



# REQUEST FOR PROPOSALS

## REVISION 1

Industrial Health and Environmental  
Hygiene, Health and Safety Consultation  
Services

---

Facilities Services Office|  
Risk Management Unit

The Judicial Council of California seeks Proposals from qualified Contractors to provide industrial, environmental health and safety consultation services at California Courthouses Statewide.

**RFP Title:** Industrial Health and Environmental Hygiene, Health and Safety Consultation Services

**RFP Number:** FS-2017-02-BD

**PROPOSALS DUE:**

*December 7th, 2017* NO LATER THAN *3:00* P.M.  
PACIFIC TIME



## 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 PROPOSAL

---

**Date RFP Posted: November 9th, 2017**

**To:** Industrial Health and Environmental Hygiene, Health and Safety Consultation Services

**RFP Number:** FS-2017-02-BD

**Contact:** [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov)

**Send Proposal to:**

Judicial Council of California

Attn: Lenore Fraga-Roberts

455 Golden Gate Avenue, 6<sup>th</sup> Floor

San Francisco, CA 94102

*(Indicate RFP Number and Project Name on lower left corner of envelope)*

#	<b>RFP SCHEDULE OF EVENTS</b> (Subject to change at the Judicial Council's discretion)	<b>DATES / TIMES (PST)</b>
1	RFP issued	<i>November 9th, 2017</i>
2	Deadline for questions	<i>November 16th, 2017</i>
3	Questions and answers posted (estimate only)	<i>November 21th, 2017</i>
4	Latest date and time proposal may be submitted	<i>December 7th, 2017 at 3:00 pm PST</i>
5	Evaluation of proposals (estimate only)	<i>December 14th, 2017</i>
6	Interviews (if deemed necessary)	<i>December 15th, 2017</i>
7	Notice of Intent to Award ( <i>estimate only</i> )	<i>December 18<sup>th</sup>, 2017</i>
8	Execution of contract ( <i>estimate only</i> )	<i>December 27th, 2017</i>
9	Contract start date ( <i>estimate only</i> )	<i>January 1st, 2017</i>

## **TABLE OF CONTENTS**

- 1.0 Introduction**
- 2.0 Project Description**
- 3.0 Response to the RFP**
- 4.0 RFP Attachments**
- 5.0 Submission of Proposals**
- 6.0 Proposal Contents**
- 7.0 Offer Period**
- 8.0 Evaluation and Selection Process**
- 9.0 Interviews**
- 10.0 Confidential or Proprietary Information**
- 11.0 Disabled Veteran Business Enterprise Incentive**
- 12.0 Protests**

## **RFP – ATTACHMENTS**

- 1. Judicial Council’s Standard Terms and Conditions**
- 2. Asbestos Work Permit and Management Process, Appendix A - Asbestos Management Work Permit Form, AMP-01**
- 3. Risk Management Activity Request Form (“RMAR”)**
- 4. Fee Proposal - Hourly Rates Template**
- 5. Administrative Rules Governing RFPs (Non-IT Services)**
- 6. Acceptance of Terms and Conditions**
- 7. General Certifications Form**
- 8. Darfur Certification Form**
- 9. Payee Data Record**
- 10. DBVE Participation Form**
- 11. Bidder’s Declaration**
- 12. Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification**
- 13. Iran Contracting Act Certification**
- 14. Internal Background Check Policy**
- 15. Form for Submission of Questions**

