

# Request for Proposal

## CONSTRUCTION MANAGEMENT SERVICES

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**NEW MODESTO COURTHOUSE**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF STANISLAUS

**REVISION NO. 2**  
**REVISED APRIL 18, 2017**

**The Judicial Council of California seeks Proposals from qualified firms to provide professional construction management services for the New Modesto Courthouse**



**JUDICIAL COUNCIL  
OF CALIFORNIA**

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OPERATIONS AND PROGRAMS DIVISION  
CAPITAL PROGRAM

**Date:** March 21, 2017

**To:**  
Construction Management Firms

**Send Proposal to:**  
Judicial Council of California  
Attn: Lenore Fraga-Roberts  
455 Golden Gate Avenue  
San Francisco, CA 94102

**Project Title**  
Construction Management Services-  
New Modesto Courthouse

**Contact**  
[CapitalProgramSolicitations@jud.ca.gov](mailto:CapitalProgramSolicitations@jud.ca.gov)

RFP Number: JBCP-CMS-S-2016-50–SM-RFP

<b>RFP SCHEDULE OF EVENTS</b> <b>(Subject to change at the Judicial Council's discretion)</b>		<b>DATES / TIMES (PST)</b>
1	Branch Accounting & Procurement to advertise RFP.	<b>March 21, 2017 / 3 PM</b>
2	Pre-Proposal Proposal meeting via Teleconference – 1-877-820-7831; Participant Code: 691172; Host/Moderator – Deepika Padam	<b>April 4, 2017 / 3 PM</b>
3	Deadline for submittal of Firm's requests for clarifications, modifications or questions regarding the RFP, may be sent to <a href="mailto:CapitalProgramSolicitations@jud.ca.gov">CapitalProgramSolicitations@jud.ca.gov</a> Refer to Attachment 10.	<b>April 7, 2017 / 3 PM</b>
4	Modifications and/or responses to questions posted on the Judicial Council website <a href="http://www.courts.ca.gov/rfps.htm">http://www.courts.ca.gov/rfps.htm</a>	<b>April 12, 2017 / 3 PM</b>
5	<b><u>Submittal Deadline for Request for Proposal</u></b> <b>Judicial Council of California</b> <b>Attn.: Lenore Fraga-Roberts</b> <b>JBCP-CMS-S-2016-50–SM-RFP</b> <b>455 Golden Gate Avenue, 6th Floor</b> <b>San Francisco, CA 94102</b>	<b><u>April 21, 2017 / 3 PM</u></b>
6	Notification of Interviews date and time – Interviews will be in San Francisco. <b>[REVISED]</b>	<b>April 27, 2017 / 3 PM</b>
7	Interviews of Firms - Times to be determined. <b>[REVISED]</b>	<b>May 4, 2017 (Times to be determined).</b>
8	Notice of Selected Firm (Estimated).	<b>May 5, 2017</b>

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**1. INTRODUCTION**

- 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 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. **Purpose of Request for Proposal.** The Judicial Council, through this Request for Proposal (“RFP”) is soliciting Proposals from Firms, (“Firm(s)”) to provide construction management services necessary to oversee, manage and administer the planning, design, construction, and turnover of the New Modesto Courthouse (“Project”). The responsible party shall be an architect, a registered professional engineer or a general contractor licensed to practice in California. All work shall be performed under and approved by a licensed professional. Firm team shall comprise of all disciplines necessary to effectively conduct the project. Team shall be experienced with designs of similar size, complexity, and nature.
- 1.3. **Evaluation Method:** The Request for Proposal (RFP) consists of a two-step evaluation. Step 1 is an evaluation of the firm’s qualifications based on the firm’s written Statement of Qualifications (SOQ) Proposal and Qualifications Interview. Step 1 scores will be finalized prior to commencement of Step 2. Step 2, Fee Proposal evaluation, is the scoring of the firm’s Fee Proposal. Step 1 and Step 2 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. The firm receiving the highest combined “total score” will be ranked the number one firm. In the event of ties within the ranking list, the firm with the higher Step 1 score will be advanced one place holding in the ranking list. 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 direct expertise in services of similar size, complexity and nature.

