



# **Request for Proposals (RFP) for**

## **ID/IQ Architectural and Engineering Services**

**RFP #REFM-2016-02-JT**

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**The Judicial Council of California, seeks to identify a number of architects and engineers qualified to provide architectural and engineering services for all phases of design and construction for various projects to be initiated between June 2016 and June 2019 with possible extensions to June 2021.**

*Revised March 22, 2016*



**JUDICIAL COUNCIL  
OF CALIFORNIA**

**OPERATIONS AND PROGRAMS DIVISION**

**CAPITAL PROGRAM**



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

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

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Date

February 17, 2016

Contact

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

To

Architectural and Engineering Firms

From

Judicial Council of California

Project Title

RFP number: **#REFM-2016-02-JT**  
**ID/IQ Architectural & Engineering Services**

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All documents relative to this REQUEST FOR PROPOSALS are posted to the Judicial Council's website shown above.

- RFP #REFM-2016-02-JT for IDIQ Architectural & Engineering Services (29 pages)
- Sample Contract Agreement (41 pages)
- State of California Payee Data Record (2 pages)
- Submittal Form for Vendor Questions (1 page)

## **1. INTRODUCTION**

The judicial branch of California is a part of California government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California, including the Supreme Court. A part of the judicial branch is the Judicial Council, chaired by the Chief Justice of California. The Judicial Council is the primary policy making body of the California judicial system. The Judicial Council of California (Judicial Council) is the staff agency of the Judicial Council. The Capital Program Office and the Real Estate and Facilities Management office are the divisions of the Judicial Council responsible for the planning, design, construction, real estate and asset management of facilities for the court system of California.

Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California has shifted from the counties to the state. Many of these approximately 532 existing facilities require repairs or modifications, and per year, over the next 5 years, approximately 15 to 50 projects with a construction value of approximately \$25,000 to \$10,000,000 per project, are anticipated to require architectural and engineering services. To a lesser degree, each year approximately 8 to 10 feasibility studies of future modification projects will also require support services.

## **2. PURPOSE OF THIS RFP**

Judicial Council seeks proposals from firms to provide the services of qualified, properly licensed architects and engineers with expertise in all phases of the design, construction and renovation of public buildings (“Proposals”). It is anticipated that selected firms will lead full teams of architects, engineers, related consultants, and/or contractors of building trades as necessary (for investigative or destructive testing only). Consultants for the purpose of this RFP will be referred to as “Service Providers.” Service Providers will be evaluated and selected to provide services primarily in one of the three regions of the Judicial Council of California (Bay Area/North Coastal, Northern/Central, and Southern regions). However, Service Providers may be requested to provide services in any region throughout the state. A map of the three regions is included in this RFP as Attachment C. Service Providers should indicate, in their cover letter, the region(s) for which they wish to be considered.

Multiple Service Providers will be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the Judicial Council for “facility modifications,” and renovations to existing buildings or for provision of the services they propose upon. Those Service Providers may be assigned various projects and tasks as may arise, based on the location and nature of the services required and the qualifications and resources of the Service Providers. Because the scope and number of projects and tasks are unknown at the time of contract execution, the contracts are known as ID/IQ contracts. The initial term of the ID/IQ contracts for these projects will be for 3 years. It is anticipated that ID/IQ contracts will be issued for at least three Service Providers for each region.

**Licensing.** All Service Providers and sub-consultant(s), employees or agents thereof, performing work per agreements awarded under this RFP, must have at all times throughout the duration of their performance of the work, all appropriate, valid license(s) required under law to provide the work being performed. If the possession of any license(s) including, without limitation, a valid California architect's license, is required under law for the performance of the work, the Service Provider must ensure that the work will either be performed by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual.

**Prevailing Wages.** All Service Providers and sub-consultant(s) shall pay all workers not less than the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work as determined by the Director of the Department of Industrial Relations, State of California, for the type of work performed and the locality in which the work is to be performed, pursuant to sections 1770 et seq. of the California Labor Code. Prevailing wage rates are available on the Internet at: <<http://www.dir.ca.gov>>. All Service Providers and sub-consultant(s) shall comply with the registration and qualification requirements pursuant to sections 1725.5 and 1771.1 of the California Labor Code.

**Subsequent Project Proposals.** Service Providers may be asked to propose on some projects ("Project Proposal(s)") but not on others or none at all. In some cases, more than one Service Provider will be asked to provide Project Proposals for the same project. Selection of Service Provider for a specific project is at the sole discretion of the Judicial Council. The Judicial Council will make efforts to award a fair share of the work to each of the Service Providers per region based on their Project Proposals, specific expertise, knowledge of and involvement with specific systems and/or facilities, and prior performance on this contract.

This RFP is the means for prospective Service Providers to submit their qualifications to the Judicial Council for the ID/IQ services for facility modification projects and those described above.

### **3. SCOPE OF SERVICES**

The scope of services requested under agreements awarded under this RFP include professional services of an architectural or engineering nature as well as incidental services that members of those professions and those in their employ may logically or justifiably perform, such as hiring a general contractor or trade to perform investigation or destructive testing under their direction.

