

Request for Proposals (RFP) for

ID/IQ Building Commissioning Consulting Services – Revision 3, Schedule Extended, see Section 7.6 - Procurement Schedule and General Instructions.

The Judicial Council of California seeks to identify a number of firms qualified to provide Building Commissioning Consulting services for various projects to be initiated between April 2018 and April 2021 with possible extensions to April 2023.



**JUDICIAL COUNCIL
OF CALIFORNIA**

ADMINISTRATIVE DIVISION
FACILITIES SERVICES



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE DIVISION
FACILITIES SERVICES

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

REQUEST FOR PROPOSALS

Date: 03/22/2018

To: Building Commissioning Consulting Firms
From: Judicial Council of California

Contact
solicitations@jud.ca.gov

RFP Number: FS-2017-20-BD
RFP Title: IDIQ Building Commissioning
Consulting Services – Revision 3, Schedule
Extended, see Section 7.6 - Procurement
Schedule and General Instructions.

TABLE OF CONTENTS, REQUEST FOR PROPOSAL:

- 1.0 Introduction**
- 2.0 Purpose**
- 3.0 Scope of Services**
- 4.0 Responding to this RFP**
- 5.0 Selection Process**
- 6.0 Evaluation of Proposals**
- 7.0 Additional Requirements [Revised]**
- 8.0 Contract Terms and Administrative Rules**
- 9.0 Disabled Veterans Business Enterprise**
- 10.0 Administrative Rules Governing this RFP**

ATTACHMENTS:

- Attachment A, Administrative Rules Governing this RFP**
- Attachment B, Hourly Rates**
- Attachment C, Qualifications Questionnaire**
- Attachment D, Judicial Council's Form of Standard Agreement**
- Attachment E, Acceptance of Terms and Conditions**
- Attachment F, General Certifications Form**
- Attachment G, Darfur Certification Form**
- Attachment H, Payee Data Record**
- Attachment I, Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification**
- Attachment J, Iran Contracting Act Certification**
- Attachment K, Internal Background Check Policy**
- Attachment L, Form for Submission of Questions**

1. INTRODUCTION

- 1.1 The judicial branch 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” or “Owner”) 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. Over the next 5 years, approximately 10 to 30 projects with a construction value of approximately \$25,000 to \$1,500,000 per project are anticipated to require the services requested by this RFP.

2. PURPOSE OF THIS RFP

- 2.1 **Consultants.** Judicial Council seeks proposals from firms to provide the services of qualified, properly licensed Building Commissioning consultants with expertise in all phases of the design, construction and renovation of public buildings (“Proposals”). It is anticipated that selected firms will verify compliance that building systems including mechanical and electrical systems are installed, integrated and operate according to best industry practices, and agree to provide all necessary expertise and services to professionally and diligently prosecute the Work. 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.
- 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 Building Commissioning consulting services for facility modifications and building renovations, or for the provision of the services they propose upon. Those 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”). 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. The Judicial Council shall have the option, exercisable upon written notice, to extend an agreement that may be

awarded under this RFP for one (1) additional two (2) year period. It is anticipated that ID/IQ contracts will be issued to multiple Consultants at the discretion of the Judicial Council. **[Revised]**

- 2.2.1 Posted with this RFP is the Judicial Council's form of Standard Agreement (Attachment D), including the indemnification provision that the Judicial Council will include in that agreement, which the Judicial Council will utilize for the Services awarded pursuant to this RFP. In accordance with the Judicial Council's Administrative Rules Governing this RFP, attached hereto and incorporated herein as Attachment A, respondents must 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 4.5.14, 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 certificate(s) required under law to provide the work being performed. A valid Certified Commissioning Authority (CxA) certificate issued by the California Commissioning Collaborative or equivalent is required for the performance of the work, the Consultant must ensure that the work will be performed either by an appropriately qualified individual or under the direct supervision of an appropriately qualified 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 based on prior Project performance or other pertinent criteria, as determined by the Judicial Council. 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 Building Commissioning Projects, as described above.

