

# Request for Qualifications

## CONSTRUCTION MANAGEMENT SERVICES

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**The Judicial Council of California seeks to select a pool of qualified firms to provide professional construction management services for identified courthouse construction projects throughout the State of California.**



JUDICIAL COUNCIL  
OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
CAPITAL PROGRAM



## JUDICIAL COUNCIL OF CALIFORNIA

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

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# REQUEST FOR QUALIFICATIONS

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**Date:**

December 12, 2014

**To**

Construction Management Firms

Send SOQ to:

Judicial Council of California

Attn: Ms. Nadine McFadden

455 Golden Gate Avenue, 6<sup>th</sup> Floor

San Francisco, CA 94102

*(Indicate RFQ Number and Project Name on lower left corner of envelope)*

**Project Title**

Construction Management Services

Contact

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

RFQ Number: JBCP-2014-04-BR

<b>RFQ SCHEDULE</b> (Subject to change at the Judicial Council's discretion)		<b>DATES / TIMES (PST)</b>
1	Pre-SOQ meeting (Judicial Council - Sacramento Office)	Wednesday, January 7, 2015 – 10:00 AM
2	Deadline for submittal of Firm's requests for clarifications, modifications or questions regarding the RFQ	Friday, January 9, 2015
3	Modifications and/or responses to questions posted on the Judicial Council website: <a href="http://www.courts.ca.gov">http://www.courts.ca.gov</a>	Tuesday, January 13, 2015
4	<b><u>Submittal Deadline for Statement of Qualifications</u></b>	<b><u>Friday, January 23, 2015 at 2:00 PM</u></b>
5	Posting of Short Listed Firms on the Judicial Council web site	Friday, January 30, 2015
6	Interviews of Short Listed Firms (Times to be determined)	February 10, 2015-San Francisco
		February 11, 2015-Sacramento
		February 13, 2015 - Burbank
7	Notice of Selected Firms (Estimated)	Thursday, February 19, 2015

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## 1. INTRODUCTION AND PURPOSE OF THIS RFQ

- 1.1. **Judicial Council.** 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 Capital Program Office is responsible for the planning, design and construction of court facilities for the Superior and Appellate Courts of California (“Capital Program”).
- 1.2. **SOQs.** The Judicial Council, through this Request for Qualifications (“RFQ”) is soliciting Statements of Qualifications (“SOQs”) from qualified persons, firms, partnerships, corporations, associations or professional organizations (“Firm(s)”) to:
  - 1.2.1. Provide construction project management services necessary to oversee, manage and administer the planning, design, construction, and turnover of court buildings for all judicial branch entities (“Project(s)”).
  - 1.2.2. Provide other related construction management services, which may be required by the Judicial Council to meet its day-to-day responsibility for the planning, land acquisition, design, construction and closeout of Projects.
- 1.3. 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. The Judicial Council seeks to establish a pool of Firms for the Judicial Council’s current and future Projects. A list of the current Projects is attached hereto as **Attachment “A.”**
- 1.4. **Meeting(s).** All Firms interested in submitting an SOQ are requested to attend the pre-SOQ meeting at the date and time indicated in the RFQ Schedule above.
- 1.5. **Questions.** Firms may submit requests for clarifications, modifications or questions to the Judicial Council via e-mail to [capitalprogramsolicitations@jud.ca.gov](mailto:capitalprogramsolicitations@jud.ca.gov) no later than the date specified in the RFQ Schedule. Please indicate the RFQ number and title in the subject line. Contact with the Judicial Council shall be made only through this email address; telephone calls will not be accepted.
- 1.6. **Addenda.** The RFQ and all addenda will be posted at <http://www.courts.ca.gov/rfps.htm>. Firms must monitor that website for all information regarding this RFQ. The Judicial Council is not responsible for sending individual notification of changes or updates. It is the sole responsibility of the Firms to remain apprised of changes to the RFQ.

