

REQUEST FOR PROPOSALS (RFP)

FACILITIES SERVICES

REVISION NO. 6

REVISED AUGUST 8TH, 2017

REGARDING:

Request for Proposals for the Judicial Council of California's Exterior Insulation and Finish System (EIFS) Exterior Wall Replacement Project at Edmund D. Edelman Children's Courthouse, Monterey Park, CA.

RFP number: **REFM-2016-27-BD**

PROPOSALS DUE:

August 25th, 2017

NO LATER THAN 3:00 P.M. PACIFIC TIME



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM

RFP – INDEX

- 1.0 Introduction
- 2.0 Purpose of RFP
- 3.0 Project Description and Site Information
- 4.0 Schedule of Events
- 5.0 Submission of Proposals
- 6.0 Proposal Packages
- 7.0 Evaluation of Proposals
- 8.0 Interviews
- 9.0 Administrative Requirements

RFP – ATTACHMENTS

- 1. FTP Site Log-in Instructions
- 2. Scope of Work - Project Manual and Drawings (“Scope of Work”)
- 3. Sample Agreement for Courthouse and its Exhibits (“Agreement”). “Contract Documents” also refers to the Agreement with all of the applicable exhibits, including without limitation, the plans and specifications for the applicable Project (i.e. Scope of Work) associated with the Agreement for that Project.
- 4. Form for Submission of Questions
- 5. Cost Proposal Form
- 6. Designated Subcontractor List Form
- 7. Payee Data Record Form
- 8. DVBE Participation Form
- 9. DVBE Bidders Declaration Form
- 10. Acceptance of Terms and Conditions Form
- 11. Judicial Council Tool Control Policy
- 12. Judicial Council Background Check Policy

1.0 Introduction

- a. This Request for Proposals (“RFP”) is the means for interested construction firms (“Firm(s)”) to submit their Statements of Qualifications (“SOQ”) and Fee Proposals (collectively, “Proposal(s)”) to the Judicial Council for the services described herein. The RFP and all related documents and addenda are available in electronic form at www.courts.ca.gov.
- b. The Judicial Council, chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. Facilites Services is the division of the Judicial Council responsible for the real estate and asset management of facilities for the Superior and Appellate Courts of California, including without limitation, facility modifications.

2.0 Purpose of RFP

- a. The Judicial Council seeks to retain the services of a qualified general construction Firm to complete the Exterior Insulation and Finish System (“EIFS”) Exterior Wall Replacement construction project described herein and in the Contract Documents (“Project”). The Judicial Council is seeking Statements of Qualifications and Proposals from Firms to provide EIFS installation construction services for the Project, subject to the conditions described in this RFP.
- b. The Judicial Council intends to award the Project to one firm and issue a Notice to Proceed in a timely manner following the selection process indicated herein.

3.0 Project Description and Site Information

a. Project Description

- i. The Project includes the removal and replacement of the existing EIFS, including exterior sheathing and sealant joints, and replacement with a drainage EIFS assembly. The project requires coordination with the Court to ensure it’s continued operation throughout the project as set forth in the Contract Documents further described in (Attachment 2) to this RFP.
- ii. The EIFS Exterior Wall Replacement Project will take place at the following location:
 - Edmund D. Edleman Children’s Courthouse facility, located at 201 Centre Plaza Drive, Monterey Park, CA 91754 (“Facility”).

The Scope of Work, including the **Project Manual (specifications) and Drawings (plans) – Revision 1**, for this Project are set forth in (Attachment 2) to this RFP, and in Exhibit “C” to the Agreement (Scope of Work). Please see (Attachment 1), for log-in directions and the link to the Judicial Council’s FTP Site. (Attachment 2) files, including the Project Manual and Drawings, are accessible for upload and can be accessed on the FTP Site in the folder titled ‘**19-Q1 Edelman Children’s Court - EIFS RFP# REFM-2016-27-BD**’.

