

# **Request for Proposals (RFP) for**

## **ID/IQ Staff Extension and Project Management Consulting Services**

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**The Judicial Council of California seeks to identify a number of qualified firms and/or individuals to provide staff extension and project management consulting services for various projects to be initiated between March 2019 and March 2022 with possible extensions to March 2026.**



**JUDICIAL COUNCIL  
OF CALIFORNIA**

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OPERATIONS AND PROGRAMS DIVISION

CAPITAL PROGRAM



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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## REQUEST FOR PROPOSALS

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Date: **12/21/2018**

To: Facilities Management

Firms/Individuals

From: Judicial Council of California

Contact

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

Project Title: ID/IQ Staff Extension and  
Project Management Consulting Services

RFP Number: FS-2018-26-BD

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## 1. INTRODUCTION

- 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. The Facilities Services office 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 Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California has shifted from the counties to the state. Many of these approximately 500 existing facilities require repairs or modifications, and approximately 600 facility modifications are completed per year. In addition, ten (10) Capital Outlay Projects are in the Working Drawing and Construction phases. Support Services may be required as needed on other Capital and Facility Modification projects.

## 2. PURPOSE OF THIS RFP

- 2.1 **Consultants.** Judicial Council seeks proposals from firms and/or individuals to provide the services of qualified, properly licensed consultants with expertise in all phases of the planning, design, renovation, assessment, and construction of public buildings (“Proposals”). It is anticipated that selected firms/individuals will oversee, manage, support and administer the planning, design, construction, and turnover of various capital improvement and facility modification projects as needed by the Judicial Council. Consultants for the purpose of this RFP will be referred to as “Consultants.” Consultants will be evaluated and selected to provide services throughout the State. Consultants are not required to have the expertise needed to provide all Services. The Judicial Council’s Facilities Services office has a need for expertise to supplement its in house staffing due to open positions. This RFP is the means to contract for the support staff needed to fulfil the Services indicated herein. Consultants shall submit their qualifications for only the Service types that they are qualified to perform. Consultants will not be offered work for Service types that they are not qualified to perform. **Consultants who have expertise for one or two types of Services indicated in this RFP are strongly encouraged to submit a Proposal. The Judicial Council seeks to contract with a diverse pool of Consultants including, without limitation, individuals, sole proprietors, limited liability companies, and/or corporations. Consultants will only be reviewed and qualified for the Services for which a Proposal is submitted pursuant to this RFP.**

2.2 **ID/IQ Contracts.** Multiple Consultants will be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the Judicial Council for the staff extension and project management consulting services for capital projects including, but not limited to, new ground up construction, facility modifications, building renovations, master and facility planning, facility and assets assessments, cost estimating, bid analysis and review, claim review and support, scheduling review and support, and subject matter expertise, or for the provision of the services they propose upon. Consultants may be assigned various projects and tasks, as may arise, based on the location and nature of the services required and the qualifications and resources of the Consultants (each a “Project(s)”). Because the scope and number of Projects and tasks are unknown at the time of contract execution, the contracts are known as ID/IQ contracts. The initial term of the ID/IQ contracts for these Projects will be for three years. It is anticipated that ID/IQ contracts will be issued to multiple Consultants.

2.2.1 Posted with this RFP is the Judicial Council’s form of Standard Agreement, including the indemnification provision that the Judicial Council will include in that agreement, which the Judicial Council will utilize on the individual projects. In accordance with the Judicial Council’s Administrative Rules Governing this RFP, attached hereto and incorporated herein as Attachment A, please indicate in Consultant’s Proposal if it has any comments or objections to the form of agreement; **PLEASE NOTE:** the Judicial Council does not intend to consider any substantive changes to the form of agreement if they are not submitted at or before this time. See section 4.4.14, Acceptance of Terms and Conditions, for further information and direction.

2.3 **Licensing.** All Consultants, and sub-consultant(s), employees or agents thereof, performing work per agreements awarded under this RFP must have, at all times throughout the duration of their performance of the work, all appropriate, valid license(s) required under law to provide the work being performed as may be applicable. If the possession of any license(s) is required under law for the performance of the work, the Consultant must ensure that the work will be performed either by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual.

2.4 **Prevailing Wages.** All Consultants and sub-consultant(s) shall pay all workers not less than the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work as determined by the Director of the Department of Industrial Relations, State of California, for the type of work performed and the locality in which the work is to be performed, pursuant to sections 1770 et seq. of the California Labor Code. Prevailing wage rates are available online at: <http://www.dir.ca.gov>. All Consultants and sub-consultant(s) thereof shall comply with the registration and

qualification requirements pursuant to sections 1725.5 and 1771.1 of the California Labor Code.

- 2.5 **Subsequent Project Proposals.** Consultants may be asked to provide proposals on some Projects (“Project Proposal(s)”), but may not be asked to provide Project Proposals on other Projects or none at all. The Judicial Council, at its sole discretion, may choose to issue Work in a round-robin rotation assigning Projects according to each Consultant’s qualifications with the intent to issue Projects equally based on prior Project performance. In some cases, more than one Consultant will be asked to provide Project Proposals for the same Project. Selection of a Consultant for a specific Project is at the sole discretion of the Judicial Council. The Judicial Council will make efforts to award a fair share of the work to each of the Consultants based on their Project Proposals, specific expertise, knowledge of and involvement with specific systems and/or facilities, prior performance on this contract, and those other factors that the Judicial Council may deem pertinent for the work.
- 2.6 **Consultant Performance Management.** The Judicial Council may choose to conduct periodic Business Performance Reviews on completed Projects to evaluate the Consultant’s performance for quality assurance, safety, duration of the Project, Judicial Council satisfaction, and other relevant factors. The Judicial Council, at its sole discretion, may not offer subsequent Projects to and/or may terminate an agreement with any Consultants who do not meet minimum performance benchmarks specified in their Business Performance Review.
- 2.7 **No Follow on Contracting.** For any Project that a Consultant is providing consulting services pursuant to an agreement awarded by this RFP, the Consultant is prohibited from also providing construction services on that same Project under any separate contract or agreement the Consultant may have with the Judicial Council.
- 2.8 **Sole Means.** This RFP is the sole means for prospective Consultants to submit their qualifications to the Judicial Council for the ID/IQ services for the oversight, management, support, and administration of the planning, design, construction, and turnover of various capital improvement and facility modification Projects, as described above.

