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| RC2 | REQUEST FOR QUALIFICATIONS (RFQ) |
| **JUDICIAL COUNCIL OF CALIFORNIA**  **FACILITIES SERVICES**  **REGARDING:**  Request for Qualifications for Fire Protection and Life Safety Consulting Services  **RFQ Number:** FSO-2018-3-JMG  **PROPOSALS DUE:**  **July 30, 2018, 1:00PM PST**    <http://www.courts.ca.gov/rfps.htm>  **\\jcc\aocdata\aocshared\Logos\JPG_Logos\JCC_Administrative_FacilitiesServices.jpg** |

**RFQ Attachments:**

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| The following **Attachments** are included as part of this RFQ | **Name** | **DESCRIPTION** |
| **1** | **Facilities Services Capital Projects Summary** | **Status of major Judicial Council Construction Projects** |
| **2** | **Facilities Services Facilities Modification Projects** | **Status of current Judicial Council Facilities Modification Projects** |
| **3** | **Administrative Rules** | **These rules govern this solicitation.** |
| **4** | **Legal Agreement** | **The Legal Agreement that will pertain to awarded Consultants** |
| **5** | **Scope of Consult Services** | **Generalized description of the services to be provided** |
| **6** | **Payee Data Record Form** | **This form contains information the Judicial Council requires in order to process payments and must be submitted with the Proposal.** |
| **7** | **Request for Payment Form** | **A form that awarded Consultants will have to complete when submitting invoices for payment.** |
| **8** | **General-Certifications Form** | **The Consultant must complete the General Certifications Form and submit the completed form with its Proposal.** |
| **9** | **Darfur-Certification Form** | **The Consultant must complete the Darfur Contracting Act Certification Form and submit the completed certification with its Proposal.** |
| **10** | **Unruh-Certification Form** | **The Consultant must complete Unruh Certification Form and submit the completed certification with its Proposal.** |
| **11** | **Question-Submittal Form** | **Complete this form if Consultant wishes to submit questions per Section 3.7 of this RFQ.** |
| **12** | **Hourly Rates Form** | **The Consultant must complete the Hourly Rates Form and submit the completed document with its Proposal** |
| **13** | **Geographic Service Area Form** | **The Consultant must complete the Geographic Service Area Form and submit the completed document with its Proposal** |
| **14** | **Acceptance of Terms and Conditions Form** | **On this form, the Consultant must indicate acceptance of the Terms and Conditions of the Legal Agreement pertaining to this Solicitation and submit the completed document with its Proposal** |

