

REQUEST FOR PROPOSALS

STATEWIDE ON-SITE SOLAR AND BATTERY ENERGY STORAGE PROGRAM

RFP NUMBER: RFP-FS-2021-07-BD –
REVISION 3

PROPOSALS DUE:

January 31, 2023, NO LATER THAN 5:00 PM
PACIFIC TIME (PT)



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

REQUEST FOR PROPOSALS

Date

September 16, 2022

To

Qualified Firms

From

Judicial Council of California, Facilities Services

Action Requested

Submit Proposals:

Technical Proposal email to:

fs202107bd.proposal@jud.ca.gov

Cost Proposal email to:

fs202107bd.cost@jud.ca.gov

Project Title

RFP number: RFP-FS-2021-07-BD
STATEWIDE ON-SITE SOLAR AND BATTERY
ENERGY STORAGE PROGRAM

Deadline

January 31, 2023, NO LATER THAN 5:00 PM

Contact

Solicitations@jud.ca.gov

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- Attachment D, Solar Power Purchase Agreement for Photovoltaic System
- Attachment E, Site License Agreement for Photovoltaic System in conjunction with SPPA
- Attachment F, Acceptance of Terms and Conditions
- Attachment G, General Certifications Form
- Attachment H, Darfur Certification Form
- Attachment I.1, Payee Data Record
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- Attachment J, Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification
- Attachment K, Iran Contracting Act Certification
- Attachment L, Internal Background Check Policy
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1.0 PROJECT OVERVIEW

- 1.1 The Judicial branch of California is a part of California government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California, including the Supreme Court. A part of the judicial branch is the Judicial Council, chaired by the Chief Justice of California. The Judicial Council is the primary policy making body of the California judicial system. The Judicial Council of California (“Judicial Council”) is the staff agency of the Judicial Council. Facilities Services (“FS”) is the division of the Judicial Council responsible for the planning, design, construction, and real estate and asset management of facilities for the court system of California.
- 1.2 The Judicial Council seeks proposals for Renewable Microgrid, Photovoltaic (PV) and BESS, or PV only Systems (“System(s)”) at 33 project locations statewide. The project is to be delivered using a Solar Power Purchase Agreements (“SPPA”) or Solar Equipment Lease Agreements (SELA) with corresponding Site License Agreement (SLA) collectively referred to as “Agreements”. The specific agreement type depends on the particulars of each site as defined in Attachment C (“Facility”). The System elements will include delivery of a Solar Photovoltaic System (“PV System”), Battery Energy Storage System (“BESS”), microgrid resiliency controls, all necessary supporting components, and System associated Renewable Energy Certificates (“RECs”). For additional information regarding environmental attributes and RECs see Agreements. The System is part of the Judicial Council’s plan to reduce courthouse greenhouse gas emissions (“GHG”) and obtain a renewable supply for its electric consumption.
- 1.3 The Judicial Council seeks to award the Agreements to one (1) Renewable Energy Development Firm (“Contractor”). The bidder may be a financier, asset owner, or developer. For more information about license requirements and qualifications see SLAs (Attachment E and N.2) and Attachment B. for a summary of the RFP Attachments see section 5.0 of this document. **The bidding party must be the party that will be entering into the Agreements with the Judicial Council.** In addition, the bidding party must be registered with the Department of Industrial relations as set forth in Section 3.3, below.
- 1.4 The SLA will permit the Contractor non-exclusive and revocable limited access to the project site for the construction and operation of the System as set forth in the Agreements. It is the sole responsibility of each Contractor submitting a proposal under this RFP to review all of the Agreements before submitting their proposal. This RFP provides an overview of the project and solicitation, yet complete terms and conditions are indicated in the Agreements. Any questions pertaining to this RFP and the Agreements must be submitted in writing with Attachment S, Form for Submission of Questions, see RFP Section 7.3 for detail. Any exceptions to the Agreements must be submitted using Attachment F, Acceptance of the Terms and Conditions, per the process described in RFP Section 9.3.1 below.
- 1.5 For sites utilizing the SPPA the selected Contractor shall provide to the Judicial Council all electricity produced by the PV System at the Electrical Interconnection Point (“EIP”) at the agreed to a Fixed Price per kWh for the term of the SPPA, see Attachment D, Section 2.1, Purchase/Sale of Electricity). For the Sites requiring a Lease Contractor shall provide to the Judicial Council all electricity produced by the PV System at the Electrical Interconnection Point (“EIP”) at the agreed to a Fixed Price per month for the term of the

Lease. The Term of the Agreements shall be from the Commercial Operation Date (COD) of the System to the duration listed in Attachment C unless terminated earlier pursuant to the provisions of the Agreements. Electric services for each of the Justice Council facilities is provided by the utility listed in Attachment C. Included with this RFP within Attachment P are site-specific details contained in zip archives for each of the thirty-three (33) locations. The information included in each archive consists of: Proposed Site BESS and Solar Layout, Site Electrical Drawings, Existing Roof Drawings, and Allowed Tree Removal. The sites requiring a new roof as part of the rooftop solar are identified in Attachment C and shall meet the requirements specified in SLA (Attachment E, N.2), Section 15.4. The proposed pricing provided by responding firms shall conform the requirements set out in the Agreements.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1** The Judicial Council seeks the services of a Contractor with relevant technical expertise for the development and delivery of turnkey energy services that provide onsite generated solar electricity, through the PV System, as well as improve facility resiliency in times of grid outage through an onsite BESS at the Facility.
- 2.2 Description of Site.** The 33 project sites listed below, with site specific information in Attachment P1 through P33 other generic information defined in Attachment C.

