

# Request for Proposals (RFP) for ID/IQ Post Occupancy Evaluation Services

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**The Judicial Council of California seeks to identify a number of firms qualified to provide Post Occupancy Evaluation services for various projects to be initiated between April 1, 2021, and March 31, 2026, with possible extensions to March 31, 2030.**

**PROPOSALS DUE: JANUARY 22, 2021  
NO LATER THAN 5:00 PM PACIFIC TIME**

**RFP NUMBER: RFP-FS-2020-09-JP**



**JUDICIAL COUNCIL  
OF CALIFORNIA**

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ADMINISTRATIVE DIVISION  
FACILITIES SERVICES

**Date**

December 1, 2020

**Action Requested**

Submit Proposals

**To**

Post Occupancy Evaluation Firms

**Deadline**

January 22, 2021 @ 5:00 pm PST

**From**

Judicial Council of California

**Contact**

[RFP-FS-2020-09-JP-COST@jud.ca.gov](mailto:RFP-FS-2020-09-JP-COST@jud.ca.gov)

**Project Title**

RFP Number: RFP-FS-2020-09-JP  
ID/IQ Post Occupancy Evaluation Services

Cc: [Johnny.Perez@jud.ca.gov](mailto:Johnny.Perez@jud.ca.gov)

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- Attachment A. Administrative Rules Governing Requests for Proposals
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## 1. INTRODUCTION

- 1.1 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 Facilities Services office is the division of the Judicial Council responsible for the planning, design, construction, and real estate and asset management of facilities for the court system of California.
- 1.2 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. The Judicial Council also oversees and operates a capital program for the construction of new court facilities throughout California. The Judicial Council currently has 10 capital projects in progress and has recently completed a program-wide reassessment of trial courts’ future capital construction needs.

## 2. PURPOSE OF THIS RFP

- 2.1 **Consultants.** Judicial Council seeks proposals from architectural, engineering, and/or construction management firms to provide the services of qualified, properly licensed consultants with expertise in all phases of Post Occupancy Evaluations (“**Proposal(s)**”). A Post Occupancy Evaluation (POE) is the practice of using systematic qualitative and quantitative methods to evaluate spaces, building systems, and operations to determine how well buildings support their activities and users. The POE process allows for the evaluation of a facility’s design, operations, equipment, and building systems to learn what works well and should be repeated in future courthouse projects and/or to identify problematic conditions which can be avoided or remedied in the future. It is anticipated that selected firms will perform POE that will assess the impact of decisions made during design and to assure that systems are performing as intended. The POE evaluates the success of design decisions made relative to cost savings/value engineering or innovation from the perspective of users as well as technical specialists. Selected firms will utilize technical construction, architecture, and engineering specialists to lead the POE effort, perform technical evaluations, and document the POE in report form. Prospective firms for the purpose of this RFP will be referred to as “**Consultants.**” Consultants will be evaluated and selected to provide services throughout the State.
- 2.2 **ID/IQ Contracts.** Multiple Consultants will be selected to enter into Indefinite Delivery/Indefinite Quantity (“**ID/IQ**”) contracts with the Judicial Council for Post Occupancy Evaluation services for new completed courthouse facilities. Those Consultants 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 Consultants (each a “**Project(s)**”). 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 five years. It is anticipated that ID/IQ contracts will be issued to at least two to five Consultants.

2.2.1 Posted with this RFP is the Judicial Council’s form of Standard Agreement, including the indemnification provision that the Judicial Council will include in that agreement, which the Judicial Council will utilize for the requested services. In accordance with the Judicial Council’s Administrative Rules Governing Requests for Proposals, attached hereto and incorporated herein as **Attachment A**, please indicate in Consultant’s Proposal if it has any comments or objections to the form of agreement.

**PLEASE NOTE:** the Judicial Council reserves the right in its sole discretion to reject any proposed changes or modifications to the form of Standard Agreement, and does not intend to consider any substantive changes to the form of Standard Agreement unless they are submitted with the Consultant’s Proposal pursuant to the instructions in this RFP; in the event that a Consultant is awarded a contract under this RFP and refuses to execute that contract unless or without requested changes or modifications thereto, the Judicial Council may revoke said award to the Consultant of the Services under this RFP. See section 4.7.1, Acceptance of Terms and Conditions, and section I, Execution of Contracts, of **Attachment A** of this RFP for further information and direction.