3. SCOPE OF SERVICES

- 3.1 **Consultant Services.** The scope of Services requested under agreements awarded under this RFP include professional consultant services of a building commissioning nature, as well as incidental services that members of those professions and those in their employ may logically or justifiably perform. Services requested under this RFP include expertise with the commissioning process including verification techniques, functional performance testing, system equipment and Operations and Maintenance ("O&M") knowledge ("Services" or "Work"). The Consultant may provide building commissioning services for a range of Project(s) to verify compliance that building systems, including but not limited to, mechanical and electrical systems are installed, integrated and operate according to best industry practices. The Consultant agrees to provide all necessary expertise and services to professionally and diligently prosecute the Work. The Consultant must have significant in-building commissioning experience, including technical and management expertise. Items listed here, in Section 3, may not all be applicable on each Project. The scope of Work includes, but is not limited to, the Services noted herein. The Judicial Council's Project Manager will provide the Consultant with an unsigned Services Request Form (Attachment D, Exhibit E), describing the Work the Judicial Council may require under a given Service Work Order. See Attachment D, Exhibit C, Section 3.0 – Service Work Order Authorization Process, for additional detail on the issuance of Services under a Standard Agreement that may be awarded as a result of this RFP.

3.2 Pre-Design Phase, Design Phase, Construction Phase, Warranty Phase Services Requested.

For this RFP, it is assumed by the Judicial Council that all of the tasks noted in Section 3 may be completed as required on a given Project(s). Any proposed changes to the following scope of work described herein shall be clearly highlighted and noted in the Consultant's Proposal. For this RFP, pre-design phase, design phase, construction phase, and warranty phase services are requested, and the Consultant shall be responsible for carrying out the tasks noted herein.

3.3 Pre-Design Phase

- 3.3.1 Assemble commissioning team, hold a scoping meeting and identify responsibilities.
- 3.3.2 Develop a draft design-phase commissioning plan.
- 3.3.3 Attend commissioning meetings as needed with Judicial Council Project Manager and design team.
- 3.3.4 If not already completed, develop and review the design intent documentation for clarity and completeness, including language on the following features, without limitation: mechanical, electrical, plumbing, architectural, structural, lighting, energy consumption, commissioning, indoor environmental quality, environmental sustainability, siting, exteriors, landscaping, interiors, functionality for tenants, budget. This will be accomplished by the Consultant by extracting salient concepts from the Owner's existing programming report and/or conducting a focus group, conducting interviews with Owner stakeholders. The Owner's design intent requirements may be general or specific in nature, and may include specific performance criteria for most concepts.

3.4 Design Phase

- 3.4.1 Coordinate the commissioning work during design.
- 3.4.2 Develop or update the design phase commissioning plan.
- 3.4.3 Perform focused reviews of the design, drawings and specifications at various stages of development (during schematic design, design development and contract document phases).
- 3.4.4 Assist and review the development and updating of the Design Record documentation by design team members (Design Intent, Design Narrative; Design Basis).
- 3.4.5 Develop a draft construction phase commissioning plan using an Owner-approved outline.

- 3.4.6 Develop full commissioning specifications for all commissioned equipment. Coordinate this with the architect and engineers and integrate the commissioning specifications into the overall project specification package. The commissioning specification will include a detailed description of the responsibilities of all parties, details of the commissioning process, reporting and documentation requirements including formats, alerts to coordination issues, deficiency resolution, construction checklist and startup requirements, the functional testing process, specific functional test requirements, including testing conditions and acceptance criteria for each piece of equipment being commissioned.
- 3.4.7 Coordinate a controls integration meeting where the electrical and mechanical engineers, Owner's representative, and the Consultant discuss integration issues between equipment, systems and disciplines to ensure that integration issues and responsibilities are clearly described in the specifications.

3.5 **Bid Phase**

- 3.5.1 Attend pre-bid meeting(s) to answer commissioning related questions.

