

Request for Qualifications for Design Build Entity

NEW LAKEPORT COURTHOUSE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LAKE

The Judicial Council of California (“Judicial Council”) seeks statements of qualifications from Design Build Entities qualified to provide services for the design and construction of the New Lakeport courthouse for the Superior Court of California, County of Lake

Regarding:
RFQ NUMBER: RFQ-FS-2021-26-AL



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE DIVISION
FACILITIES SERVICES



JUDICIAL COUNCIL OF CALIFORNIA
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REQUEST FOR QUALIFICATIONS

Date	Action Requested
March 15, 2022	Send To:
To	Temporarily via email as described in item 5 of
Interested Design Build Entities	RFP Schedule of Events:
From	Judicial Council of California, BAP
Judicial Council of California, Facilities Services	Attn: Sheryl Berry
Subject	fs202126al.soq@jud.ca.gov for SOQ
DBE Services for the New Lakeport Courthouse	Deadline
RFQ number: RFQ-FS-2021-26-AL	April 7, 2022, by 5:00 PM Pacific Time (PT)
	Contact
	solicitations@jud.ca.gov

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1. Introduction.

- 1.1. **The Judicial Council.** The 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 the Judicial Council of California (“Judicial Council”). Pursuant to Government Code section 70398, et seq., the Judicial Council issues this Request for Qualifications for Design-Build Entity (“RFQ”) to solicit design-build services for the New Lakeport Courthouse as further described in the “Project Description” section below (“Project”).
- 1.2. **Purpose / Eligibility.** Through this RFQ, the Judicial Council invites the submission of statements of qualifications (“SOQ(s)”) from corporations, limited liability companies, partnerships, joint ventures, or other legal entities capable of providing appropriately licensed contracting, architectural, and engineering services to construct the Project pursuant to the design-build delivery method (“Design Build Entity(ies)”). (Gov. Code, § 70398(d).) The **selected** Design Build Entity will deliver the Project with its design-build team, which includes the Design Build Entity itself and the individuals and other entities identified by the Design Build Entity as members of its team. Members of the Design Build Team shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors. (Gov. Code, § 70398(e).)
- 1.3. **Licensing and Labor Compliance.** Interested Design Build Entities and/or their Design Build Teams must hold and maintain a valid **Class B General Contractor license, license of architecture**, and be able to hold and maintain all other required contracting, design, and engineering license(s) from the State of California pursuant to a design-build contract. To the extent applicable, Design Build Entity and all Subcontractors under the Design-Build Entity shall pay all workers for work performed on this 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, 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. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to undertake the Project, as determined by Director of the State of California Department of Industrial Relations, are on file at the Judicial Council’s principal office. Prevailing wage rates are also available from the Judicial Council or on the internet at (<http://www.dir.ca.gov>).

The Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Design Build Entity shall post job site notices, as prescribed by regulation. Design-Build Entity shall 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 Department of Industrial Relations (“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.”

- 1.4. **Statement of Qualifications.** The SOQ is an opportunity for Design Build Entities to demonstrate their capability to design and construct the project, and that their proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project consistent with the requirements of Government Code section 70398.3(b) and this RFQ. Interested Design Build Entities are invited to submit their SOQs that shall include the following:
 - 1.4.1. **Prequalification Questionnaire.** The prequalification questionnaire attached hereto as **Attachment 1** (“Prequalification Questionnaire”); and
 - 1.4.2. **Design Build Team Information and Key Personnel.** Resumes for key personnel that are part of the Design Build Entity’s proposed team for the Project (“Team Information”) and a completed Key Personnel Schedule attached hereto as **Attachment 6** (“Personnel Form”). **NOTE: The Criteria Architect and consultants that prepared the Performance Criteria Documents for the Project CANNOT be a member of the Design Build Team or key personnel for the Project. (See Attachment 7 (“Conflict of Interest Policy for Design Build Projects”))**

- 1.5. **Documents.** The documents, including all addenda and responses to questions, related to this RFQ are available in electronic form at <http://www.courts.ca.gov/rfps.htm>.
- 1.6. **RFQ Attachments.** The following are Attachments to this RFQ:
- 1.6.1. **Attachment 1:** Prequalification Questionnaire
 - 1.6.2. **Attachment 2:** Statement of Qualifications Scoring
 - 1.6.3. **Attachment 3:** Form for Submission of Questions
 - 1.6.4. **Attachment 4:** Judicial Council Certifications Forms
 - 1.6.5. **Attachment 5:** Payee-Data Record
 - 1.6.6. **Attachment 6:** Key Personnel Schedule
 - 1.6.7. **Attachment 7:** Conflict of Interest Policy for Design Build Projects
 - 1.6.8. **Attachment 8:** Performance Criteria Documents
Attachment 8 Support Documents A.1 through A.10