1. **BACKGROUND INFORMATION**
   1. **Introduction.** The Judicial Branch of California is a part of California State government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California, including the Supreme Court. The Judicial Council is a Judicial Branch entity chaired by the Chief Justice of California. The Judicial Council provides staff support to all Appellate and Superior Courts, including being responsible for the planning, design, construction, real estate and asset management of facilities for the court system of California.
      1. The Facilities Services office of the Judicial Council (“Facilities Services”) is charged with the task of reviewing construction projects under its jurisdiction for Title 24 compliance. The scope of review depends on the scope of the project. Plan review and construction oversight focuses on new construction and facility modification projects for California Superior and Appellate Court facilities.
      2. Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for Superior Court facilities in California has shifted from the counties to the state. Over the term of the contract(s) (three years plus the possibility of two annual renewals) to be awarded as a result of this RFQ, up to seventeen courthouse construction projects, with a value of approximately $1.5 billion, will require construction plan review and inspection services. In addition, plan review and construction inspection services may be required for up to 100 minor capital court facility modification projects with individual project values from $50,000 to $2.5 million.
      3. Facilities Services operates the approximately 500 existing court facilities statewide. Within these facilities, Facilities Services performs approximately 2,000 facility modification projects per year with a total construction value of approximately $65 million.
      4. A summary of the Judicial Council’s Facilities Services Capital Projects is provided in Attachment 1.
      5. A summary of the Judicial Council’s Facilities Services Facilities Modification Projects potentially requiring State Fire Marshall Involvement is provided in Attachment 2.
   2. **Purpose of this RFQ.** The Judicial Council seeks to contract with qualified and interested firms, organizations, or persons (“Consultant(s)”) having experience and technical qualifications with respect to providing fire protection and life safety consulting and engineering services to provide the following services (“Services” or “Work”), without limitation: architectural plan and specification review; conformance to and compliance with fire and life safety codes; field inspection/surveys; review and analysis of State Fire Marshal inspection citations; and other consulting services regarding fire and life safety, on an as-needed basis.
   3. **ID/IQ Contracts.** Multiple Consultants will be selected to enter into Indefinite Delivery / Indefinite Quantity (“ID/IQ”) contracts with the Judicial Council for fire protection and life safety consulting services, 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 (“Project(s)”). Because the scope and number of Projects and tasks are unknown at the time of contract execution, the contracts are known as ID/IQ contracts. It is anticipated that contracts will be issued to multiple Consultants.
   4. **Solicitation of Proposals for Performance of Work.** Following award and signing of Legal Agreements, the Judicial Council will, at its discretion, invite one or more among the awarded Consultants to provide proposals for each Project / work order that actually authorizes spending (“Project Proposal(s)”). Consultants may be asked to provide Project Proposals on some Projects, but may not be asked to provide Project Proposals on other Projects or none at all. The Judicial Council, at its sole discretion, may choose to issue Work in a round-robin rotation assigning Projects according to each Consultant’s qualifications with the intent to issue Projects equally or based upon prior Project performance. In some cases, more than one Consultant will be asked to provide Project Proposals for the same Project. Selection of a Consultant for a specific Project is at the sole discretion of the Judicial Council. The Judicial Council may 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. Notwithstanding the foregoing, selection of the Consultant(s) that will be invited to provide Project Proposals will take into consideration various factors including, without limitation: Consultant’s Scope of Consultant Provided Services (see Attachment 5) and geographic area of performance (see Attachment 13) as submitted in response to this RFQ, urgency of task, size of project, location(s) of services, specific expertise required, State Fire Marshal requirements, Consultant manpower, and the quality of past performance with Judicial Council, as applicable.
   5. **Licensing.** All Consultants, and sub-consultant(s), employees or agents thereof, performing Work per agreements awarded under this RFQ must have, at all times throughout the duration of their performance of the Work, all appropriate, valid license(s) required under law to provide the Work being performed. If the possession of any license(s) including, without limitation, a valid California Professional Engineering Fire Protection license, is required under law for the performance of the Work, the Consultant must ensure that the Work will be performed either by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual.
   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.
   7. **No Follow on Contracting.** For any Project that a Consultant is providing consulting services pursuant to an agreement awarded by this RFQ, the Consultant is prohibited from also providing construction services on that same Project as either a prime contractor or subcontractor of any tier, without limitation, under any separate contract or agreement the Consultant may have with either the Judicial Council or any other contractor.