2.3 **Licensing.** All Consultants, and sub-consultant(s), employees or agents thereof, performing work per agreements awarded under this RFP must have, at the time of proposal and 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, satisfactory evidence of which may be requested by the Judicial Council at any time. All Consultant firms to be awarded a contract under this RFP must itself be a duly-licensed architect, mechanical engineer, and/or construction manager with a Class-B General Building Contractor’s license, as applicable, in California. The Consultant must ensure that the work will at all times be performed either by an appropriately licensed individual or, when legally permissible, under the direct supervision of an appropriately licensed individual. See section 3.3 of this RFP for additional licensing requirements.

2.4 **Prevailing Wages.** As applicable, all Consultants 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 online at:

<http://www.dir.ca.gov>. All Consultants and sub-consultant(s) thereof shall comply with the registration and qualification requirements pursuant to sections 1725.5 and 1771.1 of the California Labor Code when applicable.

- 2.5 **Subsequent Project Proposals.** Consultants may be asked to provide proposals on some Projects (“**Project Proposal(s)**”), but may not be asked to provide Project Proposals on other Projects or none at all. The Judicial Council, at its sole discretion, may choose to issue work in a round-robin rotation assigning Projects according to each Consultant’s qualifications with the intent to issue Projects equally based on prior Project performance. In some cases, more than one Consultant will be asked to provide Project Proposals for the same Project. The Judicial Council will award Consultants specific Projects and make efforts to award a fair share of the work to each of the Consultants based on their Project Proposals, specific expertise, knowledge of and involvement with specific systems and/or facilities, prior performance on this contract, and those other factors that the Judicial Council may deem pertinent for the work.
- 2.6 **Consultant Performance Management.** The Judicial Council may choose to conduct periodic Business Performance Reviews on completed Projects to evaluate the Consultant’s performance for quality assurance, safety, duration of the Project, Judicial Council satisfaction, and other relevant factors. The Judicial Council, at its sole discretion, may not offer subsequent Projects to and/or may terminate an agreement with any Consultants who do not meet minimum performance benchmarks specified in their Business Performance Review.
- 2.7 **No Follow-On Contracting.** For any Project that a Consultant is providing consulting services pursuant to an agreement awarded by this RFP, the Consultant is prohibited from also providing construction or subsequent consulting services under any separate contract or agreement the Consultant may have with the Judicial Council when such services are required, suggested, or otherwise deemed appropriate in any end products resulting from the agreement awarded by this RFP. This prohibition shall extend to Consultants’ sub-consultants whose services amount to more than ten percent (10%) of the monetary value of the Consultant’s agreement awarded by this RFP.
- 2.8 **Sole Means.** This RFP is the sole means for prospective Consultants to submit their qualifications to the Judicial Council for Post Occupancy Evaluation ID/IQ services, as described above.

### 3. SCOPE OF SERVICES

- 3.1 The scope of services requested under agreements awarded under this RFP includes professional consultant services for Post Occupancy Evaluations as well as incidental services that the professionals providing those services and those in their employ may logically or justifiably perform (“**Services**”).