3.6 **Construction Phase**

- 3.6.1 Perform the tasks and functions in the specifications.
- 3.6.2 Coordinate and direct the commissioning activities in a logical, sequential and efficient manner using consistent protocols and forms, centralized documentation, clear and regular communications and consultations with all necessary parties, frequently updated timelines and schedules and technical expertise.
- 3.6.3 Coordinate the commissioning work with the contractor and construction manager, to ensure that commissioning activities are being incorporated into the master schedule.
- 3.6.4 Revise, as necessary, the construction phase commissioning plan developed during design, including scope and schedule.
- 3.6.5 Plan and conduct commissioning meetings as needed and distribute minutes.
- 3.6.6 Request and review additional information required to perform commissioning tasks, including O&M materials, and contractor start-up and checkout procedures. Before startup, gather and review the current control sequences and interlocks and work with contractors and design engineers until sufficient clarity has been obtained in writing, to be able to write detailed testing procedures.

- 3.6.7 Review normal contractor submittals applicable to systems being commissioned for compliance with commissioning needs, concurrent with the Architecture and Engineering (“A/E”) reviews.
- 3.6.8 Review requests for information and change orders for impact on commissioning and Owner’s objectives.
- 3.6.9 Review coordination drawings to ensure that trades are making a reasonable effort to coordinate.
- 3.6.10 Write and distribute construction checklists for commissioned equipment.
- 3.6.11 Develop an enhanced start-up and initial systems checkout plan with contractors for selected equipment.
- 3.6.12 Perform site visits, as necessary, to observe component and system installations. Attend selected planning and job-site meetings to obtain information on construction progress. Review construction meeting minutes for revisions/substitutions relating to the commissioning process. Assist in resolving any discrepancies.
- 3.6.13 Perform the following pre-functional tasks:
 - 3.6.13.1 Witness Heating, Ventilation, and Air Conditioning (“HVAC”) piping pressure test and flushing, sufficient to be confident that proper procedures were followed. Include testing documentation in the Commissioning Record.
 - 3.6.13.2 Witness any ductwork testing and cleaning sufficient to be confident that proper procedures were followed. Include documentation in the Commissioning Record.
 - 3.6.13.3 Document construction checklist completion by reviewing completed construction checklists and by selected site observation.
 - 3.6.13.4 Document systems startup by reviewing start-up reports and by selected site observation.
 - 3.6.13.4 Approve air and water systems balancing by spot testing and by reviewing completed reports and by selected site observation.
- 3.6.14 With necessary assistance and review from installing contractors, write the functional performance test procedures for equipment and systems. This will include manual functional testing, energy management control system trending and may include stand-alone data logger monitoring.
- 3.6.15 Coordinate, witness and document manual functional performance tests performed by installing contractors. Coordinate retesting as necessary until satisfactory performance is achieved. The functional testing shall include operating the system and components through each of the written sequences

of operation, and other significant modes and sequences, including startup, shutdown, unoccupied mode, manual mode, staging, miscellaneous alarms, power failure, security alarm when impacted and interlocks with other systems or equipment. Sensors and actuators shall be calibrated during construction check listing by the installing contractors, and spot-checked by the Consultant during functional testing. Analyze functional performance trend logs and monitoring data to verify performance.

