



**Request for Qualifications to
Prequalify General Contractors as
Prospective Bidders**

**Fire Life Safety
Egress System Upgrade Project
El Cajon, CA**

Judicial Council of California

**RFP-FS-2021-23-JP
Request for Qualifications**

Issued: April 22, 2022

Due: May 2, 2022

DUE NO LATER THAN 5 PM PACIFIC TIME

Date: April 22, 2022

To: Interested General Contractors

From: Judicial Council of California, Capital Program

Project Title: Fire Life Safety Egress System Upgrade
Project, El Cajon, CA

RFQ Number: RFP-FS-2021-23-JP

Send Prequalification Questionnaires To:

Email to: <mailto:RFP-FS-2021-23-JP-El-Cajon-Submit-Qualifications>

Contact: <mailto:solicitations@jud.ca.gov>

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1. Introduction.

- 1.1. **Judicial Council.** Judicial Council of California (“Council”), chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Council is supported by an administrative agency also called Judicial Council of California (“Judicial Council”). Judicial Council issues this Request for Qualifications to Prequalify General Contractors as Prospective Bidders (“RFQ”) for the Fire Life Sa fety Egress System Upgrade Project, as further described in the “Project Description” section below (“Project”).
- 1.2. **Purpose / Eligibility.** Through this RFQ, Judicial Council invites the submission of Submittal Packages (as defined below) from appropriately licensed general contractors (“Contractor(s)”) to prequalify as eligible to submit a bid to perform construction services for the Project. The Submittal Package includes the prequalification questionnaire attached hereto as **Attachment 1** (“Prequalification Questionnaire”) and financial statements / information requested therein. Contractors will **NOT** be submitting a bid in response to this RFQ. Judicial Council will prequalify Contractors who satisfy the minimum scoring requirements to prequalify as set forth in **Attachment 2** (“Prequalification Scoring”) (“Prequalified Contractor(s)”). Judicial Council will then issue an Invitation to Bid that includes the project manual and bid documents (“Project Manual”), to Prequalified Contractors inviting the submission of bids.
- 1.3. **Attachments.** The following are attachments to this RFQ:
 - 1.3.1. **Attachment 1:** Prequalification Questionnaire.
 - 1.3.2. **Attachment 2:** Prequalification Scoring.
- 1.4. **Schedule of Events.**

1.0	RFQ: Prequalification & Evaluation	
1.1	Judicial Council Issues RFQ	April 22, 2022
1.2	Completed Pre-qualification Forms Submitted by Prospective Bidders	Due 5:00 p.m. May 2, 2022
1.3	RFQ Shortlisted Contractors Posted to Web Site http://www.courts.ca.gov/rfps.htm	May 6, 2022
2.0	RFP: Invitation to Bid & Award	
2.1	Invitation to Bid posted to Web Site http://www.courts.ca.gov/rfps.htm	May 9, 2022
2.2	Non-Mandatory Conference Call Call-In Number: 1-877-820-7831 Participant Passcode: 109630	May 12, 2022
2.3	Mandatory Bid Walk Note: JCC Project Mgr. to Contact Shortlisted Contractors	May 19, 2022
2.4	Deadline for Contractors to Submit Questions at: mailto:solicitations@jud.ca.gov	Due 3:00 p.m. on May 23, 2022
2.5	Judicial Council Posts Responses to Questions at: http://www.courts.ca.gov/rfps.htm	Due 5:00 p.m. on May 26, 2022
2.6	DEADLINE FOR SUBMISSION OF SEALED BIDS	Due 5:00 p.m. on June 6, 2022
2.7	Judicial Council Review of Bid Proposals	June 8, 2022
2.8	Judicial Council Award of Project	June 9, 2022
2.9	Execution of Contract (Estimated)	June 24, 2022

The above Schedule of Events reflects Judicial Council’s **anticipated** Schedule of Events for this RFQ and the remainder of the procurement for the Project. Judicial Council reserves the right, in its sole discretion, to modify this Schedule of Events. Judicial Council does not send notifications of changes to the Schedule of Events directly to prospective Contractors. **Contractors are advised to visit Judicial Council website <http://www.courts.ca.gov/rfps.htm> frequently to check for changes and updates to the Schedule of Events.** Judicial Council is not responsible for the failure of any Contractor to receive notification of changes in a timely manner.