## 1.0 INTRODUCTION

- 1.1 The Judicial Council, chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Facilities Services office's ("FS"), Risk Management Unit ("RMU"), is responsible for the oversight of asbestos permitting and environmental health and safety management programs for over five hundred (500) court facilities state-wide. For a list of the fifty eight (58) counties in which the five hundred (500) courthouses are located please go to <http://www.courts.ca.gov/find-my-court.htm>. The Judicial Council, through this Request for Proposal ("RFP"), is soliciting for qualified industrial, environmental health and safety Consultants ("Contractor") with the technical expertise to provide all labor, tools, materials and skills necessary to oversee the Judicial Council's statewide Asbestos Work Permit and Management Process (Attachment 2), provide consultative support, as well as review any recommendations on hazardous materials and environmental issues that may arise in Judicial Council owned and/or managed buildings in all Regions of California.
- 1.2 The intention of this RFP is to broadly describe the scope of requirements for the work that the Judicial Council may procure as a result of this solicitation. Submittals responding to this RFP shall demonstrate that the responding Contractor is qualified to perform all the services indicated. Based on the responses to this RFP, the Judicial Council may select a single Contractor qualified to provide all of the scope of services described in this RFP and negotiate one (1) Master Agreement with the selected Contractor. The Judicial Council expects the duration of the Agreement to be three (3) years, with options for three (3) one (1) year extensions of the Agreement.
- 1.3 Under the Master Agreement, the Judicial Council, when the need arises, may authorize the performance of Work via written Work Order(s) executed between the Judicial Council and the Contractor. **The Judicial Council may choose to use a digital process in lieu of the written Work Order(s) to expedite the issuance of Work Order(s).** The proposal and authorization process for Work Orders will be completed according to the terms of the Agreement. Please see Appendix B, section 3.0 of the Judicial Council's Standard Terms and Conditions (Attachment 1) for additional detail regarding the work authorization process.
- 1.4 The Judicial Council does not guarantee the amount or duration of work or number of Work Orders that may be given to the Contractor if a Master Agreement is awarded. The Judicial Council will make work assignments to the Contractor at its sole discretion.
- 1.5 All industrial hygiene inspection and consultation Services work that may be done as a result of this RFP shall be in accordance with the Judicial Council Master Agreement and Work Order(s) applicable to the work (Attachment 1), which includes compliance with all currently applicable local, State, and federal codes and regulations.

## **2.0 PROJECT DESCRIPTION**

This RFP is to identify a qualified industrial, environmental hygiene Contractor to oversee the Judicial Council’s statewide Asbestos Work Permit and Management Process and provide consultative support, review and recommendations on hazardous materials and environmental issues that may arise in Judicial Council owned and/or managed buildings, and a range of services for existing and new court facilities, statewide. If awarded the Agreement, Contractor may not assign or subcontract its rights or duties under the Agreement, without the prior written consent of the Judicial Council. The current Asbestos Work Permit and Management Process is attached for review (Attachment 2) and all Contractors submitting proposals (“Proposers”) must review the attachment and agree to follow the process set forth in (Attachment 2), and this may be modified in the future.

### **2.1 Background Information for the Asbestos Work Permit and Management Process.**

- 2.1.1** The purpose of the Asbestos Work Permit and Management Process (“Process”) is to provide specific guidelines to the Judicial Council, the Contractor, service providers and their subcontractors, construction contractors and the courts of the requirement to obtain an Asbestos Management Work Permit (“Permit”) (Attachment 2, Appendix A) for the Asbestos Work Permit and Management Process, prior to initiating any scheduled/planned or unscheduled/emergency work at the court facilities that may impact Asbestos Containing Materials (“ACM”) or Assumed Asbestos Containing Materials (“AACM”) in any Judicial Council owned or managed buildings.
- 2.1.2** This Contractor will also provide a dedicated individual who will serve as the Judicial Council’s Competent Person (“Competent Person”) for the purposes of asbestos and any hazardous material management in accordance with all federal and state regulatory, health and safety codes.
- 2.1.3** The Contractor’s staff serving as Judicial Council’s Competent Person will respond to two (2) types of events at locations throughout the state: unplanned/emergency events (Priority 1 (“P1”)) or planned/scheduled work events (Priority 2 (“P2”)). P1s can occur at any point in time, on a 24/7 basis; examples of such events are: water intrusion, black water contamination, earthquake damage etc. The Competent Person must be available to review/recommend clean-up activities once the emergency P1 event has been abated. P1 will be routed through Facilities Services; P2 events will be addressed through the Judicial Council work order process through Branch Accounting and Procurement. See Appendix B, section 3.0 of the Judicial Council’s Standard Terms and Conditions (Attachment 1) for additional detail on the work authorization process for P1 and P2 events.