Bldg. ID	Building Name	County	City	Document Package Folder
01-H1	Fremont Hall of Justice	Alameda	Fremont	Attachment-P1-RFP-FS-2021-07-BD_01-H1.
03-C1	Amador Superior Court	Amador	Jackson	Attachment-P2-RFP-FS-2021-07-BD_03-C1
04-F1	North Butte County Courthouse	Butte	Chico	Attachment-P3-RFP-FS-2021-07-BD_04-F1
07-A3	Bray Courts	Contra Costa	Martinez	Attachment-P4-RFP-FS-2021-07-BD_07-A3
07-C1	Walnut Creek Courthouse	Contra Costa	Walnut Creek	Attachment-P5-RFP-FS-2021-07-BD_07-C1
07-E3	Richard E. Arnason Justice Center	Contra Costa	Pittsburg	Attachment-P6-RFP-FS-2021-07-BD_07-E3
10-O1	B.F. Sisk Courthouse	Fresno	Fresno	Attachment-P7-RFP-FS-2021-07-BD_10-O1
13-A1	Imperial County Courthouse	Imperial	El Centro	Attachment-P8-RFP-FS-2021-07-BD_13-A1
15-D1	Delano/North Kern Court	Kern	Delano	Attachment-P9-RFP-FS-2021-07-BD_15-D1
16-A5	Hanford Courthouse	Kings	Hanford	Attachment-P10-RFP-FS-2021-07-BD_16-A5
19-AO1	Whittier Courthouse	Los Angeles	Whittier	Attachment-P11-RFP-FS-2021-07-BD_19-AO1
19-AP1	Santa Monica Courthouse	Los Angeles	Santa Monica	Attachment-P12-RFP-FS-2021-07-BD_19-AP1
19-AX1	Van Nuys Courthouse East	Los Angeles	Van Nuys	Attachment-P13-RFP-FS-2021-07-BD_19-AX1
19-C1	Torrance Courthouse	Los Angeles	Torrance	Attachment-P14-RFP-FS-2021-07-BD_19-C1
19-H1	Glendale Courthouse	Los Angeles	Glendale	Attachment-P15-RFP-FS-2021-07-BD_19-H1

Bldg. ID	Building Name	County	City	Document Package Folder
19-N1	Monrovia Training Center	Los Angeles	Monrovia	Attachment-P16-RFP-FS-2021-07-BD_19-N1
19-Q1	Edmund D. Edelman Children's Court	Los Angeles	Monterey Park	Attachment-P17-RFP-FS-2021-07-BD_19-Q1
19-S1	Hollywood Courthouse	Los Angeles	Los Angeles	Attachment-P18-RFP-FS-2021-07-BD_19-S1
19-W1	Pomona Courthouse South	Los Angeles	Pomona	Attachment-P19-RFP-FS-2021-07-BD_19-W1
24-G1	Los Banos Division - The Robert M. Falasco Justice Center	Merced	Los Banos	Attachment-P20-RFP-FS-2021-07-BD_24-G1
26-B2	Mammoth Lakes Courthouse	Mono	Mammoth Lakes	Attachment-P21-RFP-FS-2021-07-BD_26-B2
33-G4	Banning Justice Center	Riverside	Banning	Attachment-P22-RFP-FS-2021-07-BD_33-G4
35-C1	New Hollister Courthouse	San Benito	Hollister	Attachment-P23-RFP-FS-2021-07-BD_35-C1
36-R1	San Bernardino Justice Center	San Bernardino	San Bernardino	Attachment-P24-RFP-FS-2021-07-BD_36-R1
37-C1	Kearny Mesa Court	San Diego	San Diego	Attachment-P25-RFP-FS-2021-07-BD_37-C1
37-I1	East County Regional Center	San Diego	El Cajon	Attachment-P26-RFP-FS-2021-07-BD_37-I1
41-C1	Northern Branch Courthouse	San Mateo	South San Francisco	Attachment-P27-RFP-FS-2021-07-BD_41-C1
43-B1	Downtown Superior Court	Santa Clara	San Jose	Attachment-P28-RFP-FS-2021-07-BD_43-B1
51-C1	Sutter County Superior Courthouse	Sutter	Yuba City	Attachment-P29-RFP-FS-2021-07-BD_51-C1
52-E1	Tehama County Courthouse	Tehama	Red Bluff	Attachment-P30-RFP-FS-2021-07-BD_52-E1
54-I1	South County Justice Center	Tulare	Porterville	Attachment-P31-RFP-FS-2021-07-BD_54-I1
57-A10	Yolo Superior Court	Yolo	Woodland	Attachment-P32-RFP-FS-2021-07-BD_57-A10
64-E1	Santa Ana Courthouse	Orange	Santa Ana	Attachment-P33-RFP-FS-2021-07-BD_64-E1
19-AX2	Van Nuys Courthouse West	Los Angeles	Van Nuys	Attachment-P34-RFP-FS-2021-07-BD_19-AX2

2.3 Desired PV System Size. The Contractor's proposed PV System for each site shall be comprised of an array of photovoltaic panels, BESS, microgrid, and electrical equipment components sized appropriately to maximize savings while allowing the Judicial Council to meet its resiliency objectives stated by site in Attachment C.

