



REQUEST FOR PROPOSALS (RFP)

OFFICE OF REAL ESTATE AND FACILITIES
MANAGEMENT

REVISION NO. 2
REVISED APRIL 21, 2017

REGARDING:

Request for Proposals for Energy Efficiency
Lighting Services

RFP number: REF-2016-28-SM-RFP

PROPOSALS DUE:

April 28th, 2017 NO LATER THAN **3:00 P.M.** PACIFIC TIME



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM

INDEX

- 1.0 Background Information
- 2.0 Scope of Services and Deliverables
- 3.0 Timeline for this RFP
- 4.0 RFP Attachments
- 5.0 Payment Information
- 6.0 Pre-Proposal Conference
- 7.0 Submissions of Proposals
- 8.0 Proposals Content
- 9.0 Offer Period
- 10.0 Evaluation of Proposals
- 11.0 Interviews
- 12.0 Confidential or Proprietary Information
- 13.0 Contract Terms
- 14.0 Disabled Veteran Business Enterprise Incentive
- 15.0 Protests

ATTACHMENTS

- 1. **[Revised]** FTP Instructions
- 2. Lighting Site Walk Schedule
- 3. Scope of Work Template
- 4. Cost Analysis Template
- 5. Administrative Rules Governing RFPs (Non-IT Services)
- 6. Sample Standard Agreement
- 7. Acceptance of Terms and Conditions
- 8. Payee Data Record
- 9. DVBE Declaration
- 10. Bidders Declaration
- 11. General Certifications
- 12. Darfur Contracting Act Certification
- 13. Iran Contracting Act Certification
- 14. Submittal of Questions Form
- 15. Internal Background Check Policy

1.0 BACKGROUND INFORMATION

1.1 Primary Objective of RFP

- A. To identify qualified firms, entities or individuals (“Proposer(s)/Firm(s)”) with the technical expertise to provide all labor, tools, materials and skills necessary for energy efficiency lighting services including, but not limited to the following:
- Interior and exterior energy efficiency lighting replacement and retrofitting services.
- B. To contract with selected Proposer(s) for services described in this RFP. The Judicial Council anticipates contracts will be issued to multiple Proposers under this RFP. However, only one contractor will be selected for each courthouse facility.

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.

The Judicial Council’s **Environmental Compliance and Sustainability Unit** (“EC&S”) is responsible for the development and implementation of the Judicial Council’s sustainability program, which includes the identification and implementation of energy efficiency measures at Judicial Council owned or managed courthouse facilities.

1.3 Energy Efficiency Measures and Sustainability Programs

As stated above, EC&S is responsible for the development and implementation of the Judicial Council’s sustainability program, which includes the identification and implementation of energy efficiency measures at Judicial Council owned or managed courthouse facilities.

RFP Title: Energy Efficiency Lighting Services

RFP Number: REFM-2016-28-SM

EC&S, in partnership with investor and municipal-owned utilities, analyzed utility data in order to identify the Judicial Council's most inefficient courthouse facilities. These "selected" facilities are located mostly in Pacific Gas & Electric ("PG&E") and Southern California Edison ("SCE") territory. Following the identification of these selected facilities, the Judicial Council, again with the support of the local utilities, completed energy efficiency audits at the selected facilities. Some of the audits include information about existing lighting, as well as potential energy efficiency replacements/retrofits. This information is provided as background information only.

The audits are accessible via the Judicial Council's File Transfer Protocol ("FTP") website. Instructions for accessing the audits are listed on Attachment 1. The audits identified numerous measures to increase the energy efficiency of these targeted facilities. **Energy Efficiency Measures** ("EEM(s)") include, but are not limited to:

- A. Interior and exterior energy efficiency lighting replacement and retrofitting;
- B. Interior and exterior lighting;
- C. Heating, Ventilation and Air Conditioning (HVAC);
- D. Retro-Commissioning Services; and
- E. Other Energy Efficiency Related Services.

This RFP focuses on obtaining proposals from Proposers to address lighting replacement and retrofitting measures. The list of facilities where services are requested and onsite walk-through dates for those facilities can be found on Attachment 2.

