



REQUEST FOR PROPOSALS

STATEWIDE ON-SITE SOLAR AND BATTERY ENERGY STORAGE PROGRAM

REGIONS:

- **BAY AREA/NORTHERN COASTAL (BANCRO)**
- **NORTHERN/CENTRAL (NRCO)**
- **SOUTHERN 1 (SRO-1)**
- **SOUTHERN 2 (SRO-2)**

The Judicial Council of California (Judicial Council) seeks proposals from qualified firms for solar energy services to be delivered using a Solar Power Purchase Agreement (“SPPA”) for twenty-nine (29) sites and Solar Equipment Lease (“SEL”) for four (4) sites statewide. The project elements will include delivery of Solar Photovoltaic, Battery Energy Storage Systems (“BESS”), and Renewable Energy Certificates (“RECs”). These projects are part of the Judicial Council’s plan to reduce courthouse Greenhouse Gas Emissions (“GHG”) and obtain a renewable supply for its electric consumption.

RFP NUMBER: RFP-FS-2023-06-JP

PROPOSALS DUE:

December 14, 2023, NO LATER THAN 5:00 PM PACIFIC TIME (PT)

JUDICIAL COUNCIL OF CALIFORNIA

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

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REQUEST FOR PROPOSALS

Date

August 3, 2023

To

Qualified Firms

From

Judicial Council of California, Facilities Services

Action Requested

Submit Proposals:

Technical Proposal email to:

fs202306jp.proposal@jud.ca.gov

Cost Proposal email to:

fs202306jp.cost@jud.ca.gov

Project Title

RFP number: RFP-FS-2023-06-JP
STATEWIDE ON-SITE SOLAR AND BATTERY
ENERGY STORAGE PROGRAM

Deadline

December 14, 2023, BY 5:00 PM (PT)

Contact

Solicitations@jud.ca.gov

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RFP Title: Statewide On-Site Solar and Battery Energy Storage Program

RFP Number: RFP-FS-2023-06-JP

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1. INTRODUCTION

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 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.

2. PURPOSE OF THIS RFP

The Judicial Council seeks proposals for Renewable Microgrid, Solar Photovoltaic (PV) and BESS, or PV only systems at 33 project sites statewide. The project is to be delivered using a Solar Power Purchase Agreement (“SPPA”) or Solar Equipment Lease Agreement (“SELA”), each with a corresponding Site License Agreement (SLA) collectively referred to as “Agreements.” The specific agreement type used for each site is set forth in Section 7 below and in Attachment C1. The project scope for each site will include delivery of a PV system, all necessary supporting components, and associated Renewable Energy Certificates (“RECs”). For additional information regarding environmental attributes and RECs, see the Agreements. The Judicial Council will not approve replacement RECs as opposed to the RECs generated by the project. This project is part of the Judicial Council’s plan to reduce courthouse greenhouse gas emissions (“GHG”) and obtain a renewable supply for its electric consumption.

Any capitalized terms not defined herein shall have the meaning set forth in the Agreements.

3. COMMUNICATIONS WITH THE JUDICIAL COUNCIL

Any questions pertaining to this RFP and the Agreements must be submitted in writing to Solicitations@jud.ca.gov using Attachment S, Form for Submission of Questions. See RFP Section 12.4 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 14.1.5. below. Throughout this solicitation process, if there is any need for communication with the Judicial Council in regard to any aspect of this RFP, such communication must be in writing, and submitted as an email to Solicitations@jud.ca.gov. The RFP number must be included in the subject line of any email communication. **Proposers and their subcontractors are prohibited from communicating with Judicial Council personnel or consultants regarding the RFP. Violation of this restriction may disqualify the Proposer from consideration.**

4. PROJECT SITES

The RFP scope includes the development of Systems at thirty-three sites situated in four distinct regions:

Region	Total Number of Project Sites in Region	Number of SPPA Project Sites	Number of SELA Project Sites
Bay Area/Northern Coastal Region (BANCRO)	7	7	0
Northern/Central Region (NCRO)	10	10	0
Southern Region, Group 1 (SRO-1)	9	6	3
Southern Region, Group 2 (SRO-2)	7	6	1

5. NUMBER OF AWARDS

The Judicial Council seeks to select one awardee per region. Individual awardees may be awarded multiple regions. The Judicial Council reserves the right to eliminate sites from a regional award if it determines in its sole and exclusive discretion that award of the project for that site would not be cost-effective or is otherwise impracticable or infeasible.