Revision 1 to the Project Manual (specifications) and Drawings (plans) includes the following change in product specification:

Contractor to use the StoLit finish coat product by Sto Corp instead of the Sto GraniTex product that is specified in section 07 24 19 Part 2 – Products 2.03 11. Finish Coat a. and b.”:

11. Finish Coat: Color to match existing or as approved by Owner and Architect.

a. Fin. 1 – ~~Light granite texture: Sto GranitTex by Sto Corp.~~ texture: StoLit as approved by Architect.

b. Fin. 2 – ~~Dark Granite Texture: Sto GranitTex by Sto Corp.~~ texture: StoLit as approved by Architect.

iii. **Payment of Prevailing Wages.**

- The selected Firm, and all subcontractors under the Firm, must pay all workers on the Project 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. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Project, as determined by Director of the State of California Department of Industrial Relations, are on file at the Judicial Council’s principal office. Prevailing wage rates are also available from the Judicial Council or on the internet at (<http://www.dir.ca.gov/oprl/DPreWageDetermination.htm>). If it becomes necessary to employ a craft, classification or type of worker other than those listed on the internet at <http://www.dir.ca.gov/oprl/DPreWageDetermination.htm>, the Firm shall contact the Division of Labor Statistics and Research to find the appropriate prevailing wage determination. If the Division of Labor Statistics and Research is unable to identify a determination that is applicable, the Contractor shall notify the Judicial Council immediately, and the Judicial Council will request a special determination from the Division of Labor Statistics and Research. The rate thus determined shall be applicable from the commencement of the Project.
- The selected Firm shall comply with the registration and compliance monitoring provisions of Labor Code section 1771.4, including furnishing, its certified payroll records to the Labor Commissioner of California and complying with any applicable enforcement by the Department of Industrial Relations. Labor Code section 1771.1(a) states the following:

“A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to section 1725.5 at the time the contract is awarded.”
- The selected Firm shall, and shall ensure that all “subcontractors” (as defined by Labor Code section 1722.1), comply with Labor Code section 1725.5, including

without limitation the registration requirements with the Department of Industrial Relations that are set forth in Labor Code section 1725.5. The Firm represents to the Judicial Council that all “subcontractors” (as defined by Labor Code section 1722.1) are registered pursuant to Labor Code section 1725.5. Each Firm acknowledges that, for purposes of Labor Code section 1725.5, this work is a public work to which Labor Code section 1771 applies.

- The Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. The selected Firm shall post job site notices, as prescribed by regulation. The selected Firm shall comply with all requirements of Labor Code section 1771.4, except the requirements that are exempt by the Labor Commissioner for the Project.
- b. **Estimated Schedule of Work [Revised]:** Estimated start month and year for the Project is ~~July~~ September, 2017. The Project shall be completed within ~~270~~ 330 consecutive calendar days from the start date. Project start and completion dates will be specified in the Judicial Council’s Notice to Proceed (“Contract Time”).
- c. **Work Hours:** Since the Work will be taking place in an occupied court facility, the selected firm will be required to coordinate Work in such a way as to not disrupt court operations. Certain work will be required to be completed after hours or on weekends. It is estimated that approximately seventy percent (70%) of the performance of work may be completed during standard business hours, Monday to Friday, 7:00 am to 6:00 pm. However, when work will adversely affect Court proceedings, Judicial Council will require that work be performed when the Court is not in session. The Firm should expect that approximately thirty percent (30%) of the work will be required to be performed on a weekend (Saturdays and Sundays, 7:00 am to 6:00 pm) and/or after hours on business days (Monday to Friday, 6:00 pm to 1:00 am). The Project Manager will coordinate with the local jurisdiction and the selected Firm to establish the hours of work on a week to week basis. The Firm’s Cost Proposal shall include all costs associated with limiting the work hours for the Project as set forth herein and the successful Firm will not be entitled to any additional compensation for performing work on the weekends, holidays or after-hours on business days.
- d. **License Requirements:** Interested Firms must hold and maintain a valid **Class B General Contractor license** from the State of California. The Firm's license must remain active and in good standing throughout the term of the Contract. The Firm shall notify the Judicial Council in writing in the event Firm’s license expires, is suspended or has a change in signatory.
- e. **Examination of Contract Documents and Project Site:**
- i. **Review of Contract Documents.** Submission of Proposal by a Firm signifies careful examination of Contract Documents and complete understanding of the nature, extent, and location of work to be performed for the Project included in a Proposal. Submission of a Proposal shall constitute a Firm's express representation to the Judicial Council that the Firm has fully completed the following:
 - (a) Firm has visited the Project site for which they are submitting a Proposal and has examined thoroughly and understood the nature and extent of the Contract Documents, the applicable work for the Project, the Project site, locality, actual conditions, as-built conditions, and all local conditions and federal, state and local

laws, and regulations that in any manner may affect cost, progress, performance, or furnishing of work or that relate to any aspect of the means, methods, techniques, sequences, or procedures of construction to be employed by the Firm and safety precautions and programs incident thereto;