2.0 SCOPE OF WORK AND DELIVERABLES

The selected Proposer(s) will provide energy efficiency lighting replacement and retrofitting services, as described below.

2.1 Lighting

Lighting EEMs include re-lamping and retrofits of existing fixtures. Because the Judicial Council's portfolio was mostly built before the year 2000, many of the facilities have outdated and inefficient lighting. In addition, the cost and ease of re-lamping or retrofitting lighting fixtures with **Light-Emitting Diodes** ("LED(s)") has made this a much more viable option. For lighting projects, the Judicial Council will prioritize options that do not impact any Asbestos Containing Materials ("ACM").

Attachment 2 to this RFP includes a site walk schedule and a brief one-page description of each courthouse facility where the Judicial Council is seeking lighting replacement and retrofitting services.

The one-page descriptions do not identify existing lighting nor does the Judicial Council guarantee the accuracy of the existing lighting listed in the facility audits. Therefore, Proposers are **STRONGLY ENCOURAGED** to attend on-site walk through(s) for each facility to identify existing lighting and lighting counts.

The process to identify lighting replacement or retrofitting methods for each facility is as follows:

- A. During the **pre-proposal teleconference**, the Judicial Council will provide guidance on the requirements for completing the Scope of Work and Cost Analysis Templates, and address any questions from Proposers. The **pre-proposal teleconference** will be held on the date identified in the Timeline of this RFP (see Section 3.0 below).
- B. Proposers are **STRONGLY ENCOURAGED** to attend on-site walk through(s) according to the schedule shown in Attachment 2 for each facility the Proposer is bidding on. During the on-site walk through, Proposers shall identify, gather and obtain information on existing lighting and lighting counts in order to accurately complete the Scope of Work Template and Cost Analysis Template in accordance with this RFP.
- C. Proposers may bid on multiple facilities. They must submit separate bids for each facility. Each bid submitted must include a completed Scope of Work Template and Cost Analysis Template.

Scope of Work Template includes:

- i. Existing fixtures and counts;
- ii. Proposed fixtures and counts;
- iii. Energy use for both existing and proposed fixtures and an energy savings analysis.

Cost Analysis Template includes:

- i. Proposed fixtures and counts,
- ii. Unit material and labor cost for each proposed fixture;
- iii. Additional project costs, such as sales tax, recycling costs, etc.;
- iv. Total project cost;
- v. A projection of the dollars saved by reducing energy use, and
- vi. An analysis that identifies the Simple Payback for each facility.

- 2.2** Proposers are required to list options to re-lamp or retrofit existing lighting fixtures with energy saving options as well as the least disruptive option in terms of potential asbestos-containing material. Therefore, the Scope of Work Template should include the proposed options for a work-around solution for lighting replacement or retrofitting.

2.3 Deliverable Templates

Proposers are required to complete the following templates identifying the deliverables for each facility for which they are bidding:

- i. Scope of Work Template,
- ii. Product Specification Sheets, and
- iii. Cost Analysis Template.

Each template should be clearly marked to identify the facility for which the Scope of Work and Cost Analysis is intended and should identify specific deliverables. Facility and cost specific deliverables shall be described in Attachment 3 – the Scope of Work Template and Attachment 4 – Cost Analysis Template. Instructions on how to complete the templates will be given during the pre-proposal teleconference.

The final Scope of Work may include one or a variety of energy efficiency lighting measures. Proposers may bid on any number of facilities as desired. The final Scope of Work may be changed, or terminated, in whole or in part by the Judicial Council, without affecting in any way the remaining scope. There is no guarantee by the Judicial Council that the Proposer will, if awarded a contract, be requested to provide services under this RFP.

