



# **REQUEST FOR QUALIFICATIONS**

## **PRE-QUALIFICATION OF GENERAL CONTRACTORS**

### **DESIGN BUILD SERVICES**

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#### **SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES**

The Judicial Council of California seeks to pre-qualify a pool of qualified firms to provide design build services for the renovation and adaptive reuse of the existing Superior Court facility in the County of Los Angeles.



**JUDICIAL COUNCIL  
OF CALIFORNIA**

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**OPERATIONS AND PROGRAMS DIVISION**



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
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# REQUEST FOR QUALIFICATIONS

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Date Friday, February 6, 2015

**To**  
Design Build Firms

**From**  
Capital Program

**Project Title:**  
Pre-Qualification of General Contractors  
Los Angeles Superior Court (Hollywood)

**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)*

**Contact**

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

**RFQ Number: JBCP-2015-01-JT**

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<b>RFQ SCHEDULE</b> (Subject to change at the Judicial Council's discretion)		<b>DATES (Calif. Times)</b>
1	Pre-Proposal Teleconference. Participants dial: <b>877-820-7831</b> , Enter passcode: <b>588979</b>	3:00 pm to 4:30 PM on Tuesday, 2/17/2015
2	Deadline for submittal of Firm's requests for clarifications, modifications or questions regarding the RFQ	4:00 PM, Friday, 2/20/2015
3	Modifications and/or responses to questions posted on the Court website: <b><a href="http://www.courts.ca.gov">http://www.courts.ca.gov</a></b>	Tuesday, 2/24/2015
4	<b><u>Submittal Deadline for Statement of Qualifications</u></b>	4:00 PM, Friday, 3/6/15
5	Posting of Short Listed Firms, Estimated	Friday, 3/20/2015
6	Interviews of Short Listed Firms, Estimated	Thursday, 4/2/2015 & Friday, 4/3/2015
7	Notice of Selected Firms, Estimated	Friday, 4/10/2015

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## 1. INTRODUCTION AND PURPOSE OF THIS RFQ

- 1.1. **Background.** 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 Capital Program is responsible for the planning, design and construction of court facilities for the Superior and Appellate Courts of California (“Capital Program”).

The Judicial Council, through this Request for Qualifications (“RFQ”) is soliciting Statements of Qualifications and prequalification documents (“SOQs”) from qualified persons, firms, partnerships, corporations, associations or professional organizations (“Firm(s)”) to provide design build services necessary to for the renovation and adaptive reuse of the existing Los Angeles Superior Court facilities, located at 5925 Hollywood Boulevard, Los Angeles, CA (“Hollywood Court Facilities”), to accommodate the relocation and operation of the Los Angeles Mental Health Courthouse at the Hollywood Court Facilities (the “Project”). The Project consists of approximately 45,000 gross square feet with the estimated construction budget of approximately \$26,000,000.

On June 27, 2014, the Judicial Council of California adopted the following with respect to this Project: (a) Design-Build Performance Criteria for the Project (“Performance Criteria”), attached to this RFQ as **Attachment “A”**, and (b) the Prequalification and Selection Process for Design-Build Entities (“Prequalification and Selection Process”) attached to this RFQ as **Attachment “B”**. This RFQ incorporates by reference the Performance Criteria and the Prequalification and Selection Process.

After the Judicial Council evaluates the SOQs, the Judicial Council will select up to five (5) Firms (“Prequalified Firms”) that the Judicial Council may later award a contract to be the Design Build Entity for the Project. Following the completion of the Bridging Documents by the Judicial Council’s architect, the Judicial Council will issue a Request for Proposals for the Project (“RFP”) to the Prequalified Firms pursuant to the selection method provided in Government Code section 70391.7(c)(3)(B)(i).

As defined in the RFQ herein, the Judicial Council will assess prospective firms based on their furnished SOQs, conduct interviews and evaluate applicable skills and abilities. From this evaluation process, the Judicial Council will select up to five (5) Firms (“Prequalified Firms”) that the Judicial Council may later award a contract to be the Design Build Entity for the Project. Upon completion of the Bridging Documents by the Judicial Council’s architect, the Judicial Council will issue a Request for Proposals for the Project (“RFP”) to the Prequalified Firms. This RFP will define the project in terms of scope, quantities and performance standards which are not currently available. Pursuant to the selection method provided in Government Code section 70391.7(c)(3)(B)(i), the Judicial Council intends to award a firm-fixed price Design Build Contract.

