



REQUEST FOR PROPOSALS (RFP)

OFFICE OF REAL ESTATE AND FACILITIES
MANAGEMENT

REVISION NO. 1
REVISED APRIL 7, 2017

REGARDING:

Request for Proposals for Technical Assistance
Related to Preventive Maintenance & Engineering
Programs

RFP number: REFM-2016-25-SM-RFP

PROPOSALS DUE:

April 17, 2017 – NO LATER THAN 3:00 P.M. PACIFIC TIME



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM

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1.0 BACKGROUND INFORMATION

1.1 Primary Objective of RFP

- A. To identify a facilities operations, maintenance, and engineering Firm (“Proposer” or “Firm”) with the expertise and qualifications to provide technical and consulting assistance on all aspects of the Judicial Council of California’s (“Judicial Council”) facility operations, maintenance and engineering program, including, but not limited to the following:
- Review the Judicial Council’s existing preventive maintenance program and identify opportunities to reduce costs;
 - Evaluate the Judicial Council’s history of equipment repairs, and identify cost-saving equipment replacement options; and
 - Evaluate the Judicial Council’s existing preventive maintenance contracts and identify opportunities to reduce costs.
- B. To contract with the selected Proposer for statewide services described in this RFP. The Judicial Council anticipates one contract will be executed with one Proposer under this RFP.

1.2 The Judicial Council of California

The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making body for the California judicial branch. The Judicial Council’s Office of Real Estate and Facilities Management (“REFM”) is responsible for the operation, repair, maintenance, modification, and environmental compliance of the judiciary’s portfolio, which includes over 500 courthouses.

1.3 The Judicial Council’s Preventive Maintenance Program

As stated above, the Judicial Council’s office of Real Estate Facilities Management (REFM) is responsible for the operations and maintenance of the Judicial Council’s portfolio, which includes over 500 courthouse facilities. Currently, the Judicial Council is under contract with three on-site service providers to provide operations and preventive maintenance services at approximately 250 courthouse facilities. The on-site service providers are Enovity for the San Francisco bay and northern coast area, Pride Industries for the north and central California area and ABM for the southern California area. The contracts are firm-fixed-price contracts, and include a schedule of preventive maintenance service work orders (SWOs) issued annually to each of the service providers. There have been a total of 13,614 SWOs issued year-to-date to the service providers, including 3,091 for Enovity, 3,135 for Pride and 7,388 for ABM.

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Proposers should not contact any of these listed contractors during the RFP process. The preventive maintenance service work orders are based on the type of equipment and individual facility requirements. The total gross square footage of the 268 facilities is 21,281,515; however services are provided for only 17,217,234 square feet. The local counties provide services in some areas of Judicial Council facilities. A sample of the specific Preventive Maintenance tasks related to the existing Service Provider's agreement is accessible via the Judicial Council's File Transfer Protocol (FTP) website. Instructions for accessing the audits are listed on Attachment 1.

2.0 [REVISED] SCOPE OF WORK

The final Scope of Work may be changed, or terminated, in whole, or in part, by the Judicial Council, without affecting in any way the remaining scope. There is no guarantee by the Judicial Council that the Proposer will, if awarded a contract, be requested to provide services under this RFP.

The selected Proposer will provide technical and consulting assistance on all aspects of the Judicial Council's existing facility preventive maintenance services contracts which include operations, maintenance and engineering programs. Preventive Maintenance (PM) programs are on-going tasks provided for Judicial Council facilities to maintain systems and equipment, provide required testing and certification, and prolong the life of the system or equipment. Generally, the Judicial Council issues services work orders for PMs on a monthly basis under its existing facilities maintenance contracts.

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This scope of work includes, but is not limited to the following services:

Phase	Deliverables	Acceptance Criteria	Due Date
Review Preventive Maintenance (PM) programs for the purposes of reducing costs and prioritizing PMs as follows: Fire/life safety; Other Code- Related Requirements Other "required" PMs (include reasons why these PMs are required); Rank remaining PMs by "recommended PMs to eliminate for budget reasons" with the first PMs recommended for elimination at the bottom of the ranking; and Include potential ramifications of eliminating PMs.	Report that discusses approach to cost saving analysis of existing PM program and a ranking of all PMs by order of importance, including PMs the Judicial Council cannot eliminate for fire/life safety reasons; other PMs that cannot be eliminated and the corresponding reasons; and the remaining PMs ranked by recommended schedule of elimination. Report should include ramifications of eliminating identified PM.	Review and acceptance by the Project Manager.	Approx 2 mos.
Review historic repairs of major equipment and recommend replacement options that might eliminate/reduce high repair costs. Include analysis of more energy efficient options (if appropriate) versus like for like replacement.	Report that discusses repair history, cost of repairs versus industry average, and identifies key equipment to be replaced in an effort to save on repair costs. Report should identify most cost effective replacement option, and most energy efficient replacement options, including a cost benefit analysis of the energy efficient options, if applicable.	Review and acceptance by the Project Manager.	Approx 2 mos.
Review FFP contracts and identify cost savings opportunities outside of the PM program.	Report that identifies cost savings opportunities.	Review and acceptance by the Project Manager.	Approx 2 weeks
Review FFP contracts and identify cost savings opportunities outside of the PM program for the purposes of negotiations.	Negotiations support for contract modifications/negotiations. Additional analysis during contract negotiations to confirm identified cost savings.	Review and acceptance by the Project Manager.	TBD
Operations/Engineering Assistance. Technical Assistance for ongoing building systems for operations and maintenance.	Reports, upon Judicial Council request, documenting recommendations from various meetings and/or consultations.	Review and acceptance by the Project Manager.	TBD

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3.0 TIMELINE FOR THIS RFP

The Judicial Council has developed the following list of key dates related to this RFP. All dates are subject to change at the discretion of the Judicial Council.

Please check this RFP’s webpage on a regular basis for any changes and/or updates to the solicitation and timeline.

EVENT	DATE
RFP issued	March 28, 2017, End of Business Day
Pre-Proposal Teleconference	March 30, 2017 10:30 AM (Pacific Time)
Deadline for questions (Please use Attachment 9)	April 6, 2017, Close of Business
<u>Questions and Answers from Pre-Proposal Teleconference posted (estimate only)</u>	April 10, 2017
Latest date and time Proposals may be submitted	April 17, 2017 3:00 PM (Pacific Time)
Initial Review of Proposals (estimate only)	April 18, 2017
Notice of Potential Interviews (If any)	April 18, 2017
Potential Interviews by Phone (If any)	April 21, 2017
Final Evaluation of Bids	April 22, 2017
Notice of Intent to Award (estimate only)	April 24, 2017
Contract start month and year (estimate only)	April 2017/May 2017
Contract end month and year (estimate only) (without optional Judicial Council extensions)	April 2020/ May 2020

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4.0 [REVISED] RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
[REVISED] Attachment 1 FTP Instructions (JCC Sample O&M Agreement File)	Instructions on how to access the Judicial Council's FTP site in order to download the specific Preventive Maintenance tasks related to the existing Service Provider's agreement.
Attachment 2 Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 3 Standard Agreement - Terms and Conditions	If selected, the person or entity submitting a qualification (the "Proposer") must sign a Judicial Council Standard Agreement containing the terms and conditions (the "Terms and Conditions").
Attachment 4 Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Standard Agreement Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 5 Payee Data Record	This form contains information the Judicial Council requires in order to process payments and must be submitted with the qualification.
Attachment 6 General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its qualification.
Attachment 7 Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its qualification.
Attachment 8 Unruh Civil Rights Act and California Fair Employment and Housing Act Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the completed certification with its qualification.
Attachment 9 Submittal of Questions Form	Complete this form if Proposer wishes to submit questions regarding this RFP.
Attachment 10 Internal Background Check Policy	These rules govern this Solicitation.

5.0 PAYMENT INFORMATION

5.1 The Judicial Council anticipates payment for services and/or work specified in this RFP to be based on an hourly basis:

- i. Overtime rates are not allowable or reimbursable under this RFP and Standard Agreement.

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- ii. Services will be performed during normal business hours, Monday through Friday, 8 a.m. to 6 p.m. Pacific Time.
 - iii. All pricing shall remain at the hourly prices specified in Standard Agreement during the Initial Term and Option Term.
- 5.2 Cost Proposal: Services and work described herein shall be based on the following pricing methods:
- Hourly Basis
 - Not to Exceed
- 5.3 Proposers shall provide in their Cost Proposal a rate sheet with the following:
- i. Identify hourly rates, titles, and classifications of projected staff proposed to perform technical assistance under this RFP,
 - ii. All rates and prices must be fully burdened and inclusive of all costs, benefits, expenses, fees, overhead, and profits payable for services listed in this RFP.
- 5.4 **[REVISED]** Payment terms will be specified in the Standard Agreement that will be executed as a result of an award made under this RFP. The State will not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the Standard Agreement between the Judicial Council and the selected Proposer(s).
- 5.5 Retention/Withholding. The Judicial Council will withhold ten (10%) percent of each invoice until receipt and final acceptance of all goods or services procured.