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>April 4, 2017</i>
NON-Mandatory Pre-Proposal Teleconference (See Section 6.1 below for number and passcode.)	<i>April 7th, 2017, 2:00 PM (Pacific Time)</i>
Deadline for questions (<i>please use Attachment 14</i>). <i>All questions must be submitted to e-mail address:</i> CapitalProgramSolicitations@jud.ca.gov	<i>April 10th, 2017</i>
<u>Questions and answers posted (estimate only).</u> <u>Questions and answers posted on:</u> http://www.courts.ca.gov/rfps.htm	<i>April 11th, 2017</i>
On-site walk through(s) (estimate only) (dates and times subject to change – See Attachment 2)	April 10 th thru April 26 th , 2017

RFP Title: Energy Efficiency Lighting Services

RFP Number: REFM-2016-28-SM

EVENT	DATE
Latest date and time proposal may be submitted (estimate only)	<i>April 28th, 2017 3:00 PM (Pacific Time)</i>
Evaluation of proposals (estimate only)	<i>May 4th-5th, 2017</i>
Notice of Intent to Award (estimate only)	<i>May 8th, 2017</i>
Contract distributed for execution (estimate only)	<i>May 2017</i>
Contract start month and year (estimate only)	<i>July 2017</i>
Contract end month and year (estimate only) (without optional Judicial Council extensions)	<i>July 2020</i>

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

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ATTACHMENT	DESCRIPTION
[Revised] Attachment 1 FTP Instructions	Instructions for how to access the Judicial Council's FTP site in order to download existing energy audits.
Attachment 2 Lighting Site Walk Schedule	Schedule of on-site walk through(s) for each facility. Also, facilities description, if known, and list of existing lighting.
Attachment 3 Scope of Work Template	Scope of Work Templates to be used by Proposers.
Attachment 4 Cost Analysis Template	Cost Analysis Template to be used by Proposers.
Attachment 5 Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 6 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 7 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 8 Payee Data Record	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 9 DVBE Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 10 Bidders Declaration	Complete this form <u>only</u> if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment 11 General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 12 Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 13 Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
Attachment 14 Submittal of Questions Form	Complete this form if Proposer wishes to submit questions regarding this RFP.
Attachment 15 Internal Background Check Policy	These rules govern this solicitation.

5.0 PAYMENT INFORMATION

- 5.1 The Judicial Council anticipates payment for services and/or work specified in this RFP to be based on a firm-fixed price.
- 5.2 Cost Proposal: Cost analysis for the services and work described herein shall be based on the following methods:
- Firm-Fixed Price – Deliverables.
- 5.3 Proposers shall provide in Attachment 4 – Cost Analysis Template, a firm-fixed price for the services and work under consideration. The firm-fixed price amounts shall be fully burdened and inclusive of all costs, benefits, expenses, fees, overhead, and profits payable to the Contractor for services rendered to the Judicial Council.
- 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* included as Exhibit E to the proposed contract. **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 AND ON-SITE WALK THROUGH

- 6.1 The Judicial Council will be holding a NON-**MANDATORY** pre-proposal teleconference. The teleconference will be held on:

Date and Time: April 7, 2017 at 2:00 p.m. (Pacific Time)

Call-in Number: 1-877-820-7831

Participant Code: 326556

Instructions on how to complete the Scope of Work and Cost Analysis templates will be given during the pre-proposal teleconference.

- 6.2 The Judicial Council will be conducting an on-site walk through for each facility. Proposers are **STRONGLY ENCOURAGED** to attend an on-site walk through for each facility they wish to submit a bid on. Attachment 2 – Lighting Site Walk Schedule lists the dates and times for each facility, and is subject to change.

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 shall be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content. Proposer should submit a separate Scope of Work and Cost Proposal for each facility (courthouse) on which it seeks to bid.
- 7.2 Proposer must submit proposals in two parts, including:
1. Part One: The Technical Proposal (one time submittal), described below; and
 2. Part Two: The Scope of Work and Cost Proposal for each facility for which Proposer is bidding.
- 7.3. The Technical Proposal: The Proposer must submit **two (2) originals, signed, printed version of** the Technical Proposal.
- a) The original technical proposal must be signed by an authorized representative of the Proposer (see Cover Letter description below);
 - b) The original technical proposal must be submitted to the Judicial Council in a single sealed envelope, separate from the Cost Proposals;
 - c) The Proposer must write the following on the outside of the sealed envelope:

*Technical Proposal and Scope(s) of Work
Name of the Proposer Company
RFP Title and Number*

- 7.4. Scope of Work: A completed Scope of Work must be submitted for each facility for which the Proposer is bidding.
- Proposer should submit one original, printed Scope of Work for each facility for which Proposer is bidding.
 - The Scope(s) of Work should be included in the same sealed envelope as the Technical Proposal (see 7.3 above).
 - Cut sheets supporting proposed lighting options should be included with the Scope(s) of Work.
- 7.5. Cost Proposal: A Cost Proposal must be submitted for each facility for which the Proposer is bidding.