1.5. **Communications with Judicial Council.**

- 1.5.1. **Submitting Questions.** All communications with, or questions to, Judicial Council in any way concerning this RFQ must be in writing and submitted via e-mail to <mailto:solicitations@jud.ca.gov>. Questions must be received **NOLATER THAN** the date and time identified as the “Deadline for Contractors to Submit Questions” in the above Schedule of Events.
- 1.5.2. **Judicial Council Responses.** Judicial Council will reply to questions regarding this RFQ by the date identified as “Judicial Council Posts Responses to Questions” in the Schedule of Events. Judicial Council will post responses to questions on Judicial Council website <http://www.courts.ca.gov/rfps.htm>. **Contractors are solely responsible for accessing the website and reviewing Judicial Council’s responses.**
- 1.5.3. **Restriction on Communications.** Contractors and/or their agents must **NOT** communicate on the subject matter of this RFQ with any Judicial Council personnel, other Judicial Council representatives, or consultants associated with this procurement. **Violation of this restriction shall disqualify any Contractor from consideration.**

2. **Project Description.**

- 2.1. **Estimated Construction Cost.** The total estimated cost to construct the Project is **\$13,600,000**.
- 2.2. **Estimated Construction Timeline.** The Judicial Council anticipates issuing a notice to proceed for construction of the Project in or about **July 2022**. The Project has an anticipated duration of **730 calendar days**.
- 2.3. **Courthouse/Location.** The Project will be constructed at the East County Regional Center, 250 E. Main St., El Cajon, CA 92020 (“Courthouse”).
- 2.4. **Project Overview.** The Project is a fire, life, and safety egress system upgrade project occurring throughout the interior tenant floors, and some peripheral exterior areas, of the Courthouse. The Project involves upgrading the stair pressurization system to stairwells 1, 2, 3, 4, 15, and 16. All upgrades will comply with accessibility requirements, and will include work on lighting, and miscellaneous mechanical, electrical, and plumbing (“MEP”) items throughout the Courthouse. The Project will involve the installation of forty-nine (49) new vestibules at the pressurized stairways, two new two-hour passageways, as well as upgrades to the interior spaces of the Courthouse, including lighting, signage, and miscellaneous MEP items as required for the major circulation area on every floor. A new telescoping secured vehicular gate at the sheriff’s parking area and fencing and exit discharge components will be upgraded to support the secure parking area. **This is meant as a general description of the scope of work for the Project. Final plans and specifications will be issued with the Project Manual for the Project.**

3. **Contractor Eligibility.** Contractors interested in responding to this RFQ must meet the following requirements:

- 3.1. **Required Licenses.** The Project requires that the selected Contractor maintain one or more of the following State of California Contractor Licenses: (i) C-16 (Fire Protection); (ii) B (General Building Contractor); and (iii) C-10 (Electrical Contractor).

- 3.2. **No Debarment.** No Contractor or subcontractor who is ineligible to bid, work on or be awarded a public works project pursuant to section 1777.1 or 1777.2 of the Labor Code is eligible to bid, be awarded a contract, or otherwise perform work on the Project. A person or entity who has been convicted of violating a state or federal law respecting the employment of undocumented workers within the past five (5) years will **NOT** be eligible to submit a bid, or be awarded a contract, for the Project.
- 3.3. **Labor Code Provisions.**
- 3.3.1. The successful Contractor and all subcontractors under Contractor must pay all workers on work performed pursuant to a contract for the Project 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 (“DIR”), 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 Labor Code. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the contract, as determined by Director of the DIR, are on file at Judicial Council’s principal office. Prevailing wage rates are also available from Judicial Council or on the internet at (<http://www.dir.ca.gov>).
- 3.3.2. The Project is subject to compliance monitoring and enforcement by the DIR. The successful Contractor must post job site notices, as prescribed by regulation. The successful Contractor must comply with all requirements of Labor Code section 1771.4, except the requirements that are exempted by the Labor Commissioner for the Project.
- 3.3.3. All Contractors must comply with the registration and compliance monitoring provisions of Labor Code section 1771.4, including furnishing its certified payroll records (“CPR(s)”) to the Labor Commissioner of California and complying with any applicable enforcement by the DIR. Labor Code section 1771.1(a) states the following:

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

4. **Project Procurement Process.**

- 4.1. **STEP 1: Prequalification.** Judicial Council will review and score submitted Submittal Packages consistent with the Prequalification Scoring. Contractors whose Submittal Packages receive the minimum points required in the Prequalification Scoring will be prequalified to bid on the Project. Judicial Council will notify Contractors if they are prequalified to submit a bid for the Project. **Prequalification for the Project pursuant to this RFQ is MANDATORY before Contractors submit a bid for the Project. Prior prequalification with Judicial Council WILL NOT apply to this Project.**
- 4.2. **STEP 2: Invitation to Bid / Submission of Bid.** Judicial Council will then issue the Project Manual to Prequalified Contractors. Prequalified Contractors may submit a bid as set forth in the Project Manual. The Project will be awarded to the **lowest responsive and responsible bidder** consistent with the requirements set forth in the Project Manual. **Bids received from Contractors that have not been prequalified will be rejected.**

5. **Responding to RFQ.** Contractors must comply with the following to respond to this RFQ:
- 5.1. **Submission of Submittal Packages.** Contractors must complete and submit (collectively, “Submittal Package(s)”):
- 5.1.1. **Prequalification Questionnaire.** The Prequalification Questionnaire attached hereto as **Attachment 1**, along with any additional pieces of paper or documents required to fully respond to the Prequalification Questionnaire; and
- 5.1.2. **Financial Information.** The financial statements and information requested in the Prequalification Questionnaire (“Financial Information”).
- 5.2. **Complete Submittal Packages.** Submittal Packages shall conform to all requirements of this RFQ. Contractor’s Prequalification Questionnaires must be complete and responsive, and shall conform with the instructions in the Prequalification Questionnaire. Contractors must answer all questions contained in the Prequalification Questionnaire and submit **ALL** information requested in the Prequalification Questionnaire. Contractors must submit the Financial Information as requested in the Prequalification Questionnaire.
- 5.3. **Email Submission.** Complete Submittal Packages must be emailed to the following email addresses: rfp-fs-2021-23-jp-el-cajon-submit-qualifications@jud.ca.gov The subject line of Contractor’s email submitting the Submittal Package must include: (i) the RFP Number (RFP-FS-2021-2023-JP); and (ii) the name of the Contractor. The Judicial Council does not issue communications confirming receipt of email submissions and Contractors are asked to not contact the Judicial Council making any such requests. **Submittal Packages may be emailed NO MORE than three (3) days in advance of the date indicated in “Deadline for Submissions of Submittal Packages” in the Schedule of Events.**
- 5.4. **Submission Requirements.**
- 5.4.1. **Format of Submission.** All Submittal Packages **MUST** be in electronic, .pdf format. Judicial Council will **NOT** accept hardcopies.
- 5.4.2. **Submittal Package Content.** Since this RFQ requests electronically submitted Submittal Packages, Contractors may submit the Submittal Package by either:
- 5.4.2.1. Submitting the Prequalification Questionnaires and the Financial Information as **ONE (1)** .pdf document; or
- 5.4.2.2. Submitting the Prequalification Questionnaires and the Financial Information as **TWO (2) SEPARATE** .pdf documents.
- All files must clearly indicate the content of the .pdf file, and must include in the file’s title, at a minimum: (i) Contractor’s name; (ii) the RFQ number (RFQ-FS-2021-2022-JP); and (iii) the date of submission.
- 5.5. **Timely Submission of Submittal Packages / Costs of Submission.** Contractors are solely responsible for the costs of preparing and submitting a Submittal Package. Contractors must submit Submittal Packages to Judicial Council **NO LATER** than the time and date indicated in “Deadline for Submission of Submittal Packages” in the Schedule of Events. Judicial Council is not responsible if a Contractor’s delivery service or method results in an untimely submission of a Submittal Package.
- 5.6. **Change in Information.** Contractors shall notify Judicial Council in writing in the event any of Contractor’s license(s) expire, is, or may be, suspended, Contractor has a change in signatory authority after submission of its Submittal Package, or of any material change to information submitted in the Submittal Package. **If a Contractor fails to comply with this requirement, Judicial Council reserves the right to disqualify a Contractor from participating in the RFQ**

or bidding process, as applicable, or, if Contractor is selected for the Project, to terminate any resulting contract for cause.

