

Request for Proposal

CONSTRUCTION MANAGEMENT SERVICES

NEW YREKA COURTHOUSE PROJECT

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SISKIYOU

The Judicial Council of California seeks proposals from an established pool of qualified firms to provide professional construction management services for the New Yreka Courthouse Project



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM

Send Proposal to:
Judicial Council of California
 Attn: Lenore Fraga-Roberts
 455 Golden Gate Avenue, 6th Floor
 San Francisco, CA 94102
*(Indicate RFP Number and Project Name on
 lower left corner of envelope)*

Contact
capitalprogramsolicitations@jud.ca.gov

RFP SCHEDULE OF EVENTS (Subject to change at the Judicial Council's discretion)		DATES / TIMES (PST)
1	Issuance of RFP.	May 7, 2018 / 3 PM
2	Pre-Proposal meeting via Teleconference – 1-877-820-7831; Participant Code: 440984 Host/Moderator – Leland Roberts	May 11, 2018 / 2 PM
3	Deadline for submittal of Firm's requests for clarifications, modifications or questions regarding the RFP, may be sent to CapitalProgramSolicitations@jud.ca.gov Refer to Attachment 10.	May 18, 2018 / 3 PM
4	Modifications and/or responses to questions posted on the Judicial Council website http://www.courts.ca.gov/rfps.htm	May 25, 2018 / 3 PM
5	<u>Submittal Deadline for Request for Proposal</u> Judicial Council of California Attn.: Lenore Fraga-Roberts RFP-FSO-CMS-2018-10-JP 455 Golden Gate Avenue, 6th Floor San Francisco, CA 94102	<u>June 1, 2018 / 3 PM</u>
6	Notification of Interviews date and time – Interviews will be in Sacramento	June 11, 2018 – June 22, 2018 / 3 PM
7	Evaluations Complete	June 26, 2018
8	Intent to Award (Estimated)	June 29, 2018

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- A. Form of Agreement For CM Services (Sample)
- B. Fee Proposal Form
- C. Administrative Rules Governing RFPs (Non-IT Services)
- D. General Certifications Form
- E. Proposer’s Acceptance of Terms and conditions
- F. Form for Submission of Questions and Answers
- G. Payee Record Data Form
- H. Internal Background Check Policy
- I. DVBE Participation Form
- J. Darfur Certification Form
- K. Unruh Act Certification Form
- L. Bidders Declaration

1. INTRODUCTION AND PURPOSE OF THIS RFP

- 1.1. **Introduction.** The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Judicial Branch Facilities Services Office is responsible for the planning, design and construction of court facilities for the Superior and Appellate Courts of California (“Capital Program”).
- 1.2. **Purpose of Request for Proposal.** The Judicial Council, through this Request for Proposal (“RFP”) is soliciting proposals from pre-qualified firms, (“Firm(s)”) to provide construction project management services necessary to oversee, manage and administer the planning, design, construction, and turnover of the New Yreka Courthouse Project (“Project”), in accordance with the scope of work as described in the form of Agreement for Construction Management Services (“Agreement”) attached hereto as **Attachment “A”**. The definition of all terms in this RFP are as indicated in the Agreement, unless otherwise defined herein.

The Construction Cost for the proposed Project is expected to be approximately \$50MM and each Firm’s proposal in response to the RFP shall be based upon this proposed Construction Cost subject to the provisions in the Agreement including, without limitation, the “Fee and Method of Payment” provisions in Exhibit “A” of the Agreement. This project is currently in the Working Drawings Phase with 95% of the phase complete. Tasks for this phase include finalization of the project estimate and final plan check. Firm will also assist with the bid effort. The Construction Phase is also included in this contract.

2. RESPONSE TO RFP

- 2.1 **Pre-Proposal Actions and Event.** All Firms interested in submitting a Proposal are requested to attend a pre-proposal meeting at the date and time indicated in the RFP schedule above.
- 2.2 **Questions.** Firms may submit request for clarifications, modifications or questions to the Judicial Council via e-mail to capitalprogramsolicitations@jud.ca.gov no later than the date specified in the RFP Schedule. Please indicate the RFP number and title in the subject line. Contact with the Judicial Council shall be made only through the email address. Telephone calls will not be accepted.
- 2.3 **Request for Proposal.** Each Firm shall provide the following in its Proposal:
 - 2.3.1 **Key Personnel/Team:** Firm’s proposal should clearly and accurately provide the qualifications and experience of Key Personnel, team members and any subconsultants being proposed to perform the Services. It is the proposing Firm’s responsibility to demonstrate the specialized knowledge and experience required for consideration.
 - 2.3.2 **Narrative Regarding Capacity.** Provide a narrative that sets forth the Firm’s capacity to provide the resources necessary to perform all of the Services with respect to the Project.