6. CONTRACT DOCUMENTS

Although the awards will be made on a regional basis, each project site will be contracted individually between the awardee and the Judicial Council. Contracting will utilize a set of two documents. For SPPA sites there will be 1) an SPPA (Attachment D) and, 2) a Site License Agreement (Attachment E). For SELA sites there will be 1) an SELA (Attachment N1) and, 2) a Site License Agreement for use with Solar Equipment Lease. The awardee, a renewable energy development firm (“Awardee”) may be a financier, asset owner, or developer. For more information about license requirements and qualifications see the SLAs (Attachment E and N.2) and Attachment B. For a summary of the RFP Attachments see Section 11.0 of this document.

- 6.1. The SLA will permit the Awardee non-exclusive and revocable limited access to the project site for the construction and operation of the System, as that term is defined in the Agreements, as set forth in the Agreements. It is the sole responsibility of each firm submitting a proposal under this RFP to review all the Agreements before submitting its proposal. This RFP provides an overview of the project and solicitation, yet complete terms and conditions are indicated in the Agreements.
- 6.2. For sites utilizing the SPPA the Awardee shall sell to the Judicial Council all electricity produced by the System at the agreed to Fixed Price per kWh for the term of the SPPA, see Attachment D, Purchase/Sale of Electricity). For the Sites requiring a SELA, Awardee shall provide to the Judicial Council all electricity produced by the System at the agreed to a Fixed Price per month for the term of the Lease, to be defined in Attachment N.1, Exhibit B “Payment Schedule”.
- 6.3. The Term of the Agreements is summarized in Attachment C1 series. Electric services for each of the Judicial Council facilities is provided by the utility listed in Attachment C1 series. Included with this RFP within Attachment P are site-

specific details contained in zip archives for each of the thirty-three (33) sites. 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 C1 and shall meet the requirements specified in SLA (Attachment E, N.2). The proposed pricing provided by responding firms shall conform the requirements set out in the Agreements.

6.4. The Judicial Council of California is not able to allow alternate financing options for these projects at this stage.

7. DESCRIPTION OF SERVICES AND DELIVERABLES

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. The Judicial Council will also evaluate options to utilize onsite BESS to reduce energy costs.

Option 1: PV only is installed.

Option 2: PV and BESS are installed.

Option 3: PV, BESS, and Microgrid controls are installed.

7.1. The Agreements (Attachments D, E, N1, and N2) and RFP attachments provide detailed requirements for each of the three options.

7.2. **Proposers MUST provide pricing for ALL three options for EVERY project site in the region(s) for which a proposal is being submitted.** Regional proposals that do not include pricing for all three options for each site in the subject regions will be deemed non-responsive.

7.3. Description of sites for the facilities are divided into four geographical regions: Bay Area/Northern Coastal (BANCRO), Northern/Central (NCRO), and Southern region Group 1 and Group 2 (SRO1 and SRO2) as indicated in Tables 1 through 4 below. See Attachment-V for maps of the regions.

Site specific information is located in Attachments P1 through P4, and Attachments C1 and C2.

Table 1 BANCRO Region

Group Name	Building ID	Building Name	City	County	SPPA/SELA	Document Package Archive
BANCRO	01-H1	Fremont Hall of Justice	Fremont	Alameda	SPPA	Attachment-P1-RFP-FS-2023-06-JP
	07-A3	Bray Courts	Martinez	Contra Costa	SPPA	
	07-C1	Walnut Creek Courthouse	Walnut Creek	Contra Costa	SPPA	
	07-E3	Richard E. Arnason Justice Center	Pittsburg	Contra Costa	SPPA	

