



REQUEST FOR PROPOSALS (RFP)

**OFFICE OF REAL ESTATE AND FACILITIES
MANAGEMENT**

REGARDING:

Request for Proposals for On-Going Compliance, Monitoring and Servicing Requirements of Underground and Aboveground Storage Tanks, Hazardous Materials and Waste Management Programs.

RFP number: REFM-2016-14-RP

PROPOSALS DUE:

December 16, 2016 NO LATER THAN 5:00 P.M. PACIFIC TIME



**JUDICIAL COUNCIL
OF CALIFORNIA**

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM

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1.0 BACKGROUND INFORMATION

1.1 Primary Objective of RFP

- A. To identify qualified firms, entities or individuals (“Proposer”) with the technical expertise to provide consulting services for the following:
1. Underground storage tank compliance and maintenance program;
 2. Aboveground storage tank compliance and maintenance program;
 3. Hazardous material management; and
 4. Hazardous waste management.
- B. To contract with selected Proposer(s) for services described in this RFP. It is anticipated that contracts will be issued to multiple Proposers under this RFP.

1.2 The Judicial Council of California

The Judicial Council of California (Judicial Council), chaired by the Chief Justice of California, is the chief policy making body for the California judicial branch. The Judicial Council’s Office of Real Estate and Facilities Management (REFM) is responsible for the operation, repair, maintenance, modification, and environmental compliance of the judiciary’s portfolio, which includes over 500 courthouses. A number of the Judicial Council’s courthouse facilities have under and aboveground storage tanks (U/AST(s)), as well as on-site hazardous materials (HAZMAT) and, at times, hazardous waste (HW).

1.3 Under/Aboveground Storage Tanks

As stated above, the Judicial Council has a number of U/ASTs at courthouse facilities within the Northern and Southern California areas. Information regarding the U/ASTs includes:

- The U/ASTs store diesel for backup generators and fire pumps. There is no fuel dispensing at any of the facilities;
- Five (5) facilities have USTs, all located in the greater Los Angeles area;
- 30 facilities have ASTs;
- Thirteen (13) of the facilities with ASTs are subject to a Spill Prevention and Countermeasure Control (SPCC) Plan;
- One facility with a UST is within 1,000 feet of a public well and three are not. There is no well-related information for the remaining UST facility;
- The Judicial Council has no monitoring system data for ASTs. UST systems include Veeder-Root, Incon, and Omntec; and

- The fuel systems between the USTs and generators are under suction flow. There has not been any precision line testing conducted on the underground piping between the USTs and generators at the facilities.

U/AST information is listed in Attachment 1 – List of Under/Aboveground Tanks.

1.4 Hazardous Materials

On-site hazardous materials typically include:

- Diesel;
- Hydraulic oil;
- Refrigerants; and
- Maintenance-related materials, such as bleach, WD40, and other cleaning products.

The Judicial Council has approximately 121 Hazardous Material Business Plans (HMBPs) registered in the California Environmental Reporting System (CERS).

1.4 Hazardous Waste

Hazardous waste typically includes asbestos containing material (ACM) and lead-based paint related to facility modification projects, and oily water/rags related to operations. There is some universal waste generated as part of normal operations and maintenance, including:

- Batteries;
- Fluorescent lamps; and
- Mercury containing materials.

2.0 SCOPE OF WORK AND DELIVERABLES

The Scope of Work may include one or multiple deliverables as set forth in this section. Any one of the deliverables or combination thereof may be changed, including terminated, in the same manner as the overall project, as indicated herein, without affecting in any way the remaining deliverable(s). The number of Work Orders and specific Scope of Work for each Work Order is unknown at this time, and there is no guarantee by the Judicial Council that the Proposer will, if awarded a contract, be requested to provide services.

Selected Proposer(s) will provided services for on-going monitoring, compliance and regulatory requirements at courthouse facilities for U/ASTs, hazardous materials and hazardous waste, as described below.