3. Fee.

- 3.1 **Fixed Fee:** For each phase of the Project, provide a firm, fixed Fee to provide the Services for the Project, excluding any Fees for activities that would be considered Extra Services. The proposed Fee(s) shall include separate dollar amounts for each of the following phases; however, the Firm acknowledges that the Judicial Council has the right to request all or just some of the phases and that the portion of the total Fee designated for one phase shall not be impacted by whether or not the Judicial Council requests services for any other phase:

- Working Drawings Phase
- Construction Phase

The total fixed Fee shall be full compensation for all Services performed under the Agreement, excluding any work which is defined as Extra Services. The firm fixed Fee shall include, without limitation, all costs for overhead, personnel, administration, profit, costs for travel within two hundred (200) miles of the Project location, per diem expenses, and all deliverables, printing, and shipping, under the Agreement.

The total proposed firm fixed Fee will be used for evaluation purposes as set forth in section 9 below, however, the final firm fixed Fee will be subject to negotiation based upon the Services requested by the Judicial Council as further described below in section 9 below.

- 3.2 **Extra Services:** With respect to any potential Extra Services, provide the hourly rates for each of the Key Personnel set forth in the Firm's Proposal. The hourly rates shall include all costs for overhead, personnel, administration, profit, and per diem expenses except as otherwise provided for under the Agreement.

4. Submission Requirements

- 4.1 Proposals should provide straightforward and concise information that fulfills the requirements of the RFP. Emphasis should be placed on brevity, conformity to the Judicial Council's instructions, RFP selection criteria, and completeness and clarity of content.
- 4.1.1 Firm(s) shall submit the Firm(s)'s Proposal in a sealed package clearly marked, "RFP PROPOSAL & HOURLY RATES– Firm(s) Name, Project Name, RFP Number". Organize submission per the following:
- 4.1.2 Three (3) copies, in paper form, of the Firm(s)'s written Statement of Qualifications (SOQ) Proposal;
- 4.1.3 Two (2) copies, in paper form, of Firm(s)'s Fee Proposal - Hourly Rate in a separately sealed envelope clearly marked "HOURLY RATE PROPOSAL – Firm name, Project Name, RFP Number";
- 4.1.4 One (1) compact disk or flash drive containing the Firm(s)'s complete Request for Proposal.

5. Submission Address

- 5.1 Firm's RFP shall be submitted to the Judicial Council at:

Judicial Council of California
Branch Accounting and Procurement
Attn: Lenore Fraga-Roberts
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

RFP's submitted via email will NOT be considered

- 5.2 Firm(s) assume all risk for ensuring receipt no later than the date and time specified in the Schedule of Events. The Judicial Council is not responsible for the failure of a Firm(s)'s choice of delivery service/method. The Judicial Council will not open and will return any Proposal received after the date and time specified in the Schedule of Events.

6. Errors in the RFP:

If Firm(s) discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, Firm(s) shall immediately provide the Judicial Council with written notice of it and request that the RFP be clarified or modified. Without disclosing the source of the request, the Judicial Council may modify the RFP prior to the date fixed for submission of Proposals by issuing an addendum.

If prior to the date fixed for submission of Proposals Firm(s) knows of or should have known of an error in the RFP, and fails to notify the Judicial Council of the error, Firm(s) shall submit its Proposal at its own risk, and if Firm(s) is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

7. California Rules of Court, Rule 10.500 – Public Access to Judicial Administrative Records

Records created as part of Firm(s)'s Proposal and selection process are generally subject to California Rules of Court, Rule 10.500 and may be available to the public absent an exemption. If a Firm(s)'s Proposal contains material noted or marked as confidential and/or proprietary that, in the Judicial Council's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for records. If the Judicial Council does not consider such material to be exempt from disclosure under Rule 10.500, the material will be made available to the public, regardless of the notation or markings. If Firm(s) is unsure if the information contained in its Proposal confidential and/or proprietary then it should not include the information in its Proposal. Firm(s) that indiscriminately identifies all or most of its Proposal as exempt from disclosure however may be deemed non-responsive.