   8. **Sole Means.** This RFQ is the sole means for prospective Consultants to submit their qualifications to the Judicial Council for the ID/IQ services for Fire Protection and Life Safety Consulting Projects, as described above.
2. **DESCRIPTION OF SERVICES AND DELIVERABLES**
   1. All Work shall meet State, Federal and local regulations and standards pertaining to fire and life safety, including, without limitation, Titles 8, 19, and 24 of the California Code of Regulations, National Fire Protection Association (NFPA) Standards, and the California Health and Safety Code.
      1. In addition to meeting the Minimum Requirements established in Section 9, in order to be considered for award of a contract, prospective Consultants must be able to provide one or more of the below listed Services.
      2. Although the breadth of the number of the Services a prospective Consultant can provide will be a factor graded in the evaluation of Proposals, prospective Consultants need not be capable of performing all of the following Services in order to be awarded a contract. Prospective Consultants are required to detail in their Proposals which of the following Services they are capable of performing by completing and submitting the Scope of Consultant Provided Services Form (Attachment 5).
      3. Consultants will be allowed to utilize qualified, licensed sub-consultants (“Sub-Consultant(s)”) of their own choosing to provide Services awarded under this RFQ. The actual Sub-Consultants to be used are to be identified to the Judicial Council at the time that Project Proposals are solicited, and not in response to this RFQ.
   2. Fire Consulting and Life Safety Services - Description:
      1. Provide architectural plan and specification review during various stages of Facilities Services Capital Projects and Facility Services Modification Projects. Plan reviews will be conducted to ensure conformance with approved plans, and compliance with fire and life safety code and Judicial Council standards requirements in effect for the State-owned buildings. Provide recommendations as may be appropriate based on best practices, latest innovations, accumulated experience and lessons learned.
      2. Provide smoke control peer review of design performed by others and as directed by the State Fire Marshal or other Authority Having Jurisdiction (“AHJ”). Smoke control experts acceptable to the AHJ must perform such peer review.
      3. Provide, where required, smoke control special inspection during construction phase to verify that the smoke control system as installed conforms to the design parameters of the approved smoke control report prepared by the architect design team and per requirements of the California Building Code and California Fire Code.
      4. Provide review of deferred submittals during construction phase of fire protection systems (e.g. fire sprinkler systems, fire alarm systems, etc.) to ensure compliance with State and local building codes, NFPA standards, architect’s plans and specifications and requirements of the Judicial Council.
      5. Provide field inspections/surveys during construction and commissioning phases of all or specific fire and life safety systems to ensure compliance with State and local building codes, NFPA standards, architect’s plans and specifications and requirements of the Judicial Council.
      6. Preparation of engineering judgments on fire and life safety issues as required during design and construction phases. Peer review of engineering judgements prepared by others (e.g. architects, contractors, manufactures, etc.).
      7. Provide review and analysis of specific State Fire Marshal inspection citations during construction and commissioning phases, and provide recommendations on suitable course(s) of action.
      8. Prepare Alternate Methods of Construction documentation where recommended or requested for review and possible acceptance by the State Fire Marshal or other AHJ.
      9. Negotiate with the State Fire Marshal/AHJ on behalf of the Judicial Council on fire and life safety issues in connection with any of the work elements listed herein.
      10. Prepare lessons learned document on specific or various aspects of fire and life safety issues on individual or multiple projects as requested.
      11. Provide inspections, survey and analysis of existing facilities on fire and life safety systems and recommendations for repair, additions, and modifications. Examples include, without limitation, fire sprinkler systems and associated equipment and fire alarm systems.
      12. Prepare specifications and/or scope of work with drawings where required for repair, additions, and modifications for fire and life safety systems in existing facilities that would meet the requirements of State Fire Marshal or local fire departments. Provide supervision and commissioning services as needed or requested.
      13. Perform review and analysis of specific State Fire Marshal inspection correction notices for existing facilities and provide recommendations on appropriate course(s) of action. Provide code analysis and/or engineering judgments where required or requested.
      14. Provide consulting services on an as-needed basis related to code interpretation, analysis of specific fire and life safety issues, engineering calculations, consultations with State Fire Marshal and local fire department recommendations where appropriate.
      15. Perform special projects to enhance the ability of the Judicial Council to successfully implement its design, construction, inspection, and maintenance programs of courthouse projects or facilities. Examples include, without limitation, preparation of forms, procedures, specifications, and standards related to fire protection and life safety.
3. **[Revised]TIMELINE FOR THIS RFQ**
   1. The Judicial Council has developed a list of key events and the expected dates pertaining to those events for this RFQ (the “RFQ Schedule”). All dates are subject to change at the discretion of the Judicial Council. The RFQ Schedule is posted below and may be updated as the events of the RFQ proceed.