- (b) Firm has reviewed and has understood all examinations, investigations, explorations, tests, reports, and studies that pertain to the Project and as-built conditions, underground facilities, and all other physical conditions at or contiguous to the applicable Project site or otherwise that may affect the cost, progress, performance, or furnishing of work for the applicable Project, as Firm considers necessary for the performance or furnishing of work for the Project at the amount set forth in the Cost Proposal, within the Contract Time, and in accordance with the other terms and conditions of Contract Documents; and no additional examinations, investigations, explorations, tests, reports, studies, or similar information or data are or will be required by Firm for such purposes;
- (c) Firm has correlated its knowledge and the results of all such observations, examinations, investigations, explorations, tests, reports, and studies with the terms and conditions of the Contract Documents;
- (d) Firm has given the Judicial Council prompt written notice of all conflicts, errors, ambiguities, or discrepancies that it has discovered in or among the Contract Documents and the actual conditions, and the written resolution thereof by the Judicial Council is acceptable to Firm;

ii. Conditions Shown on the Contract Documents: Information regarding as-built conditions, or other conditions or obstructions, indicated in the Contract Documents (e.g. the plans and specifications for a Project), has been obtained with reasonable care, and has been recorded in good faith. However, the Firm may only rely on the accuracy of limited types of information as follows.

- (a) As to aboveground conditions or as-built conditions shown or indicated in the Contract Documents, there is no warranty, express or implied, or any representation express or implied, that such information is correctly shown or indicated. This information is verifiable by independent investigation and the Firm is required to make such verification as a condition to bidding. In submitting its Proposal, Firm shall rely on the results of its own independent investigation. In submitting its Proposal, Firm shall not rely on Judicial Council-supplied information regarding aboveground conditions or as-built conditions.
- (b) Firms may examine any available "as-built" drawings of previous work by giving Judicial Council reasonable advance notice. Judicial Council will not be responsible for accuracy of "as-built" drawings.

f. **Bonds:** The successful Firm for each Project will be required to furnish a Performance Bond and a Payment Bond both in the amount equal to 100% of the value of the contract for the applicable Project.

g. **Insurance:** The successful Firm for each Project will be required to provide proof of insurance coverage for Commercial General Liability, Workers Compensation and

Employer's Liability, and Automobile Liability pursuant to the insurance provisions set forth in the Agreement, Exhibit D, Project Insurance Requirements. Policy limits and insurance requirements are specified in the Agreement.

- h. **Backgrounds Checks.** The successful Firm will be required to comply with the Background Check provision set forth in Exhibit B, Section 21 of the Agreement. All costs associated with escorting an unscreened employee (i.e. any employee who is not an Approved Person pursuant to the Background Check provision of the Agreement) shall be included in the Cost Proposal. The successful Firm will not receive additional compensation or reimbursement from the Judicial Council for any costs related to escorting. The Judicial Council will pay for the cost of the background check (e.g. LiveScan), however, the successful Firm will be responsible for employee time, fingerprinting fees, local administrative or processing fees, or other costs.
- i. **Substitution for Specified Items:**
 - i. Whenever in the Contract Documents any materials, process, or article is indicated or specified by grade, patent, or proprietary name, or by name of manufacturer, those references shall be deemed to be used for the purpose of facilitating the description of that material, process, or article desired, and shall be deemed to be followed by the words "or equal," except when the product is designated to match others in use on a particular public improvement whether completed or in the course of completion.
 - ii. The Agreement sets forth the process for requesting substitutions of specified items.
 - iii. Notwithstanding the preceding, the successful Firm will be required to utilize drainable EIFS, StoTherm ci Classic by Sto Corp. or approved equal, and listed Sto Corp. system components or approved equal(s) as specified in the Contract Documents, see Project Manual Specifications in (Attachment 2) to the RFP.
- j. **Warranty:** In addition to any warranties provided by a manufacturer of any material or good supplied in furtherance of the Project, Contractor guarantees and warrants all labor and material used in the performance of this Contract for a period of **two (2) years** from the date of the Judicial Council's recordation of a Notice of Completion for the Project, and at the Judicial Council's sole option, Contractor shall either repair or replace any and all of that work that may be defective in workmanship and/or materials, without expense whatsoever to the Judicial Council, together with any other work, that may be displaced in so doing. In the event of failure of Contractor to commence and pursue with diligence said replacements or repairs within 10 days after being notified in writing, Contractor hereby acknowledges and agrees that the Judicial Council is authorized to proceed to have the work replaced or repaired and made good at expense of Contractor who hereby agrees to reimburse the Judicial Council for any costs incurred by the Judicial Council with respect to repairing or replacing the work.
- k. **Acceptance of the Terms and Conditions:**
 - i. On (Attachment 10), 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.