- 3.2 A Post Occupancy Evaluation (POE) is a quality management and assessment tool of completed capital projects that provides an opportunity for the Judicial Council to assess the impact of decisions made during the facility's design and to assure that its systems are performing as intended. The POE evaluates the success of design decisions made relative to cost savings and value engineering or innovation from the perspective of the facility's users as well as a team of technical specialists.
- 3.3 The Consultant firm entering into any agreement awarded pursuant to this RFP must have performed a minimum of two (2) Post Occupancy Evaluations, as either the prime or sub-consultant at any tier, within the past seven (7) years.
- 3.4 At a minimum, a Consultant's POE team ("**POE Team**") shall consist of, whether in-house or by sub-consultant, the following qualified individuals, each of whom shall have experience in California courthouse projects or similar complex public works building construction projects.
  - 3.4.1 An architect currently licensed in the State of California.
  - 3.4.2 A construction manager currently holding a Class-B General Building Contractor's license in the State of California.
  - 3.4.3 A mechanical engineer currently licensed in the State of California. The mechanical engineer shall possess the expertise to evaluate the heating, ventilation and cooling systems, plumbing systems, building management system, and all relevant mechanical items to conduct a thorough POE and provide recommendations for corrections.
  - 3.4.4 An electrical engineer currently licensed in the State of California. The electrical engineer shall possess the expertise to evaluate the electrical, lighting and lighting control system, and all relevant electrical items to conduct a thorough POE and provide recommendations for corrections.
  - 3.4.5 A commissioning agent that holds a Commissioning Authority (CxA) certification.
  - 3.4.6 An audiovisual specialist.
  - 3.4.7 A security specialist.
- 3.5 **Description of Services.** The required Services include the following:
  - 3.5.1 The POE Team will develop and issue confidential on-line surveys to staff working in the Courthouse. The surveys are intended to help the POE Team

understand how the Courthouse staff thinks the facility is functioning. The second purpose is to identify any potential areas of concern that would need more careful evaluation during the site visit. The surveys must include, without limitation, the following:

- 3.5.1.1 A Building Condition Assessment issued only to individuals with direct knowledge of the physical condition and maintenance of the Courthouse site and building. Questions must address the condition/operation and on-going maintenance of building components and systems (e.g., materials and finishes, plumbing, electrical, mechanical, lighting, etc.).
  - 3.5.1.2 A Building Functional Assessment issued to individuals working in the Courthouse. Questions must address how well the staff thinks the building functions operationally. Survey participants are to be asked to provide information about function, organization, adjacencies, and “personal comfort” in individual workspaces, respective departments and workgroups, and the building in general.
  - 3.5.1.3 Fulfillment of the needs for LEED documentation for Thermal Comfort verification and other relevant credits.
- 3.5.2 The POE Team will review documents available on the Judicial Council SharePoint site or to be provided by the Judicial Council such as, without limitation:
- 3.5.2.1 California Trial Court Facilities Standards
  - 3.5.2.2 Judicial Council Policies and/or Practices
  - 3.5.2.3 Project Feasibility Report, where applicable
  - 3.5.2.4 Courthouse Programming Report, where applicable
  - 3.5.2.5 Courthouse Design and As-Built Drawings and Specifications
  - 3.5.2.6 Commissioning Plans and Reports
  - 3.5.2.7 Value Engineering Reports
  - 3.5.2.8 Cost Reduction Committee Reports (as applicable)
  - 3.5.2.9 Other relevant project specific reports and information as available
- 3.5.3 The POE Team will conduct site visit(s) to the courthouse. Activities occurring during the site visit(s) typically include, without limitation:
- 3.5.3.1 Interviews with Court staff, including Judicial, Administration, Departmental, Justice Partners, Sheriff and Facilities staff.

- 3.5.3.2 Touring Interviews during which the POE Team tours the building interviewing staff in their work areas.
- 3.5.3.3 Observations of operational/functional activities, including staff behaviors and opinions (e.g., things that work well and potential areas of improvement).
- 3.5.3.4 Observations and measurements of the environment (e.g., lighting levels, sound transmission, temperature, pressure, etc.).
- 3.5.3.5 Documentation of any changes that have been made to the building and/or systems since the completion of construction.
- 3.5.3.6 Observation of night lighting.
- 3.5.3.7 Photographs.
- 3.5.4 The POE Team will provide an analysis of information from site visits and additional information requests.
- 3.5.5 The POE Team will hold a consensus meeting(s) to review information collected in order to, without limitation:
  - 3.5.5.1 Identify any Critical or Life Safety items needing corrective action.
  - 3.5.5.2 Identify cost reduction items with a negative impact to building function, durability, or life cycle costs.
  - 3.5.5.3 Identify exemplary process, materials, systems to ‘feed forward’ into future courthouse projects by incorporation into program-wide goals and standards.
- 3.5.6 The Consultant will issue a POE Report which at a minimum will include:
  - 3.5.6.1 Introduction – Project scope and objectives and POE Team members.
  - 3.5.6.2 Post Occupancy Evaluation Methodology.
  - 3.5.6.3 Courthouse Description – General information and statistics.
  - 3.5.6.4 Summary and Recommendations – Summary of findings, recommendations for the courthouse, and recommendations for future courthouse design or construction.
  - 3.5.6.5 General Observations and Findings – POE Team notes during site visits(s), other investigations, etc. Typically, these will be grouped as follows:
    - 3.5.6.5.1 Architecture and Design
    - 3.5.6.5.2 Mechanical/Plumbing
    - 3.5.6.5.3 Electrical/Electronics/Security