## 2. PROJECT DESCRIPTION

Provide professional construction management services for the New Modesto Courthouse. The proposed project for the Superior Court of California-County of Stanislaus is a new courthouse building comprised of approximately 308,964 gross square feet on eight floors plus a basement. The program includes twenty-seven courtrooms with associated chambers, jury rooms, administrative areas, public spaces, building support, detention areas at courtrooms and central holding as well as enclosed secure parking for 33 cars. The project will include shelling five of the twenty-seven court sets (courtrooms plus related spaces as defined in the Standards.)

The acquired site is approximately 2.8 acres bounded by 9<sup>th</sup> Street, H Street, 10th Street and I Street. Site development includes demolition of existing buildings as well as on-grade parking for approximately 43 cars and other site related work associated with the new courthouse.

The project is currently authorized for the Preliminary Plans Phase; has completed the Schematic Design and is currently in Design Development. Construction Management Services will begin with an independent cost estimate of the 50% Design Development documents. The estimated schedule for the project is as follows:

### Estimated Overall Schedule

#### Preliminary Plans

<i>100% SD CCRS Presentation (Completed)</i>	<i>12/2016</i>
<i>50% DD CCRS Presentation</i>	<i>09/2017</i>
<i>100% DD CCRS Written Report</i>	<i>12/2017</i>
<i>SPWB / DOF Approval of PP</i>	<i>02/2018</i>

Working Drawings (Not Yet Authorized/NYA)	07/2018 – 12/2019
Construction (NYA)	01/2020 – 08/2022
Warranty Phase (NYA)	08/2022 – 08/2023

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#### Demolition Scope

<i>SPWB / DOF Approval to Bid</i>	<i>06/2017</i>
<i>Bidding</i>	<i>07/2017</i>
<i>Demolition</i>	<i>09/2017</i>

## 3. RESPONSE TO THE RFP.

- 3.1. **Pre-Proposal 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. Firms may ask questions at the Pre-Proposal meeting, the questions and answers will be posted on the website at <http://www.courts.ca.gov/rfps.htm> .
- 3.2. **Questions.** Firms may also submit request 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 RFP Schedule. Please indicate the RFP number and title in the subject line. Contact with the Judicial Council shall be made only through email address; telephone calls will not be accepted.
- 3.3. **Each Firm shall provide the following in its written Statement of Qualifications (SOQ):**
- 3.3.1. 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 RFP on behalf of the Firm
- 3.3.2. Table of Contents** - A table of contents of the material contained in the RFP should follow the letter of interest.
- 3.3.3. Executive Summary** - The executive summary should contain an outline of Firm's construction management approach, along with a brief summary of Firm's qualifications and experience.
- 3.3.4. Firm Information** - Provide a comprehensive description of the construction management services offered by Firm. The description should include the following:
- 3.3.4.1 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.
- 3.3.4.2 Licensure.** Provide documentation demonstrating that Firm is a currently licensed architect, a registered professional engineer or a licensed contractor.
- 3.3.4.3 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.
- 3.3.4.4 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 day-to-day and on-site Services. It is the proposing Firm's responsibility to demonstrate specialized knowledge and experience required for team members, particularly on Projects of similar size and complexity.
- 3.3.5 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.
- 3.3.6 References.** Include letters of reference or testimonials, if available. Firm should limit letters of references or testimonials to no more than five (5).
- 3.3.7 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 within a reasonable timeframe. These would include, but not be limited to, estimating, scheduling, claims analysis, code review, and administrative support.
- 3.3.8 Prior Relevant Professional Construction Management Experience.**
- 3.3.8.1** 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.