4.0 Schedule of Events [Revised]

a. In order to be considered, Proposals must be submitted to the Judicial Council in written form, no later than the time and date indicated in the Schedule of Events below. Firms must ensure compliance with the dates, times and processes set forth in the Schedule of Events.

Schedule of Events

EVENT	DATE
RFP issued	Wednesday, May 10th, 2017
Pre-Proposal Site Visit	Thursday, August 3rd, 2017 On site at 10 a.m
[Revised] Pre-Proposal Site Visit	Thursday, August 10th, 2017 On site at 10 a.m
Deadline for questions (Please use Attachment 4)	Thursday, August 10th, 2017, By Close of Business
Questions and answers posted (<i>estimate only</i>)	Tuesday, August 15th, 2017
Latest date and time Proposals may be submitted	Friday, August 25th, 2017 No later than <u>3:00 PM</u> Pacific Time
Evaluation of Proposals (<i>estimate only</i>)	Friday, August 25th, 2017
Notice of Intent to Award (<i>estimate only</i>)	Friday, September 1st, 2017

b. Firms assume all risk for ensuring receipt no later than the date and time specified in the Schedule of Events. The Judicial Council is not responsible for the failure of a Firm’s choice of delivery service/method. The Judicial Council will not open, and will return, any Proposal received after the date and time specified in the Schedule of Events.

c. **Changes to Process for Submitting Proposals and Schedule of Events.** The RFP and Schedule of Events are subject to change. The Judicial Council does not send notifications of changes to this RFP or the Schedule of Events to prospective Firms. The Judicial Council is not responsible for failure of any Firm to receive notification of changes in a timely manner. Firms are advised to visit the Judicial Council website (www.courts.ca.gov) frequently to check for changes and updates to the RFP and the Schedule of Events.

d. **Pre-Submittal Actions and Events.**

i. **Send Email of Intent to Attend the Pre-Proposal Site Visit:**

Firms that intend to attend the pre-proposal site visit must notify the Judicial Council by sending an email to solicitations@jud.ca.gov with the RFP number and Firm name in the subject line. Firm's Intent to attend the pre-proposal site visit should include the name, address, telephone, fax number, and e-mail address and contact person for the Firm.

ii. ***[Revised] Pre-Proposal Site Visit: Attendance at one (1) Pre-Proposal Site Visit is MANDATORY. The Judicial Council will reject a proposal from any Firm who did not attend one (1) Pre-Proposal Site Visit.***

Each Firm must be certain to check in at the Pre-Proposal Site Visit, as the attendance list will be used to ascertain compliance with this requirement.

Pre-Proposal Site Visit will be scheduled at the site per the following:

Date:08/10/2017	Ed Edelman Children's Court 201 Central Plaza Drive, Monterey Park, CA. 91745.	Time: 10:00 am
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***Additional Pre-Prosals Site Walk(s) can be schedule based on accommodation.**

***Anticipated time at site: 1 hour**

5.0 Submission of Proposals

a. Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Package 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, requirements, completeness and clarity of content.

b. Firms must submit their Proposal Packages as follows:

A. **Part One:** Statement of Qualifications Package

- Proposers must submit one (1) original copy of the Statement of Qualifications Package as described in this RFP;
- The original must be signed by an authorized representative; and
- The Statement of Qualifications (and the copy thereof) must be submitted to the Judicial Council in a single, sealed envelope, labeled as follows:

Statement of Qualifications
Submitted by (name of firm)
EIFS Exterior Wall Replacement Construction Services
JBCP-2016-27-BD