2.2 The list of services may include one or more of the following:

2.2.1 Specific Environmental, Health Hygiene and Safety Services performed by a dedicated Competent Person/Program Manager who will have the appropriate regulatory certifications and licenses to:

- a. Act as the Judicial Council's asbestos Competent Person as outlined in our Process;
- b. Develop a protocol to address incoming P1 events that can occur on a 24/7 basis (see section 2.3.1(e));
- c. Track all activity and collect all documentation related to ACM/AACM related facilities maintenance, facilities renovation, and/or demolition work through the Program's Asbestos Management Permit document. This will include both P1 and P2 work;
- d. Provide all relevant documentation, surveys, clearance and regulatory notification information as an attachment to the completed Permit at the time of invoicing;
- e. Ensure that the Judicial Council's facilities maintenance service providers and their subcontractors perform work related to hazardous materials in accordance with state and federal regulations;
- f. Review survey and clearance reports of the service providers and their subcontractors and issue an "all clear" that the work areas can be released for re-occupancy by court personnel, the public and other court users;
- g. Provide administrative oversight of the service providers and their subcontractors work through the Permit, and track their work to the conclusion of any hazardous material disposal per regulatory requirements;
- h. Provide onsite oversight of the service providers and their subcontractors work, if deemed appropriate due to the nature and extent of the work being performed.

2.2.2 Possess the regulatory certifications and licenses to provide the following services:

- a. Conduct samplings, investigations analyses, assessments and remediation recommendations;
- b. Commercial Mold investigation;
- c. Air and Noise monitoring/metering;
- d. Lead, Asbestos, Particulate, PCBs and Mold Surveys through accredited laboratories;
- e. Ionizing and non-ionizing radiation.
- f. Provide written report of findings outlining scope of work, findings, recommendations, conclusions and an executive summary.

2.3 Description of Deliverables. Contractor shall deliver to the Judicial Council the following work products (“Deliverables”):

2.3.1 Designate an individual to serve as the Senior Project Manager and point of contact for this contract. The Senior Project Manager will:

- a. Possess the necessary qualifications, certifications and licenses to serve as the Competent Person for the Judicial Council Asbestos Work Permit and Management Process;
- b. Perform administrative oversight and onsite oversight, if deemed appropriate due to the nature and extent of the work to be performed, of the service providers and subcontractors;
- c. Track ACM/AACM related work, and any other work related to hazardous materials, of the service providers and subcontractors to the conclusion of the facilities maintenance, remediation, demolition or renovation of the Court Facilities, through the work and disposal process per regulatory requirements utilizing the Permit (Attachment 2, Appendix A);
- d. At time of invoice, deliver all documentation related to the remediation, demolition and renovation of court facilities to include, but not limited to the following:
  - i. Surveys,
  - ii. Clearance reports,
  - iii. Regulatory notifications,
  - iv. Regulatory disposal documents,

- v. Reports,
  - vi. Communications between the contractor, service providers, subcontractors and Facilities Services.
  - vii. Results of testing, survey and remediation recommendations related to indoor environmental quality matters, such as but not limited to:
    - Mold,
    - Bacteria,
    - Air/noise monitoring,
    - Unknown particulates.
- e. Create a dedicated email address to receive incoming:
- i. P1 notifications that will be monitored on a 24/7 basis by the Competent Person;
  - ii. P2 requests;
  - iii. Requests for Permits from the service providers and their subcontractors;
  - iv. Provide a rough order of magnitude for each P1, through the Risk Management Activity Request Form (“RMAR”) (Attachment 3), and for each P2 through the RMAR and Facilities Services Work Order form (Attachment 1) on a Time and Materials not to Exceed basis.
- f. Assist with the annual review of the Asbestos Work Permit and Management Process for regulatory compliance and provide recommendations on the appropriate updates.

### 3.0 RESPONSE TO THE RFP

3.1 **Questions.** The Judicial Council will answer questions submitted by Contractors. All questions should be submitted by completing (Attachment 15), Submittal of Questions Form. All questions must be submitted to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov) by the date identified in the timeline above.

### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

#	Attachment	Description
1	Judicial Council’s Standard Terms and Conditions	Standard Master Agreement including Appendix A through H, and Attachments 1 through 3. If selected, the person or entity submitting a response to the RFP must sign this Judicial Council Standard Form Agreement

2	Asbestos Work Permit and Management Process, & Appendix A, Asbestos Work Permit Form, AMP01	Describes the Judicial Council’s program to control the disturbance of asbestos containing materials in all construction work.
3	Risk Management Activity Request Form (“RMAR”)	Judicial Council’s internal form used to request / describe services required.
4	Fee Proposal - Hourly Rates Template	This is the form to be completed for submission of the Fee Proposal.
5	Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
6	Acceptance of Terms and Conditions	On this <b>MANDATORY</b> form, the Contractor must indicate acceptance of the Master Agreement Terms and Conditions.
7	General Certifications Form	The Contractor must complete the General Certifications Form and submit the completed form with its proposal.
8	Darfur Certification Form	The Contractor must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
9	Payee Data Record	This form contains information required in order to process payments and must be submitted with the proposal.
10	DBVE Participation Form	The Contractor must complete this form and submit it with their proposal.
11	Bidder’s Declaration	Complete this form only if the Contractor wishes to claim the DVBE incentive associated with this solicitation and submit it with their proposal.
12	Unruh Civil Rights Act & California Fair Employment & Housing Act Certification	Certifies a Contractor’s compliance with the Unruh Civil Rights Act and the California Fair Employment and Housing Acts.
13	Iran Contracting Act Certification	Verifies that Contractor is not on the current list of persons engaged in investment activities in Iran.
14	Internal Background Check Policy	Contains information on the Judicial Council’s Background Check Process.
15	Form for Submission of Questions.	Complete this form if you want to submit questions pertaining to this RFP.

## 5.0 SUBMISSIONS OF PROPOSALS

- 5.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
- 5.2 The Contractor must submit its proposal in two parts, the statement of qualifications and the fee proposal.
- a. The Contractor must submit **one (1) original and five (5) copies** of the Statement of Qualifications. The original must be signed by an authorized representative of the Contractor. The original (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope, separate from the cost proposal. The Contractor must write the RFP title and number on the outside of the sealed envelope.
  - b. The Contractor must submit **one (1) original and five (5) copies** of the Fee Proposal - Hourly Rates Template (Attachment 4). The original must be signed by an authorized representative of the Contractor. The original Fee Proposal - Hourly Rates template (and the copies thereof) must be submitted to the Judicial Council in a single sealed envelope, separate from the Statement of Qualifications. The Contractor must write the RFP title and number on the outside of the sealed envelope.
  - c. The Contractor must submit an electronic version of the entire proposal on CD-ROM or USB memory stick/flash drive. Please submit the Statement of Qualifications and the Fee Proposal - Hourly Rates files separately, both files may be saved on the same USB or CD-ROM. The files must be in PDF, Word, or Excel formats.
- 5.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to:
- Judicial Council of California  
Attn: Lenore Fraga-Roberts, Judicial Council-FS-2017-02-BD  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102**
- 5.4 Late proposals will not be accepted.