2.4 System Guarantees. Contractor shall provide System Guarantees, as set forth in SPPA ((PV production guarantee), SPPA License, Attachment E and (BESS capacity guarantee) and Solar Equipment Lease License, Attachment N.2 (PV Availability guarantee and BESS capacity guarantee).

2.5 Description of Desired PV System. High level System details are identified in Attachment C. For more details please review the site specific Attachment P, for each location.

- 2.5.1 The Systems shall be located in the areas shown as available for that purpose in the site-specific Attachment P, Site Layout Plan.
- 2.5.2 It is anticipated that the PV System will be permanently affixed to contractor-installed parking canopies or the facility roof subject to Agreements CALIFORNIA TRIAL COURT FACILITIES STANDARDS 2020, Division 2, Technical Criteria, Section 11.C Exterior Construction 11.2. (https://www.courts.ca.gov/documents/2020_CTCFS_20_11_13.pdf) yet the Judicial Council invites Bidders to provide alternate solutions. See RFP Attachment O, Technical specifications and Attachment B, Technical Proposal and Qualifications Questionnaire Form, Section 1.6, Technical Solution/Scope of Work for additional details.
- 2.5.3 The Facilities' documented electrical infrastructure is shown in the site-specific Attachment P, Electrical Drawings, but it is recommended that contractors field verify site conditions during the non-mandatory site walks outlined in Section 7.2, Non-Mandatory Site Walks. Contractors are solely responsible for confirming site conditions, and no change orders or amendments to the Agreements will be permitted as a result of contractors' failure to verify site conditions.
- 2.5.4 System shall be interconnected with the local utility grid as per the local utility's requirements. With the proposed near or recent changes associated with the transition from NEM 2.0 to NEM 3.0 it is of the utmost importance that the Contractor manage the interconnection process to maintain NEM 2.0 grandfather started by the Judicial Council.

2.6 Description of BESS

- 2.6.1 The Contractor's proposed BESS shall comply with the local utility's requirements and monetize any relevant available incentive programs to reduce the price offered to the Judicial Council.
- 2.6.2 The BESS will be installed externally in a self-contained unit with code-compliant fire detection and suppression systems. See proposed locations for BESS installation in Attachment P.
- 2.6.3 The BESS shall have an available Application Programming Interface ("API") that can send charge and discharge requests by the Judicial Council and its authorized representatives. The Judicial Council prefers that access to the API be available through an "Open API" specification such as Open ADR 2.0B.

2.7 Microgrid Interconnection with the Local Utility. The System will be installed and given permission to operate by the Utility and the appropriate Authority Having Jurisdiction ("AHJ") so that in the event of a grid outage, the facility would automatically switch to operate independently ("Island Mode"). Both Automatic Transfer Switch ("ATS") and Relay Solution ("Relay Solution") proposals will be given consideration.

2.8 Reserved

2.9 Project Ownership. All project components will be fully owned by the Contractor, as defined in the Agreements, but Contractor will be required to register RECs on WREGIS and give ownership to the Judicial Council.

2.10 Operation & Maintenance (“O&M”).

2.10.1 The selected Contractor will provide fully inclusive O&M services for all installed systems for the Term following the installation of the project, inclusive of an annual onsite inspection, two times per year cleaning of modules and other requirements listed in Exhibit C-2 of the SLAs.

2.11 Monitoring. System monitoring shall track System conditions and functionality to support incentive reporting, performance monitoring, generation, invoicing, performance guarantees, and other industry standard functionality for the purpose of safely and effectively operating and maintaining the system. Solar, BESS, and Microgrid monitoring shall be made available for the Term as defined in Exhibit C.1, Exhibit C.2, and Exhibit I of the SLA.

2.12 Hours of Work. Work required to install the System, as well as ongoing maintenance services, will take place in an occupied court facility; therefore, work hours may be restricted depending upon the courthouse’s schedule as set forth in the SLA. The Contractor will be required to comply with all applicable security and COVID-19 safety protocols throughout the term of the contract.

2.13 Project Objectives. The Judicial Council has following specific goals in issuing this solicitation for the development of a renewable energy facility:

2.13.1 Providing electricity price stability. The Judicial Council would like to reduce its exposure to electricity prices in the applicable local utility territory by diversifying the type of energy resources that are utilized to serve the Judicial Council’s electricity requirements.

2.13.2 Improving resiliency of court operations during power outages. The Judicial Council is looking to improve the court facilities’ resiliency in times of grid outage through an onsite System. The System should be able to operate in “island mode” and serve critical electrical loads connected to the main electrical panel for the goal duration listed in Attachment C. The project is not seeking any load segregation for critical loads with a dedicated critical loads panel. Critical loads will remain being served via the main building electrical panel. Non-critical loads will be load-shed manually or automatically by other systems during a grid-outage to maximize use of the BESS resiliency benefit for Court operations. The PV is required to operate in concert with the BESS during an outage to extend the resiliency duration. The kWh value listed in Attachment C is the minimum amount of energy to be held in reserve for an outage event. Further, the BESS shall be able to go into an expected outage mode and go to full charge should an outage be planned or likely as in a PSPS event.

