnel: 40 points

Demonstrated experience and training of the principals and key personnel to be assigned to the project, and continuity of firm's proposed staff with firm.

Project Plan: 20 points

The proposed Project Plan shall demonstrate the Proposer's approach to this project indicating a clear understanding of the purpose, service, scope, and objectives of this solicitation. Attention should be paid to the special phased construction requirements to accommodate uninterrupted court services and detention facility operations.

Quality Point Scoring Schedule: TOTAL POSSIBLE POINTS = 100 points

7.1.2 Interviews

The final scores will be used to create a list of firms to be interviewed. Proposers not on the interview list will not be eligible for further consideration for this Project. The interviews will be evaluated on the same criteria as the proposals. After interviews are conducted, each member will review his/her own Total Quality Points previously assigned to each Proposer on the short list and make adjustments if necessary, and the final scores will be re-calculated.

8.0 Disabled Veteran 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. **The AOC will require that the selected Contractor demonstrate DVBE compliance and complete a DVBE Compliance Form when bidding the Project for Construction.** If it would be impossible for the selected Contractor to comply, explanation of why and demonstration of written evidence of a "good faith effort" to achieve participation would be required. Sample information and forms follow as part of the Administrative Rules governing the Submission of Proposals. 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.

9.0 Administrative Rules Governing this RFQ Process

The AOC's Administrative Rules governing the Submission of Proposals follow on the next page. By virtue of submission of a Proposal, the Proposer agrees to be bound by said Administrative Rules with regards to this RFQ and said Proposal. Said rules shall in no way act to limit the AOC's right to negotiate additional or different terms if it sees necessary.

The AOC reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar RFQs 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 proposal. One copy of a submitted proposal will be retained for official files and becomes a public record.

The AOC policy is to follow the intent of the California Public Records Act (PRA). If a Contractor's proposal 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 Contractor 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.

A. General

1. This solicitation document, the evaluation of proposals, and the award of any contract shall conform with current competitive bidding procedures as they relate to the procurement of goods and services. A Contractor's proposal is an irrevocable offer for 30 days following the deadline for its submission.
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 proposals.

B. Errors in the solicitation document

1. If a Contractor submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the Contractor 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 proposals by issuing an addendum to all Contractors to whom the solicitation document was sent.
2. If prior to the date fixed for submission of proposals a Contractor submitting a proposal knows of or should have known of an error in the solicitation document but fails to notify the AOC of the error, the Contractor shall bid at its own risk, and if the Contractor 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 Contractor's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the Contractor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the Contractor 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 Contractor will be notified.
2. If a Contractor submitting a proposal 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 Contractor may submit a written request that the

solicitation document be changed. The request must set forth the recommended change and Contractor's reasons for proposing the change. Any such request must be submitted to the AOC by the date and time listed in this RFQ for "Deadline for submission of Proposer's Requests for Clarifications, Modifications or Questions regarding the RFQ".

D. Addenda

1. The AOC may modify the solicitation document prior to the date fixed for submission of proposals by faxing an addendum to the Contractors to whom the solicitation document was sent. If any Contractor determines that an addendum unnecessarily restricts its ability to bid, it must notify the AOC no later than one day following the receipt of the addendum.

E. Withdrawal and resubmission/modification of proposals

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

F. Evaluation process

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with solicitation document requirements.
2. If a proposal fails to meet a material solicitation document requirement, the proposal 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. Proposals 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. Cost sheets will be checked only if a proposal is determined to be otherwise qualified. All figures entered on the cost sheets must be clearly legible.
5. During the evaluation process, the AOC may require a Contractor's representative to answer questions with regard to the Contractor's proposal. Failure of a Contractor to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive.

G. Rejection of proposals

1. The AOC may reject any or all proposals 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 Contractor from full

compliance with solicitation document specifications. The AOC reserves the right to accept or reject any or all of the items in the proposal, to award the contract in whole or in part and/or negotiate any or all items with individual Contractors if it is deemed in the AOC's best interest. Moreover, the AOC reserves the right to make no selection if proposals 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 Contractor submitting a proposal 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 proposals for contracts on the basis of a proposal's meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed, and cost.

I. Decision

1. Questions regarding the AOC's award of any business on the basis of proposals submitted in response to this solicitation document, or on any related matter, should be addressed to the individual listed in the Submitting Your Proposal section of this RFQ 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 proposal that best meets its requirements. However, exceptions taken by a Contractor may delay execution of a contract
2. A Contractor submitting a proposal must be prepared to use a standard state contract form rather than its own contract form.

