



Request for Qualifications for Design Assist Services and Construction with a Guaranteed Maximum Price

Courthouse Construction Project San Joaquin County Courthouse

Superior Court of California, County of San Joaquin

The Administrative Office of the Courts, Office of Court Construction and Management seeks proposals from General Building Contractor firms to prequalify to propose on providing design assist services to complete the design development documents, prepare construction documents, obtain all permits and the construction of interior tenant improvements and add one courtroom for the Superior Court of California, County of San Joaquin.



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT



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

REQUEST FOR QUALIFICATIONS

**Request for Qualifications for Design Assist Services and Construction
with a Guaranteed Maximum Price at the Manteca Courthouse**

Date
February 24, 2011

To
General Building Contracting Firms

From
Administrative Office of the Courts,
Office of Court Construction and Management

Project Title
Courthouse Construction Project/
Manteca Courthouse
Solicitation Number: OCCM-FY2011-05

Send Proposals To:
Judicial Council of California
Administrative Office of the Courts
Attn: **Ms. Donna Cevalante**
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833
*(Indicate RFQ number and project name on
lower corner of envelopes)*

**Proposals must be received by 2 p.m. on
March 21, 2011**

Contact:
OCCM_Solicitations@jud.ca.gov

Schedule of Events

No.	Events	Dates (Calif. Time)
2	Deadline for submission of Proposer's Requests for Clarifications re: the RFQ and non-binding email of Intent to Respond.	March 7, 2011 1:00 PM
3	Clarifications, Modifications and/or Answers to Questions posted on the "courtinfo" website: http://www.courtinfo.ca.gov/reference/rfp/ .	March 14, 2011 5:00 PM (estimated)
4	SOQ Due Date and Time	March 21, 2011 2:00 PM
5	Posting of Short Listed Proposers on courtinfo.ca.gov website	March 28, 2011
6	If necessary, Conference of Short List Proposers via call in number (to be provided)	April 1, 2011 Times TBD
7	Posting of Prequalified List on courtinfo.ca.gov (estimated)	April 4, 2011
8	Issue RFP to Prequalified Contractors (estimated)	April 12, 2011

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Related Documents:

- Attachment A Statement of Work
- Attachment B Project Information and Project Plans
- Attachment C Questionnaire/Application for Pre-Qualification of General Contractors
- Attachment D Form for Submission of Questions

1.0 Introduction

This Request for Qualifications (RFQ) is the means for prospective General Building Contractors to submit their qualifications to the AOC for the services described in this document. The RFQ and all associated documents and addenda are available in electronic form at <http://www.courtinfo.ca.gov/reference/rfp/>.

The Judicial Council of California, chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Administrative Office of the Courts (AOC) is the staff agency of the Judicial Council. The Office of Court Construction and Management (OCCM), is the division of the AOC responsible for the planning, design, construction, real estate and asset management of facilities for the Superior and Appellate Courts of California.

2.0 Purpose of this RFQ

The AOC seeks to prequalify a pool of General Building Contractors to provide Design Assist services, obtain all permits and construct the new building addition and existing building modifications described herein. Firms are requested to submit their qualifications for the Project as described in Article 3. Subject to the conditions prescribed by the AOC and provided herein, the AOC is hereby soliciting qualifications for the Project. Selection will be made on the basis of qualifications. The AOC intends to prequalify a group of General Contractors in a timely manner, and solicit proposals from them shortly thereafter.

In responding to this RFQ, all Proposers are required to adhere to all of AOC requirements provided herein. All Proposers must hold a type B general contractor license from the State of California. Subcontractors proposed to provide design services must be licensed in the State of California in their respective discipline(s).

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3.0 Project Description

The Project consists of the expansion and renovation of the San Joaquin County Superior Court building in Manteca, California (hereinafter “the Project”). The Project is comprised of a new approximately 7,200 square foot building addition, related modifications to the existing building, and site improvements.

The Contractor will be responsible to remove existing modular buildings on site, as well as to remove an existing abandoned irrigation canal and related appurtenances. New site work includes underground utilities, parking areas, security fencing including remote-controlled gates, paving and ramps for ADA accessibility, landscaping, and irrigation.

The new building addition consists of one-story, steel and wood frame construction with complete tenant improvements, including all architectural finishes, casework, fixed furnishings, and complete mechanical, electrical, plumbing, fire protection, fire alarm, security, telephone/data, A/V, and CCTV systems. Modifications to the existing building will be required at points of connection and for tie-in to existing building utilities and systems.