Additional services as required may include the following:

- 3.1 Planning Research: Review, synthesize, update and/or supplement as required completed trial court facilities master plans and/or court programs;
- 3.2 Site analysis and consultation: Perform site analyses, including parking, traffic, zoning, on and off site utility and related utilization studies;
- 3.3 Architectural and engineering design services: Provide architectural, structural, civil, mechanical, electrical, plumbing, security, acoustical, interior design,

lighting, data/telecommunications, graphics, and related services which may be required in connection with planning, design and execution of building renovation projects. Special services may be requested as warranted by specific projects, including but not limited to, planning; vibration control; physical and electronic security design; parking structure design; parking lot planning and control.

- 3.4 Code analysis: Conduct and/or participate in building, planning, access and historical code analyses and reviews of existing facilities
- 3.5 Site planning and landscape architecture: Provide all services required to design, specify and coordinate site design, including grading, utilities, parking lots, driveways, hardscape, landscape, lighting and irrigation.
- 3.6 Project Reviews: Participate in peer and constructability reviews of projects
- 3.7 Support Services / Feasibility: To construct or de-construct (investigative and destructive testing) as necessary for exploratory analysis to refine design criteria and scope of work. Hire necessary trades at prevailing wages to the extent applicable. Work may also include, but is not limited to: water testing, load tests, seismic engineering, equipment testing, etc.
- 3.8 Cost Estimating.

#### **4. RESPONDING TO THIS RFP**

Responsive Proposals will provide straightforward, concise information that satisfies the requirements specified. Please only submit documentation which has been specified in this RFP. Materials sent which fall outside of that specified within this RFP may not be considered in proposal scoring.

Service providers who intend to respond to this RFP are requested to notify the Judicial Council by sending an email to [CapitalProgramSolicitations@jud.ca.gov](mailto:CapitalProgramSolicitations@jud.ca.gov) with the RFP number and title in the subject line. Please include the name, address, telephone, fax number, and email address of the Service Provider (firm) and contact person. Note however, that interested parties must check the Judicial Council's website for subsequent notices and announcements; the Judicial Council will not address individual parties directly during the bidding period.

A pre-proposal conference will be held to answer questions with regards to this RFP. This conference is mandatory to submit a Proposal. Failure to be represented at the pre-proposal conference will make you ineligible to submit a proposal. A pre-proposal conference must be attended in person in either San Francisco, Burbank, or Sacramento. The exact date, time, and location(s) will be posted on the Judicial Council website at: <http://www.courts.ca.gov/rfps.htm>

#### 4.1 **Proposal Format**

Proposals must be submitted in 3-ring binders or 3-hole soft report covers. It is encouraged to print double-sided to save paper. All page limits listed below refer to a single printed side on an 8.5" x 11" sheet of paper (exceptions are stated below). Five (5) complete copies are required for each region being considered. Proposals should be tabbed and include the following sections:

- A. Cover Letter – One (1) page limit - signed by an authorized representative of your organization, which provides the exact business name under which you propose to conduct business with the Judicial Council, and your address, telephone, fax number, e-mail address, and federal tax identification number. Your cover letter shall clearly indicate the Judicial Council Service Region you wish to be considered for (Bay Area/North Coastal region, Northern/Central region, and/or Southern region). If more than one region is to be considered, please state which region(s) you are applying for and which one this Proposal is to be considered for. You may propose for any or all Service Regions provided all requirements in Section 4.1 are complied with. Your letter must state that the Legal Agreement posted with this RFP is completely acceptable to the Proposer as posted. (one sheet maximum)
  
- B. Statement of Qualifications (SOQ) – Standard Form 330 and additional instructions:
  - i. **Standard Form 330, Rev 3/2013** (completed in its entirety) (U.S. General Services Administration), complete the following parts, per specific instructions included therein and can be found at: <http://www.gsa.gov/portal/forms/download/116486>
  - ii. Part I, Section C – Proposed Team: Four (4) additional pages may be attached, if needed.
  - iii. Part I, Section D – Organizational Chart: Two (2) page limit. May be printed on 11" x 17", landscape orientation, if desired.
  - iv. Part I, Section E – Resumes of Key Personnel: Twenty (20) page limit. This form must be utilized for all resumes.
  - v. Part I, Section F - Example Projects: Ten (10) projects are being requested related to building renovation and design. Twenty (20) page limit.
  - vi. Part I, Section H – Additional Information: Ten (10) page limit. The prospective Service Provider shall describe its specific responses to the selection criteria, numbered and titled to correspond to those listed in section 6, #1-5, Evaluation of Proposals, of this RFP.
  - vii. Part II – General Qualifications: Needs to be completed for Prime Proposer only, or both Proposers in the case of a Joint Venture.

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viii. Under Part II, box 11 “Annual Avg. Professional Services Revenues for last 3 years”, please consider field a. “Government” work and field b. “Non-government” work.

C. Payee Data Record – No page limit – completed in the exact name of the business entity under which you propose to do business with the Judicial Council. A separately printable copy of this form has been posted with this RFP as Attachment E.