### 3. SCOPE OF SERVICES

- 3.1 **Consultant Services.** The scope of services requested under agreements awarded under this RFP—as set forth in further detail below—include professional consultant services of a facilities project management nature as well as incidental services that members of those professions and those in their employ may logically or justifiably perform, such as project management for capital and facility modification projects, master and facility planning, facility and asset assessment, cost estimating, bid analysis and review, claim

review and support, scheduling review and support, and subject matter expertise (“Services”).

3.2 **Services.** Services as required which Consultant shall have experience in may include the following:

3.2.1 Capital Project Staffing: Managing ground up new construction projects and/or significant renovation or addition to the existing building(s). Capital Project budgets typically range from \$10,000,000.00 to \$500,000,000.00 per project. Projects may include work in existing facilities, phasing and work in occupied Courthouse facilities, and hazardous mitigation components. Coordination with other State and local entities, including the State Fire Marshall (“SMF”) and the Authority Having Jurisdiction will be required to reach project completion.

3.2.2 Facility Modification (“FM”) Staffing: Managing projects from courtroom build-outs, roof replacements (partial tear offs, full tear offs), elevator replacements, tenant improvements, fire life safety upgrades, HVAC upgrades, generator replacements, building automation system replacement, energy efficiency upgrades, water efficiency projects, plumbing leaks, finishes replacement, exterior wall finish replacement and other project types. Facility Modification Project budgets typically range from \$35,000.00 to \$10,000,000.00 per project. FM projects will include working in existing Courthouse facilities, phasing, and hazardous mitigation components. Coordination with other State and local entities, including the State Fire Marshall (“SMF”) and the Authority Having Jurisdiction will be required to reach project completion.

3.2.3 Planning Staffing: Planning and support services for master planning, facility planning, space planning of existing spaces, programming for Courts, office and other support buildings or spaces, and the ability to work within tight deadlines.

3.2.4 Facility and Asset Assessments: Existing facility assessments, including site assessments, data analysis and validation, and other support for facility assessments. The Proposer should also have experience with full asset assessment and the production of performance specifications for use by potential bidders.

3.2.5 Other Scope Requirements: Cost estimating services, bid analysis and review, economic analysis, claim review and support, scheduling review and support, FF&E coordination, accessibility review, fire life safety analysis, code review, as built drawings, historic building reviews, and other subject matter expertise in various areas that Facilities Services may need.

#### 4. RESPONDING TO THIS RFP

- 4.1 Responsive Proposals will provide straightforward, concise information that satisfies the requirements specified. Please only submit documentation which has been specified in this RFP. Materials sent which fall outside of that specified within this RFP may not be considered in proposal scoring.
- 4.2 Consultants who intend to respond to this RFP are requested to notify Branch Accounting and Procurement by sending an email to [Solications@jud.ca.gov](mailto:Solications@jud.ca.gov) with the RFP number and name in the subject line. Please include the name, address, telephone, fax number, and email address of the Consultant (firm/individual) and contact person. Note, however, that interested parties must check the Judicial Council's website for subsequent notices and announcements; the Judicial Council will not address individual parties directly during this RFP's solicitation period.
- 4.3 A pre-proposal conference will be held by phone to answer questions with regards to this RFP. This conference is not mandatory to submit a Proposal. The exact date, and time, will be posted on the Judicial Council website at: <http://www.courts.ca.gov/rfps.htm>.
- 4.4 **Proposal Format.** Proposals must be submitted in three-ring binders or three-hole soft report covers, consecutively numbered on each page. Proposals shall be no longer than thirty (30) pages double sided, or sixty (60) pages single sided, 8½" x 11" paper, inclusive of résumés, forms, and pictures, and tabbed according to the numbering system reflected below. Consultants are encouraged to print double-sided to save paper. All page limits listed below refer to a single printed side (except where specifically stated below).

Two (2) complete copies are required for consideration. As well, provide copies of Proposals on one (1) compact disk or USB flash drive containing all documentation required below in both Adobe PDF format and editable formats; label the CD or drive clearly with the name of your organization and with "ID/IQ Staff Extension and Project Management Consulting Services / FS-2018-26-BD"

Proposals should be tabbed according to and include the following sections:

- 4.4.1 **Cover Letter (1-page limit):** A cover letter, signed by an authorized representative of your organization, that provides the exact business name under which you propose to conduct business with the Judicial Council, and your address, telephone, fax number, e-mail address, and federal tax identification number. The cover letter must state that the Standard Agreement posted with this RFP is completely acceptable to the Consultant as posted except as otherwise

specifically indicated, pursuant to section 4.4.14, Acceptance of the Terms and Conditions, of this RFP.

- 4.4.2 **Table of Contents:** A table of contents of the material contained in the Proposal should follow the cover letter.
- 4.4.3 **Executive Summary:** The executive summary should contain a brief summary of Consultant's qualifications.
- 4.4.4 **Prequalification Questionnaire:** All Consultants submitting a Proposal shall also submit a completed Qualification Questionnaire with its Proposal, the form of which is attached hereto as **Attachment C**.
- 4.4.4.1 Consultants must update their Qualification Questionnaire if Consultant's status or information changes.
- 4.4.4.2 A Consultant's Qualification Questionnaire shall be deemed nonresponsive if, without limitation, the Consultant'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 Consultant, 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.).
- 4.4.5 **Payee Data Record (no page limit):** A separately printed and signed original Payee Data Record, completed in the exact name of the business entity under which you propose to do business with the Judicial Council. A separately printable copy of this form has been posted with this RFP as Attachment H.
- 4.4.6 **Delinquent Taxpayer Status (2-page limit):** Provide a written and certified document identifying whether or not the Prime Proposer (or Prime Proposers if a joint venture) organization is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.
- State of California Franchise Tax Board's "Top 500 Delinquent Taxpayers" (available at <https://www.ftb.ca.gov/aboutftb/delinquent-taxpayers.shtml>); and/or;
  - California State Board of Equalization's "Top 500 Sales & Use Tax Delinquencies in California" (available at <http://www.boe.ca.gov/sutax/top500.htm>)

**4.4.7 Proposed Personnel/Project Team:**

4.4.7.1 Identify the key personnel that Consultant would assign to the Project(s), including their roles. For each, describe his or her experience with public works projects, including identifying the ten (10) most recent of those projects. List license numbers and dates issued as applicable. Include an organizational chart indicating all personnel and their positions.