- 2.13.3 **Demonstrating renewable energy commitment.** The Judicial Council is committed to taking steps that will result in cleaner air, lower greenhouse gas emissions, and increase sustainable energy sources for citizens of the State of California.
- 2.13.4 **Promoting local economic development.** The Judicial Council would like to source renewable energy from an onsite project to encourage local economic development and employment opportunities for diverse business enterprises and workers.
- 2.13.5 **Enhancing public awareness.** The Judicial Council would like to enhance the public awareness of the Judicial Council’s efforts to pursue sustainable technologies.
- 2.13.6 **Facilitating reduction of local greenhouse gas emissions.** Onsite renewable energy generation at the court facilities will also provide a greater impact on actual Judicial Council emissions in the long run by influencing the US Environmental Protection Agency (“EPA’s”) regional greenhouse gas emissions factor.
- 2.14 **Design Guidelines.** In addition to the guidelines stated herein, see SLAs,
- Exhibit C.1, Minimum Requirements and Exclusions;
 - Exhibit F, Design and Installation Process and Milestone Schedule for additional detail; and
 - Exhibit I Attachment O series (O.1-O.8) specifications.
- 2.14.1 **Code Specifications.** All power generation and transmission equipment must be UL listed for its designed use. Construction, maintenance, and operation of the System must comply with the currently adopted California Building Code, State of California Fire Marshall requirements, California Energy Commission, Utility requirements, and all other applicable laws and regulations as set forth in the SLA.
- 2.15 **Schedule.** Contractor will provide a sample schedule showing the completion of the projects including the key milestones outlined Attachment B of this RFP.
- 2.16 **Procurement.** Given the recent turmoil in the supply chain and module tariff and trade complaint issues, please explain your strategy for meeting the materials and equipment procurement needs for this project with a special focus on solar modules and batteries and how that schedule risk can be managed with risks of maintaining NEM grandfathering.
- 2.17 **Environmental Compliance.** Judicial Council has conducted initial CEQA due diligence and is in process of filing exemptions for all 33 project sites. Contractor shall comply with all California Environmental Quality Act, codified at Public Resources Code Section 21000 et seq. (“CEQA”), mitigation requirements applicable to the activities undertaken pursuant to the SLAs as directed by the Judicial Council.

3.0 Labor Compliance

- 3.1 Prevailing Wage.** The Contractor and all subcontractors under the Contractor shall pay all workers on work performed pursuant to the Agreements for this 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 Agreement, 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 Court or on the internet at <http://www.dir.ca.gov>.
- 3.2 Prevailing Wage Compliance Monitoring.** The project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Contractor shall post job site notices, as prescribed by regulation. Contractor shall comply with all requirements of Labor Code Section 1771.4, except the requirements that are exempted by the Labor Commissioner for the Project.
- 3.3 Contractor Registration.** Contractor shall comply with the registration and compliance monitoring provisions of Labor Code Section 1771.4, including furnishing its certified payroll records (“CPR(s)”) to the Labor Commissioner of California and complying with any applicable enforcement by the Department of Industrial Relations (“DIR”). 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.”

Prime bidder (or all parties in a JV or SPV) must be registered with DIR at the time of bid submittal. This should be documented in Attachment B, Technical Proposal Qualifications Questionnaire Form. Any submittal lacking DIR registration details shall be disqualified.

4.0 TIMELINE FOR THIS RFP

- 4.1** 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.

Event	Date
RFP issued	Thursday, September 15, 2022
Pre-proposal Conference 10:00 AM (PST) (Non-Mandatory) Call-In Number: 1-877-820-7831 Participant Passcode: 109630	Monday, September 26, 2022
Three (3) Virtual Technical Question and Answer Sessions via Microsoft Teams (Mandatory, Section 7.2)	<p>Session 1 of 3 - Tuesday, September 27, 2022, 9:00 AM to 12:00 PM PST Click here to join the meeting Meeting ID: 283 882 084 732 Passcode: UFX2Yr</p> <p>Session 2 of 3 - Wednesday, September 28, 2022, 9:00 AM to 12:00 PM PST Click here to join the meeting Meeting ID: 233 773 533 929 Passcode: aVjkSm</p> <p>Session 3 of 3 - Thursday, September 29, 2022, 9:00 AM to 12:00 PM PST Click here to join the meeting Meeting ID: 298 257 920 399 Passcode: q9cejG</p>
Site Walk Start (Non-Mandatory, See Section 7.3 for all the scheduling details)	Monday, October 17, 2022 thru Thursday November 17, 2022
Virtual Technical Question and Answer Session via Microsoft Teams (Mandatory, Section 7.2)	<p>Session 1 – Monday, November 28, 2022, 1:00PM to 4:00PM PST Click here to join the meeting Meeting ID: Passcode:</p>
Deadline for questions	Thursday, December 1, 2022 “no later than” 5:00 PM PST
Answers to Questions posted	Tuesday, December 20, 2022
Latest date and time for proposals to be submitted	Tuesday, January 31, 2023 “no later than” 5:00 PM PST
Conduct technical proposal review and schedule clarification meetings (estimate only)	Wednesday, February 1, 2023 through Friday, February 24, 2023
Conduct Clarification Meetings (estimate only)	Monday, February 27, 2023 through Friday, March 3, 2023
Technical Evaluation of proposals due (estimate only)	Tuesday, March 7, 2023
Post Shortlist due (estimate only)	Wednesday, March 8, 2023
Schedule Interviews (estimate only)	Wednesday, March 8, 2023, through Friday March 10, 2023
Conduct interviews (estimate only)	Monday, March 20, 2023, through Friday March 24, 2023
Cost Evaluation of Proposals Due (estimate)	Tuesday, March 28, 2023
Notice of Intent to Award Posting (estimate)	Wednesday, March 29, 2023
Complete Negotiations (estimate only)	Wednesday, May 3, 2023
Contract Execution (estimate only)	Wednesday, May 31, 2023