The AOC’s Estimate of the Value of Construction of this project is approximately \$2,500,000.

The Project Architect (Tetra Design, Inc.) is under contract with the AOC and will be the Architect of Record. It is the intention of the AOC to solicit Proposals from prequalified Design Assist Contractors (hereinafter “Contractor”) on the basis of 50% complete Design Development documents. Prequalified Contractors will be required to attend a pre-proposal conference and job-walk, and will be required to submit a final Guaranteed Maximum Price (GMP) with their Proposals. The AOC anticipates soliciting proposals from prequalified Contractors in mid-April, 2011, with a Notice to Proceed to the selected Contractor in mid-May, 2011.

Immediately upon award of the contract with the successful Contractor, the Contractor will be required to commence Design Assist Services. Refer to Attachment A for additional information regarding Design Assist Services and Construction.

4.0 Responding to this Request for Qualifications

The AOC has developed the schedule of events (see page 2) with dates showing the key events in this solicitation process. The RFQ and schedule are subject to change, and the AOC does not send notifications of changes to this RFQ or the schedule to prospective Proposers and is not responsible for failure of any Proposer to receive notification of any change in a timely manner. Proposers are advised to visit the AOC website (<http://www.courtinfo.ca.gov/reference/rfp/>) frequently to check for changes and updates to the RFQ, including the schedule. Prospective Proposers must take the following actions according to the specified timelines in order to participate in this process.

4.1 Optional: Submit Requests for Clarifications re: the RFQ and Email Intent to Respond:

If your organization wishes to submit questions prior to submission of a Statement of Qualifications (SOQ), please submit using the form in Attachment D, Form for Submission of

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Questions. Answers to questions will be posted to the Courtinfo website on the page/link of this RFQ.

Email Indicating Interest: General Contractors who intend to respond to this solicitation are requested to notify the AOC by sending an email to solicitations@jud.ca.gov with the RFQ number and name in the subject line. This is not mandatory but is strongly encouraged, to assist the AOC in managing the RFQ process. Please include the name, address, telephone, fax number, and e-mail address of the Contractor (firm) and contact person.

4.2 Preparing and Packaging Your Statement of Qualifications (SOQ):

SOQs should provide straightforward, concise information that satisfies the requirements noted in this RFQ. Emphasis should be placed on brevity, conformity to the AOC's instructions, selection criteria of this RFQ, and completeness and clarity of content. Binding and organizing proposals into the tab order suggested below will not only help each proposer achieve the proper emphasis, but will also facilitate review and evaluation. Attachments, except as noted, will not be accepted.

Each Proposer's Questionnaire/Application for Pre-Qualification of General Contractors (Attachment C) should clearly and accurately demonstrate specialized knowledge and experience required for consideration. In a sealed envelope (clearly marked "Statement of Qualifications – (firm name). Project Name, RFQ Number"), submit the following:

- a) one (1) original of the Payee Data Record form completed in the exact legal name of the Proposer's business signed by an authorized representative of the Proposer (Do not bind Payee Data Record form into the RFQ booklets);
- b) one (1) compact disk containing the complete RFQ and Payee Data Record form;
- c) two (2) copies in paper form of the RFQ, which consists of a Cover Letter, completed General Contractors Questionnaire, and Project Approach.

Tab 1. Cover Letter

Provide a cover letter that references this RFQ and confirms that all elements of the RFQ have been read and understood and that the Proposer takes no exception to the materials provided. The cover letter shall be one page maximum and signed by an individual authorized to bind the Proposer contractually. Include in the letter:

- The exact legal name, address, telephone and fax numbers, and federal tax identification number of the organization proposing to do business with the AOC (or social security number if the organization is a sole proprietorship),
- The name, telephone, fax, address, and e-mail address of one business person who is the organization's designated representative,
- The name, telephone, fax, address, and e-mail address of the contracts management or legal person who will liaison with the AOC in contractual matters.

Tab 2. Application for Pre-Qualification of General Contractors:

Refer to Attachment C. Complete Application form in full per specific instructions included therein. Respond to Parts I through VI in order, as numbered and titled in the Application.

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In Part IV, prospective Contractor shall provide specific responses to the selection criteria, numbered and titled as listed. Responses should provide specific information regarding experience, expertise of the key personnel, description of continuous quality improvement process, and capacity to deliver high quality General Contractor Design Assist and Construction Services for this project, and any other relevant information not provided elsewhere in the Application form.