## 2. FORM OF AGREEMENT AND SCOPE OF SERVICES

- 2.1. **Agreement.** Attached hereto as **Attachment “B”** is the Judicial Council’s form of Agreement for Construction Management Services (“Agreement”), 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(s). By submitting its SOQ, the Firm acknowledges that it has no objection to the form of Agreement
- 2.2. **Services.** The labor, materials, supervision, services, tasks, and work (“Services”) that selected Firms will be required to perform are set forth in Exhibit B to the Agreement. The Firm(s) must be technically and financially capable of providing all of the Services to manage the planning, design, construction, and turnover of court buildings. The Firm(s) shall be the Judicial Council’s agent and shall work under the direction of a Judicial Council Project Manager.
- 2.3. **Compensation.** Compensation for the Services may be paid on any one of the options as indicated in the Agreement or as indicated in subsequent Judicial Council RFQ(s) or requests for proposal(s).
- 2.4. **DVBE.** The Judicial Council requires contract participation goals 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 SOQs, but is to be submitted only by Firm(s) selected for Services.**

### **3. STATEMENT OF QUALIFICATIONS**

- 3.1. Firm's Statement of Qualifications ("SOQ") should clearly and accurately demonstrate specialized knowledge and experience required for consideration.
- 3.2. This RFQ is not a formal request for bids, or an offer by the Judicial Council to contract with Firm(s) responding to this RFQ. The Judicial Council also reserves the right to amend this RFQ as necessary. The Judicial Council reserves the right to seek proposals from, or to contract with, any Firm not participating in this process for any of the Projects listed in Attachment A. The Judicial Council shall not be responsible for the costs of preparing any proposal in response to the RFQ.
- 3.3. **Confidentiality / Disposition of SOQs.** All materials submitted in response to this RFQ will become the property of the Judicial Council and will be returned only at the Judicial Council's option and at the expense of the Firm submitting the SOQ. One copy of each SOQ will be retained by the Judicial Council for official files and will become a public record. California Judicial Branch entities are subject to rule 10.500 of the California Rule of Court, which governs public access to judicial administrative records (see [www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10\\_500](http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500)). If information submitted in a SOQ 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 upon a request for access to such records. If the Judicial Council finds or reasonably believes that the material so marked is **not** exempt from disclosure, the Judicial Council will disclose the information regardless of the marking or notation seeking confidential treatment.
- 3.4. **Submittal**
- 3.4.1. Submit one (1) original and two (2) copies in paper form of Firm's SOQ. Firm's SOQ shall be provided in a bound 8.5" x 11" booklet format, using tabs to divide each section as indicated herein.
- 3.4.2. Submit one (1) CD or flash drive of the entire SOQ. The electronic files must be in PDF, Word, or Excel formats
- 3.4.3. Firm's SOQ shall be submitted to the Judicial Council as follows:
- Judicial Council of California  
Finance/Business Services  
Attn: Ms. Nadine McFadden  
455 Golden Gate Avenue, 6<sup>th</sup> Floor  
San Francisco, CA 94102
- (Indicate RFQ Number and Project Name on lower left corner of envelope)*
- 3.4.4. Firms assume all risk of loss regarding any delivery method it chooses to use, and the Judicial Council shall not be held responsible for any failure of any delivery service/method. Firms are solely responsible for ensuring delivery to the appropriate location no later than the date and time specified. The Judicial Council will return unopened, any SOQ received after the time specified in the most current RFQ Schedule
- 3.4.5. **SOQs submitted via email will NOT be considered.**
- 3.5. **SOQ Format and Content.** SOQs must be concise, well organized, and demonstrate Firm's qualifications. SOQs shall be formatted as outlined below. SOQs shall be no longer than **sixty (60) single-sided pages**, 8½" x 11" paper, inclusive of résumés, forms, and pictures, and tabbed

according to the numbering system reflected below with consecutive page numbers.