State Public Works Board Approval (estimate)	Wednesday, June 28, 2023
Contract start date (estimate only)	Thursday, June 29, 2023
Commercial Operation Date or "COD" means the date that Licensee notifies the Judicial Council the System is operational.	Monday, December 9, 2024
Contract end date (estimate only)	Monday, December 5, 2044 (depending upon site)

5.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP. See Section 9 Proposal Contents for additional descriptions

ATTACHMENT	DESCRIPTION
Attachment A, Administrative Rules Governing this RFP	These rules govern this solicitation.
Attachment B, Technical Proposal and Qualifications Questionnaire Form	The Proposer must submit its Technical Proposal and Qualifications Questionnaire, using this form, that reflects the anticipated work to be performed that would be set forth in a subsequent agreement(s), if awarded.
Attachment C.1 Proposed Equipment Form	The Proposer must submit equipment, using this form, that reflects the anticipated work to be performed and payment provisions that would be set forth in a subsequent agreement(s), if awarded.
Attachment C.2, Proposed Price Quotation Form	The Proposer must submit pricing, using this form, that reflects the anticipated work to be performed and payment provisions that would be set forth in a subsequent agreement(s), if awarded.
Attachment D, Solar Power Purchase Agreement for Photovoltaic System	If selected, the person or entity submitting a proposal (the "Proposer") must sign the SPPA, or Solar Equipment Lease, and accompanying Site License for each Site.
Attachment E, Site License Agreement for Photovoltaic System in conjunction with SPPA	If selected, the person or entity submitting a proposal (the "Proposer") must sign the respective SLA: Attachment E for SPPA sites, Qty: twenty-seven (27) locations.
Attachment F, Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions indicated in SPPA, Solar Equipment Lease, and SLA agreements, or identify exceptions to the terms and conditions.
Attachment G, General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment H, Darfur Certification Form	The Proposer must complete this Certification Form and submit the completed form with its proposal.

ATTACHMENT	DESCRIPTION
Attachment I.1, Payee Data Record Attachment I.2, Supplemental Payee Data Record	STD204 form: This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal. STD205 form: This form is optional and is used to provide remittance address information if different than the mailing address on the Payee Data Record, for multiple remittance addresses, and additional Authorized Representatives of the Payee not identified on the STD 204.
Attachment J, Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment K, Iran Contracting Act Certification	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment L, Internal Background Check Policy	The policy that describes Background Checks for Contractors Working on the Judicial Council’s Behalf in Restricted Areas.
Attachment M.1, DVBE Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment M.2, Bidder’s Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment N.1. Solar Equipment Lease	If selected, the person or entity submitting a proposal (the “Proposer”) must sign the SPPA, or Solar Equipment Lease, and accompanying Site License for each Site. Reference Attachment C.1 for which agreement is applicable for which buildings.
Attachment N.2, Site License Agreement for use with Solar Equipment Lease	If selected, the person or entity submitting a proposal (the “Proposer”) must sign the respective SLA: Attachment N.2, for Solar Operating Lease Sites, Qty: five (5) locations containing Judicial Council Terms and Conditions. Reference Attachment C.1 for which agreement is applicable for which buildings.
Attachment O Series	Technical Specifications for the overall project.
Attachment P Series	Site-specific details for each location.
Attachment Q, RFP Response Completion Checklist	This submission checklist is required to be completed by respondents to ensure proposal completeness.
Attachment R, Judicial Council Tool Control Policy	The policy that describes the Judicial Council Tool Control Policy while working in In-Custody Holding Areas.
Attachment S, Form for Submission of Questions	Proposer shall submit questions by completing and submitting this form to solicitations@jud.ca.gov .

6.0 PAYMENT INFORMATION

- 6.1 For detail regarding payment processes and requirements see the following sections of the Agreements: For power purchase agreement locations (as noted in Attachment Q) see

SPPA (Attachment D): Section 2, Sale of Electricity; Section 3, System Invoicing Payment; Section 5, Metering; and Section 6, Contractor’s Solar PV and BESS Guarantees. For solar equipment lease sites (as noted in Attachment Q), see Solar Equipment Lease (Attachment N.1): Section 4, Rent, Payment and Terms, and Taxes; and Exhibit B, Payment Schedule.

7.0 PRE-PROPOSAL CONFERENCE AND SITE WALK

7.1 Pre-Proposal Conference. A pre-proposal conference will be held to provide an overview of the RFP documents and answer questions with regards to this RFP. This conference is **Non-Mandatory** to submit a Proposal. The pre-proposal conference will be via telephone conference call. The date and time of the proposal conference is indicated in RFP, Section 4.0, Timeline for this RFP.

Attendance at the pre-proposal conference is optional. However, Proposers are strongly encouraged to attend.

7.2 Virtual Technical Question and Answer Sessions (Mandatory). The Judicial Council will host a series of four (4) virtual meetings for contractors to ask site-specific questions. The first three sessions will focus on a different geographical area. The responses provided during the virtual sessions do not replace the formal submission of questions, as outlined in Section 7.4, Form for Submission of Questions. The fourth session will cover all sites. Attendance at either the first three sessions OR the fourth session is Mandatory.