D. Delinquent Taxpayer Status – Two (2) page limit. Prime Proposer only (or both Proposers in the case of a Joint Venture). Is your organization listed on either or both of the following lists?

i. State of California Franchise Tax Board’s “Top 500 Delinquent Taxpayers” (available at [https://www.ftb.ca.gov/aboutFTB/Delinquent\\_Taxpayers.shtml](https://www.ftb.ca.gov/aboutFTB/Delinquent_Taxpayers.shtml)); **and/or**

ii. California State Board of Equalization’s “Top 500 Sales & Use Tax Delinquencies in California” (available at <http://www.boe.ca.gov/sutax/top500.htm>)

Provide a signed statement saying yes or no. If yes, provide an explanation.

E. Attachment D “Hourly Rates” – filled out in its entirety. Do not change or edit this form. All lines must be filled with a rate. The Judicial Council is looking for a blended rate in cases where duplication might occur. Rates must be fully loaded and include Overhead and Profit.

F. One (1) CD-ROM or USB device containing all documentation required above in both Adobe PDF format and editable formats. Label your disk clearly with the name of your organization and with “A&E ID/IQ Services, REFM-2016-02-JT”.

4.2 Disabled Veteran Business Enterprise (DVBE) Participation Form is provided in this RFP as Attachment B. This documentation is not to be submitted with your Proposal but must be submitted by Service Providers upon award of contract, if any.

## 5. SELECTION PROCESS

5.1. An evaluation panel composed of predominantly Judicial Council staff will review and score the Proposals, based on the selection criteria given in this RFP, and establish a shortlist of at least five (5) of the highest scoring Proposals per Region in Attachment C.

- 5.2. Judicial Council will post the short-list on the website publishing for this RFP. Firms on the short-list will be notified of their interview time and place. Interviews will be held at the Judicial Council offices in San Francisco, Burbank, and/or Sacramento.
- 5.3. At any time, Judicial Council may contact previous Clients and Owners to verify the experience and performance of the prospective Service Provider, their key personnel, and their sub-consultants.
- 5.4. After the interviews the ranking of the firms according to the selection criteria will be adjusted and the highest-scoring firms will be contacted regarding contract execution. The names of the selected firms will be posted on the website posting for this RFP.

**6. EVALUATION OF PROPOSALS**

Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score the Statements of Qualifications submitted in your Proposal according to the following criteria and with the following weights:

<i>Points</i>	<i>Criteria</i>	<i>100 points maximum</i>
20	<b>1. Relevant Experience -</b> Past 7 years of relevant experience of the prospective Service Provider team and its key personnel-consultants in the development of quality solutions for court buildings, or similar program-intensive, public agency, institutional buildings; for non-project specific work, relevant experience in the evaluation of existing infrastructure, code compliance, design and/or planning solutions.	
20	<b>2. Quality Improvement -</b> Documentation that the Service Provider has delivered high quality consulting services and contract documents to its clients, and has in place an effective continuous quality improvement process.	
15	<b>3. Budget / Schedule -</b> Demonstrated ability of Service Provider to design building renovations within budget and on schedule and, for non-building work, demonstrate an ability to provide services on schedule and within budget to meet client program requirements and goals.	
15	<b>4. Problem Solving -</b> Demonstrate creative problem solving and solutions in dealing with difficult planning, programming, site planning-selection, architectural form generation, environmental evaluation-analysis	



10	<b>5. Regional Capacity -</b> Capacity to provide resources necessary to develop and manage work within the geographic region(s) for which you proposed.
20	<b>6. Hourly Rates -</b> Hourly rates for general Architectural Services, as provided in Exhibit D. With regards to the initial scoring to create the shortlist for advancement to the Oral Presentation stage, the full 20 points will be awarded if the form is completed properly per RFP instructions. Otherwise, 0 points will be awarded.

## 7. ADDITIONAL REQUIREMENTS

- 7.1 Proposals may be sent by registered mail, certified mail, using the overnight courier of your choice, or by hand delivery. Incomplete proposals will be rejected without review. **Proposals received after the deadline date and time shown below will be rejected without review.**
- 7.2 Proposal submissions must be sent to:
- Judicial Council of California  
Attn: Ms. Nadine McFadden  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688  
*(Indicate RFP Number and Name of Your Organization, at lower left corner of outer packaging)*
- 7.3 If a Proposal is to be submitted by hand, it will only be considered a valid submission if it is received at the reception desk of the Judicial Council on the **6th floor** of **455 GOLDEN GATE AVENUE, SAN FRANCISCO, CA 94102** (Hours: 9:00 A.M. to 5:00 P.M., Judicial Council Business Days). Service Providers are advised to obtain a handwritten receipt from the Judicial Council receptionist when submitting.
- 7.4 The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests. If you require a confirmation, please contact your delivery service.
- 7.5 The due date and time for submission of your proposals can be found in the most recent version of the Project Schedule posted to the California Courts' website (<http://www.courts.ca.gov/rfps.htm>) on which this RFP is posted. **Please keep**

**abreast of changes to the Project Schedule by monitoring the website throughout the duration of the proposal, evaluation, and award processes.**

## 7.6 Procurement Schedule and General Instructions

7.6.1 The Judicial Council has developed the following list of key events from RFP issuance through contract award. All deadlines are subject to change at the Judicial Council's discretion.