Group Name	Building ID	Building Name	City	County	SPPA/SELA	Document Package Archive
	35-C1	San Benito County Superior Court	Hollister	San Benito	SPPA	
	41-C1	Northern Branch Courthouse	South San Francisco	San Mateo	SPPA	
	43-B1	Downtown Superior Court	San Jose	Santa Clara	SPPA	

Table 2 NCRO Region

Group Name	Building ID	Building Name	City	County	SPPA/SELA	Document Package Archive
NCRO	03-C1	Amador Superior Court	Jackson	Amador	SPPA	Attachment-P2-RFP-FS-2023-06-JP
	04-F1	North Butte County Courthouse	Chico	Butte	SPPA	
	10-O1	B.F. Sisk Courthouse	Fresno	Fresno	SPPA	
	16-A5	Kings Superior Court	Hanford	Kings	SPPA	
	24-G1	Los Banos Division - The Robert M. Falasco Justice Center	Los Banos	Merced	SPPA	
	26-B2	Mammoth Lakes Courthouse	Mammoth Lakes	Mono	SPPA	
	51-C1	Sutter County Superior Courthouse	Yuba City	Sutter	SPPA	
	52-E1	Tehama County Courthouse	Red Bluff	Tehama	SPPA	
	54-I1	South County Justice Center	Porterville	Tulare	SPPA	
	57-A10	Yolo Superior Court	Woodland	Yolo	SPPA	

Table 3 SRO-1 Region

Group Name	Building ID	Building Name	City	County	SPPA/SELA	Document Package Archive
SRO1	15-D1	Delano/North Kern Court	Delano	Kern	SPPA	Attachment-P3-RFP-FS-2023-06-JP
	19-AO1	Whittier Courthouse	Whittier	Los Angeles	SPPA	
	19-AP1	Santa Monica Courthouse	Santa Monica	Los Angeles	SPPA	
	19-AX2	Van Nuys Courthouse West	Van Nuys	Los Angeles	SELA	
	19-C1	Torrance Courthouse	Torrance	Los Angeles	SPPA	
	19-H1	Glendale Courthouse	Glendale	Los Angeles	SELA	
	19-N1	Monrovia Training Center	Monrovia	Los Angeles	SPPA	
	19-Q1	Edmund D. Edelman Children's Court	Monterey Park	Los Angeles	SPPA	

Group Name	Building ID	Building Name	City	County	SPPA/SELA	Document Package Archive
	19-S1	Hollywood Courthouse	Los Angeles	Los Angeles	SELA	

Table 4 SRO-2 Region

Group Name	Building ID	Building Name	City	County	SPPA/SELA	Document Package Archive
SRO2	13-A1	Imperial County Courthouse	El Centro	Imperial	SPPA	Attachment-P4-RFP-FS-2023-06-JP
	19-W1	Pomona Courthouse South	Pomona	Los Angeles	SPPA	
	33-G4	Banning Justice Center	Banning	Riverside	SELA	
	36-R1	San Bernardino Justice Center	San Bernardino	San Bernardino	SPPA	
	37-C1	Kearny Mesa Court	San Diego	San Diego	SPPA	
	37-I1	East County Regional Center	El Cajon	San Diego	SPPA	
	64-E1	601 W. Santa Ana Blvd - 4 DCA 3	Santa Ana	Orange	SPPA	

7.3.1. **The System Parameters** The System for each site shall include photovoltaic panels, and may, at the Judicial Council’s sole and exclusive election, also include BESS, and microgrid functionality. All solar, BESS and microgrid Systems shall include electrical equipment components sized appropriately to maximize savings while allowing the Judicial Council to meet its resiliency objectives stated by site in the appropriate region-specific Attachment C1 series Excel workbook. Existing building information is available in the appropriate Attachment P-series project files. Desired System information is specified in the region-specific Attachment C1 workbook. The allowable areas for the photovoltaic and BESS facilities are visible in the site-specific Attachment P series, **“Site Layout Plan”**.

7.3.2. For the purposes of your proposal use the indicated location for the BESS in Attachment P series **“Site Layout Plan”** and assume there is sufficient space to accommodate the System.