- 3.6.15.1 Tests on respective HVAC equipment shall be executed, if possible, during both the heating and cooling season. However, some overwriting of control values to simulate conditions shall be allowed. Functional testing shall be done using conventional manual methods, control system trend logs, and read-outs or stand-alone data loggers, to provide a high level of confidence in proper system function, as deemed appropriate by the Consultant and the Owner.
- 3.6.16 Prepare test plans for, assist with execution of, and document tests of commissioned equipment overseen by regulatory authorities and ensure that such tests meet the testing rigor desired by the Owner.
- 3.6.17 Maintain a master issues log and a separate record of functional testing. Report all issues as they occur directly to the Owner's Representative. Provide directly to the Owner's Representative written progress reports and test results with recommended actions.
- 3.6.18 Review equipment warranties to ensure that the Owner's responsibilities are clearly defined.
- 3.6.19 Oversee and review the training of the Owner's operating personnel.
 - 3.6.19.1 Oversee the videotaping of this training.
 - 3.6.19.2 Develop an "Owner's training manual" that is to be kept in the classroom.
 - 3.6.19.3 Review and prepare the O&M manuals for commissioned equipment.
- 3.6.20 Compile a Commissioning Record, which shall include:
 - 3.6.20.1 A brief summary report that includes a list of participants and roles, building description, overview of commissioning and testing scope, and a general description of testing and verification methods. For each piece of commissioned equipment, the report should contain the disposition of the Consultant regarding the adequacy of the equipment, documentation and training meeting the contract documents in the following areas:
 - i. Equipment meeting the equipment specifications,

- ii.* Equipment installation,
- iii.* Functional performance and efficiency,
- iv.* Equipment documentation, and
- v.* Operator training.

3.6.20.2 All outstanding non-compliance items shall be specifically listed. Recommendations for improvement to equipment or operations, future actions, commissioning process changes, etc. shall also be listed. Each non-compliance issue shall reference the specific functional test, inspection, trend log, etc. where the deficiency is documented.

3.6.20.3 Also included in the Commissioning Record shall be the issues log, commissioning plan, progress reports, submittal and O&M manual reviews, training record, test schedules, construction checklists, start-up reports, functional tests, and trend log analysis.

3.6.21 Compile a Systems Manual that consists of the following: Owner's Project Requirements (by Owner); Design Narrative; Performance Metrics, if completed during design; space and use descriptions; single line drawings and schematics for major systems (by designer); control drawings; sequences of control (by contractor); a table of all setpoints and implications when changing them; schedules; instructions for operation of each piece of equipment for emergencies, seasonal adjustment, startup and shutdown; instructions for energy savings operations and descriptions of the energy savings strategies in the facility; recommendations for recommissioning frequency by equipment type; energy tracking recommendations; and recommended standard trend logs with a brief description of what to look for in them (all by Consultant).

3.7 Warranty Period

3.7.1 Coordinate and supervise required opposite season or deferred testing and deficiency corrections and provide the final testing documentation for the Commissioning Record and O&M manuals.

3.7.2 Return to the site at 10 months into the 12 month warranty period and review with facility staff the current building operation and the condition of outstanding issues related to the original and seasonal commissioning. Also interview facility staff and identify problems or concerns they have with operating the building as originally intended. Make suggestions for improvements and for recording these changes in the O&M manuals. Identify areas that may come under warranty or under the original construction contract. Assist facility staff in developing reports and documents and requests for services to remedy outstanding problems.

3.8 Systems to be Commissioned

A Service Work Order may include, without limitation, the following systems and assemblies to be commissioned:

- 3.8.1 Central building automation system
- 3.8.2 All equipment of the heating, ventilating and air conditioning systems
- 3.8.3 Scheduled or occupancy sensor lighting controls
- 3.8.4 Daylight dimming controls
- 3.8.5 Emergency power generators and automatic transfer switching
- 3.8.6 Uninterruptible power supply systems
- 3.8.7 Life safety systems (fire alarm, egress pressurization, fire protection)
- 3.8.9 Electrical
- 3.8.10 Domestic and process water pumping and mixing systems
- 3.8.11 Data and communication
- 3.8.12 Security system
- 3.8.13 Plumbing and Irrigation
- 3.8.14 Vertical transport
- 3.8.15 Building envelope
- 3.8.16 Medical Gas
- 3.8.17 Refrigeration Systems

3.9 Desired Consultant Qualifications:

For reference, it is the Owner's desire for the person(s) designated as the site Commissioning Providers to satisfy as many of the following requirements as possible:

- 3.9.1 Acted as the principal Commissioning Provider for at least three (3) projects over 30,000 sf.
- 3.9.2 Extensive experience in the operation and troubleshooting of HVAC systems and energy management control systems.
- 3.9.3 Extensive field experience, including a minimum, required five (5) full years performing this type of work.
- 3.9.4 Knowledgeable in building operation and maintenance and O&M training.
- 3.9.5 Knowledgeable in test and balance of both air and water systems.
- 3.9.6 Experienced in energy-efficient equipment design and control strategy optimization.