- 1.2. **Evaluation of SOQs.** Pursuant to Government Code section 70391.7(c)(2)(B) and the Prequalification and Selection Process, the Judicial Council will evaluate the SOQs utilizing the following criteria (“Evaluation Criteria”):
  - 1.2.1. Possession of all required licenses, registration, and credentials in good standing that are required to design and construct the projects. The minimum licenses required for this Project are as follows: **California General Contractor’s License- Class B, California Architect License and California Engineers License.**
  - 1.2.2. Submission of evidence that establishes that the design-build entity members have completed, or demonstrated the capability to complete, projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project.
  - 1.2.3. Submission of a proposed project management plan that establishes that the design-build entity has the experience, competence, and capacity needed to effectively complete the Project.
  - 1.2.4. Submission of evidence that establishes that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement that assures the Judicial Council that the design-build entity has the capacity to complete the Project.
  - 1.2.5. Provision of a declaration certifying that applying members of the design-build entity have not had a surety company finish work on any project within the last five years.
  - 1.2.6. Provision of information and a declaration providing detail concerning all of the following:
    - 1.2.6.1. Any construction or design claim or litigation totaling more than five hundred thousand dollars (\$500,000) or 5 percent of the annual value of work performed, whichever is less, settled against any member of the design-build entity over the last five years.
    - 1.2.6.2. Serious violations of the California Occupational Safety and Health Act of 1973, as provided in Part 1 (commencing with Section 6300) of Division 5 of the Labor Code, settled against any member of the design-build entity.
    - 1.2.6.3. Violations of federal or state law, including, but not limited to, those laws governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements, settled against any member of the design-build entity over the last five years. For purposes of this subclause, only violations by a design-build member as an employer shall be deemed applicable, unless it is shown that the design-build entity member, in his or her capacity as an employer, had knowledge of his or her subcontractor's violations or failed to comply with the conditions set forth in subdivision (b) of Section 1775 of the Labor Code.

- 1.2.6.4. Information regarding whether Firm, or any officer of Firm, or any employee of Firm who has a proprietary interest in Firm, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation.
    - 1.2.6.5. Violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding *alleged* violations or complaints.
    - 1.2.6.6. Any conviction of any member of the Firm of submitting a false or fraudulent claim to a public agency over the last five years.
  - 1.2.7. Provision of a declaration that the Firm will comply with all other provisions of law applicable to the Project, including, but not limited to, the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
- 1.3. **Teleconference.** This teleconference will address vendor questions and issues relative to the RFQ procedures, processes and schedule. Note however, all technical questions must be submitted as shown in Paragraph 1.4 below.

All Firms interested in participating in the Pre-Proposal Teleconference shall follow the instructions provided in the RFQ Schedule above. Note carefully the date, time and information as provided.
- 1.4. **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.
- 1.5. **Addenda.** The RFQ and all addenda will be posted at [www.courts.ca.gov](http://www.courts.ca.gov). 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 this RFQ.

## 2. FORM OF AGREEMENT AND SCOPE OF SERVICES

- 2.1. **Agreement.** The Judicial Council's form of Agreement for Design Build Services ("Agreement") will be an attachment to the RFP. Firm shall not submit any form of its own Agreement with its SOQ.
- 2.2. **Services.** The Firm that is selected by the Judicial Council will be required to provide all design and construction services beyond, the Design Development Documents, which are required to complete the Project consistent with the Performance Criteria, the Design Development Documents, and the Agreement, including without limitation providing all labor, materials, supervision, services, tasks, and work ("Services"). The selected Firm must be technically and financially capable of providing all of the Services to manage the planning, design, construction, and turnover of the Project.
- 2.3. **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/legislation.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 the Firm selected for the Project.