- 7.1 The construction project management services being sought do **not** include responsibility to be a construction manager at risk or for the construction of any building.

8. FORM OF AGREEMENT AND SCOPE OF SERVICES

- 8.1 Agreement. Attached hereto as **Attachment “A”** is the Judicial Council’s form of Agreement for Construction Management Services, including the indemnification provision that the Judicial Council will include in that Agreement. The Judicial Council reserves the right to modify or update the Agreement at any time until an award and execution of the Agreement with the successful Firm. **By submitting its Proposal, Firm(s) acknowledges that it has no objection to the form of Agreement.**
- 8.2 Services. The labor, materials, supervision, services, tasks, and work (“Services”) that the selected Firm will be required to perform are set forth in Exhibit B to the Agreement. Firm must be technically and financially capable of providing all of the Services identified for the Project. Firm shall be the Judicial Council's representative and shall work under the direction of a Judicial Council Project Manager.
- 8.3 DVBE. The Judicial Council requires contract participation of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). Information about DVBE resources can be found on the Executive Branch’s website at <http://www.dgs.ca.gov/pd/Programs/OSDS.aspx>, or by calling the Office of Small Business and DVBE Certification at 916-375-4940. **Please note that DVBE documentation is not required to be submitted with RFP but is to be submitted only by the Firm selected for Services.**

9. EVALUATION AND SELECTION PROCESS

- 9.1 The basis for Selection of a firm to provide services in response to this Request for Proposal (RFP) consists of a two-step evaluation. Step 1 – Qualifications, is an evaluation of the firm’s qualifications based on the firm’s written Statement of Qualifications (SOQ) Proposal and Interview. Step 2 - Fee Proposal is the scoring of the firm’s Attachment B Fee Proposal – Hourly Rates Form. Fee proposals will remain sealed until the completion of Step 1 Qualifications. Scores will be added together to establish the firm’s “total score”. The firms will then be ranked in numerical order from the most points to least points received. In the event of ties within the ranking list, the firm with the higher qualification score will be ranked higher. The Judicial Council reserves the right to reject any Firm’s submission to the RFP due to non-responsiveness to the selection criteria or that fails to demonstrate the Firm has qualifications and expertise in services of similar size, complexity and nature.
- 9.2 **Step 1 - Qualifications (75 points maximum):** The evaluation of the Firm’s qualifications will consist of a combination of scores of the written Statement of Qualifications and the Qualifications Interview. The Qualifications score will be finalized prior to commencement of Step 2 Fee Proposal.
- The Judicial Council will evaluate the Firm’s qualifications based on the following scoring criteria:
- 9.3 **Experience of the Firm (25 points maximum):** Qualifications and experience of the Firm’s proposed key personnel and subcontractors or programs over the last 5 years.
- a. Proposed Project Manager and team (10 points)
 - i. Types of Projects
 - ii. Size of Projects
 - iii. Experience in management of Construction Management services.
 - iv. Experience in pre-construction activities such as constructability reviews, estimating, and scheduling
 - b. Proposed On-Site Construction Manager (10 points)
 - i. Type of Projects
 - ii. Size of Projects (Commensurate with proposed Project)
 - iii. Experience in construction administration
 - iv. Knowledge of complex building systems
 - c. Proposed Other Key Personnel/Subcontractor(s) (5 points)
 - i. Experience of proposed other key personnel/subcontractor in performing the required work on similar projects
- 9.4 **Demonstrated Record (20 points maximum):** Capacity to provide resources necessary to perform the proposed services.
- a. Location of Resources. Are the proposed resource located within a reasonable distance of the job site? (5 points)

- b. Proposed Estimating Resources. Are there resources identified to provide estimating support to the project? (5 points)
- c. Proposed Scheduling Resources. Are there resources identified to provide scheduling support to the project? (5 points)
- d. Commissioning Agent's Resources. (5 points)

9.5 **Communication Skills (30 points maximum)**

- a. Demonstrated ability of the proposed PM and CM to communicate and resolve issues and present information clearly and concisely, both in written and verbal format. (15 points)
- b. Aptitude of the proposed PM and CM to communicate with the various members of a project team, which for this project may include the Judicial Council, Local Court, Architect, General Contractor, Project Inspector, and Regulatory Agencies. (15 points)

9.6 **Step 2 - Fee Proposal (25 points maximum)**

The basis of the evaluation and subsequent awards of points for the "Total Proposed Fee" criteria shall be the average weighted hourly rate of the key personnel positions listed. The average weighted hourly rate will be determined by multiplying the proposed hourly rate for each position, multiplied by the designated weight factor and then divided by the number of positions listed in Attachment B. The calculation of the points awarded for each firm will be in accordance with the Judicial Council Contracting Manual, Chapter 4C.