- 3.5.6.5.4 Electronics/Lighting
- 3.5.6.5.5 Civil and Site Design
- 3.5.6.6 Appendixes – Typically these will include:
  - 3.5.6.6.1 Building Condition Assessment Survey results
  - 3.5.6.6.2 Building Functional Assessment Survey results
  - 3.5.6.6.3 Site Plans
  - 3.5.6.6.4 Floor Plans
  - 3.5.6.6.5 Energy Reports
  - 3.5.6.6.6 Cost Reduction/Value Engineering Reports
  - 3.5.6.6.7 Other relevant information
- 3.5.7 The Consultant will review any items that require correction, and develop a plan and a cost estimate to resolve the critical or life safety items.
- 3.5.8 The Consultant will identify items as cost reductions that have made a negative impact on the building functions, material durability, or life cycle costing. Based on these findings, the Consultant will provide modifications or updated goals and standards to reduce such negative impacts.
- 3.5.9 The Consultant will identify best practices and develop a plan to incorporate them into future courthouse projects.

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

- 4.1 Responsive Proposals will provide straightforward, concise information that satisfies all 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.
- 4.2 Consultants who intend to respond to this RFP are requested to notify Branch Accounting and Procurement by sending an email to [RFP-FS-2020-09-JP-COST@jud.ca.gov](mailto:RFP-FS-2020-09-JP-COST@jud.ca.gov) with the RFP number and name in the subject line (“ID/IQ Post Occupancy Evaluation Services / RFP-FS-2020-09-JP”). Please include the name, address, telephone, fax number, and email address of the Consultant (firm) and contact person. Note, however, that interested parties must check the Judicial Council’s Bidders/Solicitation website at <http://www.courts.ca.gov/rfps.htm> for subsequent notices and announcements; the Judicial Council will not address individual parties directly during this RFP’s solicitation period.

- 4.3 A pre-proposal conference call will be held to answer questions with regards to this RFP. This conference call is not mandatory to submit a Proposal. The pre-proposal conference call will be held remotely via phone. The exact date, time, and call-in number are listed in the below Procurement Schedule in section 7.2 of this RFP, which may be subsequently revised or updated on the Judicial Council website for this solicitation at: <http://www.courts.ca.gov/rfps.htm>. Consultants who intend to participate in this pre-proposal conference call are requested to notify Branch Accounting and Procurement of such prior to the date indicated in the RFP schedule (see section 7.2) by sending an email to [RFP-FS-2020-09-JP-COST@jud.ca.gov](mailto:RFP-FS-2020-09-JP-COST@jud.ca.gov) with the RFP name and number in the subject line (“ID/IQ Post Occupancy Evaluation Services / RFP-FS-2020-09-JP”).
- 4.4 **Proposal Submissions.** In light of the COVID-19 public health crisis, Consultants will submit Proposals electronically, in accordance with the instructions in section 7, General Instructions, of this RFP.
- 4.4.1 All documentation required by this RFP must be submitted in both Adobe PDF format and editable formats where applicable (e.g., Consultant should provide the Cost Proposal in Adobe PDF *and* MS Word formats). All files must be named clearly, and include the Consultant’s name and the title and number of this RFP (“IDIQ Post Occupancy Evaluation Services\_RFP-FS-2020-09-JP”).
- 4.4.2 Please note that Consultants must include the Cost Proposal separately from the Proposal’s other components. The Cost Proposal should be a separate file, named “RFP-FS-2020-09-JP Cost Proposal” with the Consultant’s name.
- 4.5 **Proposal Format.** Proposals shall be concise, printable on 8½” x 11” paper, inclusive of résumés, forms, and pictures, and bookmarked according to the numbering system reflected below.