2.1 On-going Compliance and Maintenance for U/ASTs

This includes the required activities and deliverables to ensure full compliance of U/ASTs, as well as evaluation, assessment and recommendations for future compliance or preventative maintenance services.

2.2 Hazardous Material Management

This includes the development or updating of existing facility-specific Hazardous Material Business Plans and evaluation, assessment and recommendations for future compliance and on-going management practices.

2.3 Hazardous Waste Management

This includes on-call services as needed during emergency hazardous waste scenarios, assessment and recommendation for management of hazardous waste during routine maintenance activities and training for on-site staff and service providers.

Tasks related to providing services for on-going compliance, monitoring and regulatory requirements described above are listed in the table below. This list may not be complete, and if the Proposer identifies additional tasks needed for full compliance, those tasks should be included in the final proposal.

Underground Storage Tank (UST) Required Compliance Activities
Task
Monthly Designated Operator Inspection and Test
Annual Designated Operator Inspection and Test
Triennial Test and Certification
Certification of Financial Responsibility
Task
Identification of single-walled UST/system and recommendation on how to meet future compliance requirements.
Non-compliance related maintenance and testing <i>recommended</i> for USTs.

Aboveground Storage Tank (AST) Required Compliance Activities
Task
Spill Prevention Control and Countermeasure Plan (SPCC)
SPCC Annual Training
SPCC Annual Inspection and Review

Task
Non-compliance related maintenance and testing recommended for ASTs.

Hazardous Material Management (HAZMAT) Required Compliance Activities
Task
Develop or Update facility-specific Hazardous Material Business Plan.
Task
Review of existing Hazardous Material Business Plans.
Review of existing hazardous material management practices (including storage and labeling practices, training requirements, record keeping, and reporting).
Standardization of HAZMAT reporting documents.
On-Site HAZMAT audit.
Development and delivery of training scenarios, including preparing for inspections.

Hazardous Waste Management Required Compliance Activities
Task
Review of manifest tracking and management program.
Provision of 24-hour emergency hotline for hazardous waste emergencies.
Task
On-call technical services related to hazardous waste disposal and emergencies.
Development and delivery of training scenarios, including responding to a hazardous waste scenario.

2.4 Deliverables. Proposers are required to complete Attachment 2 – Scope of Work Template, describing a high-level overview of the required services, tasks and deliverables to comply with servicing, monitoring and regulatory requirements for under and aboveground storage tanks, on-site hazardous material and, at times, hazardous waste. Please add lines if additional tasks and services are needed and/or required for compliance or maintenance purposes.

The Judicial Council expects Proposers to identify all the necessary services, tasks and deliverables for compliance and regulatory purposes. Please be brief and use bullet formatting on Attachment 2 to describe the services, tasks and deliverables required for each.

3.0 TIMELINE FOR THIS RFP

The Judicial Council has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the Judicial Council.

Please check this RFP's webpage on a regular basis for any changes and/or updates to the solicitation and timeline.

EVENT	DATE
RFP issued	<i>November 16, 2016</i>
Deadline for questions	<i>November 21, 2016</i>
<u>Questions and answers posted (estimate only)</u>	<i>November 30, 2016</i>
Pre-Proposal Conference	<i>December 2, 2016, 10:00 AM (Pacific Time)</i>
Latest date and time proposal may be submitted	<i>December 16, 2016, 5:00 PM (Pacific Time)</i>
Evaluation of proposals (estimate only)	<i>December 21, 2016</i>
Notice of Intent to Award (estimate only)	<i>December 28, 2016</i>
Contract distributed for execution (estimate only)	<i>January 2017</i>
Contract start month and year (estimate only)	<i>January 2017</i>
Contract end month and year (estimate only) (without optional Judicial Council extensions)	<i>January 2020</i>