7.3 Non-Mandatory Site Walks. The Judicial Council will coordinate a single site walk for each facility listed in (Attachment Q), RFP Site Overview Master for all bidders. Although attendance is not required to submit a proposal for the program, the Judicial Council encourages potential bidders to attend to visually identify site conditions. Failure to assess site conditions during site walks will not be considered as concealed conditions or grounds for change orders. Proposers who plan to attend any of the non-mandatory site walks will be requested to identify the locations during as shown in the RFP Schedule in section 4.

Bldg. ID	Site Walk Date	Building Name	City
52-E1	10/17/2022	Tehama County Courthouse	Red Bluff
04-F1	10/17/2022	North Butte County Courthouse	Chico
51-C1	10/17/2022	Sutter County Superior Courthouse	Yuba City
57-A10	10/18/2022	Yolo Superior Court	Woodland
03-C1	10/18/2022	Amador Superior Court	Jackson
26-B2	10/19/2022	Mammoth Lakes Courthouse	Mammoth Lakes
19-W1	10/25/2022	Pomona Courthouse South	Pomona
33-G4	10/25/2022	Banning Justice Center	Banning
36-R1	10/25/2022	San Bernardino Justice Center	San Bernardino
19-AO1	10/26/2022	Whittier Courthouse	Whittier
19-AX1	10/26/2022	Van Nuys Courthouse East	Van Nuys
19-N1	10/26/2022	Monrovia Training Center	Monrovia
19-Q1	10/26/2022	Edmund D. Edelman Children's Court	Monterey Park
10-O1	11/2/2022	B.F. Sisk Courthouse	Fresno
24-G1	11/2/2022	Los Banos Division - The Robert M. Falasco Justice Center	Los Banos
35-C1	11/2/2022	San Benito County Superior Court	Hollister
15-D1	11/3/2022	Delano/North Kern Court	Delano
16-A5	11/3/2022	Kings Superior Court	Hanford

Bldg. ID	Site Walk Date	Building Name	City
54-I1	11/3/2022	South County Justice Center	Porterville
19-AP1	11/8/2022	Santa Monica Courthouse	Santa Monica
19-C1	11/8/2022	Torrance Courthouse	Torrance
19-H1	11/8/2022	Glendale Courthouse	Glendale
19-S1	11/8/2022	Hollywood Courthouse	Los Angeles
13-A1	11/9/2022	Imperial County Courthouse	El Centro
37-C1	11/9/2022	Kearny Mesa Court	San Diego
37-I1	11/9/2022	East County Regional Center	El Cajon
64-E1	11/10/2022	Santa Ana Courthouse	Santa Ana
19-AX2	11/10/2022	Van Nuys Courthouse West	Van Nuys
01-H1	11/15/2022	Fremont Hall of Justice	Fremont
41-C1	11/15/2022	Northern Branch Courthouse	South San Francisco
43-B1	11/15/2022	Downtown Superior Court	San Jose
07-A3	11/16/2022	Bray Courts	Martinez
07-C1	11/16/2022	Walnut Creek Courthouse	Walnut Creek
07-E3	11/16/2022	Richard E. Arnason Justice Center	Pittsburg

7.4 Form for Submission of Questions (Attachment S): Proposers shall submit requests for clarifications, modifications, or questions by the deadline indicated in the Timeline for this RFP, Section 4.0. Proposers who intend to submit questions are requested to notify Branch Accounting and Procurement by sending an email to Solicitations@jud.ca.gov with the RFP title, number, and “Questions” in the subject line (“Statewide On-Site Solar and Battery Energy Storage Program / RFP-FS-2021-07-BD Questions”).

8.0 SUBMISSIONS OF PROPOSALS

8.1 Proposal Submissions. In light of the COVID-19 public health crisis, Proposers may only submit Proposals electronically. Incomplete proposals may be rejected without review, and Proposals received after the applicable deadline date and time will be rejected without review.

8.2 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.

8.3 Due to Judicial Council email size limitations of 15 MB, email transmissions submitting proposals should include the Proposer’s link to a cloud storage or file sharing site approved by the Judicial Council, which are OneDrive, Dropbox, Google Drive, or iCloud Drive. Any such site utilized must not require registration, membership, or payment in order to for the Judicial Council to access the proposal files.

8.3.1 Please use the following naming convention for any electronic files submitted:

RFPFS202107BD_Non-Cost_ProposerName_*. *

RFPFS202107BD_Cost_ProposerName_*. *

Indicate the RFP number and name of Proposer’s organization in the subject line of the email.