## 3. STATEMENT OF QUALIFICATIONS

- 3.1. Firms' SOQs should clearly and accurately demonstrate specialized knowledge and experience required for consideration including any evidence in support of the Evaluation Criteria.
- 3.2. This RFQ is not a formal request for bids, or an offer by the Judicial Council to contract with Firms responding to this RFQ. The Judicial Council also reserves the right to amend this RFQ as necessary. The Judicial Council shall not be responsible for the costs of preparing any materials in response to this 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 Rules 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 an 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. Notwithstanding anything to the contrary, pursuant to Government Code section 70391.7(c)(2)(C), when requested by the design-build entity, the Judicial Council will hold in confidence any information required by sections 1.2.1 through 1.2.7 of this RFQ.

### 3.4. Submittal

3.4.1. Submit one (1) original, clearly marked "ORIGINAL" on its cover, and five (5) 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 at the following address **no later than 4:00pm PST on March 6, 2015.**

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.)*

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 **thirty (30) single-sided pages**, 8.5" 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 Firm, its personnel, and its sub-consultants, and what will make Firm a good fit for work with the Judicial Council.

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. **Prequalification Questionnaire** – Firm shall complete and provide the Judicial Council’s Prequalification Questionnaire (**Attachment “C”**) (“Questionnaire”) and provide a comprehensive response for each prequalification criteria contained in the Questionnaire and organized as provided in the Questionnaire. Firms must complete the Questionnaire; no other prequalification documents will be accepted or satisfy the Judicial Council’s prequalification requirement.
- 3.5.5. **References** – Include letters of reference or testimonials, if available. Firm should limit letters of references or testimonials to no more than ten (10). The reference pages are excluded from 30-page requirement.
- 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 Firm providing the Services to the Judicial Council.
- 3.5.7. **Payee Data Record** – Provide one (1) completed and signed Payee Data Record Form (**Attachment “D”**). Indicate the exact legal name under which Firm proposes to contract with the Judicial Council.

**4. EVALUATION PROCESS**

**4.1. Evaluation of SOQs**

The Judicial Council will evaluate SOQs pursuant to the following process:

<p><b>STEP 1:</b>  <b>Scoring of SOQ Responses and Responses to Prequalification Questionnaire</b></p>	<p>Judicial Council evaluates and scores Firms’ SOQs and Prequalification Questionnaire.</p> <p>The Judicial Council may contact any reference listed by a Firm to verify the experience and performance of the Firm and its key personnel and sub-consultants.</p>
<p><b>STEP 2:</b>  <b>Establishment of Short-List</b></p>	<p>The Judicial Council establishes a short list of up to ten (10) Firms having received the <u>highest</u> score to interview (“Short-List”) and having met the minimum score and the mandatory criteria. The Judicial Council will post the Short-List on the courts website at: <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> for the Project. Firms on the Short-List will be notified of their interview date, time and location</p>

<p><b>STEP 3:</b> <b>Interview Short List Firms</b></p>	<p>The Judicial Council will interview the Short List and re-evaluate and re-score the Short List Firms based upon the SOQs and Prequalification and any information obtained in the interview process.</p>
<p><b>STEP 4:</b> <b>Prequalified Firms</b></p>	<p>The Judicial Council will select up to five (5) Firms (“Prequalified Firms”), if any at all, that may later be awarded the contract for the Project.</p> <p>The Judicial Council will post the Prequalified Firms on the courts website at: <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> for the Project.</p>

The Judicial Council will evaluate SOQs using the following mandatory and scored criteria:

- 4.1.1 **Mandatory Criteria.** The design-build entity must meet the following mandatory provisions in order to be prequalified:
- 4.1.1.1. Possession of Required Licenses, registration, and credentials to design and construct the Project.
  - 4.1.1.2. Evidence that establishes that the Firm has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement that assures the Judicial Council that Firm has the capacity to complete the Project.
  - 4.1.1.3. Declaration certifying that applying members of Firm have not had a surety company finish work on any project within the last five (5) years.
  - 4.1.1.4. Declaration that Firm, or any officer of Firm, or any employee of Firm who has a proprietary interest in Firm, has never been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation.
  - 4.1.1.5. Declaration that no member of Firm has any conviction for submitting a false or fraudulent claim to a public agency over the last five (5) years.
  - 4.1.1.6. Declaration that the Firm will comply with all other provisions of law applicable to the Project, including, but not limited to, the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

4.1.2. **Scored Criteria.** In addition to the above mandatory criteria, Firm must provide information relating to the following scored criteria:

<b>Points</b>	<b>Criteria</b>
<b>25</b>	<b>EXPERIENCE</b> -- Evidence that establishes that the Firm members have completed, or demonstrated the capability to complete, projects of similar size, scope, or complexity, including but not limited to, the Firm's Workers' Compensation Experience Modification Rate for the past five years.
<b>15</b>	<b>PERSONNEL</b> -- Evidence that Firm's proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project, including, without limitation, history of design build entity team working together on other design build projects.
<b>15</b>	<b>PROJECT MANAGEMENT PLAN</b> -- Proposed project management plan that establishes that the Firm has the experience, competence, and capacity needed to effectively complete the Project.
<b>15</b>	<b>CLAIMS/LITIGATION</b> -- Information regarding any construction or design claim or litigation totaling more than five hundred thousand dollars (\$500,000) or 5 percent of the annual value of work performed, whichever is less, settled against any member of the Firm over the last five (5) years.
<b>10</b>	<b>OSHA VIOLATIONS</b> -- Information regarding any serious violations of the California Occupational Safety and Health Act of 1973, as provided in Part 1 (commencing with Section 6300) of Division 5 of the Labor Code, settled against any member of the Firm.
<b>10</b>	<b>WAGE AND RELATED VIOLATIONS</b> -- Information regarding any violations of federal or state law, including, but not limited to, those laws governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements, settled against any member of the design-build entity over the last five years. For purposes of this subclause, only violations by a Firm member as an employer shall be deemed applicable, unless it is shown that the Firm member, in his or her capacity as an employer, had knowledge of his or her subcontractor's violations or failed to comply with the conditions set forth in subdivision (b) of Section 1775 of the Labor Code.

<b>10</b>	<b>CONTRACTORS' STATE LICENSE LAW --</b> Information regarding any violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding alleged violations or complaints.
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- 4.2. **References.** The Judicial Council may contact any reference listed by Firm to verify the experience and performance of Firm, key personnel and sub-consultants.
- 4.3. **Short-List.** An evaluation panel composed of predominantly Judicial Council staff will review and score the SOQs, based on the mandatory and scored criteria set forth herein. The ten (10) highest scored Firms which meet the mandatory criteria and the minimum score will establish the Short-List of Firms and be invited to interview
- 4.4. **Interview.** The Judicial Council will post the Short-List on the court website at: [www.courts.ca.gov](http://www.courts.ca.gov) for the Project. Firms on the Short-List will be notified of their interview date, time and location.
- 4.5. **Selection of Prequalified Firms.** Following interviews, the Judicial Council will re-evaluate and re-score the Short List Firms based upon the SOQs and Prequalification and any information obtained in the interview process. The five (5) highest scored Short List Firms which meet the mandatory criteria and the minimum score will be prequalified firms ("Prequalified Firms"). Firms will be notified if they are a Prequalified Firm.
- 4.6. **Future Request for Proposal.** The Judicial Council intends to award a contract to one of the Prequalified Firms pursuant to the RFP to be issued by the Judicial Council as detailed in this RFQ.

Prequalified Firms issued an RFP must have its listed subcontractors prequalify utilizing the same prequalification process and Questionnaire set forth in this RFQ.

- 4.7. **Rejection of SOQs.** The Judicial Council may reject any or all SOQs and may or may not waive an immaterial deviation or defect in an SOQ. The Judicial Council's waiver of an immaterial deviation or defect shall in no way modify this RFQ or excuse a Firm from full compliance with these 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 an individual Firm if doing so is deemed in the Judicial Council's best interest. Moreover, the Judicial Council reserves the right to make no selection if SOQs are deemed to be outside the fiscal constraint or against the best interest of the Judicial Council.

## 5. PROTESTS

- 5.1. **Who May Submit a Protest.** A Firm may submit a protest if the Firm submitted an SOQ that the Firm believes to be responsive to this 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 an 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 this 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, 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 this 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 ("Written Determination"). The Judicial Council may issue the 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 the 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 Determination 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 this 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, 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 is not subject to further appeal.