7.3.3. It is anticipated that the **System** will be permanently affixed to Awardee-installed parking canopies or the facility roof subject to the Agreements and the CALIFORNIA TRIAL COURT FACILITIES STANDARDS 2020, Division 2, Technical Criteria, Section 11.C Exterior Construction

11.2. (Included as part of O-series as O-10). See Attachment O series, Technical specifications and Attachment B2, Technical Expertise Forms by region for additional details.

- 7.4. **Existing Site Conditions:** It is recommended that Proposers field-verify site conditions during the non-mandatory site walks outlined in Section 12.3, Non-Mandatory Site Walks. Proposers are solely responsible for confirming site conditions, and no change orders or amendments to the Agreements will be permitted as a result of Proposer's failure to verify site conditions. Electric services for each of the Judicial Council facility is provided by the utility listed in Attachment C1 series. Included with this RFP within Attachment P are site-specific details contained in zip archives for each of the thirty-three (33) sites. 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 the region-specific Attachment C1, on the Site Data tab and shall meet the requirements specified in SLA (Attachment E, N.2), Section 15.4. The proposed pricing provided by responding firms shall conform to the requirements set out in the Agreements.
- 7.5. Security camera installation (if required) purchased and installed to the Judicial Council's specifications shall be included in the Fixed Price. All such security camera equipment will remain the property of the Judicial Council.
- 7.6. **Interconnection Management Requirement:** System shall be interconnected with the local utility grid pursuant to the local utility's requirements and shall comply with the interconnection program listed in Attachment C1 where applicable. With the recent changes associated with the transition from NEM 2.0 to the Net Billing Tariff, it is of the utmost importance that Awardee(s) manage the interconnection process to maintain an active NEM 2.0 interconnection application (aka grandfathering) started by the Judicial Council.
- 7.7. For Option 3 only, 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 and relay solution proposals will be given consideration.
- 7.8. The Contractor's proposal for 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.
- 7.9. The **System Guarantees** are part of the executed agreements for each project location, Contractor shall provide formal System Guarantees. These are set forth in the respective procurement site license document: For SPPA project sites: Reference Attachment E (*PV production guarantee and BESS capacity guarantee*), for SELA project sites in Attachment N.2 (*PV Availability guarantee and BESS capacity guarantee*).
- 7.10. **The REC Ownership.** Awardee will be required to register RECs (Renewable Energy Credits) on WREGIS (Western Renewable Energy Generation

Information System) and give ownership of all project RECs to the Judicial Council. The Judicial Council will not approve replacement RECs as opposed to the RECs generated by the projects.

- 7.11. **Operation & Maintenance (“O&M”):** 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 C2 of the SLAs.

8. DESIGN GUIDELINES: In addition to the guidelines stated herein, see SLAs:

- Attachment E/N2, Exhibit C1, Minimum Requirements;
- Attachment E/N2, Exhibit F, Design and Installation Process and Milestone Schedule for additional detail and,
- Attachment E/N2, Exhibit I - Attachment O series (O.1-O.10) specifications.

9. LABOR COMPLIANCE:

- 9.1. **Prevailing Wage.** The Awardee and all subcontractors under the Awardee 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 (DIR), 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.

9.1.1. Prevailing wage rates are also available on the internet at <http://www.dir.ca.gov>.

- 9.2. **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. Awardee shall comply with all requirements of Labor Code Section 1771.4, except the requirements that are exempted by the Labor Commissioner for the Project.

- 9.3. **Contractor Registration.** Awardee 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.”

9.4. Proposal and Contracting

9.4.1. Proposer and contracting entity must be the same. Due to the nature of Solar PPA and Leases, the Proposer may find it useful to form joint ventures or special purpose vehicles to meet this requirement.

9.4.2. Prime bidder (or all parties in a joint venture or special purpose vehicle must be registered with DIR at the time of proposal submittal. This should be documented in Attachment B, Technical Proposal Qualifications Questionnaire Form. Any submittal lacking DIR registration details shall be disqualified.