<i>No.</i>	<i>Events</i>	<i>Key Dates</i>
1	Issue RFP	<b>February 17, 2016</b>
2	Letter of Intent from Bidder to Participate in Pre-Proposal Conference	<b>March 1, 2016</b>
3	Pre Proposal Conferences	<b>March 9-11, 2016</b>
4	Deadline for Vendor Requests for Clarifications, Modifications or Questions	<b>March 15, 2016</b>
5	Clarifications, Modifications and/or Answers to Questions posted on the website	<b>March 22, 2016</b>
6	Proposal Due Date and time.	<b>April 7, 2016 @ 3:00 pm PST</b>
7	Oral Presentations / Interviews (Estimated).	<b>April 20-22 2016</b>
8	Notice of Intent to Award (Estimated)	<b>April 27, 2016</b>
9	Notice of Award (Estimated)	<b>May 4, 2016</b>
10	Full Performance Start Date	<b>June 1, 2016</b>

## 8. CONTRACT TERMS AND ADMINISTRATIVE RULES

- 8.1 Contracts with successful Proposers will be formed according to the Judicial Council Agreement form posted with this RFP. The initial term of this contract will be for three (3) years, beginning June 1, 2016. Two (2) subsequent one (1) year extensions may be offered at the discretion of the Judicial Council. Note that during subsequent terms, if any, rates shall be adjusted based on the California Bureau of Labor Statistics' Consumer Price Index for the preceding twelve (12) months prior to the increase becoming effective. Please refer to Exhibit D, Section 2 of the sample contract agreement.
- 8.2 In submitting a Proposal under this RFP, the prospective Service Provider must affirm that it has no objections to the use of the Standard Agreement as provided.

- 8.3 If a satisfactory contractual agreement has not been signed within 30 calendar days of provision of a contract draft, the Judicial Council reserves the right to terminate the award.
- 8.4 The Proposers selected under this RFP will not be precluded from consideration nor given special status in any future RFPs issued by the Judicial Council.
- 8.5 Provision of the Work: Work shall be provided in accordance with Service Work Orders to be issued by the Judicial Council under the Agreement resulting from this procurement, and shall be subject to the provisions of the Agreement accompanying this RFP, including any additional provisions specified in the Service Work Orders with regard to schedule, key personnel, and subcontractors.
- 8.6 Compensation: The method of compensation will vary on a Service Work Order-by-Service Work Order basis. See the Legal Agreement posted with this RFP for details.

**9. DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

- 9.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a participation goal of three percent (3%) of the total amount of the contract, or demonstration of a good faith effort to provide such a program.
- 9.2 The Judicial Council does not require that your DVBE program be developed, or that your DVBE compliance forms be submitted with your Proposal, nor will an early submission influence the evaluation of your Proposal. A copy of this form is incorporated as Attachment B of this RFP and a separately printable copy of this form has been posted to the website posting of this RFP for your later use if awarded the contract.
- 9.3 Submission of your DVBE commitment and the forms documenting it or your good faith effort to provide such a program will be required following notification of selection and prior to the signing of the legal agreement by the Judicial Council. Forms are provided here to familiarize you with this requirement and enable you to prepare for this effort if you are awarded the work. Information about DVBE resources can be found on the Executive Branch's internal website at <http://www.dgs.ca.gov/default.htm>, or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

**10. ADMINISTRATIVE RULES GOVERNING RFP**

- 10.1 The Judicial Council's Administrative Rules governing this RFP can be found in Attachment A. By virtue of submission of a Proposal; the Service Provider agrees to be bound by said Administrative Rules.

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- 10.2 The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred responding to this RFP. One copy of a submitted Proposal will be retained for official files and becomes a public record.

**Attachment A**

**JUDICIAL COUNCIL OF CALIFORNIA**

**ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS**

**A. General**

1. This solicitation (the “RFP”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “Proposal(s)”), the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of a Proposal, prospective Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B.
2. In addition to explaining the Judicial Council of California’ (Judicial Council’s) requirements and needs for goods and/or services, the RFP includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Prospective Service Providers must adhere to all instructions provided in the RFP when submitting Proposals.
3. An RFP, as published to the California Courts “Request for Proposals” page of the California Courts website, constitutes the entire statement of the Judicial Council’s solicitation with regard to the subject matter of the solicitation, and is not subject to any modification not posted in writing to said website. Any and all other communications, whether prior to or during the course of a solicitation, and whether given in writing, given verbally, or published to other Judicial Council, California Courts, State of California, or other websites are hereby disclaimed.