- 3.5.1. **Letter of Interest** - A dated Letter of Interest must be submitted, including the legal name of the Firm, address, telephone and fax numbers, and the name, title, and signature of the person(s) authorized to submit the SOQ on behalf of the Firm. The Letter of Interest should provide a brief statement of Firm's experience and indicate the unique background and qualities of the Firm, its personnel, and its sub-consultants.
- 3.5.2. **Table of Contents** - A table of contents of the material contained in the SOQ should follow the letter of interest.
- 3.5.3. **Executive Summary** - The executive summary should contain an outline of Firm's construction management approach, along with a brief summary of Firm's qualifications.
- 3.5.4. **Firm Information** - Provide a comprehensive description of the construction management services offered by Firm. The description should include the following:
  - 3.5.4.1. **Firm History.** Provide a brief history of Firm, and, if a joint venture, of each participating Firm, each participating Firm's role(s) and responsibility(ies) and the history of the joint venture. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.
  - 3.5.4.2. **Licensure.** Provide documentation demonstrating that Firm is a currently licensed architect, a registered professional engineer or a licensed contractor.
  - 3.5.4.3. **Firm Philosophy.** Describe Firm's philosophy and how Firm intends to work with the Judicial Council's administration officials to perform the Services, including Project Managers and Court staff, to develop construction management techniques and responses related to the unique challenges of Judicial Council's requirements.
  - 3.5.4.4. **Key Personnel.** Include resumes of key personnel who would be performing Services for the Judicial Council including, without limitation, the primary project executive(s), the primary project manager(s), the primary project engineer(s), and/or comparable positions. 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 Firm's and personnel's availability to provide the Services.
  - 3.5.4.5. **Financial Statements.** Provide one original (preferred) or copy of Firm's audited and already published financial statements for three (3) annual accounting periods preceding the SOQ Due Date. The statements shall be the Firm's and in the same legal name as that in which Firm intends to do business with the Judicial Council.
  - 3.5.4.6. **Claims.** Provide a statement of ALL contract related or professional misfeasance claim(s) filed against Firm in the past five (5) years, not including claim(s) that are strictly personnel claim(s). Include claims filed against the Firm's parent organization, if applicable. Briefly indicate the nature of the claim(s) and the resolution, if any, of the claim(s). If the firm has more than twenty (20) claims to report, please state how many claims there are, but limit providing statements to only the twenty (20) **MOST RECENT** claims.
  - 3.5.4.7. **References.** Include letters of reference or testimonials, if available. Firm should limit letters of references or testimonials to no more than ten (10).
  - 3.5.4.8. **Continuing Education.** 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 Firm's qualifications and expertise.

3.5.5. **Prior Relevant Experience.**

- 3.5.5.1. Describe Firm's experience managing construction programs and individual construction projects within political environments including facilitation of community involvement in the project planning and construction process.
- 3.5.5.2. Identify **ALL** public projects performed by Firm in the past five (5) years. Limit response to no more than the ten (10) **MOST RECENT** projects. If Firm has provided its services to single entities at multiple project sites as part of an overall construction program, please indicate that and Firm may adjust its response as the Firm wishes with up to 10 "programs," up to 10 "projects," or a combination of these. Include the following information for each project (or program, as applicable):
- 3.5.5.2.1. Name of program/project and public entity,
  - 3.5.5.2.2. Name of project architect,
  - 3.5.5.2.3. Scope of program/projects, description of services provided,
  - 3.5.5.2.4. Contact person and telephone number at public entity,
  - 3.5.5.2.5. Firm person in charge of each project,
  - 3.5.5.2.6. Dollar value of program or each project,
  - 3.5.5.2.7. Original construction budget and final construction cost, and
  - 3.5.5.2.8. All litigation arising from the program/project, if any. Provide information related to the issues in the litigation, the status of litigation, names of parties, and the outcome. This includes any litigation between a contractor and a public entity and/or an architect in which Firm was or was not named.
- 3.5.5.3. Describe the types of problems Firm has encountered on similar programs/projects, and explain what Firm did to resolve the problems and what Firm would do differently to avoid similar problems on future engagements.
- 3.5.5.4. Describe how Firm would add value to a specific project and the process for doing so. Include examples of situations from comparable projects where the owner realized tangible value.
- 3.5.5.5. Describe how Firm intends to assist Judicial Council in meeting established project budgets and in prioritizing project construction to meet budget.
- 3.5.5.6. Describe how Firm intends to assist Judicial Council to ensure that the contractor(s) meet construction schedules and how the Firm has successfully handled potential project delays. Also describe Firm's schedule management procedures both for the contract documents and for field changes. Also describe Firm's schedule management procedures.
- 3.5.5.7. Describe Firm's process for identifying and managing project risk, and Firm's capability and process to capture, consolidate, and communicate lessons learned.
- 3.5.5.8. Describe your Firm's approach to document management and control necessary to integrate and speed communication of critical project information and data.
- 3.5.5.9. Describe Firm's current workload and how the firm could accommodate the scope of work set forth in the Agreement attached hereto as **Attachment "B."**
- 3.5.6. **Conflict of Interest.** If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate to similar work that may have a potential to conflict with the Firm's providing the Services to the Judicial Council.
- 3.5.7. **Payee Data Record.** Provide one (1) completed and signed Payee Data Record Form (**Attachment "C"**). Indicate the exact legal name under which the Firm proposes to

contract with the Judicial Council.