B. **Part Two:** Cost Proposal Package

- The Firm must submit one (1) original copy of the Cost Proposal Form (Attachment 5);
- The original Cost Proposal Form must be signed by an authorized representative;
- Firms must submit a Designated Subcontractors List (Attachment 6) for the Project with their Cost Proposal. Firm must list on the Designated Subcontractors List those subcontractors who will perform any portion of Project, including labor, rendering of service, or specially fabricating and installing a portion of the Project or improvement according to detailed drawings contained in the plans and specifications (Attachment 2), in excess of one half of one percent (0.5%) of total Proposal amount. Failure to submit the Designated Subcontractors List shall result in the Proposal for the applicable Project to be deemed non-responsive.
- The original Cost Proposal Form (Attachment 5) and the Designated Subcontractors List (Attachment 6), and the copies thereof, must be submitted to the Judicial Council in a single sealed envelope, separate from the Statement of Qualification Package and labeled as follows:

Cost Proposal
Submitted by (name of firm)
EIFS Exterior Wall Replacement Construction Services
REFM-2016-27-BD

- c. Firms must submit two (2) separate PDF format files, including **Part 1- Statement of Qualifications**, including the Acceptance of Terms and Conditions Form (Attachment 10), and Payee Data Record form (Attachment 7), and a second pdf file containing **Part 2 – Cost Proposal Package**, including the Cost Proposal Form (Attachment 5), and Designated Subcontractors List Form (Attachment 6) in electronic format as follows:
- **One (1) USB or flash drive** - Please ensure electronic format is compatible with PCs;
 - Please ensure proposal is in **Adobe PDF format**; and
 - Please use the following naming convention for electronic files:
 - Name of Company_REFM-2016-27-BD.
- d. **Proposals must be delivered** by the date and time listed in the Schedule of Events of this RFP to:

Judicial Council of California
Attn: Lenore Fraga-Roberts, REFM-2016-27-BD
455 Golden Gate Avenue, 6th Floor (Lobby Reception)
San Francisco, CA 94102

- e. Late Proposals will not be accepted. Any submittals received after the deadline will be rejected without review.
- f. **Incomplete submittals may be rejected without review.**

- g. 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.
- h. **Questions.** Interested parties may submit a request for clarifications, modifications or questions to the Judicial Council using the Form for Submission of Questions, provided in (Attachment 4). Requests shall be submitted 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.
- i. A Firm'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. In the event that the Firm with the highest scored Proposal refuses to execute a final contract for a Project within sixty (60) days of award, the Judicial Council reserves the right to award that Project to the Firm with the next highest scored proposal and execute a final contract with the Firm with the next highest scored proposal for that Project.
- j. **TELEPHONE CALLS WILL NOT BE ACCEPTED.**

6.0 Proposal Packages.

A. Statement of Qualifications Package.

The following information must be included in the Statement of Qualifications. Submittals lacking any of the following information may be deemed non-responsive.

- i. 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 Firm's designated representative for purposes of this RFP; and
 - The Cover Letter should be signed by an authorized representative of the Firm.

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

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

- ii. Resumes and Key Staff Members

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 (5) pages total.

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

iii. Minimum Qualifications

Include documentation supporting the following qualifications:

- **Manufacturer Qualifications:** EIFS and WRB shall be manufactured and marketed by a firm with 30 yrs experience in the production and sales of EIFS and WRB systems.
- **EIFS Installer Qualifications:** The Installer must be engaged in the application of EIFS for a minimum of 5 yrs, be knowledgeable in the proper use and handling of the specified materials, employ skilled mechanics who are experienced and knowledgeable in EIFS application. Installer shall be certified, approved or acceptable to the manufacturer to install products.

iv. References and Experience [Revised].

General Contractor to provide references and information for the **five (5) most recent** installation projects for California public entities over **\$1,000,000.00**. In lieu of the preceding, Firm may provide references and information for the **three (3) most recent** construction projects completed on a courthouse in California. The references and information must include the following:

- (a) Identify the client, number of sites where work was performed, a description of services and work provided the timeframe for completion, the original project budget and final cost.
- (b) Identify the role of key team members that participated in the project.
- (c) Provide a contact / client reference with current contact information, including names, address and current telephone number for each project. The Judicial Council may check references listed by the Firm.

Please ensure contact information for all references is up-to-date.

References and information are to be no more than one (1) page for each project, for five pages.