**B. Errors in the RFP or Administrative Rules**

1. If a prospective Service Provider who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP; is of the opinion that the structure of the RFP does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought; believes that one or more of the RFP’s requirements is onerous or unfair; believes that the RFP unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective Service Provider must, at least two (2) full Judicial Council business days before the due date of the Proposals, provide the Judicial Council with written notice of the same. The written notice shall be accompanied by a written explanation of why the

prospective Service Provider is of the opinion that the RFP or the Administrative Rules should be changed, as well as a written description of the modification sought. Said written notice must be in the form of an e-mail submitted to the e-mail address established for the submission of questions in the RFP. Failure to provide the Judicial Council with such written notice as specified above on or before the time specified above forfeits the prospective Service Provider's right to raise such issues later in the solicitation process.

2. Without disclosing the source of the request, the Judicial Council will evaluate the request and will, prior to the date established for submission of Proposals, at its sole discretion determine if it chooses to modify the RFP. Any modification is made it will be published by the Judicial Council to the Judicial Council's website advertising the solicitation.
3. If a prospective Service Provider submitting a Proposal knows of (or if it can be reasonably demonstrated should have known of) an error in the RFP but fails to notify the Judicial Council of the error as prescribed above, the prospective Service Provider is submitting a Proposal at its own risk, and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the Judicial Council.

**C. Questions; Requests for Access to Public Records; and Confidentiality**

1. Prospective Service Providers are entitled to ask questions about the RFP and the nature of the goods and/or services being solicited in accordance with the procedure for the submission of such questions specified in the RFP. Except as otherwise specified below, the Judicial Council's responses to questions submitted shall be published to the public website for the procurement.
2. The Judicial Council of California is bound by California Rule of Court 10.500 with regards to disclosure of public records.
3. If the Judicial Council receives a request for public access to documents submitted in response to this RFP or other documents related to this RFP, the Judicial Council will determine whether such documents, in whole or part, are subject to disclosure under Rule 10.500 or other applicable law and inform the inquiring party. If subject to disclosure under Rule 10.500, the Judicial Council will proceed to disclose the documents as public records.
4. Prospective Service Providers may note or mark portions of the information submitted on their proposal in response to this RFP indicating that certain information is confidential and/or proprietary.
5. If the Judicial Council finds or reasonably believes that any portions of the documents requested are exempt from disclosure for reasons of confidentiality, those portions of the documents will not be disclosed.

6. If the documents requested are marked confidential, and the Judicial Council reasonably believes that the material so marked is not confidential, the Judicial Council will contact the Prospective Service Providers with a request to substantiate its claim for confidential treatment, however, if the Judicial Council disagrees with the substantiation provided, the Judicial Council will proceed to disclose the documents as public records pursuant to rule 10.500 and other applicable law regardless of the marking or notation seeking confidential treatment.

**D. Addenda**

1. In response to questions raised, or at its sole discretion, the Judicial Council may modify the RFP website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of Proposals. Such modification shall be made via a posting of such change(s) to the Judicial Council's website.

**E. Withdrawal and Resubmission of Proposals**

1. A prospective Service Provider may withdraw its Proposal, but only in its entirety, at any time prior to the deadline for submitting Proposals by notifying the Judicial Council in writing of its withdrawal. Any such notice of withdrawal must bear the signature of an individual and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by e-mail to the e-mail address established for the submission of questions in the RFP document.
2. A prospective Service Provider who has withdrawn a Proposal may thereafter submit a new Proposal, provided that it is received at the Judicial Council no later than the Proposal due date and time specified in the RFP.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered, and, if received, will not be accepted as valid.
4. Proposals cannot be withdrawn after the Proposal due date and time specified in the RFP.

**F. Evaluation Process**

1. In accordance with the provisions of the RFP, an evaluation will be made of all Proposals rightfully received, to determine if they are complete with regard to the materials required for submission by the RFP and to determine if they otherwise comply with the requirements established in the RFP.

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2. If a Proposal submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFP, the Proposal will be rejected. A requirement will be judged to be material to the extent that it is not responsive to or is not in substantial accord with requirements of the RFP. Material deviations cannot be waived.
3. The Judicial Council, at its sole discretion shall have the right to waive immaterial deviations of Proposals with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFP.
4. The Judicial Council's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse that prospective Service Provider from material compliance with any other RFP requirement. The Judicial Council's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse other prospective Service Provider(s) from material compliance with that same requirement.
5. Proposals that make false or misleading statements or contain false or misleading information may be rejected, if, in the Judicial Council's sole opinion, the Judicial Council concludes that said statements and/or information were intended to mislead the Judicial Council.
6. During the evaluation of the Proposal's, the Judicial Council has the right to require a prospective Service Provider's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective Service Provider to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal to be materially in non-compliance with the requirements of the RFP.

**G. Proposals: Rejection, Negotiation, Selection Rights**

1. In accordance with the provisions of the RFP, the Judicial Council may reject any or all Proposals.
2. The Judicial Council reserves the right to negotiate the content of the Proposal proposed with individual prospective Service Providers if it is deemed in the Judicial Council's best interest.
3. The Judicial Council reserves the right to make no selection if, at the Judicial Council's sole discretion, Proposals are deemed to be outside the fiscal constraints of, or against the best interest of, the State of California.