9.4.3. One entity is not required to perform financing, construction, and O&M. The forming of a JV or a SPV is an optional bidder strategy to meet the minimum requirements. The bidding entity, contracting entity, and entity registered on DIR must be the same per RFP sections 5, 6 and 9.

10. 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.

Event	Key Date and Time (PT)
RFP issued	Thursday, August 3, 2023
Pre-proposal Conference (Non-Mandatory) Call-In Number: 1-877-820-7831 Participant Passcode: 109630	Thursday, August 17, 2023, at 9:00 AM
Virtual Technical Question and Answer Session (Mandatory Virtual Session, See Section 12.2) Via Microsoft Teams join on your computer, mobile app or room device : Click here to join the meeting Meeting ID: 289 247 852 30 Passcode: ugbzYQ Download Teams Join on the web Join with a video conferencing device 178332609@teams.bjn.vc Video Conference ID: 119 079 417 9 Alternate VTC instructions Or call in (audio only) +1 619-650-0345 , 334059564 # United States, San Diego Phone Conference ID: 334 059 564#	Monday, September 11, 2023, 9:00 AM to 12:00 PM
Submit Mandatory Online Form to indicate Site-Walk participation interest.	Friday, September 15, 2023 by 5:00 PM (PT)

Event	Key Date and Time (PT)
Site Walk Start (Non-Mandatory , See Section 12.3)	Friday, September 22, 2023
Site Walk End	Friday, October 20, 2023
Deadline for Questions	Friday, November 3, 2023
Answers to Questions Posted to Web Site	Friday, November 17, 2023, by 5:00 PM
Proposals Due Date	Thursday December 14, 2023, by 5:00 PM
Post Shortlist Due (estimate only)	Thursday, January 25, 2023
Conduct Interviews (estimate only)	Thursday, February 1, 2023, through February 6, 2023
Notice of Intent to Award Posting (estimate)	Monday, February 12, 2023
Contract start date (estimate only)	Tuesday, April 30, 2024
Contract end date (estimate only)	April 2024

11. RFP ATTACHMENTS:

The following attachments are included as part of this RFP. See Section 14, Proposal Contents for additional descriptions.

ATTACHMENT	DESCRIPTION
Attachment A, Administrative Rules Governing this RFP	These rules govern this solicitation.
Attachment B1, Qualifications Questionnaire Form (Minimum Requirements, Firm Info, and Proof of Insurance)	The Proposer must submit this form.
Attachment B2, BANCRO Technical Expertise Forms	The Proposer must submit this Technical Expertise Form if it is submitting a proposal for the BANCRO region.
Attachment B2, NCRO Technical Expertise Forms	The Proposer must submit this Technical Expertise Form if it is submitting a proposal for the NCRO region.
Attachment B2, SRO-1 Technical Expertise Forms	The Proposer must submit this Technical Expertise Form if it is submitting a proposal for the SRO-1 region.
Attachment B2, SRO-2 Technical Expertise Forms	The Proposer must submit this Technical Expertise Form if it is submitting a proposal for the SRO-2 region.
Attachment C1 Proposed Equipment Form	The Proposer must submit this form, for “each region” for which it is submitting a proposal(s).
Attachment C2, Price Quotation Forms	The Proposer must submit this form for “each region” for which it is submitting a proposal(s).

ATTACHMENT	DESCRIPTION
Attachment D, Solar Power Purchase Agreement for Photovoltaic System	If selected, the Proposer must sign the SPPA, or Solar Equipment Lease, and accompanying Site License for each site, as applicable.
Attachment E, Site License Agreement for Photovoltaic System in conjunction with SPPA	If selected, the Proposer must sign the SPPA, or Solar Equipment Lease, and accompanying Site License for each site, as applicable.
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 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 Proposer must sign the SPPA, or Solar Equipment Lease, and accompanying Site License for each site, as applicable.
Attachment N.2, Site License Agreement for use with Solar Equipment Lease	If selected, the Proposer must sign the SPPA, or Solar Equipment Lease, and accompanying Site License for each site, as applicable.
Attachment O, Specifications	Technical Specifications for the overall project.
Attachment P1, BANCRO Site-specific details	Site-specific details for BANCRO region.
Attachment P2, NCRO Site-specific details	Site-specific details for NCRO region.
Attachment P3, SRO-1 Site-specific details	Site-specific details for SRO region.