6.0 PRE-PROPOSAL CONFERENCE

The Judicial Council will be holding a **non-mandatory** pre-proposal teleconference for this RFP. The Judicial Council will hold the teleconference on:

Date and Time: March 30, 2017 at 10:30 a.m. (Pacific Time)
Call-in Number: 1-877-820-7831
Participant Code: 326556

7.0 SUBMISSION OF PROPOSALS

- 7.1 Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Package Contents" section below. **Expensive bindings, color displays, and the like are not**

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necessary or desired. Place emphasis on conformity to the RFP's instructions, requirements, completeness and clarity of content.

7.2 The Proposer must submit its proposal in two parts, the Technical Proposal and the Cost Proposal. Interested Proposers must submit their Proposals as follows:

A. Part One: Technical Proposal

- Proposers must submit one (1) original, printed and signed (wet signature) copy of the Proposal as described in Section 8 below;
- The original must be signed by an authorized representative (see description in Section 8 below for cover letter); and
- The entire Technical Proposal must be submitted to the Judicial Council in a single, sealed envelope, separate from the Cost Proposal, labeled as follows:

*Technical Proposal
Submitted by (name of Firm)
Technical Assistance—Operations and Preventive
Maintenance Program
REFM-2016-25-SM*

B. Part Two: Cost Proposal

- The Proposer must submit one (1) original, printed and signed (wet signature) copy of the Cost Proposal;
- The original Cost Proposal must be signed by an authorized representative;
- The original Cost Proposal must be submitted to the Judicial Council in a single sealed envelope, separate from the Technical Proposal and labeled as follows:

*Cost Proposal
Submitted by (name of Firm)
Technical Assistance – Operations and Preventive
Maintenance Program
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7.3 The Proposer must submit the entire proposal (including the Technical Proposal and Cost Proposal packages), including all attachments, (including the Payee Data Record form – Attachment 5), in electronic format compatible with PCs (i.e. USB, flash drive), in Adobe PDF format. Please include the Proposal Package with all attachments as one PDF document and the Cost Proposal as a separate PDF document. Please include the USB/flash drive in the Proposal Package envelope.

7.4 Proposals must be delivered by the date and time listed in the timeline of this RFP to:

Judicial Council of California
Attn: Lenore Fraga-Roberts, **REFM-2016-25-SM**
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

7.5 Late Proposals will not be accepted. Any submittals received after the deadline will be rejected without review.

7.6 Incomplete submittals may be rejected without review.

7.7 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.

7.8 Questions. Interested parties may submit a request for clarifications, modifications or questions to the Judicial Council using the format provided in Attachment 9. Requests shall be submitted via e-mail to CapitalProgramSolicitations@jud.ca.gov no later than the date specified in the RFP Timeline. Please indicate the RFP number and title in the subject line of the email. Contact with the Judicial Council shall be made only through the email address; **telephone calls will not be accepted.**

8.0 PROPOSAL CONTENTS

8.1 The Technical Proposal. The following information must be included in the Technical Proposal. Submittals lacking any of the following information may be deemed non-responsive.

A. Cover Letter – Cover letters must include the following:

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- Name, address, telephone, fax number, e-mail address, and federal tax identification number of the proposing Firm;
- Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP; and
- The Cover Letter should be signed (wet signature) by an authorized representative of the prospective Proposer(s).

Cover letter should be no more than one (1) page.

Note: If the Proposer is a sole proprietor using his/her social security number, the social security number will be required before finalizing a contract.

B. Resumes

Include resumes describing key staff members' background and experience in conducting the proposed activities. There is no limit on the number of key staff members proposed, but there is a limit of five (5) pages total.

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

C. Qualifications

Please provide a description of similar services conducted for five (5) separate clients. Your description should include:

- Identify the client, number of sites where work was performed, a description of services provided, the timeframe for completion, the original project budget and final cost. Please clarify any discrepancy between original project budget and final cost.
- Identify the role of key team members that participated in the project.
- Provide a contact / client reference with current contact information, including names, address and current telephone number for each project. The Judicial Council may check references listed by the Proposer.

Please ensure contact information for all references is up-to-date.

Qualifications are to be no more than one (1) page each, for a total of no more than five pages.

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D. Other Requirements

1. Acceptance of the Terms and Conditions.

- i. On Attachment 4, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification.
- ii. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.