**H. Award of Contract**

1. Award of contract, if made, will be in accordance with the provisions of the RFP except to the degree that any immaterial deviation(s) have been waived by the Judicial Council.
2. The actual execution of contracts is subject to availability of the funds necessary to pay for the goods and services by the State of California through its budgeting and appropriations methods. The Judicial Council makes no guarantee of funding through its solicitation for goods and/or services via an RFP.

**I. Execution of contracts**

1. The Judicial Council will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFP within the time specified in the RFP, or, if no time has been specified in the RFP, within thirty (30) calendar days following the date of publication of award. Exceptions to the contract documents posted with the RFP that are raised by a prospective Service Provider may delay the execution of contracts. If the negotiation of exceptions raised results in a delay of the planned time of execution past the time period allowed for as specified above (unless otherwise extended in writing by the Judicial Council), the Judicial Council, at its sole discretion, shall have the right disqualify the award made.
2. By submitting a Proposal, a prospective Service Provider consents to the use of the form of contract posted with the RFP rather than its own contract form. Questions about and major exceptions to the contract form should be submitted as questions in accordance with the provisions for the raising and answering of questions as given in the RFP, and not following notification of an award. The Judicial Council will make reasonable attempts to answer such questions, however, the contract will not be negotiated until after the award is made, and prospective vendors shall not construe the Judicial Council's responses to questions as the Judicial Council's final position on a question raised, nor rely on the Judicial Council's answers as a guarantee of a later successful negotiation of terms.

**J. Protest procedure**

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Service Provider to comply with any of the requirements of the protest procedures set forth herein will render a protest inadequate and will result in rejection of the protest by the Judicial Council. Such failure and subsequent rejection shall act to further forfeit the right of the prospective Service Provider to continue the protest, and is not appealable under this protest procedure.

3. A protest may only be based upon allegedly restrictive requirement in the RFP or upon alleged improprieties in regard to the Judicial Council's execution of its responsibilities with regard to receipt and evaluation of the Proposals, or grant of award(s) but only as such responsibilities are specified in the RFP document.

- a. Protests Based on Allegedly Restrictive Requirements:

Protests alleging restrictive requirements in the RFP must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFP raised later than as specified in Section C will not be considered a valid protest, will be rejected by the Judicial Council, and the prospective Service Provider shall have no further recourse under this procedure, including no further right of appeal.

- b. Protests Based on Alleged Improprieties in Regard to the Judicial Council's Execution of Its Responsibilities:

A prospective Service Provider who has actually submitted a Proposal may protest the Judicial Council's rejection of its Proposal for failure to comply with the requirements of the RFP, or upon the basis of an allegation of improprieties with regard to the Judicial Council's responsibility to fairly and impartially evaluate the Proposals and make awards, but only insofar as such responsibilities are specified in the RFP document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:

- i. If a Proposal is rejected because of an alleged failure to provide the Proposal to the Judicial Council on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a correct submission as specified by the RFP, the prospective Service Provider may file a protest. Said Service Provider must provide verifiable documentation that it has submitted a Proposal in compliance with all the RFP's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within five (5) full Judicial Council business days following the date of dispatch of the notice of rejection.
- ii. If a Proposal is rejected because the Proposal submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFP, the prospective Service Provider may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the

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Proposal submitted was in fact complete and/or was in fact in compliance with the RFP requirement(s) in question. Such protests must be filed within five (5) full Judicial Council business days following the date of dispatch of the notice of rejection.

- iii. If a Proposal fails to win an award or qualify the prospective Service Provider for a short listing for further evaluation and the prospective Service Provider alleges that said failure was due to a failure of the Judicial Council to fairly and impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities were specified in the RFP, the prospective Service Provider may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the Judicial Council has failed to fairly and impartially execute said responsibilities. Such protests must be filed within (5) full Judicial Council business days following the date of posting of award notices to the Judicial Council website for the RFP.
4. In order to be considered valid, all protests to be submitted:
- a. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document. PDF documents may accompany the e-mail as further detailed below.
  - b. Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
  - c. Must provide the title of the solicitation document under which the protest is submitted.
  - d. Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.
  - e. Must provide a detailed description of the specific ruling or relief requested.
  - f. Must cite **all** protests that the prospective Service Provider intends to make. Failure to raise a protest in the initial protest submittal shall act to disqualify the raising of that protest at a later date.