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| No. | Event | Key Date |
| 1 | Issue RFP | **June 22, 2018** |
| 2 | Pre Proposal Conference  Teleconference Number: 877-820-7831  Participant Code: 514893 | **July 3, 2018**  **@2:00pm** |
| 3 | Deadline for Vendor Requests for Clarifications, Modifications, or Questions | **July 9, 2018** |
| 4 | Clarifications, Modifications, and/or Answers to Questions posted on the Judicial Council Website | **July 16, 2018** |
| 5 | Proposal Due Date and Time | **July 30, 2018**  **@1:00pm PST** |
| 6 | Shortlist of Potential Consultants Posted | **August 17, 2018** |
| 7 | Oral Presentations / Interviews (Estimated) | **August 23–24, 2018** |
| 8 | Notice of Intent to Award (Estimated) | **August, 31 2018** |
| 9 | Full Performance Start Date (Estimated) | **September 2018** |

* 1. All documents pertaining to this RFQ have been posted to <http://www.courts.ca.gov/rfps.htm> under the solicitation pertaining to Fire and Life Safety Consulting Services located under the 2018 “Current Solicitations” heading (the “RFQ Website”). It is the responsibility of prospective Consultants to check the RFQ Website on a regular basis for any changes and/or updates to this solicitation and/or the RFQ Schedule.
  2. If a prospective Consultant wishes to submit a protest to this RFQ, it must be submitted on or before the due date specified for submission in the RFQ Schedule. For more information on Solicitations Specific protests, see Attachment 3, Administrative Rules Governing Requests for Qualifications, which shall govern this RFQ.
  3. A voluntary pre-proposal teleconference will be held on the date specified in the RFQ Schedule to explain and answer preliminary questions regarding this RFQ. The teleconference will include an overview of the RFQ content and process. A verbal question and answer session will also be conducted. Do not submit written questions prior to this teleconference – the process of submitting written questions will follow the pre-proposal teleconference.
  4. The Judicial Council representatives present at the pre-proposal teleconference will make a good faith attempt to answer any questions raised; however, any answers provided by the Judicial Council shall not be binding upon the Judicial Council unless a prospective Consultant follows up with a written question via the written questions and answers procedure of this RFQ, which is further described below.
  5. Attendance at the teleconference is optional. If your organization intends to attend, submit the name of your organization and a list of your attendees, including names and titles, at least one calendar day prior to the date of the teleconference in the form of an e-mail addressed to [CaptialProgramSolicitations@jud.ca.gov](mailto:CaptialProgramSolicitations@jud.ca.gov) with the following as the subject line of your e-mail: “Notice of Attendance – Fire and Life Safety RFQ”.
  6. Questions with regard to this RFQ must be made via the written submission of questions on or before the due date specified for submission of questions in the RFQ Schedule. If the Judicial Council deems it necessary in response to the questions submitted, changes may be made to this RFQ and an updated version will be posted to the RFQ Website prior to the due date for Proposals via addendum. Questions must be submitted by e-mail to the following address:

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

Please include the following as the subject line of your email:

“Q&A FSO-2018-3-JMG”.

Utilize the “Questions Submittal Form” – Attachment 11, posted to the RFQ Website, as the format in which to submit your questions.

* 1. An MS Word editable copy of the Legal Agreement for this RFQ (discussed further below) has been posted to the RFQ Website as Attachment 4. Consultant must submit with its Proposal a completed and signed Attachment 14, Acceptance of Terms and Conditions Form, indicating Consultant’s acceptance of the Legal Agreement, or, if Consultant has objections or requests modifications to the Legal Agreement, the materials specified in the form.

1. **RFQ ATTACHMENTS**

All Attachments referred to in this RFQ are respectively posted as individual files on the RFQ Website.

1. **PRICING AND PAYMENT INFORMATION**
   1. Consultants’ pricing of Services/Work to be provided under any Work Orders issued pursuant to an awarded contract will be based on one of the following pricing methodologies:

* Firm Fixed Price Basis; or
* Time and Materials Not to Exceed Basis

Provisions regarding how an awarded Consultant must provide pricing in accordance with the above noted methodologies is specified in the Legal Agreement. Prospective Consultants are urged to read and understand the pricing provisions of the Legal Agreement before submitting a Proposal.

The Judicial Council will designate the pricing methodology that will be used for a Work Order in the Services Request Forms used to solicit proposals for such Work Orders. Consultants will provide the pricing in their Work Order proposals in accordance with the methodology requested and the provisions of the Legal Agreement.

Absent a material change in the Work that is agreed to by the parties via a written amendment, all pricing established in an authorized Work Order will remain fixed at the prices or rates specified in that Work Order at the time it is authorized.