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1 List of Under/Above Ground Tanks	Under and aboveground storage tank information.
Attachment 2 Scope of Work Template	Description of Scope of Work and template to be used by Proposers.
Attachment 3 Cost Proposal Template	Cost Proposal Template to be used by Proposers.
Attachment 4 Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 5 Standard Agreement - Terms and Conditions	If selected, the person or entity submitting a proposal (the "Proposer") must sign a Judicial Council Standard Agreement containing the terms and conditions (the "Terms and Conditions").
Attachment 6 Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 7 Payee Data Record	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 8 DVBE Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 9 Bidders Declaration	Complete this form <u>only</u> if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 10 General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 11 Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 12 Submittal of Questions Form	Complete this form if Proposer wishes to submit questions regarding this RFP.

5.0 PAYMENT INFORMATION

The Judicial Council anticipates payment for services to be *both* firm, fixed fee and hourly rate, *depending on the deliverable*.

5.1 There will not be a firm, fixed fee for the entire contract, as the contract will be executed with a menu of options available depending on the facility and required deliverables.

5.2 Fee Structure: Fee proposals for the services and work described herein shall be based on the following methods:

- Firm Fixed Fees - Deliverables
- Hourly Rate Basis

5.3 Proposers are requested to provide in their Cost Proposal Firm Fixed Fees, Hourly Rates and projected staff classifications. Hourly Rates and Firm Fixed Fee amounts shall be fully burdened and inclusive of all costs, benefits, expenses, fees, overhead, and profits payable for services listed on Attachment 2.

Attachment 2 specifies which services are expected to be delivered via Firm Fixed Fee basis and which are expected to be delivered via Hourly Rate basis.

5.4 Payment terms will be specified in the Standard Agreement that will be executed as a result of an award made under this RFP. However, Proposers are hereby advised that payments are made by the State of California (State), and the State does not make any advance payment or progress payments for services. Payment by the State is normally made based upon completion of tasks as provided for in the Standard Agreement between the Judicial Council and the selected Proposer(s).

5.5 Expenses, specifically travel expenses, are reimbursable at the sole discretion of the Judicial Council, and in accordance with the Standard Agreement and the *Judicial Council Travel and Living Expense Guidelines*. **Please note**: the Judicial Council does *not* reimburse labor costs related to travel.

5.6 The Judicial Council may withhold ten (10%) percent of each invoice until receipt and acceptance of the goods or services procured. The amount withheld may depend upon the length of the project and the payment terms provided for in the Standard Agreement.

6.0 PRE-PROPOSAL CONFERENCE

The Judicial Council will be holding a pre-proposal teleconference. The teleconference will be held on:

Friday, December 2, 2016 at 10 a.m.
Call-in Number: 1-877-820-7831
Participant Code: 326556

The Judicial Council will not be conducting a pre-proposal on-site walk through.

7.0 SUBMISSIONS OF PROPOSALS

- 7.1 Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Contents" section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP's instructions and requirements, and completeness and clarity of content.
- 7.2 The Proposer must submit its proposal in two parts, including:
 1. The Technical Proposal; and
 2. The Cost Proposal.
- 7.3. The Technical Proposal: The Proposer must submit **one (1) original and three (3) copies** of the technical proposal. The original must be signed by an authorized representative of the Proposer. The original technical proposal (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope, separate from the cost proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
- 7.4. The Cost Proposal: The Proposer must submit **one (1) original and three (3) copies** of the cost proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope, separate from the technical proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
- 7.5. The Proposer must submit the entire proposal, including the Payee Data Record form (Attachment 7), **in electronic format compatible with PC (i.e. USB, flash drive), in Adobe PDF, Word, and Excel formats.**

- 7.6 Proposals must be delivered by the date and time listed on the cover page and the timeline of this RFP to:

Judicial Council of California
Attn: Robin Parker, **REFM-2016-14-RP**
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

- 7.7 Late proposals will not be accepted. Any submittals received after the deadline will be rejected without review.
- 7.8 Incomplete submittals may be rejected without review.
- 7.9 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.
- 7.10 Questions. Proposers may submit request for clarifications, modifications or questions to the Judicial Council via e-mail to Solicitations@jud.ca.gov no later than the date specified in the RFP Timeline. Please indicate the RFP number and title in the subject line of the email. Contact with the Judicial Council shall be made only through the email address; telephone calls will not be accepted.