Proposals should include all of—and be bookmarked and numbered according to—the following sections:

- 4.5.1 **Cover Letter:** A cover letter, signed by an authorized representative of your organization, that provides the exact business name under which you propose to conduct business with the Judicial Council, and your address, telephone, fax number, email address, and federal tax identification number. The cover letter must state that the Standard Agreement posted with this RFP is completely acceptable to the Consultant as posted except as otherwise specifically indicated, pursuant to section 4.7.1, Acceptance of the Terms and Conditions, of this RFP.
- 4.5.2 **Table of Contents:** A table of contents of the material contained in the Proposal should follow the cover letter, which should list the Qualification Questionnaire and Attachment Forms as well.

4.5.3 **Executive Summary:** The executive summary should contain a brief summary of Consultant's qualifications.

4.5.4 **Proposed Personnel / Project Team:**

4.5.4.1 Identify the key personnel that Consultant would assign to the Project(s), including their roles. For each, describe his or her experience with public works projects, including identifying the ten (10) most recent of those projects. List license numbers and dates issued. Include an organizational chart indicating all personnel and their positions. Sub-consultants may be proposed as part of the team in addition to employees.

4.5.4.2 Include resumes of key personnel who may be performing the Services for the Judicial Council. Specifically, define the role of each person and outline that person's individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the Judicial Council. Indicate Consultant's and personnel's availability to provide the Services.

4.5.5 **Statement of Services:** Prepare a detailed Statement of Services for which Consultant is submitting its Proposal, and briefly demonstrating Consultant's understanding of the Services and work required for the Projects (see section 3, Scope of Services, for reference). Consultant must specifically identify work or services which Consultant is **excluding** from its Statement of Services or which are **not** included or provided by Consultant; be advised, however, that the Judicial Council does not intend to award an agreement under this RFP to any Consultant that is unable or unwilling to provide the full scope of Services being requested.

4.5.6 **Consultant Information:**

4.5.6.1 Provide a brief history of Consultant, and, if a joint venture, of each participating entity. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.

4.5.6.2 Provide Consultant's current contact information and email address to send Consultant notifications hereunder.

4.5.6.3 Describe Consultant's philosophy and how Consultant will work with the Judicial Council staff in performing the Services.

4.5.6.4 Provide a statement of Consultant's financial resources and insurance coverage. Include a certification of correctness of Consultant's statement of financial resources.

4.5.6.5 Provide a statement of ALL claim(s) filed against Consultant in the past five (5) years. Briefly indicate the nature of the claim and the resolution, if any, of the claim(s).

**4.5.7 Prior Relevant Experience:**

4.5.7.1 Describe Consultant's experience with Post Occupancy Evaluations including the project names, locations, owner names, general descriptions, lists of firms involved, Consultant's role, and complete scopes of services provided. Describe the Consultant and sub-consultant relationships for each project.

4.5.7.2 Provide a list of ALL California public entities for which Consultant has provided the same or similar Services to in the past seven (7) years. Limit your response to no more than the three (3) most recent public entities. Include the names of the entity, a description of services provided, and the name of the contact person and telephone number at the entity. Also, indicate the Consultant's personnel that performed services for each entity.

4.5.8 **Approach to Project Management:** Provide Consultant's philosophy and approach to project management and completing a POE on a courthouse project.

4.5.9 **Additional Data:** Provide additional information about the Consultant as it may relate to Consultant's Proposal. Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the Judicial Council in understanding Consultant's qualifications and expertise.

4.5.10 **DVBE Certification:** If Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 9 of this RFP, Consultant must provide with its Proposal proof of its DVBE Certification including, without limitation, a copy of Consultant's DVBE certification approval letter, Consultant's Department of General Services (DGS) Supplier ID Number, active dates of Consultant's DVBE Certification, and a signed certification of its status by Consultant's disabled veteran owners and managers.