* 1. Prospective Consultants are hereby advised that payments are made by the State of California (the “State”), and that the State does not make any advance payment for Services/Work.
  2. Payment for Services/Work shall only be made upon receipt and acceptance of a deliverable cited in a Work Order, upon completion of a certain percentage of the Work, upon completion of hours of Work actually incurred, or upon successful completion of certain designated Service(s). Individual Work Orders will establish the payment method applicable to that Work Order. The pricing methodology limits the available payment methodology(ies). See the Legal Agreement for details.
  3. Expenses (“Expenses”) include travel and living expenses, and other reimbursable expenses, but do not include charges for Sub-Consultant provided Services/Work. Examples of valid reimbursable Expenses include filing fees of regulatory agencies, permit fees, and report recording fees. The pricing methodology determines whether Expenses will be separately invoiced and compensated for. See the Legal Agreement for details.
  4. If Expenses are to be separately compensated for, they will be compensated only at actual cost and are not subject to any administrative fees imposed by Consultant or its Sub-Consultants. Work Orders will specifically identify any reimbursable Expenses that will be compensated for under that Work Order. Expenses incurred by Sub-Consultants are subject to the same treatment as the Expenses of Consultant. All expenses that are separately compensated for must be supported by paid invoices. See the Legal Agreement for details.
  5. Under the Time and Materials Not to Exceed Pricing Methodology, the Judicial Council will separately reimburse Consultants for hours of time expended by employees of Consultant or of its Sub-Consultants if incurred in travel to or from a work location, provided that that work location is greater than 50 miles from the point of origin of the employee’s travel. See the Legal Agreement for details.
  6. Under certain types of Work Orders, the Judicial Council will withhold as retention ten percent (10%) of each payment made until receipt and acceptance of all materials and Services procured under a Work Order are complete, at which time the retention will be released.

1. **SUBMISSION OF QUALIFICATIONS**
   1. Qualifications submittals (“Proposal(s)”) must be made in the format of printed documents and other materials in the form and format specified in this RFQ. Proposals should provide straightforward, concise information that satisfies the requirements of this RFQ. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFQ’s instructions and requirements, and completeness and clarity of content.
   2. Prospective Consultants must submit their Proposals as follows:
      1. Proposal Contents / Instructions:
         1. Prospective Consultants must submit one (1) printed original and three (3) printed copies of each of the printed materials specified in Section 7 below.
         2. If a document requires a signature, Consultants must provide 1 document bearing an original signature(s). Signatures must be provided by an authorized representative of your organization.
         3. Prospective Consultants must, in addition, on a USB or flash drive, submit a PDF file of all printed materials submitted in response to section 7 below, including all completed and signed attachments. In addition, Consultants must provide a separate PDF file of the completed Payee Data Record Form (Attachment 6), and a separate file of the Hourly Rates Form (Attachment 12) in MS Word format.
         4. Use the following naming convention for the files submitted on flash drive:

Name of Consultant\_File Description\_FSO-2018-3-JMG

* + - 1. The Proposal must be submitted to the Judicial Council labeled as follows:

Proposal

Submitted by (Name of Consultant)

Fire Protection and Life Safety Consulting Services

FSO-2018-3-JMG

* 1. Proposals must be delivered by the date and time indicated in the RFQ Schedule, and to the following address:

Judicial Council of California

Branch Accounting and Procurement

ATTN: Lenore Fraga-Roberts, FSO-2018-3-JMG

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102

* 1. Proposals received later than the due date and time will not receive evaluation.
  2. Proposals may be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email. To be considered a valid submission, Proposals delivered by hand must be presented only at the reception desk on Floor 6 of 455 Golden Gate Avenue, San Francisco, CA 94102 between the hours of 9 AM and 5 PM (Judicial Council business days).
  3. The Judicial Council does not issue communications confirming receipt of Proposals, and participants are asked to refrain from such requests. If you require a confirmation, please contact your delivery service.

1. **PROPOSAL CONTENTS**
   1. Contents: The following materials and information must be included in the Proposals.
      1. Cover Letter – Cover letter identifying your organization and indicating that you are making a Proposal. Must include the following:
         1. Name, address, telephone, fax number, email address, and federal tax identification number of the proposing firm;
         2. Name, title, address, telephone number, and email address of the individual who will act as the Consultant’s designated representative for any communications necessary with your organization.
         3. The Cover Letter should bear the original signature of an authorized representative of the Consultant.