K. Protest procedure

1. General

Failure of a Contractor 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 Proposal

An interested party that is an actual or prospective Proposer with a direct economic interest in the procurement may file a 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 proposal. Such protest must be received prior to the Proposal Closing Time. The

protestor shall have exhausted all administrative remedies discussed in this Attachment A prior to submitting the protest. Failure to do so may be grounds for denying the protest.

3. After Award

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

- a. The Contractor has submitted a proposal that it believes to be responsive to the solicitation document;
- b. The Contractor believes that its proposal meets the administrative and technical requirements of the solicitation, proposes services of proven quality and performance, and offers a competitive cost; and,
- c. The Contractor believes that the AOC has incorrectly selected another Contractor submitting a proposal 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 Contractor who is qualified to protest should submit the protest to the individual listed in the Submission of Proposals section on the coversheet of this RFQ 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 Proposal

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 proposal, the AOC will provide a written determination to the protestor prior to the Proposal Due Date. If required, the AOC may extend the Proposal 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 Proposal

Upon receipt of a timely and proper protest, the AOC will investigate the protest and will provide a written response to the Contractor 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 Contractor. 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 Proposal 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 Contractor's request for appeal shall include:

- a. The name, address telephone and facsimile numbers, and email address of the Contractor 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 a 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 Contractor submitting the proposal. One copy of a submitted proposal will be retained for official files and become a public record. Any material that a Contractor considers as confidential but does not meet the disclosure exemption requirements of the California Public Records Act should not be included in the Contractor's proposal 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 Contractor. 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 Contractor.
(DVBE forms follow)

DVBE PARTICIPATION FORM

Proposer Name: _____

RFQ Project Title: _____

IFB Number: _____

The State of California Judicial Branch's goal of awarding of at least three percent (3%) of the total dollar contract amount to Disabled Veterans Business Enterprise (DVBE) has been achieved for this Project. *Check one:*

Yes _____ (Complete Parts A & C only)

No _____ (Complete Parts B & C only)

"Contractor's Tier" is referred to several times below; use the following definitions for tier:

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

PART A - COMPLIANCE WITH DVBE GOALS

Fill out this Part ONLY if DVBE goal has been met; otherwise fill out Part B.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION

PRIME CONTRACTOR

Company Name: _____

Nature of Work _____ Tier: _____

Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost: DVBE _____%

SUBCONTACTORS/SUBCONTRACTOR/PROPOSERS/SUPPLIERS

1. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: _____ DVBE \$ _____

Percentage of Total Contract Cost: DVBE _____%

2. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: _____ DVBE \$ _____

Percentage of Total Contract Cost DVBE _____%

3. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: _____ DVBE \$ _____

Percentage of Total Contract Cost DVBE _____%

GRAND TOTAL: DVBE _____%

I hereby certify that the "Contract Amount," as defined herein, is the amount of \$_____. I understand that the "Contract Amount" is the total dollar figure against which the DVBE participation requirements will be evaluated.

<i>Firm Name of Proposer</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

PART B - ESTABLISHMENT OF GOOD FAITH EFFORT

Fill out this Part ONLY if DVBE goal will not be met but you have made a good faith effort to meet such goal.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION

1. List contacts made with personnel from state or federal agencies, and with personnel from DVBEs to identify DVBEs.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

2. List the names of DVBEs identified from contacts made with other state, federal, and local agencies.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

3. If an advertisement was published in trade papers and/or papers focusing on DVBEs, attach proof of publication.

<i>Publication</i>	<i>Date(s) Advertised</i>

4. Solicitations were submitted to potential DVBE contractors (list the company name, person contacted, and date) to be subcontractors. Solicitation must be job specific to plan and/or contract.

<i>Company</i>	<i>Person Contacted</i>	<i>Date Sent</i>

5. List the available DVBEs that were considered as subcontractors or suppliers or both. (Complete each subject line.)

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

PART C - CERTIFICATION (to be completed by *ALL* Proposers)

I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief, each firm set forth in this bid as a Disabled Veterans Business Enterprise complies with the relevant definition set forth in section 1896.61 of Title 2, and section 999 of the Military and Veterans Code, California Code of Regulations

**IT IS MANDATORY THAT THE FOLLOWING BE COMPLETED ENTIRELY;
 FAILURE TO DO SO WILL RESULT IN IMMEDIATE REJECTION.**

<i>Firm Name of Proposer:</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

End of RFQ Form