The Proposer must submit **two (2) originals, printed version** of the Cost Proposal for each facility for which the Proposer is bidding.

- The Cost Proposal represents the firm-fixed price for that specific facility;
- The printed Cost Proposal(s) must be signed by an authorized representative of the Proposer;
- The original Cost Proposal(s) must be submitted to the Judicial Council in a single sealed envelope, separate from the technical proposal; and
- The Proposer must write the following on the outside of the sealed envelope :

*Cost Proposal(s)
Name of the Proposer Company
RFP Title and Number*

- 7.6 The Proposer shall submit **one (1)** set of the electronic versions of the Technical Proposal, Scope(s) of Work and Cost Proposal(s) on one (1) **USB memory stick/flash drive**, per the following:
- The Technical Proposal shall be in Adobe PDF format;
 - The Scope(s) of Work shall be in Adobe PDF and Microsoft Excel; and
 - The Cost Proposal shall be in Adobe PDF and Microsoft Excel.

Adobe PDF files are requested for ease of printing. Finally, Proposers shall not combine the Scope of Work and Cost Proposal into one Microsoft File. They must be submitted as two separate files.

RFP Title: Energy Efficiency Lighting Services

RFP Number: REFM-2016-28-SM

File names shall be in this format:

VendorName – Technical.PDF

VendorName – Scope of Work.XLSX

VendorName – Scope of Work.PDF

VendorName – Cost.XLSX

VendorName – Cost.PDF

7.7 The Proposer must submit the entire three-part proposal, including the Payee Data Record form (Attachment 8), **in electronic format compatible with PC (i.e. USB, flash drive), in Adobe PDF, Word, and Excel formats.**

7.8 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: Lenore Fraga-Roberts, **REFM-2016-28-SM**

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102

7.9 Late proposals will not be accepted. Any submittals received after the deadline will be rejected without review.

7.10 Incomplete submittals may be rejected without review.

7.11 Only printed proposals with supporting electronic copies 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.

7.12 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.

All proposed energy savings measures (lamps, retrofit kits or new fixtures) must comply with the Design Light Consortium's website as a "listed product" at the time of proposal. The current list can be found at www.designlights.org. Due to future lighting control projects, the Judicial Council requires that all lamps be of dimmable capabilities. Any and/or all exceptions to these specifications must be pre-approved in writing by the Judicial Council.

- 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 (5) pages total for all resumes.

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

- c. Qualifications. Please provide a description of similar services conducted for seven 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; and
 - 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 no more than seven (7) pages.

- d. Scope of Work. Please indicate which facility the Scope of Work is applicable to by using Attachment 3. **Please note:** Contractors will be required to dispose of all project waste materials appropriately, including universal and hazardous waste. The Judicial Council encourage recycling of waste when possible.
- Proposer must include cut sheets as well as make and model numbers for all equipment proposed to be installed. Data must include lamp CRI, color temperature, wattage, and lumens as applicable.
 - All proposed energy savings measures must comply with minimum specifications and standards of applicable utility rebate programs. Proposer is responsible for ensuring rebate eligibility of proposed measures.
 - Do not include lighting in your scope of work or cost proposal if you are not proposing retrofit or replacement of those lamps. Your analysis should include existing versus new, and existing should only include lighting you intend to retrofit/replace
- e. Acceptance of the Terms and Conditions.
- i. On Attachment 7, 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 redlined 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 11) and submit the completed form with its proposal.
 - ii. The Proposer must complete the Darfur Contracting Act Certification (Attachment 12) and submit the completed certification with its proposal.
 - iii. The Proposer must complete the Iran Contracting Act Certification (Attachment 13) and submit the completed certification with its proposal.
 - iv. 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 Proposers’ (and any Subcontractors’) current business licenses, professional certifications, or other credentials, including the required contractor’s “C-10” license with the California Contractors State License Board.
- 8.2 The Scope of Work Template. Proposers are required to complete Attachment 3, a Scope of Work for each facility on which the Proposer is bidding.
- 8.3 Cost Proposal. The following information must be included in the Cost Proposal.
- i. Proposers are required to use Attachment 4 – the Cost Proposal Template, for itemizing all costs of the proposed services for each facility for which the Proposer is bidding on.
 - ii. Attachment 4 ensures the required detailed line item budget showing all costs of the proposed services (i.e. material, sales tax, required equipment, etc.). Please see Payment Information in this RFP for more information.
 - iii. Include a detailed but brief description of all budget line items under the “Description” column of the Cost Proposal.