**ATTACHMENT “A”  
PERFORMANCE CRITERIA**

Attachment “A” is provided in a separate file which may be downloaded  
from the same Judicial Council website as this RFQ is located

**ATTACHMENT “B”**  
**PREQUALIFICATION AND SELECTION PROCESS**

Attachment “B” is provided in a separate file which may be downloaded  
from the same Judicial Council website as this RFQ is located



**ATTACHMENT "C"**  
**PREQUALIFICATION QUESTIONNAIRE**

**JUDICIAL COUNCIL OF CALIFORNIA  
CAPITAL PROGRAM**

**PREQUALIFICATION QUESTIONNAIRE**

**RFP #JBCP-2015-01-JT**

Firm must select one of the following two options by checking the corresponding box:

- Firm is a Design-Build Entity (“DBE”).  
or  
 Firm is a DBE “subcontractor.”

<b>FIRM’S ENTITY INFORMATION</b>
Firm’s company name:
Address:
Telephone:
Mobile telephone:
E-mail:
Years in business under current company name:
Years at the above address:
Types of work performed with own forces:
Has there been any change in ownership of the Firm at any time in the past five (5) years? <i>NOTE: A corporation whose shares are publicly traded is not required to answer this question.</i> ( Yes / No ). If “YES”, explain on a separate signed sheet, including the reason for the change.
Is the Firm a subsidiary, parent, holding company, or affiliate of another construction firm? <i>NOTE: Include information about other firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of your Firm holds a similar position in another firm.</i> ( Yes / No ). If “YES”, explain on a separate signed sheet, the name of the related company(ies) and the percent ownership.
Indicate the form of Firm’s type of business entity: ___ Individual ___ Sole Proprietorship ___ Partnership ___ Limited Partnership ___ Corporation, State: _____ ___ Limited Liability Company ___ Joint Venture ___ Other: _____

List the following for each corporation officer, general partner, limited partner, owner, etc. (as applicable) for the Firm's type of entity. For joint ventures, include this information for each entity in the joint venture and the percent ownership of each joint venture. Attach all additional information on separate signed sheets as needed.

Name	Position	Years with Co.	% Ownership

Identify every construction, architect or engineering firm, contractor and/or construction management firm that Firm or any person listed above has been associated with (as officer, general partner, limited partner, owner, RMO, RME etc.) at any time during the **past five (5) years** ("Associated Firm"). Include all additional references and/or information on separate signed sheets as needed.  
 NOTE: For this question, "owner" and "partner" refers to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock if the business is a corporation.

Name of Person at Associated Firm	Name of Associated Firm	Firm's License No. of Associated Firm	Dates of Person's Participation with Associated Firm

**FIRM'S INFORMATION: LICENSES, REGISTRATION, AND CREDENTIALS**

**Contractor License Information:**

Name of license holder exactly as on file with the California State License Board:

License classification(s):

License Number(s):

License expiration date(s):

Responsible Managing Officer (RMO) or Employee (RME) for Firm:

Number of years license holder has held the listed license(s):

Number of years Firm has done business in California under contractor's license law:

Number of years Firm has done business in California under **current** Contractor's license:

Has your Firm changed name(s) or license number(s) in the past five (5) years? ( Y / N ).

If "yes", explain on a separate signed sheet, including the reason for the change.

**Architect License Information:**

Name of license holder exactly as on file with the California State License Board:

License classification(s):

License Number(s):

License expiration date(s):

Number of years license holder has held the listed license(s):

Number of years Firm has done business in California under architect's license law:

Number of years Firm has done business in California under **current** Architect's license:

Has your Firm changed license number(s) in the past five (5) years? ( Y / N ).

If "yes", explain on a separate signed sheet, including the reason for the change.

**Engineer License Information:**

Name of license holder exactly as on file with the Board for Professional Engineers, Land Surveyors, and Geologies:

License classification(s):

License Number(s):

License expiration date(s):

Number of years license holder has held the listed license(s):

Number of years Firm has done business in California under contractor's license law:

Number of years Firm has done business in California under **current** Engineer's license:

Has your Firm changed license number(s) in the past five (5) years? ( Y / N ).

If "yes", explain on a separate signed sheet, including the reason for the change.

**Evidence of licenses, registration, and credentials:**

Submit evidence that Firm possesses all required licenses, registration, and credentials in good standing that are required to design and construction the Project.