Any questions regarding this solicitation document shall be directed in writing to the Business Services Manager for this RFQ process. Submit questions using Attachment D, Form for Submission of Questions. Proposers/potential Proposers are to refrain from contacting any other AOC personnel with regards to this RFQ. The Business Services Manager for this solicitation process is:

Mr. George Santore
Senior Contract Specialist
Administrative Office of the Courts, Business Services
455 Golden Gate Avenue
San Francisco, CA 94102
OCCM_solicitations@jud.ca.gov

5.0 Statement of Work, Project Information & Project Plans

The Statement of Work describing the basic Design Assist Services and Construction required for this Project is included in Attachment A. Project Information & Project Plans are included in Attachment B. A copy of the Agreement will be included in the RFP issued to the pre-qualified Contractors.

6.0 Submitting Your Statement of Qualifications (SOQ)

In order to be considered for award, the AOC requires that the SOQ be provided in written form, not later than the time and date indicated in the Schedule of Events on page 2 of the most current version of this RFQ, to the following address:

Judicial Council of California
Administrative Office of the Courts
Attn: **Ms. Donna Celevante**
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833

Proposals are not to be submitted as e-mails. Proposals may be sent by US mail service certified mail, or overnight delivery carrier, or may be delivered in person. The Proposer assumes all risk of loss regarding any delivery method it chooses to use, and the AOC shall not be held responsible for any failure of any delivery service/method. The Proposer is solely responsible for ensuring delivery no later than the date and time specified. The AOC will return unopened, any proposal received after the time specified in the most current RFQ Schedule.

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7.0 Selection Process

It is the intention of the AOC to select qualified firms for design assist services and construction of the Project taking into consideration the qualifications and relevant experience of the firm and its key personnel.

7.1 Proposal Evaluation Process

The evaluation team will first evaluate the Qualifications/Technical portion of the submitted Proposal to determine its responsiveness to the AOC’s expressed needs, and score them as described below. The scoring criteria correspond to the information requested in Attachment C, Part IV.

7.1.1 Qualifications Evaluation Process:

The Proposals received will be analyzed and scored by members of an evaluation team which will be comprised of AOC staff. Each member of the evaluation team will assign a point score according to the following grading schedule. Points assigned by the individual team members will then be averaged to determine a Total Quality Points score for each Proposer.

1. Demonstrated Experience with Relevant Project	30 points
2. Project Management Expertise	20 points
3. Quality Control	10 points
4. Qualifications and Experience of Key Personnel	20 points
5. Safety Program	05 points
6. Qualifications and Experience with Proposed Subcontractors	15 points

Quality Point Scoring Schedule: TOTAL POSSIBLE POINTS = 100 points

7.1.2 Short List and Interviews

At the AOC’s discretion, the AOC may use the final scores to create a short list of firms to be interviewed. It is intended that the short list would include at least six firms. Proposers not on the short list would not be eligible for further consideration for this Project. Interviews, if necessary, would be evaluated on the same criteria as the proposals. After interviews are conducted, each member would review his/her own Total Quality Points previously assigned to each Proposer on the short list and make adjustments if necessary, and the final scores would be re-calculated.

8.0 Disabled Veteran Participation Goals

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The State of California requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBE's). The AOC is subject to this participation goal. **The AOC will require that the Contractors prequalified through this RFQ demonstrate DVBE compliance and complete a DVBE Compliance Form when responding to the RFP issued to Prequalified Contractors.** If it would be impossible for the selected Contractor to comply, explanation of why and demonstration of written evidence of a “good faith effort” to achieve participation would be required. Sample information and forms follow as part of the Administrative Rules governing the Submission of Proposals. Information about DVBE resources can be found on the Executive Branch’s internal website at <http://www.dgs.ca.gov/default.htm>. or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

9.0 Administrative Rules Governing this RFQ Process

A. General

1. This solicitation (the “RFQ”) (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 “SOQ(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 SOQ, prospective Contractors agree to be bound by these Administrative Rules. If a prospective Contractor has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B.
2. In addition to explaining the Administrative Office of the Courts’ (AOC’s) requirements and needs for goods and/or services, the RFQ includes instructions which prescribe the format, content, and the date and time due of SOQs that are being solicited. Prospective Contractors must adhere to all instructions provided in the RFQ when submitting responses to this RFQ.