**3.3.8.2** Identify no more than TEN (10) public projects performed by Firm in the past five (5) years. Limit response to MOST RELEVANT projects. Projects should be of similar size, complexity, and nature. 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):

**3.3.8.2.1** Name of program/project and public entity,

**3.3.8.2.2** Name of project architect,

**3.3.8.2.3** Scope of program/projects, description of services provided,

**3.3.8.2.4** Contact person and telephone number at public entity,

**3.3.8.2.5** Firm person in charge of each project,

**3.3.8.2.6** Dollar value of program or each project,

**3.3.8.2.7** Original construction budget and final construction cost, and

**3.3.8.2.8** 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.

### **3.3.9 Prior Relevant Commissioning Experience**

**3.3.9.1** Describe Firm’s experience managing (as opposed to providing) commissioning services for a similar Project. List the individuals who will manage the commissioning services for this Project. Include resumes and commissioning experience of those individuals.

**3.3.9.2** List any Subconsultants or outside parties to be utilized by your Firm to manage the commissioning services to be provided for this Project.

### **3.4 Qualifications Interview:**

**3.4.1** **Firms shall prepare a presentation of no more than 45 minutes that communicates the Firm’s and key personnel’s qualifications and relevant experience in construction management of projects of similar size, complexity, and nature. The presentation will be followed by a question and answer session of approximately twenty (20) minutes. The interview panel will consist of three to five (5) persons.**

**3.4.2** Presentation shall demonstrate communication skills and explain how the individual team members will interact with the Judicial Council, the local court and the Construction Management at Risk (CM@R) on the Project.

### **3.5 Fee Proposal-Hourly Rates:**

**3.5.1** The hourly rates shall be provided for the categories of key personnel described below. The firm’s hourly rates shall include, without limitation, all costs for overhead, personnel, administration, profit, costs for travel, per diem expenses, and all deliverables, printing, and shipping, under the Agreement. The submitted rates will be held in confidence until such time as a contract is executed.

**3.5.2** The hourly rates will be used for evaluation purposes as set forth in Section 5.5 “Selection of Firm and Calculation of Fixed Fee” The basis of the evaluation and subsequent awards of points for the “Total Proposed Fee” criteria shall be the average hourly rate of the key personnel positions listed. The average hourly rate will be determined by multiplying the proposed hourly rate for each position, multiplied by the designated weight factor, then divided by the number of positions. Rates entered as “zero” or in the opinion of the JCC, significantly below market rate will be deemed “non-responsive”.

Position	Weight
Project Director	1.20
Sr. Project Manager	1.10
Project Manager	1.00
Sr. Construction Manager	1.10
Construction Manager	1.00
Project Engineer	1.00
Estimator	.75
Scheduler	.75
Document Control Specialist	.90
Manager of Commissioning Process	.50
Commissioning Agent	.50

3.5.3 Notwithstanding that the hourly rates set forth in each Firm’s Fee Proposal will be used for evaluating each Firm’s Proposal pursuant to section 3.5.5 above, the hourly rates in the Fee Proposal will eventually be utilized to calculate the fixed fee amount for each phase of the Project in accordance with section 5.5 below. The hourly rates set forth in the Fee Proposal shall also be utilized for any Extra Services performed under the Agreement. The Judicial Council may add positions to those listed above based on project requirements. The Scope and Schedule of Services requested by the Judicial Council shall be subject to negotiation.

3.5.4 Submit Fee Proposal per Attachment 1 Hourly Rate Proposal Form.

**3.6 Submission Requirements**

3.6.3 Proposals should provide straightforward and concise information that fulfill 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.

3.6.4 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:

- 3.6.4.1 Three (3) copies, in paper form, of the Firm(s)’s written Statement of Qualifications (SOQ) Proposal;
- 3.6.4.2 Two (2) copies, in paper form, of Firm(s)’s Fee Proposal - Hourly Rate in a separately sealed smaller envelope clearly marked “HOURLY RATE PROPOSAL – Firm name, Project Name, RFP Number”;
- 3.6.4.3 One (1) compact disk containing the Firm(s)’s complete Request for Proposal.

**3.7 Submission Address**

3.7.3 Firm’s RFP shall be submitted to the Judicial Council as follows:

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

**RFP’s submitted via email will NOT be considered**

**3.8 Submission Timeliness:** 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.

- 3.9 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.