2. Project Description.

- 2.1. **Project Overview.** The Project includes the design and construction of the New Lakeport Courthouse at 675 Lakeport Boulevard in Lakeport, California (“Courthouse”). The Project requires the design and construction of a new four-courtroom courthouse, with approximately two floors (plus a basement) covering 46,000 square feet and includes secured parking for judicial officers and 130 surface parking spaces with solar power generation capability. Additionally, the Project includes public lobby, security screening, four courtrooms, chambers and courtroom support, clerk's office, self-help area, administration, jury services, central in-custody holding, and building support services. The site is approximately 5.74 acres and bounded by Lakeport Boulevard on the north, commercial properties on the east and south, and a visitor center vista point on the west.
- 2.2. **Total Estimate Project Cost.** The total estimated cost to perform all Work, as defined below, on the Project is **\$62,438,600**.
- 2.3. **Work.** The work generally requires the selected Design Build Entity to perform all necessary tasks to complete the following (“Work”):
- 2.3.1. The design and construction of the Courthouse, including: (i) preparation of schematic design documents, design development documents, working drawings, technical specifications, and construction documents (collectively, “Design Work”); (ii) the performance of preconstruction services (e.g., cost estimating, value engineering, constructability reviews) (“Preconstruction Services”); (iii) subcontractor procurement and preparation of a guaranteed maximum price (“GMP”); and (iv) the performance of all site development and construction work to fully complete the Project (“Construction Work”) at 675 Lakeport Boulevard in Lakeport, California.
 - 2.3.2. The Performance Criteria Documents prepared by Moore Ruble Yudell, dated March 4, 2022, are attached to this RFQ as Attachment 8 for reference.
- 2.4. **Project Phases and Pricing.**
- 2.4.1. The selected Design Build Entity will perform Work in the two primary phases, as identified below (individually a “Phase,” and collectively the “Phases”). Work in connection with any Phase, and the portion of the total contract amount associated with that Phase, will be contingent on the Judicial Council issuing a notice to proceed (“NTP”) for that Phase. The Judicial Council anticipates that Work for the Project will commence on **07/16/2022**, and the anticipated completion dates for each Phase are as noted below, subject to change in the Judicial Council’s sole discretion.

Phase	Anticipated Completion Date
Pre-GMP Phase Work	08/22/2023
Schematic Design Work	
Design Development Work	
Post-GMP Phase Work	10/27/2025
Working Drawings Work	
Construction Work	

2.4.2. **Pre-GMP Phase Work.**

2.4.2.1. The Judicial Council and selected Design Build Entity will initially enter into a design-build agreement (“Agreement”) identifying a total contract value (“Total Contract Amount”) that shall include the following components:

2.4.2.1.1. A not-to-exceed fixed fee for Pre-GMP Phase Work;

2.4.2.1.2. A not-to-exceed fixed fee for the Working Drawings Work (not authorized unless the Judicial Council issues a NTP for Post-GMP Phase Work); and

2.4.2.1.3. A Target GMP which is an estimated value for the cost to complete the Construction Work (the Construction Work shall not be authorized unless the Judicial Council issues a NTP for Post-GMP Phase Work).

2.4.2.2. During the Pre-GMP Phase Work, the Design Build entity will perform Design Work and Preconstruction Services to design the Project within the Target GMP. After Judicial Council’s approval of design development documents, and upon Judicial Council’s written authorization, the Design Build Entity shall procure subcontractors and present the Judicial Council with a GMP for the Construction Work. If the Judicial Council accepts the GMP, and the Department of Finance approves it, the parties will amend Agreement to replace the Target GMP with the GMP.

2.4.3. **Post-GMP Phase Work.** The Post-GMP Phase Work will include the Design Build Entity’s completion of the Working Drawings Work and the Construction Work for the Project.

3. Design Build Entity Selection Process.

3.1. The Judicial Council’s competitive process for the selection of a Design Build Entity for the Project will proceed in two steps. This two-step solicitation process shall NOT include a stipend and will NOT include any substantive design or a design competition.

3.2. Step 1: RFQ / SOQs.

3.2.1. **Overview.** The Judicial Council issues this RFQ to prequalify and short-list Design Build Entities who will be invited to submit proposals to perform the Work for the Project. (Gov. Code § 70398.3(b).) The Judicial Council will evaluate and score SOQs utilizing an objective scoring methodology consistent with the Statement of Qualifications Scoring attached hereto as **Attachment 2** (“SOQ Scoring”).