8.0 PROPOSAL CONTENTS

- 8.1 Technical Proposal. The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.
- a. Cover Letter. Cover letters must include the following:
- Name, address, telephone, fax number, e-mail address, and federal tax identification number of the proposing firm;
 - Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP; and
 - Letter should be signed by an authorized representative of the prospective Proposer(s).

Cover letter should be no more than one (1) page.

Note: If the Proposer is a sole proprietor using his/her social security number, the social security number will be required before finalizing a contract.

- b. Resumes. Include resumes describing key staff members' background and experience in conducting the proposed activities. There is no limit on the number of key staff members proposed, but there is a limit of five pages total.

The resume submittals should be no more than five (5) pages total.

- c. Qualifications. Please provide a description of similar services conducted for five separate clients. Your description should include:

- General client information, including name of client, number of sites where work was performed, and type of work performed;
- Role of key staff members on each qualification.
- Names, addresses, and current telephone number of client reference responsible for managing contract. The Judicial Council may check references listed by the Proposer. Please ensure contact information for all references is up-to-date.

Qualifications are to be no more than one (1) page each, for a total of five pages.

- e. Acceptance of the Terms and Conditions.

- i. On Attachment 6, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification.
- ii. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
- iii. **Note: A material exception to a Minimum Term will render a proposal non-responsive.**

- f. Certifications, Attachments, and other requirements.

- i. The Proposer must complete the General Certifications Form (Attachment 10) and submit the completed form with its proposal.
- ii. The Proposer must complete the Darfur Contracting Act Certification (Attachment 11) and submit the completed certification with its proposal.
- iii. If Contractor is a California corporation, limited liability company ("LLC"), limited partnership ("LP"), or limited liability partnership

("LLP"), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.

- iv. Copies of the Proposer's (and any Subcontractors') current business licenses, professional certifications, or other credentials.

8.2 Cost Proposal. The following information must be included in the cost proposal.

- i. A detailed line item budget showing all fees fully burdened and inclusive of all costs, benefits, expenses, overhead, and profits payable for services rendered. Please refer to the Payment Information section in this RFP for full details.
- ii. Proposers are required to use Attachment 3 – Cost Proposal Template, for itemizing all fees and costs of the proposed services. *It is anticipated you will need to add lines to the template in order to adequately address and include all compliance-required deliverables.*
- ii. Ensure a detailed but brief explanation of all budget line items under the "Description" column of the Cost Proposal Template.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code.

9.0 OFFER PERIOD

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this period, the Judicial Council reserves the right to negotiate extensions to this period.

10.0 EVALUATION OF PROPOSALS

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The Judicial Council will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

The Judicial Council will post an intent to award notice of the selected Proposers to this RFP's webpage at <http://www.courts.ca.gov/>. Please refer to key events in the Timeline of this RFP.

CRITERION	MAXIMUM NUMBER OF POINTS
Experience on similar assignments	20
Quality and completeness of proposed Scope of Work	10
Credentials of staff to be assigned to the project	10
Acceptance of the Terms and Conditions	10
Cost	50

11.0 INTERVIEWS

The Judicial Council will not be conducting interviews in person or by phone with Proposers.