B. Errors in the RFQ or Administrative Rules

1. If a prospective Contractor who desires to submit a SOQ discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ; is of the opinion that the structure of the RFQ 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 RFQ’s requirements is onerous or unfair; believes that the RFQ unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective Contractor must, at least 2 full AOC business days before the due date of the submissions, provide the AOC with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective Contractor is of the opinion that the RFQ 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 RFQ. Failure to provide the AOC with such written notice as specified above on or before the time specified above forfeits the prospective Contractor’s right to raise such issues later in the solicitation process.

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2. Without disclosing the source of the request, the AOC will evaluate the request and will, prior to the date established for submission of the SOQs, at its sole discretion; determine if it chooses to modify the RFQ. Any modification made will be published by the AOC on the AOC's website advertising the solicitation.
3. If a prospective Contractor submitting a SOQ knows of (or if it can be reasonably demonstrated should have known of) an error in the RFQ but fails to notify the AOC of the error as prescribed above, the prospective Contractor is submitting a SOQ 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 AOC.

C. Questions and Confidentiality

1. Prospective Contractors are entitled to ask questions about the RFQ 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 RFQ. Except as otherwise specified below, the AOC's responses to questions submitted shall be published to the public website for the procurement.
2. The Administrative Office of the Courts is bound by California Rules of Court 10.500 as to disclosure of its administrative records. If a prospective Contractor's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the prospective Contractor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the prospective Contractor must submit a statement explaining why the question is sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the prospective Contractor will be notified.
3. If the AOC receives a request for public access to material submitted in response to the RFQ, the AOC will determine, in its sole opinion, whether marked material is exempt from disclosure under Rule 10.500 or other applicable law. If the AOC, in its sole opinion, find or reasonably believes that the material so marked is exempt from disclosure, the material will not be disclosed. If the AOC finds or reasonable believes that the material so marked is not exempt from disclosure, the AOC will contact the prospective Contractor with a request to substantiate its claim for confidential treatment, but may disclose the information 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 AOC may modify the RFQ website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of SOQs. Such modification shall be made via a posting of such change(s) to the AOC's website.

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E. Withdrawal and Resubmission of Submittals

1. A prospective Contractor may withdraw its submission/SOQ, but only in its entirety, at any time prior to the deadline for submitting by notifying the AOC 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 found on page 2 of this RFQ document.
2. A prospective Contractor who has withdrawn a submission may thereafter submit a new SOQ, provided that it is received at the AOC no later than the due date and time specified in this RFQ.
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. SOQ cannot be withdrawn after the submittal due date and time specified in this RFQ.

F. Evaluation Process

1. In accordance with the provisions of the RFQ, an evaluation will be made of all submittals rightfully received, to determine if they are complete with regard to the materials required for submission by this RFQ and to determine if they otherwise comply with the requirements established in the RFQ.
2. If a SOQ submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFQ, the submittal 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 RFQ. Material deviations cannot be waived.
3. The AOC, at its sole discretion shall have the right to waive immaterial deviations of SOQs with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFQ.
4. The AOC's waiver of an immaterial deviation for one prospective Contractor shall in no way act to excuse that prospective Contractor from material compliance with any other RFQ requirement. The AOC's waiver of an immaterial deviation for one prospective Contractor shall in no way act to excuse other prospective Contractor(s) from material compliance with that same requirement.
5. Submittals that make false or misleading statements or contain false or misleading information may be rejected, if, in the AOC's sole opinion, the AOC concludes that said statements and/or information were intended to mislead the AOC.
6. During the evaluation of the SOQ submittals, the AOC has the right to require a prospective Contractor's representatives to answer questions with regard to the SOQ submitted. Failure of a prospective Contractor to demonstrate that the claims made in its submittal are in fact true may be sufficient cause for deeming a SOQ to be materially in non-compliance with the requirements of the RFQ.

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G. Proposals: Rejection, Negotiation, Selection Rights

1. In accordance with the provisions of the RFQ, the AOC may reject any or all submittals.
2. The AOC reserves the right to make no selection if SOQs are deemed to be against the best interest of the State of California.