3.5.8. **Additional Information.** Provide any additional information, options or features related to Firm’s program or its Services that Firm believes the Judicial Council will find helpful in the Judicial Council’s evaluation and selection process.

3.5.9. **Professional Fees.**

3.5.9.1. **Fee Structure.** Provide the Firm’s affirmation that, if selected, it will provide the Services, at the Judicial Council’s discretion, in one of the following fee structures:

- 3.5.9.1.1. For a firm fixed total cost, payable at the satisfactory completion of specified deliverables assigned during each phase of a Project;
- 3.5.9.1.2. On a monthly time and materials basis (including reimbursables), up to an agreed-upon not-to-exceed total cost; or
- 3.5.9.1.3. An agreed-upon combination of these structures.

#### 4. SELECTION & EVALUATION PROCESS

##### 4.1. Evaluation of SOQs

The Judicial Council will evaluate SOQs using the following criteria:

Points	Criteria
20	Experience of the Firm, its team and its key personnel with similar programs during the past five years.
20	Demonstrated record that Firm has delivered high quality construction management services, and has the approach to service delivery that will result in effective project management.
20	Demonstrated technical abilities of Firm for scheduling, budgeting, cost estimating, document control, and satisfying client requirements and goals.
20	Capacity to provide resources necessary to develop and perform the services on a project.
20	References from clients and past projects.

4.2. **References.** The Judicial Council may contact any reference listed by Firm to verify the experience and performance of the Firm, key personnel and sub-consultants.

4.3. **Selection:** It is anticipated that up to four (4) Firms will be selected as qualified firms that the Judicial Council may later award a contract to be the Construction Manager on a specific project(s) as indicated here (“Successful Firms(s)”). The Judicial Council reserves the right to select more or fewer Firms.

4.4. **Short-List.** An evaluation panel composed of predominantly Judicial Council staff will review and score the SOQs, based on the selection criteria, and establish a list of Firms to interview (“Short-List”).

4.5. **Interview.** The Judicial Council will post the Short List on its website at: <http://www.courts.ca.gov>. Firms on the Short List will be notified of their interview date, time and location. Interviews may be held at any or all of the Judicial Council offices in San Francisco, Burbank and Sacramento.

- 4.6. **Preclusion.**
- 4.6.1. A Firm that is selected as the Construction Manager on a Project is precluded from being the Contractor, Construction Manager-at-Risk or Designer/Builder on that Project.
- 4.6.2. Successful Firm(s) will not, based on this selection, be precluded from consideration nor given special status in any future Judicial Council solicitations. Successful Firm(s) on a specific Project may still propose to be a Contractor, Construction Manager-at-Risk or Designer/Builder on a different Project.
- 4.7. **Future Request for Proposals (Projects).** The Judicial Council intends to award contract(s) to the Successful Firm(s) pursuant to individual Request for Proposals (“RFP(s)”) and in the form of the Agreement attached hereto as **Attachment “B.”**
- 4.7.1. Each RFP will include a specific scope of work that may include some or all of the services set forth in the Agreement.
- 4.7.2. The Judicial Council intends to award contracts on a best value basis indicated in the RFP and will consider both (a) the total proposed fees and other costs and (b) the qualifications and experience of specific Project team members.
- 4.8. **Rejection of SOQs:** The Judicial Council may reject any or all SOQs and may or may not waive an immaterial deviation or defect in a SOQ. The Judicial Council’s waiver of an immaterial deviation or defect shall in no way modify the RFQ or excuse Firm from full compliance with the RFQ specifications. The Judicial Council reserves the right to accept or reject any or all of the items in the SOQ, to cease negotiations with one Firm if mutually-agreed terms cannot be reached and begin negotiations with another Firm, to award the contract in whole or in part and/or negotiate any or all items with individual Firm if it is deemed in the Judicial Council’s best interest. Moreover, the Judicial Council reserves the right to make no selection.