**FIRM'S FINANCIAL INFORMATION**

**Gross revenue of the Firm for the past three (3) years.**

*Identify your firm's "year end" date:*

\$

\$

\$

**Submit an audited or reviewed financial statement for the past two (2) full fiscal years ("Financial Statement").** A letter verifying availability of a line of credit may also be attached ("LOC Letter"); however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

**FIRM'S BONDING COMPANY (SURETY) INFORMATION**

Name(s) of bonding company(ies) your Firm has utilized over the past five (5) years (not broker or agency):


Address(es) of those bonding company(ies):


Number of years Firm has been with those bonding company/surety:

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Name of broker/agent:

Address of broker/agent:

Telephone number of broker/agent:

E-mail of broker/agent:

Firm's total current bonding capacity: \$

**FIRM'S INSURANCE INFORMATION**

Name of liability insurance company(ies) and errors and omissions insurance company(ies) that your Firm has utilized over the past five (5) years (not broker or agency):


Address of those insurance company(ies):


“Best” rating(s) for those insurance company(ies):

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Number of years your Firm has been with those insurance company(ies):

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Name of broker/agent:

Address of broker/agent:

Telephone number of broker/agent:

E-mail of broker/agent:

Firm's current insurance limits for the following types of coverage:

Commercial General Liability	Combined Single Limit (aggregate)	\$
	Combined Single Limit (per occurrence)	\$
Product Liability & Completed Operations	(aggregate)	\$
	(per occurrence)	\$
Automobile Liability – Any Auto	Combined Single Limit (aggregate)	\$
	Combined Single Limit (per occurrence)	\$

Employers' Liability	Combined Single Limit (per occurrence)	\$
Builder's Risk (Course of Construction)	Combined Single Limit (aggregate)	
	Combined Single Limit (per occurrence)	
Professional Liability	Combined Single Limit (aggregate)	
	Combined Single Limit (per occurrence)	

Workers' Compensation Experience Modification Rate for the past five (5) premium years:

(1) Current year:	(2) Prior year:	(3)
	(4)	(5)

**MANDATORY CRITERIA**

**By circling “YES” or “NO” in each of the following questions, Firm and signer certifies that reasonable diligence has been used in preparation of this declaration and information and that the declaration and information is true and complete to the best of Firm’s and signer’s knowledge.**

1.	<p>Does Firm currently possess all required licenses, registration, and credentials in good standing that are required to design and construct the project? <i>(Please circle one).</i></p> <p>If “YES,” complete and submit all information requested under “Firm’s Information: Licenses, Registration, and Credentials.”</p> <p>If “NO,” Firm shall <b>not</b> prequalify for this Project.</p>	<p align="center">YES</p> <p align="center">NO</p>
2.	<p>Does Firm have the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement that assures the Judicial Council that Firm has the capacity to complete the Project? <i>(Please circle one).</i></p> <p>If “YES,” complete and submit all information requested under “Firm’s Financial Information,” “Firm’s Bonding Company (Surety) Information,” and “Firm’s Insurance Information.” The Judicial Council reserves the right to evaluate and determine Firm’s capacity to complete the Project based on its review and evaluation of the information provided in response to this question.</p> <p>If “NO,” Firm shall <b>not</b> prequalify for this Project.</p>	<p align="center">YES</p> <p align="center">NO</p>
3.	<p>Does Firm certify that the Firm and applying members of the Firm have not had a surety company finish work on any project within the last five (5) years? <i>(Please circle one).</i></p> <p>If “NO,” Firm shall <b>not</b> prequalify for this Project.</p>	<p align="center">YES</p> <p align="center">NO</p>
4.	<p>Has Firm, any member of Firm, any officer of Firm, or any employee of Firm who has a proprietary interest in Firm, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?</p> <p>If “YES,” Firm shall <b>not</b> prequalify for this Project.</p>	<p align="center">YES</p> <p align="center">NO</p>
5.	<p>Has any conviction been made of the Firm or any member of the Firm of submitting a false or fraudulent claim to a public agency over the last five years?</p> <p>If “YES,” Firm shall <b>not</b> prequalify for this Project.</p>	<p align="center">YES</p> <p align="center">NO</p>
6.	<p>Does Firm declare that it will comply with all other provisions of law applicable to the Project, including, but not limited to, the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code?</p> <p>If “NO,” Firm shall <b>not</b> prequalify for this Project.</p>	<p align="center">YES</p> <p align="center">NO</p>