2. Certifications and Other Required Attachments

- i. The Proposer is required to complete the follow Certification Forms and submit the completed forms with their proposal:
 - a. General Certifications Form (Attachment 6)
 - b. Darfur Contracting Act Certification (Attachment 7)
 - c. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8)
- ii. Payee Data Record Form (Attachment 5) must be completed.
- 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 Proposers’ (and any Subcontractors’) current business licenses, professional certifications, or other credentials.

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8.2 Cost Proposal. Proposers are required to provide a 'rate sheet' that includes the following:

- i. Identify titles, classifications, and hourly rates of projected staff proposed to perform technical assistance under this RFP,
- ii. All rates and prices must be fully burdened and inclusive of all costs, benefits, expenses, fees, overhead, and profits payable for services listed in this RFP.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code.

9.0 OFFER PERIOD

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

10.0 EVALUATION OF PROPOSALS

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.

CRITERION	MAXIMUM NUMBER OF POINTS
Qualifications and experience on similar assignments	30
Credentials of staff to be assigned to the project	30
Acceptance of the Terms and Conditions	10
Hourly Rates	30

The Judicial Council will post an Intent to Award notice of the selected Proposer to this RFP's webpage at <http://www.courts.ca.gov/rfps.htm>. Please refer to Section 3 – Timeline of this RFP for projected date of award.

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11.0 INTERVIEWS

The Judicial Council may conduct interviews by phone with Proposers.

12.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT. The Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

13.0 CONTRACT TERMS

- 13.1 Proposers selected under this RFP will be retained by the Judicial Council through the Judicial Council’s Standard Agreement (“Standard Agreement”). A typical sample of the Judicial Council’s Standard Agreement is included as Attachment 3 to this RFP.
- 13.2 The Judicial Council reserves the right to modify or update the Standard Agreement in the interest of the Judicial Council, in whole or in part at any time up to the negotiation of the agreement with the Proposer. By submitting for this RFP, the prospective Proposer and their key Subcontractors acknowledge that a) the project team will provide the services required in the Standard Agreement, and b) it has no objection to the Standard Agreement.
- 13.3 If a satisfactory contractual agreement on services and compensation cannot be reached between the Judicial Council and selected Proposers within 30 calendar days of notification of selection, the Judicial Council reserves the right to terminate negotiations with that Proposer and attempt to reach a satisfactory contractual agreement with next highest-ranked qualified Proposer.

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- 13.4 No person, Firm, or subsidiary who has been awarded a Standard Agreement for consulting services under this RFP may submit a bid for, nor be awarded an agreement for, the providing of services, procuring goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of this RFP.
- 13.5 The Judicial Council cannot guarantee the amount or duration of the awarded work.
- 13.6 The Judicial Council reserves the right to reject any of the Proposer's Subcontractors and ask that a different Proposer and/or Subcontractor be submitted for consideration. Upon selection of the Proposer, the Judicial Council reserves the right to approve the selection of other Subcontractors not requested in this RFP.
- 13.7 Provision of Services and Work: Services and work, including additions to scope of services, schedule, key personnel, and Subcontractors, shall be provided by an Amendment as funding becomes available, and pursuant to the terms and conditions of the Standard Agreement
- 13.8 Term of Contract: The term of the contract(s) to be awarded as a result of this RFP is anticipated to be three (3) years with the possibility of two (2) one-year extensions ("Option Term"), at the sole discretion of the Judicial Council, for a total combined term of five (5) years.
- 13.9 Compensation: Compensation will be paid based on completion of the identified deliverable, and per the tasks described in this solicitation. Expenses, including travel expenses, will be reimbursed pursuant to the terms and conditions of the Standard Agreement.
- 13.10 Background Checks. Vendor(s) and their employees and/or subcontractors may be required to complete and pass a background check and be "green badged" to work in and around State or County premises. Badges are to be visible when working on site.

14.0 PROTESTS

Notwithstanding whether the work contemplated is governed by the Judicial Branch Contracting Manual (JBCM), any protests will be handled in accordance with Chapter 7 of the JBCM, which can be found at: www.courts.ca.gov/documents/jbcl-manual.pdf. Failure of a Proposer to comply with the protest procedures set forth in Chapter 7 of the JBCM will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is **April 17, 2017 by 3:00 p.m.** Pacific Time. Protests must be sent to:

Judicial Council – Branch Accounting and Procurement
ATTN: Manager, Contracts, **RFP Number: REFM-2016-25-SM**
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102