4.4.7.2 Include resumes of key personnel who may be performing Services for the Judicial Council. Specifically, define the role of each person and outline his or her individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the Judicial Council. Indicate Consultant's and personnel's availability to provide the Services.

4.4.8 **Statement of Services:** Prepare a detailed Statement of Services for which Consultant is submitting its Proposal, and briefly demonstrating Consultant's understanding of the Services and work required for the Projects (see Section 3, Scope of Services, for reference). Consultant must specifically identify work or services which Consultant is **excluding** from its Statement of Services or which are **not** included or provided by Consultant.

4.4.9 **Reference Checks:** The Consultant shall provide three (3) client references that must be from recently completed projects. Please include the following with each client reference: name of entity/firm, 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 will be asked to score the following: Consultant's quality of work, scheduling practices, project and subcontractor management, working relationships, and paperwork processing. 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 6.1.

**4.4.10 Consultant Information:**

4.4.10.1 Provide a brief history of Consultant, and, if a joint venture, of each participating entity. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.

4.4.10.2 Provide Consultant's current contact information and email address to send Consultant notifications hereunder.

4.4.10.3 Describe Consultant's philosophy and how Consultant will work with the Judicial Council staff in performing the Services.

4.4.10.4 Provide a statement of Consultant's financial resources and insurance coverage. Include a certification of correctness of Consultant's statement of financial resources.

4.4.10.5 Provide a statement of ALL claim(s) filed against Consultant in the past five (5) years. Briefly indicate the nature of the claim and the resolution, if any, of the claim(s).

**4.4.11 Prior Relevant Experience:**

4.4.11.1 Describe Consultant's experience with the Uniform Building Code ("UBC"), Title 24 of the California Code of Regulations, the State Fire Marshall ("SFM"), and the Division of the State Architect ("DSA").

4.4.11.2 Provide a list of ALL California public entities for which Consultant has provided the same or similar Services to in the past seven (7) years. Limit your response to no more than the five (5) most recent public entities. Include the names of the entity, a description of services provided, and the name of the contact person and telephone number at the entity. Also, indicate the Consultant's personnel that performed services for each entity.

4.4.12 **Attachment B, Hourly Rates:** Provide the hourly rates Consultant proposes to charge for all services utilizing **Attachment B** to this RFP. Do not change or edit this form. Rates must be fully loaded and include Overhead and Profit.

4.4.13 **Approach to Project Management:** Provide Consultant's philosophy and approach to project management.

4.4.14 **Acceptance of the Terms and Conditions:** On Attachment E, the Consultant must check the appropriate box and sign the form. If the Consultant 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 Consultant must also submit (i) a redlined version of the Standard Agreement that implements all proposed changes, and (ii) a written explanation

and rationale for each exception and/or proposed change explaining why the change is necessary.

- 4.4.15 **Additional Data:** Provide additional information about the Consultant as it may relate to Consultant's Proposal. Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the Judicial Council in understanding Consultant's qualifications and expertise.
- 4.4.16 **DVBE Certification:** If Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 9 of this RFP, Consultant must provide with its Proposal proof of its DVBE Certification including, without limitation, a copy of Consultant's DVBE certification approval letter, Consultant's Department of General Services (DGS) Supplier ID Number, active dates of Consultant's DVBE Certification, and a signed certification of its status by Consultant's disabled veteran owners and managers.
- 4.4.17 **Consultant's Current Work Commitments:** Specify the current and projected workload of Consultant and describe Consultant's ability to complete the expected Services as anticipated herein.
- 4.4.18 **Conflicts of Interest:** If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to similar work, the Project, or the Judicial Council that may have a potential to conflict with Consultant's ability to provide the Services described herein to the Judicial Council. Consultants cannot submit, propose, bid, contract, sub-contract, consult, or have any other economic interests in the Project to which the Consultant may provide Services. The Consultant selected to provide the Services and any subsidiary, parent, holding company, or affiliate of the selected Consultant may not perform any construction work or submit a bid for the Project.

## 5. SELECTION PROCESS

- 5.1. An evaluation panel composed of predominantly Judicial Council staff will review and score the Proposals, based on the selection criteria given in this RFP, and establish a shortlist of a minimum of five (5) qualified, highest scoring Proposals. Judicial Council will post the shortlist on the website publishing this RFP.
- 5.2. The Judicial Council may, at its discretion, hold interviews of the Consultants that have been shortlisted. Consultants on the shortlist will be notified of their interview time and place. Interviews are expected to be held at the Judicial Council offices in San Francisco

and Sacramento. If the Judicial Council chooses not to hold interviews, the names of the selected Consultants will be posted on the website posting for this RFP.

- 5.3. After the interviews, if any, the ranking of the Consultants according to the selection criteria will be adjusted and the highest-scoring Consultants will be contacted regarding contract execution. The names of the selected Consultants will be posted on the website posting for this RFP.
- 5.4. At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant, their key personnel, and their sub-consultants.

**6. EVALUATION OF PROPOSALS**

- 6.1 Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score the submitted Proposal according to the following criteria and with the following weights:

Points	Criteria	105 points maximum
40	<p><b>1. Consultant’s Prior Relevant Experience &amp; Expertise</b>                      Past seven years of relevant experience of the prospective Consultant in the development of quality solutions for court buildings or similar program-intensive, public agency buildings; for non-project specific work, relevant experience in the evaluation of existing infrastructure, code compliance, design and/or planning solutions. Additionally, Consultant and/or its team’s demonstrated experience with public works projects, including roles, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff in performing the Services.</p>	
10	<p><b>2. Statement of Services</b>                      Consultant’s demonstrated understanding of the Services required to complete the Projects described in this RFP (See Section 3, Scope of Services).</p>	
10	<p><b>3. Reference Evaluation</b>                      The Judicial Council will contact three (3) references provided by the Consultant to evaluate previous client satisfaction. See 4.4.9, Reference Checks, for additional details.</p>	
5	<p><b>4. Consultant Information</b>                      Consultant’s history, including number of years in business and types of business conducted.</p>	

Points	Criteria	105 points maximum
20	<b>5. Hourly Rates</b> Hourly rates for the consultant services requested by this RFP, as provided in Attachment B.	
15	<b>6. Approach</b> Consultant’s approach towards project management.	
5	<b>7. DVBE Incentive</b> Consultant will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to Section 9; note that the DVBE incentive will only be awarded if the Consultant itself is a DVBE.	