5. Any protest failing to meet or provide the appropriate requirements as noted above shall not be considered valid and will be rejected as non-compliant by the Judicial Council and the prospective Service Provider shall have no further recourse under this procedure, including any right of appeal.
6. If the course of investigation of a protest and when the Judicial Council deems necessary, the Judicial Council may request and protestor shall make best efforts to provide further evidence or documentation as requested by the Judicial Council.
7. The existence of a protest will in no way act to restrict the right of the Judicial Council to proceed with the procurement. The Judicial Council, at its sole discretion, may elect to withhold the contract award(s) until the protest is resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

**K. Protest Decisions**

1. The protest will be forwarded to the appropriate Contracting Officer at the Judicial Council, who will assess the protest submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.
2. If the protest submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.
3. The Contracting Officer will endeavor to provide the protesting prospective Service Provider with a written judgment within ten (10) Judicial Council business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.
4. If awarding a remedy, the Judicial Council shall, at its sole discretion, choose to employ any or a combination of the following remedies:
  - a. Award the contract consistent with the RFP
  - b. Extend an additional award to the protesting prospective Service Provider
  - c. Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective Service Provider
  - d. Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP

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- e. Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned
  - f. Other such remedies as the Judicial Council may deem necessary and appropriate.
5. While the Judicial Council will endeavor to investigate the protest and provide a written response to the prospective Service Provider within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the protest and is not able to provide a response within said period of time, the Judicial Council will notify the prospective protesting Service Provider of the expected time within which it shall provide a response.

**L. Appeals Submission**

1. The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting Service Provider thereafter seeks an appeal of the ruling or relief prescribed.
2. All appeals are subject to, and shall follow, the process provided below.
3. The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the Judicial Council's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the Judicial Council within five (5) Judicial Council business days following the date of issuance of the Judicial Council Contracting Officer's decision.
4. The justification for an appeal is specifically limited to the following.
  - a. Facts and/or information related to the protest, as previously submitted, that were not reasonably available at the time the protest was originally submitted; or
  - b. Allegation(s) that the Contracting Officer's decision regarding the protest contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
  - c. Allegation(s) that the decision of the Contracting Officer with regards to the protest was in error of law or regulation.
5. Appeals raising other justifications for appeal shall be rejected as non-compliant and the prospective Service Provider shall have no further recourse under this procedure, including any further right of appeal.
6. In order to be considered valid, all requests for appeal must be:

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- a. Submitted by e-mail to the e-mail address established for the submission of questions in the RFP document and addressed to the Judicial Council's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.
- b. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
- c. Must provide the title of the solicitation document under which the appeal is submitted.
- d. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.
- e. Must provide a detailed description of the specific ruling or relief requested.
- f. Must cite all appeals that the protesting prospective Service Provider intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

**M. Appeals Decisions**

1. The Judicial Council's Senior Manager, Business Services will assess the appeal submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply the Administrative Rules.
2. If the appeal submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy,
3. The Judicial Council Senior Manager Business Services will endeavor to provide the appealing prospective Service Provider with a written judgment within ten (10) Judicial Council business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.

4. While the Judicial Council will endeavor to investigate the appeal and provide a written response to the prospective Service Provider within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the appeal and is not able to provide a response within said period of time, the Judicial Council will notify the appealing prospective Service Provider of the expected time within which it shall provide a response.
5. The judgment of the Judicial Council Senior Manager Business Services and any relief or remedy specified shall be final and are not subject to further appeal.

**N. News Releases**

1. News releases pertaining to the existence or disposition of a protest or appeal may not be made without prior written approval of the Judicial Council Senior Manager, Business Services.

**O. Disposition of Proposal Materials Submitted**

1. All materials submitted in response to the RFP will become the property of the State of California and will be returned only at the Judicial Council's option and at the expense of the prospective Service Provider submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

**P. Payment and Withholding**

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP, however, prospective Service Providers are hereby advised that Judicial Council payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the Judicial Council and the selected Service Provider.
2. The Judicial Council may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount of the withhold may depend upon the length of the project and the payment schedule provided in the agreement between the Judicial Council and the awarded Service Provider.

**Attachment B**  
**DVBE Participation Form**

Proposer Name: \_\_\_\_\_

RFQ Project Title: \_\_\_\_\_

RFQ Number: \_\_\_\_\_

The State of California Judicial Branch's goal of awarding of at least three percent (3%) of the total dollar contract amount to Disabled Veterans Business Enterprise (DVBE) has been achieved for this Project. *Check one:*

**Yes** \_\_\_\_\_ *(Complete Parts A & C only)*

**No** \_\_\_\_\_ *(Complete Parts B & C only)*

*"Contractor's Tier" is referred to several times below; use the following definitions for tier:*

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

**PART A – COMPLIANCE WITH DVBE GOALS**

*Fill out this Part ONLY if DVBE goal has been met; otherwise fill out Part B.*

**INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION.**



**PRIME CONTRACTOR**

Company Name: \_\_\_\_\_  
 Nature of Work \_\_\_\_\_  
 Claimed Value: \_\_\_\_\_ DVBE \$ \_\_\_\_\_  
 Percentage of Total Contract Cost: \_\_\_\_\_ DVBE \_\_\_\_\_%

**SUBCONTRACTORS/SERVICE PROVIDERS/SUPPLIERS**

1. Company Name: \_\_\_\_\_  
 Nature of Work: \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: \_\_\_\_\_ DVBE \$ \_\_\_\_\_  
 Percentage of Total Contract Cost: \_\_\_\_\_ DVBE \_\_\_\_\_%
  