- 3.9.7 Direct experience in monitoring and analyzing system operation using energy management control system trending and stand-alone data logging equipment.
 - 3.9.8 Excellent verbal and writing communication skills.
 - 3.9.9 Highly organized and able to work with both management and trade contractors.
 - 3.9.10 Experienced in writing commissioning specifications.
 - 3.9.11 A Bachelor's degree in mechanical or electrical engineering is strongly preferred, and P.E. certification is desired; however, other technical training, past commissioning, and field experience will be considered.
- 3.10 **Experience.** The required expertise for these Services will be based on the skill and experience set of the full team submitting the Proposal. A member of the Consultant's firm will be the designated "Commissioning Provider" and will be a member of the team that will coordinate the commissioning activities from the technical perspective. This Commissioning Provider may not necessarily be the team's overall project or contract manager. The Commissioning Provider must have significant in-building commissioning experience including, without limitation, technical and management expertise on projects of similar scope. If the Consultant or Commissioning Provider does not have sufficient skills to commission a specific system, the Consultant shall subcontract with a qualified sub-consultant to do so. Sub-consultant qualifications shall be included and clearly designated in the response to this RFP.

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 the Judicial Council by sending an email to Solicitations@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) 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 telephone conference will be held to answer questions with regards to this RFP. This telephone conference is not mandatory to submit a Proposal. The telephone conference will be held on February 1st, 2018, at 10 am (estimated). The pre-proposal telephone conference can be attended by dialing 1-877-820-7831 and entering pass code number 109630. If changes to the time and date occur, they will be posted on the Judicial Council website at: <http://www.courts.ca.gov/rfps.htm>.

- 4.4 Questions. The Judicial Council will answer questions submitted by Consultants. All questions should be submitted by completing Attachment L, Form for Submission of Questions. All questions must be submitted to Solicitations@jud.ca.gov by the date identified in the timeline in section 7.6 of this RFP, Procurement Schedule and General Instructions.
- 4.5 **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 forty (40) single sided pages, 8½” x 11” paper, inclusive of résumés, 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). Attachments A through L are excluded from the Proposal page limit. **[Revised]**

Two (2) complete copies are required for consideration. Consultants shall also 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 “FS-2017-20-BD.”

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

- 4.5.1 **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 4.5.14, Acceptance of the Terms and Conditions, of this RFP.
- 4.5.2 **Table of Contents:** A table of contents of the material contained in the Proposal should follow the cover letter.
- 4.5.3 **Executive Summary:** The executive summary should contain a brief summary of Consultant’s qualifications.
- 4.5.4 **Qualifications Questionnaire:** All Consultants submitting a Proposal shall also submit a completed Qualifications Questionnaire with its Proposal, the form of which is attached hereto as **Attachment C**.
- 4.5.4.1 Consultants must update their Qualifications Questionnaire if Consultant’s status or information changes.

- 4.5.4.2 A Consultant's Qualifications 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.).
- 4.5.5 **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.
- 4.5.6 **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>)
- 4.5.7 **Proposed Personnel/Project Team:**
- 4.5.7.1 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. Include an organizational chart indicating all personnel and their positions.
- 4.5.7.2 Include resumes of key personnel who will 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.
- 4.5.8 **Statement of Services:** Prepare a detailed Statement of Services for which Consultant is submitting its Proposal, and briefly demonstrate 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 that Consultant is **excluding** from its Statement of Services or that are **not** included or provided by Consultant.

4.5.9 **Reference Checks.** The Consultant shall provide five (5) 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.