- 5.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

## 6.0 PROPOSAL CONTENTS

- 6.1 **Statement of Qualifications.** Each Contractor shall provide the following in its' written Statement of Qualifications (SOQ). A proposal lacking any of the following information may be deemed non-responsive.
- a. **Cover Letter:** Provide a cover letter that confirms that all elements of the RFP have been read and understood and that the Contractor takes no exception to the terms and conditions in the standard master agreement, which is provided as (Attachment 1). Cover letter shall be one page maximum and signed by an individual authorized to bind the Contractor contractually. The letter should include:
- i. The Contractor's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Contractor is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- b. **Project Experience:** Identify and describe five (5) projects including client, location, building use, structure type, initial cost estimate, total environmental abatement cost, and the detailed nature of your firm's services. Provide details of your firm's familiarity in working with federal, state or local governmental agencies. Describe your experience in preparing plans, permits, and documentation for regulatory compliance. Maximum one (1) page per project.
- c. **Summary of Firm and Key Personnel:** Describe your firm's history, resources, and capabilities. Indicate key personnel that you will commit to Judicial Council's projects, including name, qualifications, past project experience and job classification. Indicate applicable licenses, credentials, and professional training held by the firm principals(s) and key personnel. Information to be provided with licenses to include license number, date of original issue, lapses in dates of licensure, standing of licensee (including any disciplinary or other actions taken by licensing authority, other than licensing renewal), expiration of current licenses. Maximum three (3) pages total.
- d. **Technical Approach:** Describe methods used by your firm to ensure accuracy and coordination of test reports, plans, inspections, abatement methodologies and decisions, specifications writing, and post-abatement clearance inspection and testing. Indicate your approach to management, use of computers, and abatement monitoring. Include one (1) example of past work, which may be selected from assessment reports, test reports, abatement recommendations (i.e. the "Executive Summary", specifications, or other relevant data. Maximum three (3) pages total.

- e. **References:** Provide a minimum of four (4) references for whom Contractor has provided similar services in the last twelve (12) months. The Judicial Council may contact references listed by the Contractor. Maximum two (2) pages total.
  - f. **Acceptance of the Terms and Conditions:** On (Attachment 6), the Contractor must check the appropriate box and sign the form, without exception. An “exception” includes any addition, deletion, or other modification.
  - g. **Certifications, Attachments, and other requirements.**
    - i. The Contractor must complete the General Certifications Form (Attachment 7) and submit the completed form with its proposal.
    - ii. The Contractor must complete the Darfur Contracting Act Certification (Attachment 8) and submit the completed certification with its proposal.
    - iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
    - iv. Copies of the Contractor’s current business licenses, professional certifications, or other credentials.
    - v. The Contractor must complete the Iran Contracting Act Certification (Attachment 13) and submit the completed certification with its proposal.
    - vi. The Contractor must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 12) and submit the completed certification with its bid.
- 6.2 **Fee Proposal - Hourly Rates Template (Attachment 4) and Payment Information.** The following information must be included in the fee proposal / hourly rates template.
- i. The Judicial Council anticipates payment for work specified in this RFP to be based on a time and materials not to exceed basis. The Fee Proposal - Hourly Rates for the work described herein shall be based on the Hourly Rate per Classification.

- ii. The time and materials not to exceed - hourly rates, shall be provided for the categories of key personnel described below. The Contractor’s fully burdened hourly rates shall include, without limitation, all costs, labor, Contractor’s in house equipment, expenses, travel-related costs, fees, overhead, and profits payable to the Contractor for services rendered to the Judicial Council, including labor costs associated with overtime, weekend, and after hours work. The submitted rates will be held in confidence until such time as a contract is executed.
  
- iii. Laboratory fees shall be in accordance with the billing rates set forth in Table 2 of the Fee Proposal (Attachment 4). The Judicial Council will pay for laboratory service fees incurred by the Contractor, for services specified in Appendix A, section 2.3, of the Judicial Council’s Standard Terms and Conditions (Attachment 1) per laboratory rates indicated in Table 2. If Contractor utilizes rental equipment, no markup shall be added to the price of the rental equipment. The Judicial Council will reimburse equipment rental expenses based on paid invoices provided that Contractor obtained the required approval from the Judicial Council’s Project Manager before the expenses were incurred. See Appendix B, section 4.3, reimbursement of non-travel expenses (Attachment 1).
  
- iii. Please include the fully burdened hourly rates for each Classification listed in this section, by completing the Fee Proposal – Hourly Rates Template (Attachment 4).
  
- iv. The hourly rates set forth in the Fee Proposal shall be the rates charged for Services performed under the Agreement.
  