**7. ADDITIONAL REQUIREMENTS**

7.1 Proposals may be sent by registered mail, certified mail, using the overnight courier of your choice, or by hand delivery. Incomplete proposals will be rejected without review. **Proposals received after the deadline date and time set forth in the schedule below will be rejected without review.**

7.2 Proposal submissions must be sent to:

Judicial Council of California  
 Attn: Ms. Sherri Jones  
 455 Golden Gate Avenue, 6th Floor  
 San Francisco, CA 94102-3688

*(Indicate the RFP Number FS-2018-26-BD and name of your organization in the lower-left corner of the outer packaging.)*

7.3 If a Proposal is to be submitted by hand, it will only be considered a valid submission if it is received at the reception desk of the Judicial Council on the **6th floor of 455 Golden Gate Avenue, San Francisco, CA 94102** (Hours: 9:00 A.M. to 5:00 P.M., Judicial Council Business Days). Consultants are advised to obtain a handwritten receipt from the Judicial Council receptionist when submitting.

7.4 The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests. If you require a confirmation, please contact your delivery service.

7.5 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.

#### 7.6 Procurement Schedule and General Instructions.

7.6.1 The Judicial Council has developed the following list of key events from RFP issuance through performance start date. All deadlines are subject to change at the Judicial Council's discretion.

<i>No.</i>	<i>Event</i>	<i>Key Date</i>
1	Issue RFP	<b>December 21st, 2018</b>
2	Pre Proposal Telephone Conference	<b>December 27th, 2018 11:00am -12:00pm</b>
3	Deadline for Consultants' Requests for Clarifications, Modifications, or Questions	<b>January 4th, 2019</b>
4	Clarifications, Modifications, and/or Answers to Questions posted on the Judicial Council Website	<b>January 11th, 2019</b>
5	Proposal Due Date and Time.	<b>January 18th, 2019 @ 3 pm PST</b>
6	Oral Presentations / Interviews (Estimated)	<b>January 28th, 2019</b>
7	Notice of Intent to Award (Estimated)	<b>February 1st, 2019</b>
8	Full Performance Start Date	<b>March, 2019</b>

## 8. CONTRACT TERMS AND ADMINISTRATIVE RULES

8.1 All submitted Proposals shall constitute and be an irrevocable offer by the Consultant that is valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Consultants. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.

8.2 Contracts with successful firms/individuals will be formed according to the Judicial Council Standard Agreement form posted with this RFP. The initial term of this contract will be for three (3) years, beginning March, 2019. Two (2) subsequent two (2)-year extensions may be offered at the discretion of the Judicial Council. Note that during

subsequent terms, if any, rates shall be adjusted based on the California Bureau of Labor Statistics' Consumer Price Index increase for the preceding twelve (12) months prior to the increase becoming effective.

- 8.3 In submitting a Proposal under this RFP, the prospective Consultant must affirm that it has no objections to the use of the Standard Agreement as provided, pursuant to this RFP.
- 8.4 If a satisfactory contractual agreement has not been signed within 30 calendar days of provision of a contract draft, the Judicial Council reserves the right to terminate the award.
- 8.5 The Consultant selected under this RFP will not be precluded from consideration nor given special status in any future requests for proposals issued by the Judicial Council.
- 8.6 **Provision of the Work.** Work shall be provided in accordance with Service Work Orders to be issued by the Judicial Council under the Standard Agreement resulting from this procurement, and shall be subject to the provisions of the Standard Agreement accompanying this RFP, including any additional provisions specified in the Service Work Orders with regard to schedule, key personnel, and subcontractors.
- 8.7 **Compensation.** The method of compensation will vary on a Service Work Order-by-Service Work Order basis. See the Standard Agreement posted with this RFP for details.

## 9. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 9.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%).
- 9.2 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive.
- 9.3 Consultants will receive a DVBE incentive if, in the Judicial Council's sole determination, Consultant has met all applicable requirements. If Consultant receives the DVBE incentive, a number of points will be added to the score assigned to the Consultant's Proposal. The number of points that will be added is specified in Section 6 above.
- 9.4 To receive the DVBE incentive, the Consultant itself must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal (i.e., by submission of a copy of the Consultant's valid DVBE certification approval letter, etc.). Please note that the DVBE incentive will only be awarded to Consultants that can be

verified as a certified DVBE. A non-DVBE Consultant, regardless of whether it intends to utilize DVBE sub-consultants, are not eligible for the DVBE incentive.

## **10. ADMINISTRATIVE RULES GOVERNING RFP**

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

10.2 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 or 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.

## **Attachment A**

### **JUDICIAL COUNCIL OF CALIFORNIA**

#### **ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS**

##### **A. General**

1. This solicitation (the “RFP”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “Proposal(s)”), the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of a Proposal, prospective Consultants agree to be bound by these Administrative Rules. If a prospective Consultant has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B of these Administrative Rules.
2. In addition to explaining the Judicial Council of California’s (“Judicial Council”) requirements and needs for goods and/or services, the RFP includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Prospective Consultants must adhere to all instructions provided in the RFP when submitting Proposals.
3. An RFP, as published to the California Courts “Request for Proposals” page of the California Courts website, constitutes the entire statement of the Judicial Council’s solicitation with regard to the subject matter of the solicitation, and is not subject to any modification not posted in writing to said website. Any and all other communications, whether prior to or during the course of a solicitation, and whether given in writing, verbally, or published to other Judicial Council, California Courts, State of California, or other websites are hereby disclaimed.

##### **B. Errors in the RFP or Administrative Rules**

1. If a prospective Consultant who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP; is of the opinion that the structure of the RFP does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought; believes that one or more of the RFP’s requirements is onerous or unfair; believes that the RFP unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective Consultant must, at least two (2) full Judicial Council business days before the due date of the Proposals, provide the Judicial Council with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective Consultant is of the opinion that the RFP or the Administrative Rules

should be changed, as well as a written description of the modification sought. Said written notice must be in the form of an e-mail submitted to the e-mail address established for the submission of questions in the RFP. Failure to provide the Judicial Council with such written notice as specified above on or before the time specified above forfeits the prospective Consultant's right to raise such issues later in the solicitation process or at any other time.