3.2.2. **SOQ Evaluation / Shortlist.** A Design Build Entity that receives the **minimum score** for the SOQ as identified in the SOQ Scoring will be prequalified and eligible to be selected as a short-listed Design Build Entity. The Judicial Council will then shortlist **three to five** Design Build Entities with the highest SOQ score and will invite those entities to submit proposals (“Shortlisted Design Build Entities”).

3.3. Step 2: Request for Proposal / Proposals.

3.3.1. **Overview.** After the Judicial Council notifies Shortlisted Design Build Entities of their status, the Judicial Council will issue a request for proposals (“RFP”) to the Shortlisted Design Build Entities. **The Judicial Council will only accept proposals from Shortlisted Design Build Entities in response to the RFP.**

3.3.2. **Content of RFP.** The RFP will include a detailed description of the Work for the Project, the “Contract Documents” and the “Performance Criteria Documents,” which will provide necessary information to the selected Design Build Entity for design and construction of the Project. The RFP will also identify submittal requirements for Design Build Entity’s proposal. **Please review the Schedule of Events (Section 3.4) for the anticipated issuance date of the RFP.**

3.3.3. **RFP Process.** Before the submission of proposals, the Judicial Council may conduct confidential meetings with Shortlisted Design Build Entities to review any major differences identified between the Target GMP provided by the Judicial Council and the Design Build Entities’ Target GMP cost analysis. After the submittal of proposals, the Judicial Council’s technical review team (comprised

in the Judicial Council’s sole discretion) (“Technical Review Team”) will meet with Design Build Entities to discuss proposals. The Technical Review Team and an evaluation committee (which will primarily be comprised of Judicial Council Facilities staff) will evaluate and score the proposals submitted based on established best value scoring criteria (further described below). Design Build Entities will then be invited to participate in interviews. The Judicial Council reserves the right to negotiate with Design Build Entities and to request revisions to any proposal submitted as part of the RFP process. The Judicial Council will first negotiate with the Design Build Entity with the highest best value score, subject to the procedure outlined in the RFP. These negotiations will be conducted in good faith. Based on the scoring, interviews, and negotiations, Judicial Council staff will recommend a Design Build Entity to the Judicial Council for final selection.

3.3.4. **Proposal Evaluation / Best Value Determination.** The Judicial Council will evaluate proposals utilizing a best value method. Government Code section 70398(a) defines best value as a “value determined by an evaluation of objective criteria that relate to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal that meets the interests of the judicial branch and the objectives of the project, selection of the best proposal for a stipulated sum established by the Judicial Council, or a tradeoff between price and other specified factors.” The Judicial Council shall abide by this definition and consider the aforementioned criteria in determining whether a Design Build Entity’s proposal provides the best value, in addition to other criteria identified by the Judicial Council. Judicial Council will also evaluate the Design Build Entity’s adherence to the Performance Criteria Documents. The criteria to be evaluated by the Judicial Council when making the best value determination shall be included in the RFP.

3.4. **Schedule of Events. *[Revised]***

1.0	Request for Qualifications (RFQ)	Dates / Times (PT)
1.1	Judicial Council Issues RFQ	Tuesday, March 15, 2022
1.2	Pre-Submission Conference (optional) via video conference (Cisco Webex): Meeting number: 2595 062 6378 Meeting passcode: pcNvgZg9A34 Join by phone: 1-650-479-3208 Call-in toll number (US/Canada) Meeting link: https://calcourts.webex.com/calcourts/j.php?MTID=m20b3d5f870bbf323747a5267e6d19765	Tuesday, March 22, 2022, at 9:00 AM
1.3	Deadline for Design Build Entity to Submit Questions to Solicitations@jud.ca.gov	Wednesday, March 23, 2022, by 5:00 PM
1.4	Judicial Council Posts Responses to Questions at: www.courts.ca.gov	Wednesday, March 30, 2022
1.5	DEADLINE FOR SUBMISSION OF SOQS <i>[REVISED]</i>	<i>Thursday, April 21, 2022, by 5:00 PM</i>
2.0	Evaluation of Statement of Qualifications (SOQ) (estimates only)	
2.1	Judicial Council Reviews / Confirms Completeness of SOQs <i>[Revised]</i>	<i>Friday, April 22, 2022</i>
2.2	Judicial Council Completes Review and Scoring of the SOQs <i>[Revised]</i>	<i>Thursday, April 28, 2022</i>
2.3	Judicial Council Approves Shortlisted Design Build Entities <i>[Revised]</i>	<i>Friday, April 29, 2022</i>
2.4	Judicial Council Notifies Shortlisted Design Build Entities <i>[Revised]</i>	<i>Monday, May 2, 2022</i>
3.0	Request for Proposals (RFP) (estimates only)	
3.1	Judicial Council Issues Request for Proposals <i>[Revised]</i>	<i>Thursday, May 5, 2022</i>
3.2	Judicial Council Reviews and Evaluates Proposals <i>[Revised]</i>	<i>Wednesday, June 8, 2022</i>
3.3	Negotiations & Recommended Selection of Design Build Entity <i>[Revised]</i>	<i>Friday, June 17, 2022</i>
3.4	Judicial Council Approves Selected Design Build Entity <i>[Revised]</i>	<i>Friday, June 24, 2022</i>