ATTACHMENT	DESCRIPTION
Attachment P4, SRO-2 Site-specific details	Site-specific details for SRO region.
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, Submission of Questions by Region Template	Proposer shall submit questions for “each region” for which it is submitting a proposal(s), by completing and submitting this template to solicitations@jud.ca.gov .
Attachment T, Online form - Regional Site-Walk Participation Questionnaire (Mandatory)	<u>Mandatory Online form</u> for Bid-walk attendance interest.
Attachment-U Electricity Interval Data	Project sites’ reference electricity annual usage data.
Attachment-V Project Groups Map	A map that identifies all project sites per region.
Attachment-W Sample Site Specific Project Approach	Sample Submittal Site Specific Project Approach for reference.

12. PRE-PROPOSAL CONFERENCES AND SITE WALKS:

12.1. **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. Attendance at this conference is **optional**. The pre-proposal conference will be via telephone conference call. The date, time and link to pre-proposal conference is indicated in RFP, Section 10., Timeline for this RFP.

12.2. **Virtual Technical Question and Answer Session (Mandatory).** The Judicial Council will host one **mandatory** (1) Virtual Session meeting for Proposers to ask site-specific questions. Each Proposer will be required to provide a unique identifier of a representative who attended this session. The session will focus on all four (4) regions.

Responses provided during the Virtual Session are not binding on the Judicial Council and the Virtual Session does not replace the formal process for submission of questions, as outlined in Section 12.4, Form for Submission of Questions.

12.3. **Non-Mandatory Site Walks.** The Judicial Council will coordinate a single site walk for each facility for all proposing parties. Although attendance is not required to submit a proposal for the program, the Judicial Council encourages Proposers to attend to visually identify site conditions. Site conditions readily apparent during site walks will not be considered as grounds for change orders regardless of whether the Proposer elects to attend the site walk or not. Proposers who plan to attend any of the non-mandatory site walks will be requested register using the online form that will be provided to them as part of the Mandatory Virtual Session as shown in the RFP Schedule in section 10.

12.4. **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 10. 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-2023-06-JP Questions”).

13. SUBMISSIONS OF PROPOSALS

- 13.1. **Proposal Submissions.** The Judicial Council will only accept electronically submitted proposals. Proposers must submit their proposals with all required contents. Incomplete proposals may be rejected without review, and proposals received after the applicable deadline date and time will be rejected without review.
- 13.2. **The proposing party MUST be the same party that will be entering into the Agreements with the Judicial Council.** In addition, the proposing party must be registered with the Department of Industrial relations as set forth in Section 9.
- 13.3. 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.
- 13.4. Proposers must upload all proposal documents 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 for the Judicial Council to access the proposal files. Files may not be uploaded or modified after the deadline designated in the Timelines for this RFP, Section 10.
 - 13.4.1. Proposers must email the cloud storage or file sharing site link to the email addresses as indicated in Section 13.8 below. Indicate the RFP number and name of Proposer’s organization in the subject line of the email.
 - 13.4.2. Please use the following naming convention for all electronic files submitted:

RFPFS202306JP_Non-Cost_ProposerName_Region*. *

RFPFS202306JP_Cost_ProposerName_Region*. *
- 13.5. The Proposer must submit its electronic proposal in two separate parts. The Technical Proposal and Cost Proposal files must be emailed to the separate email addresses indicated in Section 13.8 below. Proposers must not combine the Technical Proposal and Cost Proposal files at any time during the solicitation process.
 - 13.5.1. **Technical (Non-Cost) Proposals.** No pricing may be included in this portion of the Technical Proposal submittal. Complete list of required documents is visible in Attachment Q, RFP Completion Checklist to this

RFP, but below you can see the key components pertaining to your actual technical proposal:

13.5.1.1. *Attachment B1* to this RFP: The Qualifications Questionnaire must be submitted; submit one (1) form regardless of regions proposed. ALL requirements set out in the attachment are mandatory to be completed.