  2. Company Name: \_\_\_\_\_  
 Nature of Work: \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: \_\_\_\_\_ DVBE \$ \_\_\_\_\_  
 Percentage of Total Contract Cost \_\_\_\_\_ DVBE \_\_\_\_\_%
  
  3. Company Name: \_\_\_\_\_  
 Nature of Work: \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: \_\_\_\_\_ DVBE \$ \_\_\_\_\_  
 Percentage of Total Contract Cost \_\_\_\_\_ DVBE \_\_\_\_\_%
- GRAND TOTAL: \_\_\_\_\_ DVBE \_\_\_\_\_%

I hereby certify that the “Contract Amount,” as defined herein, is the amount of \$\_\_\_\_\_.  
 I understand that the “Contract Amount” is the total dollar figure against which the DVBE participation requirements will be evaluated.

<i>Firm Name of Proposer</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

**PART B – ESTABLISHMENT OF GOOD FAITH EFFORT**

*Fill out this Part ONLY if DVBE goal will not be met but you have made a good faith effort to meet such goal.*

**INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION**

1. List contacts made with personnel from state or federal agencies and with personnel from DVBEs to identify DVBEs.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

2. List the names of DVBEs identified from contacts made with other state, federal, and local agencies.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

3. If an advertisement was published in trade papers and/or papers focusing on DVBEs, attach proof of publication.

<i>Publication</i>	<i>Date(s) Advertised</i>

4. Solicitations were submitted to potential DVBE contractors (list the company name, person contacted, and date) to be subcontractors. Solicitation must be job specific to plan and/or contract.

<i>Company</i>	<i>Person Contacted</i>	<i>Date Sent</i>

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5. List the available DVBEs that were considered as subcontractors or suppliers or both.  
(Complete each subject line.)

<b><i>Company Name:</i></b>	
<b><i>Contact Name &amp; Title:</i></b>	
<b><i>Telephone Number:</i></b>	
<b><i>Nature of Work:</i></b>	
<b><i>Reason Why Rejected:</i></b>	

<b><i>Company Name:</i></b>	
<b><i>Contact Name &amp; Title:</i></b>	
<b><i>Telephone Number:</i></b>	
<b><i>Nature of Work:</i></b>	
<b><i>Reason Why Rejected:</i></b>	

<b><i>Company Name:</i></b>	
<b><i>Contact Name &amp; Title:</i></b>	
<b><i>Telephone Number:</i></b>	
<b><i>Nature of Work:</i></b>	
<b><i>Reason Why Rejected:</i></b>	

**PART C – CERTIFICATION** *(to be completed by ALL Service Providers)*

I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief, each firm set forth in this bid as a Disabled Veterans Business Enterprise complies with the relevant definition set forth in section 1896.61 of Title 2, and section 999 of the Military and Veterans Code, California Code of Regulations. In making this certification, I am aware of section 10115 *et seq.* of the Public Contract Code that establishes the following penalties for State Contracts:

Penalties for a person guilty of a first offense are a misdemeanor, civil penalty of \$5,000, and suspension from contracting with the State for a period of not less than thirty (30) days or more than one (1) year. Penalties for second and subsequent offenses are a misdemeanor, a civil penalty of \$20,000 and suspension from contracting with the State for up to three (3) years.

**IT IS MANDATORY THAT THE FOLLOWING BE COMPLETED ENTIRELY;  
FAILURE TO DO SO WILL RESULT IN IMMEDIATE REJECTION.**

<b><i>Firm Name of Proposer:</i></b>	
<b><i>Signature of Person Signing for Proposer</i></b>	
<b><i>Name (printed) of Person Signing for Proposer</i></b>	
<b><i>Title of Above-Named Person</i></b>	
<b><i>Date</i></b>	

# ATTACHMENT C

## Judicial Council of California Regional Map

### Judicial Counsel Of California Regional Map



**ATTACHMENT D**  
**Hourly Rates**

INSTRUCTIONS:

- (1) Check the box to denote whether services are to be performed in-house, by a sub-consultant, or both. This information is for reference only and will not affect scoring.
- (2) Provide the hourly rate to be charged through the initial term of the contract for the corresponding job title. All rates must be a single rate (example: \$80.00) and not a range. Hourly rates shall be expressed in dollar values with no more than two decimals.
- (3) Do not leave any "Hourly Rate" boxes blank. Do not edit this form.

**Prime Proposer:** \_\_\_\_\_

In-house	Sub-consultant	Service Type	Job Title	Hourly Rate
		General Architectural Services	Senior Principal	
			Principal	
			Senior Associate	
			Interiors Director	
			Project Manager	
			Senior Staff	
			Staff	
		All other services	Senior Principal	
			Senior Engineer	
			Senior Associate	
			Senior Planner	
			Senior Project Manager	
			Senior Landscape Architect	
			Principal	
			Engineer	
			Associate	
			Planner	
			Designer	
			Historian	
			Project Manager	
			Landscape Architect	
			Horticulturalist or Arborist	
			Estimator	
			Drafter / CAD Staff	
		Code Consultant		
		Surveyor		
		Support Staff		