4.5.10 **Consultant Information:**

4.5.10.1 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.

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

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

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

4.5.10.5 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).

4.5.11 **Prior Relevant Experience:**

4.5.11.1 Describe Consultant's experience with the Uniform Building Code ("UBC"), Title 24 of the California Code of Regulations, State Fire Marshall ("SFM") Requirements, and LEED Commissioning Requirements.

- 4.5.11.2 Provide a list of California public entities for whom Consultant has provided the same or similar Services 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.
- 4.5.12 **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.
- 4.5.13 **Approach to Project Management:** Provide Consultant's philosophy and approach to project management.
- 4.5.14 **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 requested.
- 4.5.15 **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.
- 4.5.16 **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.
- 4.5.17 **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.

4.5.18 **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.

4.5.19 **Background Checks:** If the Consultant assigns persons (whether employees or Sub-Consultant employees) to provide Services under a Standard Agreement that requires that person to have access to any systems (whether on-site or by remote access) or access to the premises of the Judicial Council or other Judicial Branch Entities, the Judicial Council shall have the right, but not the obligation, to conduct a background check or to require the Consultant to conduct a background check, as permitted by law, on all such persons before the Judicial Council will grant such persons access. Any costs and expenses incurred to obtain background checks are the sole responsibility of the Consultant. For further information on the Judicial Council's background check policy, see Attachment K, Internal Background Check Policy.

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 the 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, if at all, at the Judicial Council offices in San Francisco. 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 | 100 points maximum |
|--------|---|--------------------|
| 10 | <p>1. Project Team Expertise Project 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>2. Statement of Services Consultant’s demonstrated understanding of the Services required to complete the Projects described in this RFP (See Section 3, Scope of Services), and the Services that it may <u>exclude</u> from its Statement of Services.</p> | |
| 10 | <p>3. Reference Evaluation The Judicial Council will contact references provided by the Consultant to evaluate previous client satisfaction. See 4.4.9, Reference Checks, for additional details.</p> | |
| 5 | <p>4. Consultant Information Consultant’s history, including number of years in business and types of business conducted.</p> | |
| 10 | <p>5. Consultant’s Prior Relevant Experience 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.</p> | |
| 40 | <p>6. Hourly Rates Hourly rates for the consultant services requested by this RFP, as provided in Attachment B.</p> | |
| 10 | <p>7. Approach Consultant’s approach towards project management.</p> | |

| Points | Criteria | 100 points maximum |
|--------|--|--------------------|
| 5 | <p>8. DVBE Incentive</p> <p>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.</p> | |

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. Lenore Fraga-Roberts
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102-3688

(Indicate the RFP Number 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 [Revised].**

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 | January 24th, 2018 |
| 2 | Letter of Intent from Consultant to Participate in Pre-Proposal Conference | January 29th, 2018 |
| 3 | Pre Proposal Telephone Conference. Dial 1-877-820-7831 and entering pass code number 109630 | February 1st, 2018, at 10 am (estimated) |
| 4 | Deadline for Consultants’ Requests for Clarifications, Modifications, or Questions | February 7th, 2018 |
| 5 | Clarifications, Modifications, and/or Answers to Questions posted on the Judicial Council Website | February 16th, 2018 |
| 6 | Proposal Due Date and Time. | March 2nd, 2018, @ 3:00 pm PST |
| 7 | Oral Presentations / Interviews (Estimated) | April 12th, 2018 @ TBD |
| 8 | Notice of Intent to Award (Estimated) | April 19th, 2018 |
| 9 | Notice of Award (Estimated) | May 4th, 2018 |
| 10 | Full Performance Start Date | May 18th, 2018 |

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 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 April, 2018. One (1) subsequent two (2)-year extension may be offered at the sole discretion of the Judicial Council. Note that during a subsequent term, 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. **[Revised]**

- 8.3 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.
- 8.4 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.
- 8.5 **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.
- 8.6 **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, is 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.

END OF RFP