13.5.1.2. *Attachment B2* to this RFP: Proposers shall submit a separate Technical Expertise Form for each proposed region.

13.5.1.3. *Attachment C1* to this RFP: Proposers must submit separate Proposed Equipment Form for each proposed region.

13.5.2. **Cost Proposals.** Attachment C2 to this RFP must be submitted by region in separate files.

13.5.2.1. *Attachment C2* to this RFP: Proposers must submit a separate C2 Proposed Price Form for each proposed region.

NOTE: All cells in the above attachments designated as mandatory must be completed. If any mandatory field is left blank, the Judicial Council will apply a value of zero to that field for consideration of the proposal and award of the Project. Review all the tabs contained within the above attachments and follow the instructions for each proposed region (BANCRO, NCRO, SRO-1 and SRO-2).

13.6. Additional supporting documentation must be named clearly and include the Proposer's name and the number of this RFP (RFPFS202306JP).

13.7. All documentation required by this RFP must be submitted in the format of the file provided by the Judicial Council (e.g., .xlsx, .doc, .PDF, etc.).

13.8. Proposals must be sent by region separately to the following email addresses which will include the cloud storage or file sharing site link:

Technical Proposal email to: fs202306jp.proposal@jud.ca.gov

Cost Proposal email to: fs202306jp.cost@jud.ca.gov

Proposers must not submit Proposals more than three (3) business days in advance of the proposal due date.

13.9. **Submission Timelines.** Proposers(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 13.3, please note that additions or modifications to content stored in those services are not permitted past the submission deadline.

The Judicial Council does not confirm receipt of proposals and participants are asked to refrain from requesting such requests.

14. PROPOSAL CONTENTS

14.1. **Technical (Non-Cost) Proposal.** The Technical Proposals must be submitted with the following complete documents. Failure to submit complete and accurate proposals may cause the Contractor’s proposal to be deemed non-responsive.

14.1.1. **Qualification Questionnaire, Attachment B1** to this RFP. All Proposers must complete the Qualification Questionnaire. If the Proposer’s status or information “**changes**” after the initial submission of their proposal then an updated Attachment B1, Part 2 shall be emailed to the address Solicitations@jud.ca.gov.

14.1.2. **Technical Expertise Forms, Attachment B2** to this RFP. All Proposers must complete a Technical Expertise form for each region for which the Proposer is submitting a proposal.

NOTE: A Proposer’s Qualifications Questionnaire and Technical Expertise Forms Attachment B1 and B2 may be deemed nonresponsive if, without limitation, the Proposer has not submitted it with the 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.).

14.1.3. **Reference Checks.** The Qualification Questionnaire, Attachment B1, includes reference check details, Section 5, 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.

14.1.4. **C1 Proposed Equipment Form.** The Proposer must submit this form, for “each region” for which it is submitting a proposal(s).

- 14.1.5. **Certifications, Attachments, and other requirements.** Proposers shall complete and provide the following forms. Failure to do so completely and accurately may cause the proposal to be deemed non-responsive.
- 14.1.6. **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 Agreement(s) showing 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 Agreements at any time prior to the award of the project. Additionally, Judicial Council retains the right to reject any proposed changes to the draft Agreements and/or seek other qualified firm for award of the project if a firm refuses to accept the terms of the Agreements.
- 14.1.7. **General Certifications Form (Attachment G).** If Proposer agrees to the stated clauses 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.
- 14.1.8. **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.
- 14.1.9. **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.
- 14.1.10. **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.

- 14.1.11. **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.
- 14.1.12. **Internal Background Check Policy (Attachment L).** Background checks will be required for all staff that will work on-site, as defined in Attachment-L-RFP-FS-2023-06-JP-Internal-Background-Check-Policy. For the purposes of submitting a proposal, please assume all work areas other than non-gated public parking lots are “restricted”.
- 14.1.13. **DVBE Declarations (Attachment M.1 and M.2)** If Proposer intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to Section 20 of this RFP, Proposer must submit the completed Attachments M.1 and M.2 with its proposal.
- 14.1.14. **Signatures.** Both electronic and scanned wet signatures are acceptable for this RFP.