H. Protest Procedure

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Contractor to comply with any of the requirements of the protest procedures set forth in this Section J will render a protest inadequate and will result in rejection of the protest by the AOC. Such failure and subsequent rejection shall act to further forfeit the right of the prospective Contractor to continue the protest, and is not appealable under this protest procedure.
3. A protest may only be based upon allegedly restrictive requirement in the RFQ or upon alleged improprieties in regard to the AOC's execution of its responsibilities with regard to receipt and evaluation of the SOQs, or grant of award(s) but only as such responsibilities are specified in this RFQ document.

a. Protests Based On Allegedly Restrictive Requirements:

Protests alleging restrictive requirements in the RFQ 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 RFQ raised later than as specified in Section B will not be considered a valid protest, will be rejected by the AOC, and the prospective Contractor shall have no further recourse under this procedure, including no further right of appeal.

b. Protests Based on Alleged Improprieties in Regard to the AOC's Execution of its Responsibilities:

A prospective Contractor who has actually submitted a SOQ may protest the AOC's rejection of its SOQ for failure to comply with the requirements of the RFQ, or upon the basis of an allegation of improprieties with regard to the AOC's responsibility to fairly and impartially evaluate the SOQs and make awards, but only insofar as such responsibilities are specified in the RFQ 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 SOQ is rejected because of an alleged failure to provide the SOQ to the AOC on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the SOQ with regard to any other requirement necessary to make a correct submission as specified by the RFQ, the prospective Contractor may file a protest. Said protest must provide verifiable

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documentation that it has submitted a SOQ in compliance with all the RFQ'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) full AOC business days following the date of dispatch of the notice of rejection.

- b. If a submission is rejected because the SOQ submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of this RFQ, the prospective Contractor may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the SOQ submitted was in fact complete and/or is in fact in compliance with the RFQ requirement(s) in question. Such protests must be filed within five (5) full AOC business days following the date of dispatch of the notice of rejection.
- c. If a SOQ fails to win an award or qualify the prospective Contractor for a short listing for further evaluation and the prospective Contractor alleges that said failure was due to a failure of the AOC to fairly and impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities were specified in the RFQ, the prospective Contractor may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the AOC has failed to fairly and impartially execute said responsibilities. Such protests must be filed within five (5) full AOC business days following the date of posting of award notices to the AOC website for this RFQ.

In order to be considered valid, all such protests to be submitted:

- 1. Must be submitted by e-mail to the e-mail address established for the submission of questions in this RFQ found on page 2 of this document. PDF documents may accompany the e-mail as further detailed below.
- 2. Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
- 3. Must provide the title of the solicitation document under which the protest is submitted.
- 4. 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 AOC 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

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made, such failure shall act to restrict the introduction of such evidence at a later date.

5. Must provide a detailed description of the specific ruling or relief requested.
6. Must cite **all** protests that the prospective Contractor intends to make. Failure to raise a protest in the initial protest submittal shall act to disqualify the raising of that protest at a later date.

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 AOC and the prospective Contractor shall have no further recourse under this procedure, including any right of appeal.

If, in the course of investigation of a protest and when the AOC deems necessary, the AOC may request and protestor shall make best efforts to provide further evidence or documentation as requested by the AOC.

The existence of a protest will in no way act to restrict the right of the AOC to proceed with the procurement. The AOC, 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.

I. Protest Decisions

The protest will be forwarded to the appropriate Contracting Officer at the AOC, 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.

If the protest submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.

The Contracting Officer will endeavor to provide the protesting prospective Contractor with a written judgment within ten (10) AOC 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.

If awarding a remedy, the AOC shall, at its sole discretion, choose to employ any or a combination of the following remedies:

- Award the contract consistent with the RFQ
- Extend an additional award to the protesting prospective Contractor
- Terminate the already existing contract that resulted from the RFQ and award the contract to the protesting prospective Contractor
- Terminate the already existing contract that resulted from the RFQ for convenience and re-solicit the RFQ

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- Refrain from exercising options to extend the term of the contract that resulted from the RFQ and re-solicit sooner than originally planned
- Other such remedies as the AOC may deem necessary and appropriate.

While the AOC will endeavor to investigate the protest and provide a written response to the prospective Contractor within ten (10) AOC business days, if the AOC requires additional time to review the protest and is not able to provide a response within said period of time, the AOC will notify the prospective protesting Contractor of the expected time within which it shall provide a response.

J. Appeals Submission

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 Contractor thereafter seeks an appeal of the ruling or relief prescribed. All appeals are subject to, and shall follow, the process provided below. The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the AOC's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFQ. In order to be accepted as valid, any such appeal must be received by the AOC within five (5) AOC business days following the date of issuance of the AOC Contracting Officer's decision. 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.

Appeals raising other justifications for appeal shall be rejected as non-compliant and the prospective Contractor shall have no further recourse under this procedure, including any further right of appeal.