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

* + 1. Key Personnel and Resumes / List of Intended Subcontractors

Include resumes describing the educational background and work experience of key staff / personnel that your organization intends to use to provide the services being solicited. Identify personnel who will serve as primary contact(s) / project managers for Work undertaken pursuant to this RFQ. For personnel that are licensed fire protection engineers, include their current California license number.. Provide the personnel title (see Section 7.1.7 regarding Attachment 12) pertaining to each staff member on that staff member’s resume.

**Key Personnel and Resumes should be no more than six (6) pages total.**

If your organization intends to utilize Sub-Consultant(s) to meet the minimum requirements (see Section 9.2), submit a list of Consultant’s anticipated Sub-Consultant(s) and the corresponding requirement(s) that those Sub-Consultant(s) will fulfill.

**No more than two (2) pages total.**

* + 1. Experience / Qualifications

Please provide a description of a minimum of five (5) to maximum of ten (10) projects that your organization has in process and/or has completed during the past five (5) years where the services provided were of a similar nature to those specified in Section 2.2 of this RFQ. Projects in process or completed in the past three (3) years will receive a higher score than older projects. Your description should include:

* + - 1. Identify the client, a description of services provided, the timeframe for completion, the original project budget and final cost. Please clarify any discrepancy between original project budget and final cost.
      2. Identify the key personnel involved in the project and describe the role each played in the project.
      3. Provide contact/client reference with current contact information. The Judicial Council may check references listed by the Consultant. Please ensure contact information for all references is up-to-date.
      4. Please include the following with each client reference: name of entity/firm, contact person, address, phone number/email, project title, location, and start/end dates. The Judicial Council will contact the 3 references where the services provided are deemed to be the most similar to the Services specified in Section 2.2 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 9.3.

**Projects described are to be no more than one (1) page each up to a total of ten (10) pages maximum.**

* + 1. Regional Scope (Attachment 13)

Complete and provide Attachment 13, a document listing each California county in which the Consultant is capable of providing Work or, if Consultant is capable of providing Services statewide, list “Statewide”.

**Regional Scope should be no more than one (1) page.**

* + 1. Scope of Consultant Provided Services (Attachment 5):

Complete and submit the Scope of Consultant Provided Services Form (Attachment 5).

* + 1. Payee Data Record Form (Attachment 6)

Complete, sign, and submit the Payee Data Record Form.

If the Prospective Consultant is a sole proprietor using his/her social security number, the social security number must be provided on this form in lieu of the FEID number.

* + 1. Hourly Rates Form (Attachment 12)
       1. The Hourly Rates Form must be provided in a separate sealed envelope entitled “Hourly Rates Form”. On this form, provide a listing of personnel titles (not the names of individuals) and the corresponding Hourly Rates your organization will charge for use of its own personnel (not Sub-Consultant personnel).
       2. Do not provide this in the form of a preprinted scanned form or brochure. Do not include overtime rates – the Judicial Council will pay overtime at the rate of 1.5 times the rate quoted on this Attachment 12, but only under certain conditions. See the Legal Agreement posted with this RFQ for an explanation of whether overtime rates will apply. The Judicial Council will not pay for any other overtime unless specifically required by applicable law. Do not include additional terms or conditions, or policies, on the form.
       3. Any overtime rates or additional terms and conditions or policies provided on your listing of Hourly Rates will be considered null and void, and will be removed when Legal Agreements are drafted.
       4. On the flash drive provided in accordance with Section 6.2.1.3 above, provide a copy of your completed Hourly Rates Form as a separate MS Word File. Do not submit this separate file in PDF format.
       5. Do not submit Hourly Rates for individuals your organization will use in creating / processing invoices. The services of such administrative personnel are not reimbursable under the Legal Agreement.
       6. Do not submit hourly rates for any Sub-Consultant(s) you intend to use. Sub-Consultants and their rates are not to be submitted in response to this RFQ. Prices for Sub-Consultant Work will only be quoted to the Judicial Council when Project Proposals for actual Projects are solicited following the signing of the Legal Agreement.
    2. Acceptance of Terms and Conditions Form
       1. On Attachment 14, 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 to the Legal Agreement.
       2. Please note: Consultants that accept the Judicial Legal Agreement without exception will receive five (5) points in accordance with this section and with Section 9.3. No points will be given if the Consultant takes an exception to the Legal Agreement.
       3. If exceptions are identified, the Consultant must submit (a) a red-lined version of the Legal Agreement that implements all proposed changes, and (b) a written explanation or rationale for each exception and/or proposed change.
       4. The following Exhibits and items within the Legal Agreement are minimum, non-negotiable contract terms and conditions (“Minimum Terms”):

1. Exhibit B, Special Provisions – all sections;
2. Exhibit C, Work Order Authorization Process, Invoicing, and Payment Provisions – all sections;
3. Defined Terms – in all sections.