2. Without disclosing the source of the request, the Judicial Council will evaluate the request and will, prior to the date established for submission of Proposals, at its sole discretion determine if it chooses to modify the RFP. Any modification made will be published by the Judicial Council to the Judicial Council's website advertising the solicitation.
3. If a prospective Consultant submitting a Proposal knows of (or, if it can be reasonably demonstrated, that it should have known of) an error in the RFP but fails to notify the Judicial Council of the error as prescribed above, the prospective Consultant is submitting a Proposal at its own risk and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the Judicial Council.

**C. Questions; Requests for Access to Public Records; Confidentiality**

1. Prospective Consultants are entitled to ask questions about the RFP and the nature of the goods and/or services being solicited in accordance with the procedure for the submission of such questions specified in the RFP. Except as otherwise specified below, the Judicial Council's responses to questions submitted shall be published to the public website for the procurement.
2. The Judicial Council of California is bound by California Rule of Court 10.500 with regards to disclosure of public records.
3. If the Judicial Council receives a request for public access to documents submitted in response to this RFP or other documents related to this RFP, the Judicial Council will determine whether such documents, in whole or part, are subject to disclosure under Rule 10.500 or other applicable law and inform the inquiring party. If subject to disclosure under Rule 10.500, the Judicial Council will proceed to disclose the documents as public records.
4. Prospective Consultants may note or mark portions of the information submitted on their Proposal in response to this RFP indicating that certain information is confidential and/or proprietary.
5. If the Judicial Council finds or reasonably believes that any portions of the documents requested are exempt from disclosure for reasons of confidentiality, those portions of the documents will not be disclosed.

6. If the documents requested are marked confidential and the Judicial Council reasonably believes that the material so marked is not confidential, the Judicial Council will contact the prospective Consultants with a request to substantiate its claim for confidential treatment; however, if the Judicial Council disagrees with the substantiation provided, the Judicial Council will proceed to disclose the documents as public records pursuant to Rule 10.500 and other applicable law regardless of the marking or notation seeking confidential treatment.

**D. Addenda**

1. In response to questions raised, or at its sole discretion, the Judicial Council may modify the RFP website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of Proposals. Such modification shall be made via a posting of such change(s) to the Judicial Council's website.

**E. Withdrawal and Resubmission of Proposals**

1. A prospective Consultant may withdraw its Proposal, but only in its entirety, at any time prior to the deadline for submitting Proposals by notifying the Judicial Council in writing of its withdrawal. Any such notice of withdrawal must bear the signature of an individual and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by e-mail to the e-mail address established for the submission of questions in the RFP document.
2. A prospective Consultant who has withdrawn a Proposal may thereafter submit a new Proposal, provided that it is received at the Judicial Council no later than the Proposal due date and time specified in the RFP.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered and, if received, will not be accepted as valid.
4. Proposals cannot be withdrawn after the Proposal due date and time specified in the RFP.

**F. Evaluation Process**

1. In accordance with the provisions of the RFP, an evaluation will be made of all Proposals rightfully received to determine if they are complete with regard to the materials required for submission by the RFP and to determine if they otherwise comply with the requirements established in the RFP.
2. If a Proposal submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFP, the Proposal will be rejected. A requirement will be judged to be material to the

extent that it is not responsive to or is not in substantial accord with requirements of the RFP. Material deviations cannot be waived.

3. The Judicial Council, at its sole discretion shall have the right to waive immaterial deviations of Proposals with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFP.
4. The Judicial Council's waiver of an immaterial deviation for one prospective Consultant shall in no way act to excuse that prospective Consultant from material compliance with any other RFP requirement. The Judicial Council's waiver of an immaterial deviation for one prospective Consultant shall in no way act to excuse other prospective Consultant(s) from material compliance with that same requirement.
5. Proposals that make false or misleading statements or contain false or misleading information may be rejected if, in the Judicial Council's sole opinion, the Judicial Council concludes that said statements and/or information were intended to mislead the Judicial Council.
6. During the evaluation of the Proposal's, the Judicial Council has the right to require a prospective Consultant's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective Consultant to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal to be materially in non-compliance with the requirements of the RFP.

**G. Proposals: Rejection, Negotiation, Selection Rights**

1. In accordance with the provisions of the RFP, the Judicial Council may reject any or all Proposals.
2. The Judicial Council reserves the right to negotiate the content of the Proposal proposed with individual prospective Consultants if it is deemed in the Judicial Council's best interest.
3. The Judicial Council reserves the right to make no selection if, at the Judicial Council's sole discretion, Proposals are deemed to be outside the fiscal constraints of, or against the best interest of, the State of California.

**H. Award of Contract**

1. Award of contract, if made, will be in accordance with the provisions of the RFP except to the degree that any immaterial deviation(s) have been waived by the Judicial Council.
2. The actual execution of contracts is subject to availability of the funds necessary

to pay for the goods and services by the State of California through its budgeting and appropriations methods. The Judicial Council makes no guarantee of funding through its solicitation for goods and/or services via this RFP.

## **I. Execution of Contracts**

1. The Judicial Council will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFP within the time specified in the RFP or, if no time has been specified in the RFP, within thirty (30) calendar days following the date of publication of award. Exceptions to the contract documents posted with the RFP that are properly raised by a prospective Consultant may delay the execution of contracts. If the negotiation of exceptions raised results in a delay of the planned time of execution past the time period allowed for as specified above (unless otherwise extended in writing by the Judicial Council), the Judicial Council, at its sole discretion, shall have the right disqualify the award made.
2. By submitting a Proposal, a prospective Consultant consents to the use of the form of agreement posted with the RFP rather than its own contract form. If a Consultant has any comments or objections to the form of agreement, it should include those in its Proposal by completing the Acceptance of Terms and Conditions Form (Attachment E), pursuant to Section 4.4.14 of this RFP. **PLEASE NOTE**: the Judicial Council does not intend to consider any substantive changes to the form of agreement if they are not submitted at or before this time. The Judicial Council makes no promises or guarantees that any changes to the form of agreement posted with this RFP will be accepted or that any negotiations thereof will even be entertained. Questions about and major exceptions to the contract form should be submitted as questions in accordance with the provisions for the raising and answering of questions as given in the RFP, and not following notification of an award. The Judicial Council will make reasonable attempts to answer such questions; however, the contract will not be negotiated until after the award is made, and prospective Consultants shall not construe the Judicial Council's responses to questions as the Judicial Council's final position on a question raised, nor rely on the Judicial Council's answers as a guarantee of a later successful negotiation of terms.