- 4.5.11 **Consultant’s Current Work Commitments:** Specify the current and projected workload of Consultant and describe Consultant’s ability to complete the expected Services as anticipated herein.
- 4.5.12 **Conflicts of Interest:** If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to similar work, the Project, or the Judicial Council that may have a potential to conflict with Consultant’s ability to provide the Services described herein to the Judicial Council. Consultants cannot submit, propose, bid, contract, sub-contract, consult, or have any other economic interests in the Project to which the Consultant may provide Services. The Consultant selected to provide the Services and any subsidiary, parent, holding company, or affiliate of the selected Consultant may not perform any construction work or submit a bid for the Project.
- 4.5.13 **Delinquent Taxpayer Status:** Provide a written and certified document identifying whether or not the Prime Proposer (or Prime Proposers if a joint venture) organization is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.
- State of California Franchise Tax Board’s “Top 500 Delinquent Taxpayers” (available at <https://www.ftb.ca.gov/aboutftb/delinquent-taxpayers.shtml>); and/or;
  - California State Board of Equalization’s “Top 500 Sales & Use Tax Delinquencies in California” (available at <http://www.boe.ca.gov/sutax/top500.htm>)
- 4.6 **Qualification Questionnaire:** All Consultants submitting a Proposal shall also submit a completed Qualification Questionnaire with its Proposal, the form of which is attached hereto as **Attachment B**.
- 4.6.1 Consultants must update their Qualification Questionnaire if Consultant’s status or information changes at any point during this solicitation.
- 4.6.2 A Consultant’s Proposal may be deemed nonresponsive if, without limitation, the Consultant’s Qualification Questionnaire is not submitted with its Proposal, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Consultant, is not updated as required, or is misleading or inaccurate in any material manner (e.g., financial resources are overstated, previous violations of law are not accurately reported, etc.).

- 4.7 **Attachment Forms.** With its Proposals, Consultants shall complete and provide the following forms. Failure to do so completely and accurately may cause the Consultant's Proposal to be deemed nonresponsive.
- 4.7.1 **Acceptance of Terms and Conditions Form, Attachment C:** Consultants must check the appropriate box and sign the form. If the Consultant marks the second box indicating it has exceptions to the form of Standard Agreement posted with this RFP that the Judicial Council will utilize for the requested Services, the Consultant must submit (i) a redlined version of the Standard Agreement that implements all proposed changes, and (ii) a written explanation and rationale for each exception and/or proposed change explaining why the change is necessary. An "exception" includes any addition, deletion, or other modification. **PLEASE NOTE:** the Judicial Council reserves the right in its sole discretion to reject any proposed changes or modifications to the form of Standard Agreement, and does not intend to consider any substantive changes to the form of Standard Agreement unless they are submitted with the Consultant's Proposal pursuant to the instructions in this RFP; in the event that a Consultant is awarded a contract under this RFP and refuses to execute that contract unless or without requested changes or modifications thereto, the Judicial Council may revoke said award to the Consultant of the Services under this RFP.
- 4.7.2 **Payee Data Record, Attachment D:** A separately printed and signed original Payee Data Record, completed in the exact name of the business entity under which Consultant proposes to do business with the Judicial Council.
- 4.8 **Sample Post Occupancy Evaluations.** Submit a minimum of two (2) complete Post Occupancy Evaluation Reports conducted by Consultant within the last seven (7) years.
- 4.9 **Cost Proposal, Attachment E.** Provide the hourly rates Consultant proposes to charge for all services utilizing **Attachment E** to this RFP. Do not change or edit this form. Rates must be fully loaded and include Overhead and Profit. Any travel and living expenses will be reimbursed pursuant to the Judicial Council Travel and Living Expenses Guidelines as set forth in **Attachment G**, Form of Standard Agreement, to this RFP.

## 5. SELECTION PROCESS

- 5.1. **Shortlist.** An evaluation panel composed of predominantly Judicial Council staff will review and score the Proposals, based on the qualifications-based selection criteria given in this RFP, and establish a shortlist of the highest scoring Proposals. Judicial Council will post the shortlist on the website publishing this RFP.
- 5.2. **Interviews.** The Judicial Council may, at its discretion, hold interviews of the Consultants that have been shortlisted. Consultants on the shortlist will be notified of

their interview time and place. Interviews are expected to be held remotely via Microsoft Teams video call. If the Judicial Council chooses not to hold interviews, the names of the selected Consultants will be posted on the website posting for this RFP.