**Please Note: A material exception to a Minimum Term will render a proposal non-responsive.**

* + 1. Other Required Materials:
       1. The Prospective Consultant is required to complete and sign the following Certification Forms and submit completed forms with their Proposal:
* General Certifications Form (Attachment 8)
* Darfur Contracting Act Certification (Attachment 9)
* Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 10)
  + - 1. If Consultant is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), provide proof that Consultant is in good standing in California. If Consultant is a foreign corporation, LLC, LP, or LLP, and Consultant conducts or will conduct (if awarded the contract) intrastate business in California, provide proof that Consultant is qualified to do business and in good standing in California. If Consultant is a foreign corporation, LLC, LP, or LLP, and Consultant does not (and will not if awarded the contract) conduct intrastate business in California, provide proof that Consultant is in good standing in its home jurisdiction.
      2. Provide a letter, signed by a properly authorized individual of Consultant’s organization, that certifies each of the following is true for Consultant and/or that provides a detailed explanation of why Consultant cannot make the certification(s):
* Consultant has not been found non-responsible, debarred, disqualified, forbidden, or otherwise prohibited from performing work and/or bidding on work for any public agency within California within the past five (5) years; and
* Consultant has not defaulted on a contract or been terminated for cause by any public agency on any project within California within the past five (5) years; and
* Consultant, including any of its owners, has not been convicted of a crime under federal, state, or local law involving: (i) bidding for, awarding of, or performance of a contract with a public entity; (ii) making any false claim(s) to any public entity; or (iii) fraud, theft, or other act of dishonesty, to any contracting party within the past ten (10) years.
  + 1. DVBE Certification:

If Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 13 of this RFQ, 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.

1. **OFFER PERIOD**

Submission of a Proposal constitutes an irrevocable offer open for acceptance by the Judicial Council for a period of ninety (90) days following the RFQ Schedule Proposal due date.

1. **EVALUATION OF QUALIFICATIONS**
   1. At the time Proposals are opened, each package will be checked for the presence or absence of the required materials and information. At any time throughout the Proposal review and evaluation process, if it is discerned that a Proposal has failed to provide required materials or information, it may not receive further evaluation.
   2. To be considered for an award, a prospective Consultant must demonstrate in its Proposal the ability to meet the following minimum requirements. Failure to demonstrate Consultant’s ability to meet these requirements, through either its own resources or those of qualified Sub-Consultants, will result in the disqualification of the submitted Proposal from an award.

Consultant must demonstrate the following:

* + 1. If your organization has indicated on your Attachment 5 - Scope of Consultant Provided Services form that you are capable of providing Plan Review Services, you must demonstrate that you or one of your proposed Sub-Consultant(s) has at least one employee who has possessed a State of California issued Fire Protection Professional Engineering License for the last five years.
    2. If your organization has indicated on your Attachment 5 - Scope of Consultant Provided Services form that you can provide Fire Protection Engineering Services, you must demonstrate that you or one of your proposed Sub-Consultants has been providing such services throughout the past five years.
    3. If your organization has indicated on your Attachment 5 - Scope of Consultant Provided Services form that you are capable of providing Code Consulting Services, you must demonstrate that you or one of your proposed Sub-Consultant(s) has at least one employee who has provided plan review services and special inspections services at the behest of the California State Fire Marshal, for at least the last three years.
  1. If a Proposal meets the above minimum requirements, as specified, the Judicial Council will evaluate the Proposal on a 100 point scale using the criteria set forth in the table below.