## **J. Protest Procedure**

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Consultant to comply with any of the requirements of the protest procedures set forth herein will render a protest inadequate and will result in rejection of the protest by the Judicial Council. Such failure and subsequent rejection shall act to further forfeit the right of the prospective Consultant to continue the protest, and is not appealable under this protest procedure.

3. A protest may only be based upon alleged restrictive requirements in the RFP or upon alleged improprieties in regard to the Judicial Council's execution of its responsibilities with respect to receipt and evaluation of the Proposals or grant of award(s), but only as such responsibilities are specified in the RFP document.
4. For protests based on allegedly restrictive requirements: Protests alleging restrictive requirements in the RFP must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFP raised later than as specified in Section C will not be considered a valid protest, will be rejected by the Judicial Council, and the prospective Consultant shall have no further recourse under this procedure, including no further right of appeal.
5. For protests based on alleged improprieties in regard to the Judicial Council's execution of its responsibilities: A prospective Consultant who has actually submitted a Proposal may protest the Judicial Council's rejection of its Proposal for failure to comply with the requirements of the RFP, or upon the basis of an allegation of improprieties with regard to the Judicial Council's responsibility to fairly and impartially evaluate the Proposals and make awards, but only insofar as such responsibilities are specified in the RFP document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:
  - a. If a Proposal is rejected because of an alleged failure to provide the Proposal to the Judicial Council on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a correct submission as specified by the RFP, the prospective Consultant may file a protest. Said Consultant must provide verifiable documentation that it has submitted a Proposal in compliance with all the RFP's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within five (5) Judicial Council business days following the date of dispatch of the notice of rejection.
  - b. If a Proposal is rejected because the Proposal submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFP, the prospective Consultant may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the Proposal submitted was in fact complete and/or was in fact in compliance with the RFP requirement(s) in question. Such protests must be filed within five (5) Judicial Council business days following the date of dispatch of the notice of rejection.
  - c. If a Proposal fails to win an award or qualify the prospective Consultant for a short listing for further evaluation and the prospective Consultant alleges that said failure was due to a failure of the Judicial Council to fairly and

impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities were specified in the RFP, the prospective Consultant may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the Judicial Council has failed to fairly and impartially execute said responsibilities. Such protests must be filed within (5) Judicial Council business days following the date of posting of award notices to the Judicial Council website for the RFP.

4. In order to be considered valid, all protests to be submitted:
  - a. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document. PDF documents may accompany the e-mail as further detailed below.
  - b. Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
  - c. Must provide the title of the solicitation document under which the protest is submitted.
  - d. Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.
  - e. Must provide a detailed description of the specific ruling or relief requested.
  - f. Must cite all protests that the prospective Consultant intends to make. Failure to raise a protest in the initial protest submittal in accordance with the requirements of the Administrative Rules shall act to disqualify the raising of that protest at a later date.
5. Any protest failing to meet or provide the appropriate requirements as noted above shall not be considered valid and will be rejected as non-compliant by the Judicial Council and the protestor shall have no further recourse under this procedure, including any right of appeal.
6. If the course of investigation of a protest deems doing so necessary, the Judicial Council may request, and the protestor shall make best efforts to provide, further evidence or documentation when and as requested by the Judicial Council.
7. The existence of a protest will in no way act to restrict the right of the Judicial Council to proceed with the procurement. The Judicial Council, at its sole discretion, may elect to withhold the contract award(s) until the protest is

resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

**K. Protest Decisions**

1. The protest will be forwarded to the appropriate Contracting Officer at the Judicial Council, who will assess the protest submission for compliance with the requirements of these Administrative Rules and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.
2. If the protest submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.
3. The Contracting Officer will endeavor to provide the protestor with a written judgment within ten (10) Judicial Council business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.
4. If awarding a remedy, the Judicial Council shall, at its sole discretion, choose to employ any or a combination of the following remedies:
  - a. Award the contract consistent with the RFP;
  - b. Extend an additional award to the protesting prospective Consultant;
  - c. Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective Consultant;
  - d. Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP;
  - e. Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned;
  - f. Other such remedies as the Judicial Council may deem necessary and appropriate.
5. While the Judicial Council will endeavor to investigate the protest and provide a written response to the prospective Consultant within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the protest and is not able to provide a response within said period of time, the Judicial Council will notify the prospective protesting Consultant of the expected time within which it shall provide a response.

**L. Appeals Submission**

1. The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting Consultant thereafter seeks an appeal of the ruling or relief

prescribed.

2. All appeals are subject to, and shall follow, the process provided below.
3. The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the Judicial Council's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the Judicial Council within five (5) Judicial Council business days following the date of issuance of the Judicial Council Contracting Officer's decision.
4. The justification for an appeal is specifically limited to the following:
  - a. Facts and/or information related to the protest, as previously submitted, that were not reasonably available at the time the protest was originally submitted; or
  - b. Allegation(s) that the Contracting Officer's decision regarding the protest contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
  - c. Allegation(s) that the decision of the Contracting Officer with regards to the protest was in error of law or regulation.
5. Appeals raising other justifications for appeal shall be rejected as non-compliant and the protesting prospective Consultant shall have no further recourse under this procedure, including any further right of appeal.
6. In order to be considered valid, all requests for appeal must be:
  - a. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document and addressed to the Judicial Council's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.
  - b. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
  - c. Must provide the title of the solicitation document under which the appeal is submitted.
  - d. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.

- e. Must provide a detailed description of the specific ruling or relief requested.
- f. Must cite **all** appeals that the protesting prospective Consultant intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

**M. Appeals Decisions**

1. The Judicial Council's Senior Manager, Business Services, will assess the appeal submission for compliance with the requirements of these Administrative Rules and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply with the Administrative Rules.
2. If the appeal submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy.
3. The Judicial Council Senior Manager Business Services will endeavor to provide the appealing prospective Consultant with a written judgment within ten (10) Judicial Council business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.
4. While the Judicial Council will endeavor to investigate the appeal and provide a written response to the prospective Consultant within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the appeal and is not able to provide a response within said period of time, the Judicial Council will notify the appealing prospective Consultant of the expected time within which it shall provide a response.
5. The judgment of the Judicial Council Senior Manager, Business Services, and any relief or remedy specified shall be final and are not subject to further appeal.