6. Evaluation & Prequalification.

- 6.1. **Scoring & Prequalification.** Judicial Council will review timely submitted Submittal Packages and score them consistent with the Prequalification Scoring. Contractors that receive the minimum scoring required to prequalify by the Prequalification Scoring will be deemed prequalified and to submit a bid for the Project.
- 6.2. **Notification.** Judicial Council will notify Contractors of their prequalification status on its website at: <http://www.courts.ca.gov/rfps.htm> **Judicial Council will not notify Contractors directly and Judicial Council is not responsible for a Contractor's failure to ascertain its prequalification status.**
- 6.3. **Withdrawal and Resubmission / Modification of Submittal Packages.** A Contractor may withdraw its Submittal Package at any time before the date fixed for submission of Submittal Packages by notifying Judicial Council in writing of the withdrawal of the Submittal Package. The notice must be signed by an individual authorized to bind Contractor. Contractor may thereafter submit a new or modified Submittal Package, provided the new or modified Submittal Package is received by Judicial Council no later than the date fixed for submission of Submittal Packages. Modifications offered in any other manner, oral or written, will not be considered. Submittal Packages cannot be changed or withdrawn after the date fixed for submission of Submittal Packages.
- 6.4. **Disqualification.** Judicial Council reserves the right to disqualify any Contractor based upon a lack of proper licensure, failure to maintain required registration with DIR, a history of serious violations of law, debayment, or any other factor that would interfere with Judicial Council's ability to enter into a contract with Contractor, regardless of scoring, and at Judicial Council's sole and absolute discretion.
- 6.5. **Nonresponsive Submittal Packages.** Judicial Council reserves the right to reject any Submittal Package as nonresponsive to any part of this RFQ, or for any other reason identified in the "Disqualification" section above.
- 6.6. **Waiver of Irregularities & Rejection of Submittal Packages.**
 - 6.6.1. Judicial Council reserves the right to waive non-substantial irregularities and omissions contained in a Submittal Package and to make all final determinations regarding the qualifications of a Contractor and the responsiveness of any Submittal Package.
 - 6.6.2. Judicial Council will reject a Submittal Package if the requested information and materials are not provided or not provided by the date and time identified in the Schedule of Events. Submittal Packages that include questionnaires not submitted on the form Prequalification Questionnaire attached hereto as **Attachment 1**, or Prequalification Questionnaires that have been altered by Contractor, will be rejected. Submittal Packages submitted without the Financial Information will be rejected. The date fixed for submission of Submittal Packages will not be changed in order to permit a Contractor to supplement an incomplete or late Submittal Package. Failure to timely submit Submittal Packages shall not provide a basis for appeal.
- 6.7. **Qualification Status.** Judicial Council reserves the right to adjust, increase, limit, suspend, or rescind Contractor's prequalification status based on subsequently learned information.

7. **Administrative Requirements.**

7.1. **Disabled Veteran Participation Goals.**

7.1.1. Judicial Council requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (“DVBE(s)”). Judicial Council will require the selected Contractor to demonstrate DVBE compliance.

7.1.1.1. The selected Contractor may complete a DVBE Participation Form that will be provided with the Project Manual at any time to reflect any DVBEs that take part in any part of the Project.

7.1.1.2. In addition, the selected Contractor is required to complete a DVBE Participation Form that will be provided with the Project Manual when submitting its bid and during the Project.

7.1.2. Information about DVBE resources can be found on the Executive Branch’s internal website at <http://www.dgs.ca.gov/pd/Programs/OSDS/legislation.aspx> or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

7.2. **California Rules of Court, Rule 10.500 – Public Access to Judicial Administrative Records.** Records created as part of a Submittal Package and selection process are generally subject to California Rules of Court, Rule 10.500 and may be available to the public absent an exemption. Information required in the Submittal Package that is not otherwise subject to disclosure under Section 68106.2 and Rule 10.500 of the California Rules of Court shall not be open to public inspection. If a Submittal Package contains material noted or marked as confidential and/or proprietary that, in Judicial Council’s sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for records. If Judicial Council does not consider such material to be exempt from disclosure under Rule 10.500, the material will be made available to the public, regardless of the notation or markings. A Contractor that indiscriminately identifies all or most of its Submittal Package as exempt from disclosure may be deemed non-responsive.