## 5. PROTESTS

- 5.1. **Who May Submit a Protest.** A Firm may submit a protest if the Firm submitted a SOQ that the Firm believes to be responsive to the RFQ and the Firm believes that the Judicial Council has incorrectly not selected the Firm as a potential vendor.
- 5.2. A person or entity who did not submit a SOQ may not submit a protest.
- 5.3. In no event will a Judicial Council consider a protest if the Judicial Council rejected all SOQs or the RFQ was canceled for any reason.
- 5.4. **Deadline for Receipt of Protest**
- 5.4.1. 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.
- 5.4.2. 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.
- 5.5. **Required Information.** A protest must include the following information:
- 5.5.1. Contact information of the protesting Firm or its representative (this must include name, address, and telephone number, e-mail address and fax number);
- 5.5.2. The title of the RFQ to which the protest is related;

5.5.3. A detailed description of the specific legal and factual grounds of protest and any supporting documentation; and

5.5.4. The specific relief requested.

(“Protest”)

5.6. **Submission of the Protest.** The Firm must send the Protest to the individual identified in the RFQ to receive SOQs. 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.

5.7. **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

5.8. **Appeal of Judicial Council’s Written Determination**

5.8.1. 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 Senior Manager, Business Services, at the same address noted for the submission of questions in the RFQ by overnight courier or by personal delivery.

5.8.2. The appeal must include:

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

5.8.2.2. The title of the RFQ to which the protest is related;

5.8.2.3. A copy of the Judicial Council’s written determination;

5.8.2.4. 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

5.8.2.5. The specific ruling or relief requested.

(“Appeal”)

5.8.3. If an Appeal is late or missing any of this information, the Judicial Council will reject the Appeal.

5.8.4. The Judicial Council’s Senior Manager, Business Services shall respond to an appeal with a written determination. The Judicial Council’s Senior Manager, Business Services written determination shall be the final action by the Judicial Council and are not subject to further appeal.

**ATTACHMENT A**

**List of Projects  
(Subject to change at the Judicial Council's discretion)**

<b>County</b>	<b>Project</b>	<b>Architect</b>	<b>Construction Contractor</b>	<b>Authorized Total Project Cost</b>
San Joaquin	New Stockton	NBBJ	Turner Construction	\$272,939,000
Tehama	New Red Bluff	LPAS	Rudolph and Sletten	\$57,822,000
Los Angeles	Hollywood Courthouse Modernization (formerly New Camarillo-Mental Health)	A.C. Martin Partners	To be selected, schedule TBD	\$84,239,000
Merced	New Los Banos	Williams + Paddon	Swinerton Builders	\$26,680,000
Glenn	Renovate-Addition Willows Historic	Page & Turnbull	Kitchell Contractors, Inc.	\$42,932,000
Imperial	New El Centro	Safdie Rabines	To be selected	\$46,465,000
Alameda	East County	KMD Architects (bridging documents)	n/a	\$147,683,625
Riverside	New Indio	CO Architects	C. W. Driver	\$52,634,000
Lake	New Lakeport	Mark Cavagnero and Associates	TBD	\$49,688,000
Siskiyou	New Yreka	EHDD	McCarthy Building Company Inc.	\$69,653,000
Tuolumne	New Sonora	Lionakis	To be selected, schedule TBD	\$69,236,000
Shasta	New Redding	NBBJ	To be selected, schedule TBD	\$170,598,000
Sonoma	New Santa Rosa	Richard Meier & Partners	To be selected, schedule TBD	\$178,689,000
Inyo	New Inyo	Natoma Architects, Inc.	To be selected, schedule TBD	\$33,704,000
Stanislaus	New Modesto	Skidmore, Owings & Merrill, LLP	To be selected, schedule TBD	\$277,164,000
El Dorado	New Placerville	Dreyfuss & Blackford	To be selected, schedule TBD	\$91,073,000
Santa Barbara	New Santa Barbara	Moore Ruble Yudell Architects & Planners	To be selected, schedule TBD	\$132,077,000
Riverside	New Mid-County Civil Courthouse	Perkins+Will	To be selected, schedule TBD	\$118,582,000
Mendocino	New Ukiah	Skidmore, Owings & Merrill, LLP	TBD	\$94,451,000
Los Angeles	New Eastlake Juvenile	TBD	To be selected, schedule TBD	\$90,312,000
Sacramento	New Sacramento Criminal	TBD	To be selected, schedule TBD	\$451,959,000

**ATTACHMENT B**

**Form of Agreement for Construction Management Services**

**[PROVIDED AS SEPARATE DOCUMENT TO THE RFQ]**

**ATTACHMENT C**

**Payee Data Record**

**[PROVIDED AS SEPARATE DOCUMENT TO THE RFQ]**