**N. News Releases**

1. News releases pertaining to the existence or disposition of a protest or appeal may not be made without prior written approval of the Judicial Council Senior Manager, Business Services.

**O. Disposition of Proposal Materials Submitted**

1. All materials submitted in response to the RFP will become the property of the State of California and will be returned only at the Judicial Council's option and

at the expense of the prospective Consultant submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

**P. Payment and Withholding**

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP; however, prospective Consultants are hereby advised that Judicial Council payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the Judicial Council and the selected Consultant.
2. The Judicial Council may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount withheld may depend upon the length of the project and the payment schedule provided in the agreement between the Judicial Council and the awarded Consultant.

**Attachment B**

**HOURLY RATES**

Instructions:

1. Check the box to denote whether services are to be performed in-house, by a sub-consultant, or both. This information is for reference only and will not affect scoring.
2. Provide the hourly rate to be charged through the initial term of the contract for the corresponding job title. All rates must be a single rate, expressed in dollar values with no more than two decimals, and not in a range (example: \$80.00).
3. All job titles must have a corresponding rate or “N/A” indicated for the proposal to be considered complete. Do not edit this form.

In-House	Sub-Consultant	Service Type	Job Title	Hourly Rate
		General Project Management Services	Project Executive	
			Senior Project Manager	
			Project Manager	
			Project Engineer	
			Construction Manager	
			Senior Scheduler	
			Scheduler	
			Senior Cost Estimator	
			Cost Estimator	
			Master / Facility Planner	
			Facility / Asset Accessor	
			Furniture, Furnishings and Equipment (FF&E) Coordinator	
			Fire, Life, Safety Engineer	
			Code Consultant	
			California Certified Access Specialist (CASp)	
			CAD Drafter	
			Senior Analyst	
			Analyst	
			Administrative Staff	

**Attachment C**

**QUALIFICATIONS QUESTIONNAIRE**

<b>CONSULTANT INFORMATION</b>		
Consultant's company name:		
Address:		
Telephone:		
Mobile telephone:		
E-mail:		
Years in business under current company name:		
Years at the above address:		
Types of work performed with own forces:		
Gross revenue of the Consultant for the past three (3) years:		
\$	\$	\$
<b>Submit a financial statement for the past two (2) full fiscal years. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the financial statement.</b>		
Department of Industrial Relations ("DIR") registration number, if any:		
Name of license holder exactly as on file:		
License classification(s), if any:		
License Number(s), if any:		
License expiration date(s) as applicable:		
Responsible Managing Officer (RMO) or Employee (RME) for Consultant:		
Number of years license holder has held the listed license(s):		
Number of years Consultant has done business in California under contractor's license law if applicable:		
Number of years Consultant has done business in California under <b>current</b> license if applicable:		
Has Consultant changed name(s) or listed license number(s) in the past five (5) years? ( Y / N ). If "yes", explain on a separate signed sheet, including the reason for the change.		
Has there been any change in ownership of the Consultant at any time in the past five (5) years? <b>NOTE:</b> A corporation whose shares are publicly traded is not required to answer this question. ( Y / N ). If "yes," explain on a separate signed sheet, including the reason for the change.		
Is the Consultant a subsidiary, parent, holding company, or affiliate of another firm? <b>NOTE:</b> Include information about other firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of the Consultant holds a similar position in another firm. ( Y / N ). If "yes", explain on a separate signed sheet, the name of the related company(ies) and the percent ownership.		
Indicate the form of Consultant (type of business entity):		
<input type="checkbox"/> Individual		
<input type="checkbox"/> Sole Proprietorship		
<input type="checkbox"/> Partnership		
<input type="checkbox"/> Limited Partnership		
<input type="checkbox"/> Corporation, State: _____		
<input type="checkbox"/> Limited Liability Company		
<input type="checkbox"/> Joint Venture		
<input type="checkbox"/> Other: _____		

*CONTINUED ON FOLLOWING PAGE*

List the following for each corporation officer, general partner, limited partner, owner, etc. (as applicable) for the Consultant’s type of entity. For joint ventures, include this information for each entity in the joint venture and the percent ownership of each joint venture. Attach all additional information on separate signed sheets as needed.

Name	Position	Years with Co.	% Ownership

Identify every firm that the Consultant or any person listed above has been associated with (as officer, general partner, limited partner, owner, RMO, RME etc.) at any time during the **past five (5) years** (“Associated Consultant”). Include all additional references and/or information on separate signed sheets. NOTE: For this question, “owner” and “partner” refers to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock if the business is a corporation. Include all additional information on separate signed sheets as needed.

Name of Person at Associated Consultant	Name of Associated Consultant	Consultant’s License No. of Associated Consultant	Dates of Person’s Participation with Associated Consultant

*CONTINUED ON FOLLOWING PAGE*

<b>CONSULTANT'S INSURANCE INFORMATION</b>		
Name of insurance company(ies) Consultant has utilized over the past five (5) years (not broker or agency):		
Address of those insurance company(ies):		
"Best" rating(s) for those insurance company(ies):		
Number of years Consultant has been with those insurance company(ies):		
Name of broker/agent:		
Address of broker/agent:		
Telephone number of broker/agent:		
E-mail of broker/agent:		
Consultant's current insurance limits for the following types of coverage:		
Commercial General Liability	Combined Single Limit (per occurrence)	\$
	Combined Single Limit (aggregate)	\$
Product Liability & Completed Operations	(aggregate)	\$
	(per occurrence)	\$
Automobile Liability – Any Auto	Combined Single Limit (aggregate)	\$
Automobile Liability – Any Auto	Combined Single Limit (per occurrence)	\$
Employers' Liability		\$
Builder's Risk (Course of Construction)		
Workers' Compensation Experience Modification Rate for the past five (5) premium years:		
(1) Current year:	(2)	(3)
	(4)	(5)