12.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT. The Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Judicial Council's right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is

password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

13.0 CONTRACT TERMS

- 13.1 Proposers selected under this RFP will be retained by the Judicial Council through the Judicial Council's Standard Agreement ("Standard Agreement"). A typical sample of the Judicial Council's Standard Agreement is included as Attachment 5 to this RFP.
- 13.2 The Judicial Council reserves the right to modify or update the Standard Agreement in the interest of the Judicial Council, in whole or in part at any time up to the negotiation of the agreement with the Proposer. By submitting for this RFP, the prospective Proposer and their key Subcontractors acknowledge that a) the project team will provide the services required in the Standard Agreement, and b) it has no objection to the Standard Agreement.
- 13.3 If a satisfactory contractual agreement on services and compensation cannot be reached between the Judicial Council and selected Proposers within 30 calendar days of notification of selection, the Judicial Council reserves the right to terminate negotiations with that Proposer and attempt to reach a satisfactory contractual agreement with another qualified Proposer.
- 13.4 No person, firm, or subsidiary who has been awarded a Consulting Services agreement under this RFP may submit a bid for, nor be awarded an agreement for, the providing of services, procuring goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of this RFP.
- 13.5 The Judicial Council cannot guarantee the amount or duration of the work.
- 13.6 The Judicial Council reserves the right to reject any of the Proposer's Subcontractors and ask that a different Proposer and/or Subcontractor be submitted for consideration. Upon selection of the Proposer, the Judicial Council reserves the right to approve the selection of other Subcontractors not requested in this RFP.
- 13.7 Provision of Services and Work. Services and work, including additions to scope of services, schedule, key personnel, and Subcontractors, shall be provided by a Work Order Form, as funding becomes available, and pursuant to the terms and conditions of the Standard Agreement. Any changes or modifications to the Standard Agreement, or authorized Work Order in effect for scope of services, schedule or term, key personnel, and Subcontractors, shall require an amendment at the sole discretion of the Judicial Council.
- 13.8 Term of Contract: The term of the contract(s) to be awarded as a result of this RFP is anticipated to be three (3) years with the possibility of two

(2) one-year extensions (“Option Term”), at the sole discretion of the Judicial Council, for a total combined term of five (5) years.

- 13.9 Compensation. The method of compensation will vary on a Work Order by Work Order basis and as funding becomes available. Compensation will be paid based on completion of the identified deliverable, and per the tasks described in this solicitation. Expenses, including travel expenses, will be reimbursed pursuant to the terms and conditions of the Standard Agreement.
- 13.10 Prevailing Wages. All Proposer(s) and Subcontractor(s) shall pay all workers not less than the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work as determined by the Director of the Department of Industrial Relations, State of California, for the type of work performed and the locality in which the work is to be performed, pursuant to sections 1770 et seq. of the California Labor Code. Prevailing wage rates are available on the Internet at: <<http://www.dir.ca.gov>>. All Proposer(s) and Subcontractor(s) shall comply with the requirements pursuant to sections 1725.5 and 1771.1 of the California Labor Code.
- 13.11 BACKGROUND CHECKS. Vendor(s) and their employees and/or subcontractors may be required to complete and pass a background check and be “green badged” to work in and around State or County premises. Badges are to be visible when working on site.

14.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 14.1 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
- 14.2 Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal.
- 14.3 To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).
- 14.4 If Proposer wishes to seek the DVBE incentive, Proposer must submit with its proposal a DVBE Declaration (Attachment 8) completed and signed by each DVBE that will provide goods and/or services in connection with the Standard Agreement. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use

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DVBE Subcontractors, each DVBE Subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

- 14.5 Proposer must complete and submit with its proposal the Bidder's Declaration (Attachment 9). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.

FRAUDULENT MISREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.

15.0 PROTESTS

Notwithstanding whether the work contemplated is governed by the Judicial Branch Contracting Manual (JBCM), any protests will be handled in accordance with Chapter 7 of the JBCM (www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is **December 16, 2016, 5:00 p.m.** Pacific Time. Protests must be sent to:

Judicial Council – Branch Accounting and Procurement
ATTN: Manager, Contracts, **RFP# REFM-2016-11-RP**
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102