14.2. **Cost Proposal.** The Cost Proposals must be submitted with the following complete documents. Failure to submit complete and accurate proposals may cause the Contractor’s proposal to be deemed non-responsive.

14.2.1. **Proposed Price Form (Attachment C2)** The Proposer must submit this form for “each region” for which it is submitting a proposal(s).

15. CONTRACT TERMS AND ADDITIONAL INFORMATION

- 15.1. **Offer Period.** A Proposer's proposal is an irrevocable offer for one hundred twenty (120) days following the proposal due date. In the event a notice of award has not been issued within this period, the parties reserve the right to negotiate extensions to this period.
- 15.2. **Sample Agreements.** 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 sample 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 sites 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 C1 and C2.

- 15.3. Each project site will have its own set of two agreements. Any proposed changes to the Agreements must be submitted as identified on Attachment F. The Judicial Council will review and respond to any exceptions identified in Attachment F prior to issuance of its Notice of Intent to Award. If the Highest Ranked Proposer for a region will not agree to the terms of the Agreements following the Judicial Council's response, the Judicial Council will proceed to negotiate with the next highest ranked Proposer, and so on, until a firm has been selected for each Region.
- 15.4. Judicial Council intends to award Agreements for Project sites in each region to the highest scoring Proposer for that region. The awarded Proposer for each region must return executed Agreements within ten (10) days of the Judicial Council's demand therefor. Failure to return the executed Agreements to the Judicial Council within the required time may, in the sole and exclusive discretion of the Judicial Council, result in disqualification of the Proposer, and the Judicial Council may proceed to award the region to the next highest ranked Proposer.

16. EVALUATION OF PROPOSALS

- 16.1. **Evaluation and Selection Process.** The Judicial Council will evaluate Proposer qualifications based on the entire Technical Proposal, and interview, if deemed necessary (see RFP Section 17 below). Further evaluation will be based on the Proposed Price Form (Attachment C2). Proposers will be ranked in numerical order from the most points to least points received. The Proposer receiving the highest combined "total score" will be ranked the number one Proposer. The Judicial Council reserves the right to reject any proposal that is non-responsive to the requirements set forth in the RFP.
- 16.2. 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 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.
- 16.3. The Judicial Council will establish a shortlist of at one (1), or more Proposers for each region based on preliminary evaluation scores. The Judicial Council will post the shortlist on the website publishing this RFP. Shortlisted Proposers will then be interviewed by a panel composed of predominantly Judicial Council staff.
- 16.4. For each region in which the project will be awarded, the Judicial Council will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>.

The Judicial Council will evaluate and score proposals for each region according to the following criteria and with the following weights set forth in Table 5 below:

Table 5

Criteria	Maximum number of points
Proposer Profile and Financial Strength	5
Proposer Background, Experience, and References	15
Preliminary Project Design and Project Approach	30
Interview	12
Acceptance of the Terms and Conditions	5
DVBE Additional Points	3
Cost/Savings	30
Total Maximum Score	100

16.5. To the furthest extent permitted by applicable law, Judicial Council reserves the right to reject any Proposals that fail to comply with the requirements of this RFP, to waive any irregularity in any Proposal received, and/or to reject all Proposals and, in its sole and absolute discretion, re-issue the solicitation at a later date.

17. INTERVIEWS

The Judicial Council will conduct interviews with shortlisted Proposers. Interviews will likely be conducted via WebEx or Microsoft Teams. The Judicial Council will notify qualified Proposers regarding interview arrangements.

18. CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO 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.

19. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

19.1. Qualification for the DVBE incentive is **not mandatory**. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

19.1.1. 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.

19.1.2. 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").

19.1.3. 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.

19.1.4. 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.

19.1.5. 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 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.

20. PROTESTS

20.1. 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 10.0, Timeline for this RFP, for approximate dates.

20.2. Protests must be sent to:

Judicial Council – Branch Accounting and Procurement
ATTN: Manager, Contracts, RFP# FS-2023-06-JP
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

END OF RFP