- 8.4** The Proposer must submit its electronic proposal in two separate parts:
- 8.4.1 **Technical (Non-Cost) Proposal.** The Technical Proposal and Qualification Questionnaire Form (Attachment B to this RFP) package. The complete package for the Technical Proposal response, Section 1 (1.1 through 1.15) shall be no longer than one hundred twenty pages (120) pages inclusive of résumés, forms, and pictures. Proposer' Qualification Questionnaire Form (included in Attachment B), Attachment Forms, Proposed Equipment Form, and Price Quotation Form are **not** counted towards this page limit.
- 8.4.2 **Cost Proposal.** The Proposed Price Quotation Form (Attachment C.2 to this RFP) shall be submitted in a separate file and emailed separately from the Technical Proposal and Qualifications Questionnaire Form.
- 8.5** All documentation required by this RFP must be submitted in both Adobe PDF format and editable formats where applicable. All files must be named clearly and include the Proposer's name and the title and number of this RFP ("Statewide On-Site Solar and Battery Energy Storage Program / RFP-FS-2021-07-BD"). Proposals must be sent to the following email addresses:
- Email the Technical (Non-Cost) Proposal to:
fs202107bd.proposal@jud.ca.gov
- Email the Cost Proposal to:
fs202107bd.cost@jud.ca.gov
- Electronic submissions should not be emailed more than five (5) business days in advance of the applicable deadline date
- 8.6** The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests.
- 8.7** The due date and time for submission of your proposals can be found in the most recent version of the RFP schedule posted to the California Courts' website (<http://www.courts.ca.gov/rfps.htm>) at which this RFP is posted. Please keep abreast of changes to the RFP schedule by monitoring the website throughout the duration of the proposal, evaluation, and award processes.
- 8.8** **Submission Timelines.** Firm(s) assume all risk for ensuring receipt no later than the date and time specified in the Timeline for this RFP. Late proposals will not be accepted. All times in the Timeline for this RFP are Pacific Time. Delivery time stamps of email messages used for delivery will be referenced upon submission of proposal. If Proposer uses one of the external file sharing services indicated in Section 8.4, please note that updates to content stored in those services are not permitted past the submission deadline.

9.0 PROPOSAL CONTENTS

- 9.1** **Technical (Non-Cost) Proposal and Qualifications Questionnaire Form, Attachment B.** The Technical Proposal shall be submitted by completing **Attachment B**. Failure to

submit a complete and accurate Attachment B may cause the Contractor's Proposal to be deemed non-responsive.

- 9.1.1. All Proposers submitting a Proposal must complete the Qualification Questionnaire Attachment B. If the Proposer's status or information changes after the initial submission of their proposal then an updated Attachment B, Part 2 shall be emailed to the address above in Section 8.5.
- 9.1.2 A Proposer's Qualification Questionnaire shall be deemed nonresponsive if, without limitation, the Proposer's Qualification Questionnaire is not submitted with its Proposal, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Proposer, is not updated as required, or is misleading or inaccurate in any material manner (e.g., financial resources are overstated, previous violations of law are not accurately reported, etc.).
- 9.1.3 **Reference Checks.** The Qualification Questionnaire, **Attachment B**, includes reference check details, Section 9, Client References. The Proposer shall provide five (5) client references that must be projects completed in the last five years. Special purpose vehicles (SPV) or joint ventures (JV) created specifically to respond to this opportunity should provide relevant project references carried out by one of the legal entities participating in the SPV or JV. Please include the following with each client reference: name of entity/firm, role in project (developer, GC, EPC, financier, etc.), contact person, their phone number/email, project title, location, and start/end dates. The Judicial Council will contact the references provided to conduct a customer satisfaction survey. Responding clients may be asked to score the following categories: Proposer's quality of delivery, scheduling practices, project and subcontractor management, working relationships, asset performance, paperwork processing, project financing, change orders, and Solar performance. Reference responses will be scored from one (1) – unsatisfactory to five (5) – excellent. Reference evaluation forms will be totaled and be applied as indicated in Section 11.3.
- 9.1.4 **Certifications, Attachments, and other requirements.** Proposers shall complete and provide the following forms. Failure to do so completely and accurately may cause the Proposer's Proposal to be deemed non-responsive.
- 9.1.5 **Acceptance of the Terms and Conditions (Attachment F).** On Attachment F, 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. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implement all proposed changes in Microsoft Word format (utilizing tracked changes), and (ii) a written explanation or rationale for each exception and/or proposed change. Judicial Council reserves the right to modify the draft Contract at any time prior to the award of the Contract. Additionally, Judicial Council retains the right to reject any proposed changes to the draft Contract and/or seek other qualified Contractor for award of the Contract if a Contractor refuses to accept the terms of the Contract.

- 9.1.6 **General Certifications Form (Attachment G).** If Proposer agrees to the stated clauses in form it will check the box and sign this attachment. Please note that the Judicial Council will reject a proposal from a Proposer that does not indicate acceptance of these clauses. The Proposer must complete Attachment G and submit the completed form with its proposal.
- 9.1.7 **Darfur Certification Form (Attachment H).** Pursuant to Public Contract Code (PCC) Section 10478, if a proposer currently or within the previous three years has had business activities or other operations outside of the United States, it must either (i) certify that it is not a “scrutinized company” as defined in PCC 10476, or (ii) receive written permission from the Judicial Council to submit a proposal. To submit a proposal to the Judicial Council, the Proposer must insert its company name and Federal ID Number in the form and complete ONLY ONE of the three paragraphs indicated. The Proposer must complete Attachment H and submit the completed certification with its proposal.
- 9.1.8 **Payee Data Record (Attachment IA and IB).** Include a separately printed and signed original Payee Data Record (STD204), completed in the exact name of the business entity under which you propose to do business with the Judicial Council. The Proposer must complete the Payee Data Record (Attachment IA) in order to process payments; please note this is mandatory. If necessary, also include a separately printed and signed original Payee Data Record Supplement (STD205), Attachment IB; please note this optional. Separately printable copies of these forms have been posted with this RFP.
- 9.1.9 **Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification (Attachment J).** Pursuant to Public Contract Code (PCC) Section 2010, the Unruh certification must be provided when (i) submitting a bid or proposal to the Judicial Council for a solicitation of retail electric services of \$100,000 or more, or (ii) entering into or renewing a contract with the Judicial Council for the purchase of goods or services of \$100,000 or more. If Proposer agrees to the stated clauses in form it will sign this attachment.
- 9.1.10 **Iran Contracting Act Certification (Attachment K).** Pursuant to Public Contract Code (PCC) Section 2204, an Iran Contracting Act certification is required for solicitations of goods or services of \$1,000,000 or more. To submit a proposal to the Judicial Council, Proposer must complete ONLY ONE of the two paragraphs listed, and sign the form.
- 9.1.11 **Internal Background Check Policy (Attachment L).**
- 9.1.12 **DVBE Declarations (Attachment M.1 and M.2)** If Proposer intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to Section 14 of this RFP, Proposer must submit the completed Attachments M.1 and M.2 with its proposal. See Section 14.1.3 for additional information.
- 9.1.12 **Signatures.** Both electronic and scanned wet signatures are acceptable for this RFP.