- 5.3. **Reference Checks.** The Judicial Council will contact three (3) references of the interviewed Consultants identified in the Consultant References section of the Qualification Questionnaire to conduct a customer satisfaction survey of recently completed projects. Responding clients will be asked to score the following: Consultant's quality of work, scheduling practices, project and sub-consultant management, working relationships, and paperwork processing. Reference responses will be scored on a scale of one to five, with one being unsatisfactory and five being excellent. Reference evaluation forms will be totaled and be applied as indicated in section 6, Evaluation of Proposals, of this RFP.
- 5.4. **Final Rankings.** After the interviews, if any, the ranking of the Consultants according to the cost-based selection criteria (Cost Proposal) will be adjusted and the highest-scoring Consultants will be contacted regarding contract execution. The names of the selected Consultants will be posted on the website posting for this RFP (<http://www.courts.ca.gov/rfps.htm>). The selected Consultants will then be contacted regarding contract execution.
- 5.5. At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant, their key personnel, and their sub-consultants.
- 5.6. **Submission of Questions.** The Judicial Council will answer questions submitted by Consultants pertaining to this RFP. All questions must be submitted by completing **Attachment F**, Form for Submission of Questions. All questions must be submitted to [RFP-FS-2020-09-JP-COST@jud.ca.gov](mailto:RFP-FS-2020-09-JP-COST@jud.ca.gov) by the date identified in the timeline in section 7.2, Procurement Schedule, of this RFP.

## 6. EVALUATION OF PROPOSALS

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

Points	Criteria	100 points maximum
20	<p><b>1. Project Team Expertise</b>  Project team’s demonstrated experience with public works projects and Post Occupancy Evaluations, including roles, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff in performing the Services.</p>	
25	<p><b>2. Consultant’s Prior Relevant Experience</b>  Past seven (7) years of relevant experience of the prospective Consultant in the development of quality POE reports for court buildings or similar program-intensive, public agency buildings, relevant experience in the evaluation of existing infrastructure, code compliance, design and/or planning solutions, and remedial measures recommendations.</p>	
20	<p><b>3. Approach</b>  Consultant’s approach towards project management and performing Post Occupancy Evaluations.</p>	
5	<p><b>4. Reference Evaluation</b>  The Judicial Council will contact three (3) references provided by the Consultant to evaluate previous client satisfaction. See section 5.3, Reference Checks, of this RFP for additional details.</p>	
5	<p><b>5. DVBE Incentive</b>  Consultant will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to section 9 of this RFP; note that the DVBE incentive will only be awarded if the Consultant itself is a DVBE.</p>	
25	<p><b>6. Hourly Rates</b>  Hourly rates for the consultant services requested by this RFP, as provided in Consultant’s Cost Proposal, <b>Attachment E</b>.</p>	



**7. GENERAL INSTRUCTIONS**

7.1 **Submission Format.** In light of the COVID-19 public health crisis, Consultants will submit Proposals electronically. See section 4.4, Proposal Submissions, of this RFP for further details.

Incomplete proposals may be rejected without review, and **Proposals received after the applicable deadline date and time will be rejected without review.**

7.1.1 Proposals being submitted electronically must be sent to the following address; provided, however, that electronic submissions should not be emailed more than five (5) business days in advance of the applicable deadline date:

[RFP-FS-2020-09-JP-COST@jud.ca.gov](mailto:RFP-FS-2020-09-JP-COST@jud.ca.gov)

*Indicate the RFP number and name of Consultant’s organization in the subject line of the email.*

7.1.2 The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests.

7.1.3 The due date and time for submission of Proposals can be found in the most recent version of the RFP schedule posted to the California Courts’ website (<http://www.courts.ca.gov/rfps.htm>) at which this RFP is posted. **Please keep abreast of changes to the RFP schedule by monitoring the website** throughout the duration of the proposal, evaluation, and award processes.

**7.2 Procurement Schedule.**

7.2.1 The Judicial Council has developed the following list of key events from RFP issuance through performance start date. All deadlines are subject to change at the Judicial Council’s discretion.