In order to be considered valid, all requests for appeal must be:

1. Submitted by e-mail to the e-mail address established for the submission of questions in the RFQ document and addressed to the AOC's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.
2. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
3. Must provide the title of the solicitation document under which the appeal is submitted.
4. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence

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available to the protesting party. PDF files of documents are acceptable, but the AOC 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.

5. Must provide a detailed description of the specific ruling or relief requested.
6. Must cite **all** appeals that the protesting prospective Contractor 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.

K. Appeals Decisions

The AOC'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 the Administrative Rules.

If the appeal submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.

The AOC Senior Manager for Business Services will endeavor to provide the appealing prospective Contractor with a written judgment within ten (10) AOC 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.

While the AOC will endeavor to investigate the appeal and provide a written response to the prospective Contractor within ten (10) AOC business days, if the AOC requires additional time to review the appeal and is not able to provide a response within said period of time, the AOC will notify the appealing prospective Contractor of the expected time within which it shall provide a response.

The judgment of the AOC Senior Manager of Business Services and any relief or remedy specified shall be final and are not subject to further appeal.

L. News Releases

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

M. Disposition of Proposal Materials Submitted

All materials submitted in response to the RFQ will become the property of the State of California and will be returned only at the AOC's option and at the expense of the prospective Contractor submitting the SOQ. One copy of a submitted SOQ will be retained for official files and become a public record.

N. 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 the RFP; however, prospective Contractors are hereby

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advised that AOC 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 AOC and the selected Contractor.

2. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount of the withhold may depend upon the length of the project and the payment schedule provided in the agreement between the AOC and the awarded Service Provider.

(DVBE forms follow – FOR REFERENCE ONLY)

DVBE PARTICIPATION FORM

Proposer Name: _____

RFP Project Title: _____

RFP Number: _____

The State of California Judicial Branch's goal of awarding of at least three percent (3%) of the total dollar contract amount to Disabled Veterans Business Enterprise (DVBE) has been achieved for this Project. *Check one:*

Yes _____ (Complete Parts A & C only)

No _____ (Complete Parts B & C only)

"Contractor's Tier" is referred to several times below; use the following definitions for tier:

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

PART A - COMPLIANCE WITH DVBE GOALS

Fill out this Part ONLY if DVBE goal has been met; otherwise fill out Part B.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION
FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS
SOLICITATION

PRIME CONTRACTOR

Company Name: _____

Nature of Work _____ Tier: _____

Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost: DVBE _____%

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SUBCONTACTORS/SUBCONTRACTOR/PROPOSERS/SUPPLIERS

1. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost: DVBE _____%

2. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost DVBE _____%

3. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: DVBE \$ _____

Percentage of Total Contract Cost DVBE _____%

GRAND TOTAL: DVBE _____%

I hereby certify that the "Contract Amount," as defined herein, is the amount of \$_____. I understand that the "Contract Amount" is the total dollar figure against which the DVBE participation requirements will be evaluated.

<i>Firm Name of Proposer</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

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PART B – ESTABLISHMENT OF GOOD FAITH EFFORT

Fill out this Part ONLY if DVBE goal will not be met but you have made a good faith effort to meet such goal.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION

1. List contacts made with personnel from state or federal agencies, and with personnel from DVBEs to identify DVBEs.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

2. List the names of DVBEs identified from contacts made with other state, federal, and local agencies.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

3. If an advertisement was published in trade papers and/or papers focusing on DVBEs, attach proof of publication.

<i>Publication</i>	<i>Date(s) Advertised</i>

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4. Solicitations were submitted to potential DVBE contractors (list the company name, person contacted, and date) to be subcontractors. Solicitation must be job specific to plan and/or contract.

<i>Company</i>	<i>Person Contacted</i>	<i>Date Sent</i>

5. List the available DVBEs that were considered as subcontractors or suppliers or both. (Complete each subject line.)

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

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<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

PART C - CERTIFICATION (*to be completed by ALL Proposers*)

I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief, each firm set forth in this bid as a Disabled Veterans Business Enterprise complies with the relevant definition set forth in section 1896.61 of Title 2, and section 999 of the Military and Veterans Code, California Code of Regulations

**IT IS MANDATORY THAT THE FOLLOWING BE COMPLETED ENTIRELY;
FAILURE TO DO SO WILL RESULT IN IMMEDIATE REJECTION.**

<i>Firm Name of Proposer:</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

End of Form