*CONTINUED ON FOLLOWING PAGE*

**QUESTIONS**

**Pass/Fail Questions (Essential Criteria)**

1.	Has Consultant (including any Principal thereof) contracted for and completed a minimum of: <ul style="list-style-type: none"> <li>• <b>Five (5)</b> California Public Works projects, as defined in Labor Code § 1720, providing project management services as either the prime consultant or sub-consultant at any tier:                         <ul style="list-style-type: none"> <li>○ With a construction value of at least <b>\$500,000</b>; and</li> <li>○ All within the past <b>five (5) years</b>?</li> </ul> </li> </ul> (Please circle one). <b>NOTE:</b> Consultant <b>must</b> list these projects in the “Project References” Section.	YES NO No = cannot qualify
2.	Does Consultant currently hold all license(s) necessary to perform the Services and have those license(s) been consistently active for at least five (5) years without revocation or suspension? (Please circle one).	YES NO No = cannot qualify
3.	Has Consultant or an Associated Consultant been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past five (5) years? (Please circle one).	YES NO Yes = cannot qualify
4.	Has Consultant or an Associated Consultant defaulted on a contract or been terminated for cause by any public agency on any project within California within the past five (5) years and, if so and if challenged, has that default or termination been upheld by a court or an arbitrator? (Please circle one).	YES NO Yes = cannot qualify
5.	Has Consultant or an Associated Consultant or any of their owners or officers been convicted of a crime under federal, state, or local law involving: <ul style="list-style-type: none"> <li>(1) Bidding for, awarding of, or performance of a contract with a public entity;</li> <li>(2) Making a false claim(s) to any public entity; or</li> <li>(3) Fraud, theft, or other act of dishonesty</li> </ul> to any contracting party within the past <b>ten (10) years</b> ? (Please circle one).	YES NO Yes = cannot qualify

**If Consultant answered:**

“NO” to questions **1-2** or “YES” to questions **3-5**,  
**then STOP because Consultant is not eligible to perform the Services at this time.**  
**Otherwise, continue to the Scored Questions section.**



<b>Scored Questions</b>		
1.	<p>Has Consultant paid liquidated damages pursuant to a contract for a project with either a public or private owner within the past five (5) years? (Please circle one).</p> <p>If YES, explain and indicate on separate signed sheet(s) the project name(s), damages(s), and date(s).</p>	<u>YES</u> <u>NO</u>
2.	<p>Has any insurer had to pay amounts to third parties that were in any way related to the project management services of Consultant within the past five (5) years? (Please circle one).</p> <p>If YES, explain and indicate on separate signed sheet(s) the project name(s), the amount(s) paid, and date(s).</p>	<u>YES</u> <u>NO</u>
3.	<p>Has Consultant's Workers' Compensation Experience Modification Rate exceeded 1.0 at any time for the past five (5) premium years? (Please circle one).</p> <p>If YES, explain and indicate on separate signed sheet(s) the EMR(s) and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
4.	<p>Has there been a period when Consultant had employees but was without workers' compensation insurance or state-approved self-insurance within the past five (5) years? (Please circle one).</p> <p>If YES, explain and indicate on separate signed sheet(s) the reason(s) for not having this insurance and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
5.	<p>Has Consultant declared bankruptcy or been placed in receivership within the past five (5) years? (Please circle one).</p> <p>If YES, explain and indicate on separate signed sheet(s) the type of bankruptcy, the Consultant's current recovery plan, and the applicable date(s).</p>	<u>YES</u> <u>NO</u>
6.	<p>Has a project owner, general contractor, architect, or construction manager filed claim(s) in an amount exceeding \$50,000 against Consultant, or has Consultant filed claim(s) in an amount exceeding \$50,000 against a project owner, general contractor, architect, or construction manager in the past five (5) years? (Please circle one).</p> <p>If YES, explain and indicate on separate signed sheet(s) the project name(s), claim(s) and the date(s) of claim(s).</p>	<u>YES</u> <u>NO</u>
7.	<p>Has Consultant or an Associated Consultant been cited and/or assessed any penalties for non-compliance with state and/or federal laws and/or regulations, including public bidding requirements and Labor Code violations, within the past five (5) years? (Please circle one).</p> <p>If "YES," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation(s) and/or assessment(s).</p>	<u>YES</u> <u>NO</u>
8.	<p>Has Consultant been cited and/or assessed penalties by the Environmental Protection Agency, any air quality management district, any regional water quality control board, or any other environmental agency within the past five (5) years? (Please circle one).</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation.</p>	<u>YES</u> <u>NO</u>
9.	<p>Has CalOSHA and/or federal Occupational Safety and Health Administration cited and assessed penalties against Consultant, including any "serious," "willful," or "repeat" violations of safety or health regulations within the past five (5) years? (Please circle one).</p> <p>If "yes," indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation. If the citation was appealed and a decision has been issued, state the case number and the date of the decision.</p>	<u>YES</u> <u>NO</u>

10.	<p>Has Consultant been required to pay either back wages or penalties for its failure to comply with California’s prevailing wage laws, with California’s apprenticeship laws or regulations, or with federal Davis-Bacon prevailing wage laws within the past five (5) years? (Please circle one).</p> <p>If “yes,” indicate on separate signed sheet(s) the project name(s), the nature of the violation(s), the name and owner of the project(s), the number of employees who were initially underpaid and the amount of back wages and penalties that Consultant was required to pay.</p>	<p><u>YES</u> <u>NO</u></p>
11.	<p>Does Consultant require weekly, documented safety meetings to be held for construction employees and field supervisors during the course of a project?</p>	<p><u>YES</u> <u>NO</u></p>

*CONTINUED ON FOLLOWING PAGE*

**CONSULTANT'S PROJECT REFERENCES**

List **ALL** capital and facility modification projects in which Consultant has participated as the project manager during the past **five (5) years** with a Consultant contract value of more than **\$100,000.00**.

- Consultant may limit its response to the ten (10) most-recently completed projects, but Consultant **must** include at least the five (5) most recent California public works projects with a contract value of more than \$1,000,000 performed by Consultant providing project management services.
- Include all information indicated below on separate signed sheets as necessary, and explain or clarify any response as necessary.

Project name/identification:
Project address/location:
Project owner, contact person, and telephone:
Project contractor name and telephone number:
Scope of work:
Original completion date:
Date completed:
Initial contract value (as of time of award):
Final contract value:
Total fees for services:
Provide list of all claims and values associated with those claims:
Did the project include constructing or modernizing an earthquake resistant building?

**CERTIFICATION**

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date: \_\_\_\_\_

Proper Name of Consultant: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_