**3.10 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.

- 3.11** The construction management services being sought do **not** include responsibility to be a construction manager at risk or for the construction of the Modesto Courthouse Project.

#### **4. FORM OF AGREEMENT AND SCOPE OF SERVICES**

- 4.1 Agreement.** Attached hereto as Attachment 2 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.
- 4.2 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.
- 4.3 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.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.**

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

#### **5. EVALUATION AND SELECTION PROCESS**

- 5.1. 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 1 scores will be finalized prior to commencement of Step 2 - Fee Proposal evaluation. Step 2 - Fee Proposal is the scoring of the firm's Attachment 1 Fee Proposal – Hourly Rates Form. Step 1 and Step 2 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. The firm receiving the highest combined "total score" will be ranked the number one firm. In the event of ties within the ranking list, the firm with the higher Step 1 score will be advanced one place holding in the ranking list. 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.

- 5.1.1 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:

**5.1.1.1. 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 at Risk (CMR) delivery method.
  - 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

**5.1.1.2. 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)

**5.1.1.3. 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)

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

**5.1.2.1** 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 section 3.5.2.**

**5.1.2.2** The calculation of the points awarded for each firm will be in accordance with the Judicial Council Contracting Manual, Chapter 4C.

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

**5.2 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.

**5.3 Interview.** Firms will be notified of their interview date, time and location per the RFP Schedule of Events. Interviews

will be held at the Judicial Council offices in Modesto.

**5.4 Rejection of RFPs:** The Judicial Council may reject any or all RFPs and may or may not waive an immaterial deviation or defect in a RFP. The Judicial Council's waiver of an immaterial deviation or defect shall in no way modify the RFP or excuse Firm from full compliance with the RFP specifications. The Judicial Council reserves the right to accept or reject any or all of the items in the RFP, 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.

**5.5 Selection of Firm and Calculation of Fixed Fee:** After completing the process set forth in sections 5.1 through 5.4 of this RFP, the Judicial Council will identify the highest ranked Firm. Once the highest ranked Firm is identified, the Judicial Council will commence negotiations with the highest ranked Firm regarding the necessary hours and personnel for each phase of the Project, and once the necessary hours and personnel for each phase of the Project are agreed upon by the highest ranked Firm and the Judicial Council, the parties shall apply the hourly rates set forth in that Firm's Fee Proposal to the agreed upon hours and personnel in order to calculate the fixed fee amount for each phase of the Project. If the Judicial Council and the highest ranked Firm are unable to agree upon the necessary hours and personnel for the Project, the Judicial Council may commence negotiations with the second highest ranked Firm following the same process that was utilized for the highest ranked Firm. If the Judicial Council and the second highest ranked Firm are unable to agree upon the necessary hours and personnel for the Project, the Judicial Council may commence negotiations with the third highest ranked Firm following the same process that was utilized for the highest and second highest ranked Firm.

**5.6 Preclusion.**

5.6.1 A Firm and any sub-consultants selected as the Construction Manager on this Project are precluded from being the Contractor, Construction Manager-at-Risk or Designer/Builder on the Modesto Courthouse Project.

5.6.2 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.

**6. PROTEST**

**6.1 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 as a potential vendor.

6.1.1 A person or entity who did not submit a Proposal may not submit a protest.

6.1.2 In no event will the Judicial Council consider a protest if the Judicial Council rejected all Proposals or the RFP was canceled for any reason.

**6.2 Deadline for Receipt of Protest**

6.2.1 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.

6.2.2 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.

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

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

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

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

**6.3.4** The specific relief requested. (“Protest”)

**6.4 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.

**6.5 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

## **6.6 Appeal of Judicial Council’s Written Determination**

**6.6.1** 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.

**6.6.2** The appeal must include:

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

**6.6.2.2** The title of the RFP to which the protest is related;

**6.6.2.3** A copy of the Judicial Council’s written determination;

**6.6.2.4** 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 the specific ruling or relief requested. (“Appeal”).

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

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