**SCORED CRITERIA**

**By circling “Yes” or “No” in each of the following questions, Firm and signer certifies that reasonable diligence has been used in preparation of this declaration and information and that the declaration and information is true and complete to the best of Firm’s and signer’s knowledge.**

<p><b>1.</b></p>	<p>Evidence that establishes that the Firm members have completed, or demonstrated the capability to complete, projects of similar size, scope, or complexity.</p> <p>a. Have Firm’s design-build entity members completed projects of similar size, scope, or complexity to the Project including, without limitation, history of design build entity team working together on other design build projects? <i>(Please circle one).</i></p> <p>If YES, explain and indicate on separate signed sheet(s) the project name(s), the project owner(s), the value of the project, the date(s) of completion, the size of the project, the scope of the project, the complexity of the project, the history of the design build entity team working together on other design build projects, and the Firm’s Worker’s Compensation Experience Modification Rate for the past five years.</p> <p>b. If Firm’s design-build entity members have not completed projects of similar size, scope or complexity to the Project, or have a history of design build entity team working together on other design build projects, can Firm submit evidence demonstrating that the design-build entity members are capable to complete projects of similar size, scope, or complexity to the Project? <i>(Please circle one).</i></p> <p>If YES, explain and indicate on separate signed sheet(s) information that demonstrates that the design-build entity members are capable to complete projects of similar size, scope or complexity to the Project, the history of the design build entity team working together on other design build projects, and the Firm’s Worker’s Compensation Experience Modification Rate for the past five years..</p>	<p>YES</p> <p>NO</p> <p>YES</p> <p>NO</p>
<p><b>2.</b></p>	<p>Does Firm’s proposed key personnel for the Project have sufficient experience and training to competently manage and complete the design and construction of the Project, including, without limitation, history of design build entity team working together on other design build projects? <i>(Please circle one).</i></p> <p>If YES, explain and indicate on separate signed sheet(s) the name(s), the experience, and the training of the proposed key personnel.</p>	<p>YES</p> <p>NO</p>

3.	<p>Does Firm have a proposed project management plan that establishes that it has the experience, competence, and capacity needed to effectively complete the Project? (Please circle one).</p> <p>If YES, submit a separate signed copy of the proposed project management plan.</p>	<p>YES</p> <p>NO</p>
4.	<p>Have any construction or design claim or litigation totaling more than five hundred thousand dollars (\$500,000) or 5 percent (5%) of the annual value of work performed, whichever is less, settled against Firm or any member of the Firm over the last five years? (Please circle one).</p> <p>If YES, explain and indicate on separate signed sheet(s) the name of the member(s), the project name(s), claim(s) and the date(s) of claim(s).</p>	<p>YES</p> <p>NO</p>
5.	<p>Have any serious violations of the California Occupational Safety and Health Act of 1973, as provided in Part 1 (commencing with Section 6300) of Division 5 of the Labor Code, settled against Firm or any member of the Firm? (Please circle one).</p> <p>If YES, indicate on separate signed sheet(s) the name of the member(s), the project name(s), violation(s), and date(s) of citation. If YES and if the citation was appealed and a decision has been issued, indicate on separate signed sheet(s) the case number and the date of the decision.</p>	<p>YES</p> <p>NO</p>
6.	<p>Have any violations of federal or state law, including, but not limited to, those laws governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements, settled against Firm or any member of Firm over the last five years? (Please circle one).</p> <p>For purposes of this question, only violations by Firm or a member of Firm as an employer shall be deemed applicable, unless it is shown that the Firm or member of the Firm, in his or her capacity as an employer, had knowledge of his or her subcontractor's violations or failed to comply with the conditions set forth in subdivision (b) of Section 1775 of the Labor Code.</p> <p>If "YES," indicate on separate signed sheet(s) the name of the Member(s), the project name(s), violation(s), and date(s) of citation(s) and/or assessment(s).</p>	<p>YES</p> <p>NO</p>
7.	<p>Has any violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding <i>alleged</i> violations or complaints, settled against the Firm or any member of the Firm?</p> <p>If "YES," indicate on separate signed sheet(s) the name of the member(s), the project name(s), violation(s), and date(s) of citation(s) and/or assessment(s).</p>	<p>YES</p> <p>NO</p>