9.7 **Maximum Combined Qualification and Fee Proposal Score is 100 points.**

9.8 **Interview.** In Judicial Council will conduct interviews with Firms. Firms will be notified of their I interview date, time and location. Interviews will be held at the Judicial Council offices in Sacramento.

10. PROTEST

10.1 **Who May Submit a Protest.** A Firm may submit a protest if the Firm submitted a proposal that the Firm believes to be responsive to the RFP and the Firm believes that the Judicial Council has incorrectly not selected the Firm to perform the work of this RFP.

101.1 A person or entity who did not submit a proposal may not submit a protest.

10.1.2 In no event will a Judicial Council consider a protest if the Judicial Council rejected all proposals or the RFP was cancelled for any reason.

10.2 **Deadline for Receipt of Protest**

10.2.1 A Firm's protest must be received within seven (7) calendar days of the Judicial Council's notification to Firm that it has not been selected.

10.2.2 The Firm is solely responsible for ensuring that a protest is received by the Judicial Council by the applicable due date. The failure of a Firm to submit a timely protest constitutes a waiver of the Firm's right to protest the award.

10.3 **Required Information.** A protest must include the following information:

10.3.1 Contact information of the protesting Firm or its representative (this must include name, address, and telephone number, e-mail address and fax number);

10.3.2 The title of the RFP to which the protest is related;

10.3.3 A detailed description of the specific legal and factual grounds of protest and any supporting documentation; and The specific relief requested. ("Protest")

10.4 **Submission of the Protest.** The Firm must send the Protest to the individual identified in the RFP to receive proposals. The Firm must send the Protest by overnight courier or by personal delivery.

If a Protest is late or missing any of this information, the Judicial Council will reject the Protest.

10.5 **Written Determination.** The Judicial Council shall respond to a protest with a written determination. The Judicial Council may issue a written determination regarding the Protest without requesting further information from the Firm. Therefore, the Protest must include all grounds and all evidence available at the time the Protest is submitted. If the Firm later raises new grounds or evidence that was not included in the initial Protest submittal but which could have been raised at that time, the Judicial Council shall not consider that new grounds or new evidence. The Judicial Council's written determination shall be the final action by the Judicial Council unless the Firm submits an appeal to that written decision within seven (7) calendar days of the issuance of the Judicial Council's written determination

10.6 **Appeal of Judicial Council's Written Determination**

- 10.6.1 If the protesting Firm decides to appeal the Judicial Council's Written Determination, the protesting Firm must send the appeal to the Judicial Council's Manager, Business Services, at the same address noted for the submission of questions in the RFP by overnight courier or by personal delivery.
- 10.6.2 The appeal must include:
- 10.6.3 Contact information of the protesting Firm or its representative (this must include name, address, and telephone number, e-mail address and fax number);
- 10.6.4 The title of the RFP to which the protest is related;
- 10.6.5 A copy of the Judicial Council's written determination;
- 10.6.6 A detailed description of the specific legal and factual grounds for the appeal and any supporting documentation, including information related to the Protest that was not available at the time the Protest was originally submitted with a detailed explanation of that information's unavailability; and The specific ruling or relief requested. ("Appeal")
- 10.6.7 If an Appeal is late or missing any of this information, the Judicial Council will reject the Appeal.
- 10.6.8 The Judicial Council's Contracts Manager, shall respond to an appeal with a written determination. The Judicial Council's Contracts Manager's written determination shall be the final action by the Judicial Council and are not subject to further appeal.

ATTACHMENT A

**Form of Agreement for Construction Management Services
(A copy of the attachment will be posted separately on the web site)**

ATTACHMENT B

**Fee Proposal Form for Construction Management Services
(A copy of the attachment will be posted separately on the web site)**