- v. The hourly rates will be used for evaluation purposes as set forth in “Evaluation and Selection Process” section below. The basis of the evaluation and subsequent award of points for the “Total Proposed Fee” criteria shall be the average of the weighted hourly rate of the key personnel positions listed. The average weighted hourly rate will be determined by multiplying the proposed hourly rate for each position, by the designated weight factor, and then divided by the number of positions listed in this section. The calculation of the points awarded for each firm will be in accordance with the JCC Contracting Manual, Chapter 4C.

<u>Position</u>	<u>Weight</u>
Director/Principal	1.20
Senior Project Manager (Competent Person)	1.10
Project Manager	1.00
Certified Industrial Hygienist	.85
Certified Asbestos Consultant	.80
Project Specialist	.75
Technician	.50

- vi. Payment terms will be specified in the Standard Master Agreement that may be executed as a result of an award made under this RFP.

## 7.0 OFFER PERIOD

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

## 8.0 EVALUATION AND SELECTION PROCESS

The evaluation process will consist of two steps. Step one is an evaluation of the Contractor's qualifications based on the Contractor's written Statement of Qualifications (SOQ) Proposal, and Qualifications Interview if deemed necessary by the Judicial Council. Step one scores will be finalized prior to commencement of Step two. Step two is a Fee Proposal evaluation (Attachment 4). Step one and Step two scores will be added together to establish the Contractor's "total score". Contractors will be ranked in numerical order from the most points to least points received. The Contractors receiving the highest combined "total score" will be ranked the number one Contractor. In the event of ties within the ranking list, the Contractor with the higher Step one score will be advanced one place holding in the ranking list. 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 .

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents. The Judicial Council will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

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

<b>CRITERION</b>	<b>MAXIMUM NUMBER OF POINTS</b>
<i>Qualifications – Contractor's ability to perform all services required as outlined in the RFP.</i>	35
<i>Experience – Demonstrated experience in relation to the scope and quality of services provided to clients in the past.</i>	32
<i>Fee Proposal - Hourly Rates</i>	30

CRITERION	MAXIMUM NUMBER OF POINTS
<i>DBVE – See Section 11.0, Disabled Veteran Business Enterprise.</i>	3

**9.0 INTERVIEWS**

The Judicial Council may conduct interviews with Contractors to clarify aspects set forth in their proposals. The interviews may be conducted in person and will likely be held at the Judicial Council’s offices in San Francisco. The Judicial Council will not reimburse Contractors for any costs incurred in traveling to or from the interview location. The Judicial Council will notify eligible Contractors regarding interview arrangements.

**10.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** The Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Contractor 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 Contractor 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. Contractors are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

**11.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

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

- 11.1 Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Contractor will receive a DVBE incentive if, in the Judicial Council’s sole determination, Contractor has met all applicable requirements. If Contractor receives the DVBE incentive, a number of points will be added to the score assigned to Contractor’s proposal.
- 11.2 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, Contractor may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

- 11.3 If Contractor wishes to seek the DVBE incentive, Contractor must submit with its proposal a DVBE Participation Form, (Attachment 10) completed and signed. If awarded the Agreement, Contractor may not assign or subcontract its rights or duties under the Agreement, without the prior written consent of the Judicial Council. The Contractor shall not include subcontractors under this request for proposal; accordingly, there is no need for DVBE subcontractors to complete and sign a DVBE Declaration or the DVBE Participation Form.
- 11.4 If Contractor is itself a DVBE, wishes to claim the DVBE Incentive in this solicitation, it must complete and submit with its proposal the Bidder's Declaration (Attachment 11). Contractor must submit with the Bidder Declaration all materials required in the Bidder Declaration. If the Contractor does not wish to claim the DVBE incentive, Contractor should not complete the Bidder Declaration.

**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.**

## **12.0 PROTESTS**

Regardless of whether or not the work contemplated under this solicitation falls under the Judicial Branch Contracting Manual (JBCM), 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](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). Failure of a Contractor to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is: the proposal due date. 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 RFP (on Page 1 of 16) Schedule of Events, for approximate dates).

Protests must be sent to:

**Judicial Council – Branch Accounting and Procurement  
ATTN: Manager, Contracts, RFP# FS-2017-02-BD  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102**