<i>No.</i>	<i>Event</i>	<i>Key Date</i>
1	Issue RFP	<b>December 1, 2020</b>
2	Consultant’s Notice of Intent via Email to Participate in Pre-Proposal Conference Call	<b>December 14, 2020</b>
3	Voluntary Pre-Proposal Conference Call Call No.: 1-877-820-7831 (Toll: 720-279-0026) Participant Code: 442926	<b>December 15, 2020 @ 3:00 PM PST</b>
4	Deadline for Consultants’ Requests for Clarifications, Modifications, or Questions	<b>December 18, 2020</b>

<i>No.</i>	<i>Event</i>	<i>Key Date</i>
5	Clarifications, Modifications, and/or Answers to Questions Posted on the Judicial Council Website	<b>December 23, 2020</b>
6	<b>PROPOSAL DUE DATE AND TIME</b>	<b>JANUARY 22, 2021 @ 5:00 PM PST</b>
7	Shortlist of Interviewees Posted on the Website	<b>Week of February 1, 2021</b>
8	Oral Presentations / Interviews (Estimated)	<b>Week of February 15, 2021</b>
9	Notice of Intent to Award (Estimated)	<b>February 22, 2021</b>
10	Contract Execution Date (Estimated)	<b>April 1, 2021</b>

## 8. CONTRACT TERMS AND ADMINISTRATIVE RULES

- 8.1 All submitted Proposals shall constitute and be an irrevocable offer by the Consultant that is valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Consultants. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.
- 8.2 Contracts with successful firms will be formed according to the Judicial Council Standard Agreement form posted with this RFP. The initial term of this contract will be for five (5) years, which is estimated to commence on or about April 1, 2021. Two (2) subsequent two (2)-year extensions may be offered at the discretion of the Judicial Council. Note that during subsequent terms, if any, rates may be adjusted based on the California Bureau of Labor Statistics' Consumer Price Index increase for the preceding twelve (12) months prior to the increase becoming effective.
- 8.3 In submitting a Proposal under this RFP, the prospective Consultant must affirm that it has no objections to the use of the Standard Agreement as provided, pursuant to this RFP.
- 8.4 If a satisfactory contractual agreement has not been signed within thirty (30) calendar days of provision of a contract draft, the Judicial Council reserves the right to terminate the award.
- 8.5 Consultants selected under this RFP will not be precluded from consideration nor given special status in any future requests for proposals issued by the Judicial Council.
- 8.6 **Provision of the Work.** Work shall be provided in accordance with Service Work Orders to be issued by the Judicial Council under the Standard Agreement resulting from this procurement, and shall be subject to the provisions of the Standard Agreement

accompanying this RFP, including any additional provisions specified in the Service Work Orders with regard to schedule, key personnel, and sub-consultants.

- 8.7 **Compensation.** The method of compensation will vary on a Project-by-Project basis. See the Standard Agreement posted with this RFP for details.

## 9. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 9.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%).
- 9.2 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive.
- 9.3 Consultants will receive a DVBE incentive if, in the Judicial Council's sole determination, Consultant has met all applicable requirements. If Consultant receives the DVBE incentive, a number of points will be added to the score assigned to the Consultant's Proposal. The number of points that will be added is specified in section 6 of this RFP.
- 9.4 To receive the DVBE incentive, the Consultant itself must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal (i.e., by submission of a copy of the Consultant's valid DVBE certification approval letter, etc.). Please note that the DVBE incentive will only be awarded to Consultants that can be verified as a certified DVBE. A non-DVBE Consultant, regardless of whether it intends to utilize DVBE sub-consultants, is not eligible for the DVBE incentive.

## 10. ADMINISTRATIVE RULES GOVERNING RFP

- 10.1 The Judicial Council's Administrative Rules Governing Requests for Proposals applicable to this RFP can be found in **Attachment A**. By virtue of submission of a Proposal, the Consultant agrees to be bound by said Administrative Rules.
- 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 requests for proposals 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 in responding to this RFP. One copy of a submitted Proposal will be retained for official files and become a public record.