**CERTIFICATION**

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date: \_\_\_\_\_

Proper Name of Firm: \_\_\_\_\_

Signature: \_\_\_\_\_

By: \_\_\_\_\_ (*Print Name*)

Title: \_\_\_\_\_



<b>1</b>	<p><b><u>Requirement to Complete Payee Data Record, STD. 204</u></b></p> <p>A completed Payee Data Record, STD. 204, is required for payments to all non-governmental entities and will be kept on file at each State agency. Since each State agency with which you do business must have a separate STD. 204 on file, it is possible for a payee to receive this form from various State agencies.</p> <p>Payees who do not wish to complete the STD. 204 may elect to not do business with the State. If the payee does not complete the STD. 204 and the required payee data is not otherwise provided, payment may be reduced for federal backup withholding and nonresident State income tax withholding. Amounts reported on Information Returns (1099) are in accordance with the Internal Revenue Code and the California Revenue and Taxation Code.</p>								
<b>2</b>	<p>Enter the payee's legal business name. Sole proprietorships must also include the owner's full name. An individual must list his/her full name. The mailing address should be the address at which the payee chooses to receive correspondence. Do not enter payment address or lock box information here.</p>								
<b>3</b>	<p>Check the box that corresponds to the payee business type. Check only one box. Corporations must check the box that identifies the type of corporation. The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State provide their Taxpayer Identification Number (TIN). The TIN is required by the California Revenue and Taxation Code Section 18646 to facilitate tax compliance enforcement activities and the preparation of Form 1099 and other information returns as required by the Internal Revenue Code Section 6109(a).</p> <p>The TIN for individuals and sole proprietorships is the Social Security Number (SSN). Only partnerships, estates, trusts, and corporations will enter their Federal Employer Identification Number (FEIN).</p>								
<b>4</b>	<p><b><u>Are you a California resident or nonresident?</u></b></p> <p>A corporation will be defined as a "resident" if it has a permanent place of business in California or is qualified through the Secretary of State to do business in California.</p> <p>A partnership is considered a resident partnership if it has a permanent place of business in California. An estate is a resident if the decedent was a California resident at time of death. A trust is a resident if at least one trustee is a California resident.</p> <p>For individuals and sole proprietors, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose that will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.</p> <p>Payments to all nonresidents may be subject to withholding. Nonresident payees performing services in California or receiving rent, lease, or royalty payments from property (real or personal) located in California will have 7% of their total payments withheld for State income taxes. However, no withholding is required if total payments to the payee are \$1,500 or less for the calendar year.</p> <p>For information on Nonresident Withholding, contact the Franchise Tax Board at the numbers listed below:</p> <table border="0" data-bbox="259 1239 1429 1312"> <tr> <td>Withholding Services and Compliance Section:</td> <td>1-888-792-4900</td> <td>E-mail address:</td> <td>wscs.gen@ftb.ca.gov</td> </tr> <tr> <td>For hearing impaired with TDD, call:</td> <td>1-800-822-6268</td> <td>Website:</td> <td>www.ftb.ca.gov</td> </tr> </table>	Withholding Services and Compliance Section:	1-888-792-4900	E-mail address:	wscs.gen@ftb.ca.gov	For hearing impaired with TDD, call:	1-800-822-6268	Website:	www.ftb.ca.gov
Withholding Services and Compliance Section:	1-888-792-4900	E-mail address:	wscs.gen@ftb.ca.gov						
For hearing impaired with TDD, call:	1-800-822-6268	Website:	www.ftb.ca.gov						
<b>5</b>	<p>Provide the name, title, signature, and telephone number of the individual completing this form. Provide the date the form was completed.</p>								
<b>6</b>	<p>This section must be completed by the State agency requesting the STD. 204.</p>								
	<p><b><u>Privacy Statement</u></b></p> <p>Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, State, or local governmental agency, which requests an individual to disclose their social security account number, shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it.</p> <p>It is mandatory to furnish the information requested. Federal law requires that payment for which the requested information is not provided is subject to federal backup withholding and State law imposes noncompliance penalties of up to \$20,000.</p> <p>You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the State agency(ies) with which you transact that business. All questions should be referred to the requesting State agency listed on the bottom front of this form.</p>								