B. Cost Proposal Package.

i. Cost Proposal Form

Firms must completely fill out and execute the Cost Proposal Form (Attachment 5).

ii. Designated Subcontractors List

Firms must submit a separate Designated Subcontractors List (Attachment 6) for the Project with their Cost Proposal. Firms must list on the Designated Subcontractors List those subcontractors who will perform any portion of Project, including labor, rendering of service, or specially fabricating and installing a portion of the Project or improvement according to detailed drawings contained in the plans and specifications (Attachment 2), in excess of one half of one percent (0.5%) of total Proposal amount. Failure to submit the Designated Subcontractors list shall result in the Proposal being deemed non-responsive.

7.0 Evaluation of Proposals

a. General.

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

b. Minimum Qualifications.

Each Proposal will first be checked for the minimum qualifications for this RFP as set forth in section 6.0 A. (iii) of this RFP. In addition, each Firm must have participated in a Site Visit. If a Firm does not meet the minimum qualifications, including participating in a Site Visit the Proposal will be considered non-responsive.

c. Scoring of Proposals.

The Judicial Council will evaluate the proposals for each Project on a 100 point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored Proposal using the criteria described in Section 2.0 of this RFP.

CRITERION	MAXIMUM NUMBER OF POINTS
Resumes and Key Staff Members: Demonstrated experience and training of the principals and key staff members to be assigned to the Project.	15
References and Experience: 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.	25
Acceptance of Sample Agreement Terms and Conditions	10
Cost	50

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

8.0 Interviews

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

9.0 Administrative Requirements

a. Disabled Veteran Participation Goals

- i. The Judicial Council requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). The Judicial Council will require the selected Firm to demonstrate DVBE compliance.

The selected Firm must complete a DVBE Participation Form at the time of execution of the Agreement.

- ii. Information about DVBE resources can be found on the Executive Branch's internal website at <http://www.dgs.ca.gov/pd/Programs/OSDS/legislation.aspx> or by calling the Office of Small Business and DVBE Certification at 916-375-4940.
- iii. The DVBE Participation Forms are attached as (Attachment 8 and Attachment 9) to this RFP.

b. California Rules of Court, Rule 10.500 – Public Access to Judicial Administrative Records

Records created as part of Firm's Proposal and selection process are generally subject to California Rules of Court, Rule 10.500 and may be available to the public absent an exemption. If a Firm's Proposal contains material noted or marked as confidential and/or proprietary that, in the Judicial Council's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for records. If the Judicial Council does not consider such material exempt from disclosure under Rule 10.500, the material will be made available to the public, regardless of the notation or markings. If a Firm is unsure if the information contained in its SOQ or Cost Proposal Form is confidential and/or proprietary then it should not include the information in its SOQ and Cost Proposal Form. A firm that indiscriminately identifies all or most of its SOQ or Cost Proposal Form as exempt from disclosure however may be deemed non-responsive.

c. Errors in the RFP

- i. If Firm discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, Firm shall immediately provide the Judicial Council with written notice of it and request that the RFP be clarified or modified. Without disclosing the source of the request, the Judicial Council may modify the RFP prior to the date fixed for submission of Proposals by issuing an addendum.
- ii. If prior to the date fixed for submission of Proposals, a Firm knows of or should have known of an error in the RFP, and fails to notify the Judicial Council of the error, Firm shall submit its Proposal at its own risk, and if Firm is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