7.3. **Errors in the RFQ.** If Contractor discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFQ, Contractor shall immediately provide Judicial Council with written notice of and request that the RFQ be clarified or modified. Without disclosing the source of the request, Judicial Council may modify the RFQ prior to the date fixed for submission of Submittal Packages by issuing an addendum. **Failure of Contractor to inform Judicial Council of any ambiguity, conflict, discrepancy, omission, or other error in this RFQ will be deemed a waiver thereof and will not be grounds for a protest or appeal.**

7.4. **Addenda.** Judicial Council may modify the RFQ prior to the date fixed for submission of Submittal Packages by posting an addendum on Judicial Council website. If Contractor determines that an addendum unnecessarily restricts its ability to submit its Submittal Package, it must notify Judicial Council no later than one (1) day following the posting of the addendum.

8. **Protest Procedure.**

8.1. **General.** Failure of Contractor to comply with the protest procedures set forth in this section will render a protest inadequate and non-responsive, and will result in rejection of the protest.

8.2. **After Posting of Prequalified Contractor(s).**

8.2.1. Contractor may protest Judicial Council’s prequalification determination based on allegations of improprieties occurring after posting of the list of Prequalified Contractors if the protest satisfies all of the following conditions:

8.2.1.1. Contractor has submitted a Submittal Package that it believes to be responsive to this RFQ.

8.2.1.2. Contractor believes that Judicial Council should have prequalified Contractor.

8.2.2. The protest must be received no later than **FIVE (5) business days** after Judicial Council posts the list of Prequalified Contractors on its website.

8.3. **Form of Protest.**

8.3.1. The protest must be in writing and sent by certified, or registered mail, or overnight delivery service (with proof of delivery), or delivered personally to the following address: Judicial Council of California 455 Golden Gate Ave., San Francisco, CA 94102-3688. If the protest is hand-delivered, a receipt must be requested from Judicial Council and maintained in its original form by Contractor to verify service.

8.3.2. The protest shall include the name, address, telephone and facsimile numbers, and email address of Contractor or its representative.

8.3.3. The title of the RFQ document under which the protest is submitted shall be included.

8.3.4. A detailed description of the specific legal and factual grounds of protest and any supporting documentation shall be included.

8.3.5. The specific ruling or relief requested must be stated.

8.3.6. Judicial Council, at its sole discretion, may make a decision regarding the protest without requesting further information or documents from the protestor. Therefore, the initial protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If Contractor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, Judicial Council will **NOT** consider such new grounds or new evidence.

8.4. **Appeals Process.**

8.4.1. Judicial Council's decision shall be considered the final action by Judicial Council unless Contractor thereafter seeks an appeal of the decision by filing a request for a appeal, within **FIVE (5) calendar days** of the issuance of Judicial Council's decision.

8.4.2. The justification for appeal is specifically limited to:

8.4.2.1. Facts and/or information related to the protest, as previously submitted, that were not available at the time the protest was originally submitted;

8.4.2.2. Judicial Council's decision contained errors of fact, and such errors of fact were significant and material factors in Judicial Council's decision; or

8.4.2.3. Judicial Council's decision was in error of law or regulation.

8.4.3. Contractor's request for a appeal shall include:

8.4.3.1. The name, address telephone and facsimile numbers, and email address of Contractor filing the appeal or their representative;

8.4.3.2. A copy of Judicial Council's decision;

8.4.3.3. The legal and factual basis for the appeal; and the ruling or relief requested.

8.4.4. Upon receipt of a request for appeal, Judicial Council will review the request and the decision and shall issue a final determination. The decision shall constitute the final action of Judicial Council.

8.5. **Protest Remedies.**

8.5.1. If the protest is upheld, Judicial Council will consider all circumstances surrounding the RFQ in its decision for a fair and reasonable remedy, including the seriousness of the RFQ deficiency, the degree of prejudice to Contractor or to the integrity of the competitive process, the good faith efforts of the parties, the extent of performance, the cost to Judicial Council, the urgency of the procurement, and the impact of the recommendation(s) on Judicial Council. Judicial Council's actions following a protest may include, but are not limited to any of the following:

8.5.1.1. Revising the list of Prequalified Contractors;

8.5.1.2. Reissuing the RFQ, or issuing a new RFQ at a later date; and/or

8.5.1.3. Any other remedies as may be required to promote compliance.

8.6. **Disposition of Submittal Package Materials.** All materials submitted in response to this RFQ will become the property of the State of California and will be returned only at Judicial Council's option and at the expense of Contractor submitting the Submittal Package.