9.2 Cost Proposal - Proposed Price Quotation Form. For all Proposed Price Quotation Form requirements see **Attachment C.1**. All of the information requested in **Attachment C.1** must be included in the price proposal. A price proposal lacking any of the listed information may be deemed non-responsive. Review all the tabs contained with **Attachment C.1** and follow the instructions. Consider the information listed in the Site Data tab along with information provided in **Attachment P** series and learned from site walks.

9.2.1 There are three System options under consideration for each Site. Microgrid, BESS + PV, and PV only. Contractor will provide the needed information for each Site.

9.2.2 Points available from Pricing will be ranked based on savings under each of the three categories. If information is not provided for one of the sites the Contractor will receive no points for that category.

10.0 OFFER PERIOD

10.1 A Proposer's proposal is an irrevocable offer for one hundred twenty (120) 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.

10.2 The Proposer who may be awarded an Agreement under this RFP will enter into said Agreements with the Judicial Council which will be substantially similar to the draft Agreements included with the RFP as **Attachment D**, Solar Power Purchase Agreement for Photovoltaic System, and **Attachment E**, Site License Agreement for Photovoltaic System for SPPA locations and **Attachment N.1**, Solar Equipment Lease with accompanying **Attachment N.2** Site License for use with Solar Equipment Lease for Solar Operating Lease project sites as noted in **Attachment C**.

11.0 EVALUATION OF PROPOSALS

11.1 Evaluation and Selection Process. The process will evaluate the Contractor's qualifications based on their Technical Proposal and Qualifications Questionnaire Form (**Attachment B**) and interview, if deemed necessary, by the Judicial Council (see RFP Section 12 below). Further evaluation will be based on the Proposed Price Quotation Form (**Attachment C.1**). Contractors will be ranked in numerical order from the most points to least points received. The Contractor receiving the highest combined "total score" will be ranked the number one Contractor. The Judicial Council reserves the right to reject any Contractor's submission to the RFP that is non-responsiveness to the selection criteria or fails to demonstrate direct expertise in services of similar size, complexity, and nature.

11.2 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. Points will be awarded based on the relative merit of the information provided in the response to the solicitation. The award, if made, will be to the highest scored proposal.

- 11.3** If a contract will be awarded, the Judicial Council will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>

CRITERION	Maximum number of points
Company Profile and Financial Strength	5
Company Background, Experience, and References	15
Project Design and Project Approach	22
Interview	20
Acceptance of the Terms and Conditions	5
DVBE Additional Points	3
Cost/Savings	30
Total Maximum Score	100

12.0 CLARIFICATION MEETING

The Judicial Council will conduct clarification meetings with qualified Proposers to clarify aspects set forth in their proposals. Meetings will most likely be conducted via WebEx or Microsoft Teams.

13.0 INTERVIEW

The Judicial Council may conduct interviews with certain Proposers to clarify aspects set forth in their proposals or to assist in finalizing the scoring of top-ranked proposals. Only a subset of respondents that hold the highest-ranking technical scores may be invited to an interview. Any interviews will most likely be conducted via WebEx or Microsoft Teams. The Judicial Council will notify qualified Proposers regarding any interview arrangements.

14.0 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 that are clearly marked as “**CONFIDENTIAL**” and are 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.

15.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 15.1 Qualification for the DVBE incentive is **not mandatory**. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
- 15.1.1 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. The number of points that will be added is specified in Section 11.3 above.
- 15.1.2 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").
- 15.1.3 If Proposer wishes to seek the DVBE incentive:
- i) Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment M.2**). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
 - ii) Proposer must submit with its proposal a DVBE Declaration (**Attachment M.1**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. 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.
- 15.1.4 Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the Judicial Council may request additional written clarifying information. Failure to provide additional information as requested by the Judicial Council will result in Proposer not receiving the DVBE incentive.
- 15.1.5 If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the JBE approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

FRAUDULENT MISREPRESENTATION 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.

16.0 PROTESTS

- 16.1 Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see 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 an award protest is within five (5) Court Days after the Notice of Intent to Award is posted on the Court website. See Section 4.0, Timeline for this RFP, for approximate dates.

16.2 Protests must be sent to:

Judicial Council – Branch Accounting and Procurement
ATTN: Manager, Contracts, RFP# FS-2021-07-BD
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

17.0 ADMINISTRATIVE RULES GOVERNING RFP

17.1 The Judicial Council’s Administrative Rules governing this RFP can be found in Attachment A. By virtue of the submission of a Proposal, the Contractor agrees to be bound by said Administrative Rules.

17.2 The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar requests for proposals in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council of the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. One copy of a submitted Proposal will be retained for official files and becomes a public record.

END OF RFP