|  |  |
| --- | --- |
| Points | Criteria |
| 25 | **Experience of the Consultant:**  Demonstrated experience of the Consultant in relation to the scope of the potential work; quality of service provided to customers in the past on courthouse projects or projects of similar complexity; experience interacting with California State Fire Marshal. |
| 25 | **Expertise of Personnel:**  Demonstrated expertise of key personnel on courthouse projects or projects of similar complexity in relation to the scope of potential work. |
| 20 | **Quality Assurance:**  Demonstrated record that the Consultant has delivered high quality services and documentation to its clients, and has in place an effective and continuous quality improvement process. |
| 20  5  5 | **Availability of Resources:**  Ability of the Consultant to provide staff and resources necessary to provide required services, management oversight and administrative support on projects located throughout the state.  **DVBE Incentive:**  Consultant will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to Section 13; note that the DVBE incentive will only be awarded if the Consultant itself is a DVBE.  **Acceptance of Terms and Conditions:**  See Section 7.1.8 of this RFQ |

* 1. The Judicial Council will conduct interviews with the parties submitting Proposals to clarify aspects set forth in their documents and to assist in finalizing the scoring of Proposals. The interviews will be conducted in person. Interviews will be held at either the Judicial Council’s offices in San Francisco or Sacramento. The Judicial Council will not reimburse Consultants for any costs or expenses incurred in traveling to or from the interview location. The Judicial Council will notify eligible Consultants regarding interview arrangements.
  2. Following scoring and evaluation, the Judicial Council will post to the RFQ Website an intent to award notice designating the Consultants that have been awarded contracts.

1. **CONFIDENTIAL OR PROPRIETARY INFORMATION**

Submitted proposals may be subject to disclosure pursuant to the provisions of rule 10.500 of the California Rules of Court or other applicable law. Please see Attachment 3- Administrative Rules Governing Requests for Qualifications, for additional information.

1. **CONTRACT TERMS**
   1. Consultants awarded contracts under this RFQ will be retained by the Judicial Council through the Judicial Council’s Legal Agreement (“Legal Agreement”), a copy of which has been posted with this RFQ as Attachment 4. Prospective Consultants are urged to read, understand, and ask questions about the Legal Agreement before submitting a Proposal.
   2. Term of Contract: The term of the Legal Agreements to be awarded as a result of this RFQ is three (3) years, with the possibility of two (2) one-year extensions, at the sole discretion of the Judicial Council, for a total combined term of five (5) years.
   3. Funding: Project Proposals will be solicited and authorized as funding for individual Projects becomes available.
   4. Prevailing Wages. To the extent that any work provided as a result of Work Orders authorized under the Legal Agreement is a public work project pursuant to California Labor Code section 1720 et seq., Consultant shall pay, and shall ensure its 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 section 1770 et seq. of the California Labor Code. Prevailing wage rates are available on the Internet at: <http://www.dir.ca.gov>. All Consultants and Sub-Consultants thereof shall comply with the applicable registration and qualification requirements pursuant to sections 1725.5 and 1771.1 of the California Labor Code.
   5. Background Checks. Consultant(s) and their employees as well as those of Sub-Consultant(s) may be required to complete and pass a background check and be “green badged” to work in and around State or County premises. Badges are to be visible when working on site. Travel time expended by Consultant’s or Sub-Consultants’ employee(s) to obtain such security clearance will be reimbursed by the Judicial Council in accordance with the provisions of the Legal Agreement regarding Travel Time reimbursement.
2. **PROTESTS**

Any protest will be handled in accordance with the provisions of Attachment 3 - Administrative Rules Governing Requests for Qualifications. Failure of a Consultant to comply with the protest procedures set forth therein will render a protest invalid, and will result in rejection of the protest. All protests must be sent to:

Judicial Council of California

Branch Accounting and Procurement

FSO-2018-3-JMG

ATTN: Manager, Contracts

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102

1. **DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**
   1. The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%).
   2. Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive.
   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 9 above.
   4. To receive the DVBE incentive, the Consultant itself must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal (i.e., by submission of a copy of the Consultant’s valid DVBE certification approval letter, etc.). Please note that the DVBE incentive will only be awarded to Consultants that can be verified as a certified DVBE. A non-DVBE Consultant, regardless of whether it intends to utilize DVBE Sub-Consultants, are not eligible for the DVBE incentive.

[End of RFQ]