- iv. Proposers will be responsible for applying for all applicable rebates. Proposers Cost Analysis Template should identify the Judicial Council's "net cost" of the project, after the rebates. Rebates will be assigned directly to the selected Proposer. **DO NOT PROPOSE REBATES THAT YOU ARE NOT SURE ARE APPLICABLE TO THE PROJECT. ENSURE ALL PROPOSED MATERIALS QUALIFY FOR REBATES BEFORE PROPOSING.**

- v. The Cost Proposal includes a Simple Payback analysis of the proposed project. Simple Payback is determined by the number of years it takes to break even on the project costs versus the cost of the electricity saved. Proposers should include all relevant information to ensure the Simple Payback analysis is complete. There are some "fixed" cells in the Cost Analysis Template to ensure equitable comparison of proposals. Simple Payback Analysis will be reviewed based on the shortest number of years to breakeven on the project. **Do not change the "fixed" cells.**

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.

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10.0 EVALUATION OF PROPOSALS

- 10.1 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.
- 10.2 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.
- 10.3 The Judicial Council will be reviewing all of the criteria as stated below. Points granted for the Simple Payback Analysis will be reviewed based on the shortest number of years to breakeven on the project.

CRITERION	MAXIMUM NUMBER OF POINTS
Simple Payback Analysis	20
Quality and completeness of proposed Scope of Work	10
Experience on similar assignments	10
Credentials of staff to be assigned to the project	10
Acceptance of the Terms and Conditions	10
Cost	35
DVBE incentive	5

If a contract or contracts will be awarded, the Judicial Council will post an intent to award notice to this RFP's webpage at <http://www.courts.ca.gov/rfps.htm>.

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 sample of the Judicial Council’s Standard Agreement is included as Attachment 6 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 Proposer and their key Subcontractors acknowledge that a) the project team will provide the services required in the Standard Agreement, and b) have no objection to the Standard Agreement other than any detailed in Attachment 7.
- 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 Proposer must identify in its proposal any Subcontractors that it intends to use. The Judicial Council reserves the right to reject any of the Proposer's Subcontractors and ask that a different Subcontractor be submitted for consideration. Upon selection of the Proposer, the Judicial Council reserves the right to approve the selection of Subcontractors not requested in this RFP.
- 13.7 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.
- 13.8 Prevailing Wages. Portions of the work that is the subject of this RFP may be a public work and subject to compliance monitoring and enforcement by the Department of Industrial Relations and prevailing wage requirements. Pursuant to Labor Code section 1771.1(a), 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."
- 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.
- 13.9 BACKGROUND CHECKS. Vendor(s) and their employees and/or subcontractors may be required to complete and pass a background check and be "badged" to work in and around State or County premises. Badges are to be visible when working on site.

- 13.10 PAYMENT BONDS. Pursuant to Civil Code section 9550, a payment bond is required for any contract involving an expenditure greater than twenty-five thousand dollars (\$25,000). The payment bond shall be in an amount not less than 100 percent of the total amount payable pursuant to the contract.

14.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE (“DVBE”)

- 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 9) 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 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 10). 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.

RFP Title: Energy Efficiency Lighting Services

RFP Number: REFM-2016-28-SM

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 **April 28th, 2017, 3:00 p.m.** Pacific Time. Protests must be sent to:

Judicial Council – Branch Accounting and Procurement
ATTN: Manager, Contracts, **RFP# REFM-2016-28-SM**
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102