- d. **Addenda:** The Judicial Council may modify the RFP prior to the date fixed for submission of Proposals by posting a revision on the Judicial Council website. If a Firm determines that a revision unnecessarily restricts its ability to submit its Proposal, it must notify the Judicial Council no later than one (1) day following the posting of the revision.
- e. **Withdrawal and Resubmission/Modification of Proposals:** Firm may withdraw its Proposal at any time prior to the deadline for submitting Proposals by notifying the Judicial Council in writing of its withdrawal. The notice must be signed by the Firm. Firm may thereafter submit a new or modified Proposal, provided that it is received at the Judicial Council no later than the Proposal due date and time listed in this RFP. 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 RFP.
- f. **Rejection of Proposals:** The Judicial Council may reject any or all Proposals and may or may not waive an immaterial deviation or defect in a Proposal. The Judicial Council's waiver of an immaterial deviation or defect shall in no way modify the RFP or excuse Firm from full compliance with the RFP specifications. The Judicial Council 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 Firm if it is deemed in the Judicial Council's best interest. Moreover, the Judicial Council 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.
- g. **Award of Contract**
 - i. Award of a contract, if made, will be in accordance with the RFP to a responsible Firm submitting a Proposal compliant with all the requirements of the RFP and any addenda thereto, except for such immaterial defects as may be waived by the Judicial Council.
 - ii. The Judicial Council reserves the right to determine the suitability of Proposals for contracts on the basis of Firm meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed, and cost.
- h. **Protest Procedure**
 - i. **General.** Failure of Firm to comply with the protest procedures set forth in this Section, will render a protest inadequate and non-responsive, and will result in rejection of the protest.
 - ii. **Prior to Submission of Proposal.** An interested party that is an actual or prospective Firm with a direct economic interest in the RFP may file a protest based on allegedly restrictive or defective specifications or other improprieties in the RFP received prior to the date and time when Proposal are due as set forth in the Schedule of Events. The protestor shall have exhausted all administrative remedies discussed herein prior to submitting the protest. Failure to comply with this Procedure shall be grounds for denying the protest.
 - iii. **After Award**
 - a. A Firm 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:

1. The Firm has submitted a Proposal that it believes to be responsive to the RFP document;
 2. The Firm believes that its Proposal meets the requirements of the RFP, proposes services of proven quality and performance, and offers a competitive cost; and
 3. The Firm believes that the Judicial Council has incorrectly selected another Firm submitting a proposal for an award.
- b. A Protest must be received no later than five (5) calendar days after the posting date of the Notice of Intent to Award.

iv. **Form of Protest**

- 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 RFP 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.
 - f. The Judicial Council, 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 Judicial Council will not consider such new grounds or new evidence.
- v. **Determination of Protest Submitted Prior to Submission of Proposal.** Upon receipt of a timely and proper protest, the Judicial Council will provide a written determination to the protestor prior to the Proposal Due Date. If required, the Judicial Council 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 Judicial Council, 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.
- vi. **Determination of Protest Submitted After Submission of Proposal.** Upon receipt of a timely and proper protest, the Judicial Council will investigate the protest and will provide a written response to the Firm within a reasonable time. If the Judicial Council requires additional time to review the protest and is not able to provide a response within ten (10) business days, the Judicial Council will notify the Firm. If

the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below. The Judicial Council, 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.

vii. Appeals Process

- a. The Judicial Council's decision shall be considered the final action by the Judicial Council unless the protesting party thereafter seeks an appeal of the decision by filing a request for appeal, within five (5) calendar days of the issuance of the Judicial Council's decision.
- b. The justification for appeal is specifically limited to:
 1. Facts and/or information related to the protest, as previously submitted, that were not available at the time the protest was originally submitted;
 2. The Judicial Council's decision contained errors of fact, and such errors of fact were significant and material factors in the Judicial Council's decision; or
 3. The Judicial Council's decision was in error of law or regulation.
- c. Firm's request for appeal shall include:
 1. The name, address telephone and facsimile numbers, and email address of the Firm filing the appeal or their representative;
 2. A copy of the Judicial Council's decision;
 3. The legal and factual basis for the appeal; and
 4. The ruling or relief requested.
- d. Upon receipt of a request for appeal, the Judicial Council will review the request and the decision and shall issue a final determination. The decision shall constitute the final action of the Judicial Council.

viii. Protest Remedies

- a. If the protest is upheld, the Judicial Council will consider all circumstances surrounding the RFP in its decision for a fair and reasonable remedy, including the seriousness of the RFP deficiency, the degree of prejudice to the protesting party or to the integrity of the competitive process, the good faith efforts of the parties, the extent of performance, the cost to the Judicial Council, the urgency of the procurement, and the impact of the recommendation(s) on the Judicial Council. The Judicial Council may recommend, but not limited to any of the following:
 1. Terminate the awarded contract for convenience;
 2. Re-solicit the requirement;
 3. Issue a new RFP;
 4. Refrain from exercising options to extend the term under the contract, if applicable;
 5. Award a contract consistent with statute or regulation; or
 6. Any other remedies as may be required to promote compliance.

- i. **Disposition of Materials.** All materials submitted in response to this RFP will become the property of the State of California and will be returned only at the Judicial Council's option and at the expense of the Firm submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a Judicial Administrative Record subject to public disclosure pursuant to California Rules of Court, Rule 10.500.

END OF RFP FORM