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

4. SOQ Submission Process.

4.1. **Mandatory Submittal of SOQ.**

- 4.1.1. Prequalification / Shortlist Mandatory. The submission of an SOQ during this RFQ process is **MANDATORY**. Any Design Build Entity that desires to submit a proposal **MUST** submit an SOQ, be prequalified, and be selected as a Shortlisted Design Build Entity.
- 4.1.2. Consideration of Other Criteria in Proposals. A Design Build Entity's prequalification or shortlisting through the submittal of the SOQ will not preclude the Judicial Council from considering whether a Design Build Entity has the quality, fitness, capacity, and experience to satisfactorily perform the proposed Work during the RFP process pursuant to the best value evaluation criteria in the RFP.

4.2. **Communications & Questions.**

- 4.2.1. Pre-Submission Conference. All Firms interested in submitting a response to this RFQ are requested to attend a pre-submission meeting at the date and time indicated in the RFQ Schedule of Events. Attendance at the pre-submission meeting is not mandatory to submit a response to the RFQ. The pre-submission meeting cannot be used as a substitute for written questions. Questions must be submitted in writing per the RFQ Schedule of Events. Any verbal responses provided during the pre-submission meeting are not binding.
- 4.2.2. Submitting Questions. All communications, or questions, with the Judicial Council in any way concerning this RFQ must be in writing and submitted via e-mail to Solicitations@jud.ca.gov. Questions must be received **no later than** the date and time identified as the "Deadline for Design Build Entity to Submit Questions" in the RFQ Schedule of Events. All questions must be submitted on the Form for Submission of Questions attached hereto as **Attachment 2**.
- 4.2.3. Judicial Council Responses. The Judicial Council will reply to questions regarding this RFQ no later than the date identified as the "Judicial Council Posts Responses to Questions" in the RFQ Schedule. The Judicial Council will post responses to questions on the Judicial Council website (www.courts.ca.gov). **Design Build Entities are solely responsible for accessing the website and reviewing the Judicial Council's responses.**
- 4.2.4. Restriction on Communications. Design Build Entities and their Subcontractors must not communicate on the subject matter of this RFQ with Judicial Council personnel, other Judicial Council representatives, or consultants associated with this procurement. **Violation of this restriction shall disqualify any Design Build Entity from consideration.**

4.3. **SOQs Must Be Complete and Responsive.** Design Build Entities' SOQs must be complete and responsive and shall conform with all requirements of this RFQ. The Judicial Council will not consider any SOQ that fails to conform with the requirements of this RFQ. Design Build Entity must answer all questions contained in the Prequalification Questionnaire and submit the Team Information. The Judicial Council reserves the right to check references and any other sources of information.

4.4. **Cost of SOQs.** The Judicial Council is not responsible for any costs that Design Build Entity incurs to prepare its SOQ.

4.5. **Timely Submission of SOQs.** Design Build Entities must submit SOQs to the Judicial Council **no later** than the time and date indicated in "Deadline for Submission of SOQs" in the Schedule of Events. The Judicial Council is not responsible if a Design Build Entity's delivery service or method results in an untimely submission of a SOQ. The Judicial Council will not open and may return any SOQ received after the date and time specified in the Schedule of Events. Late SOQs shall be deemed nonresponsive.

4.6. **Method of Submission.** SOQs must be emailed to the following email address: fs202126al.sq@jud.ca.gov. **Judicial Council will NOT accept hardcopy SOQs. SOQs may be emailed NO MORE than three (3) days in advance of the SOQ due date.**

4.7. **Conflict of Interest.** Consistent with the Judicial Council's obligation pursuant to Government Code section 70398.1, subdivision (b), the Judicial Council has adopted a Conflict of Interest Policy for Design Build

Projects, attached hereto as Attachment 7. Design Build Entities shall review this policy. **By submitting the SOQ, Design Build Entity certifies that it has reviewed this policy, it has no conflict of interest.**

- 4.8. **Withdrawal and Resubmission/Modification of SOQs.** A Design Build Entity may withdraw its SOQ at any time before the date fixed for submission of SOQs by notifying the Judicial Council in writing of the withdrawal of the SOQ. The notice must be signed by an individual authorized to bind the Design Build Entity. Design Build Entity may thereafter submit a new or modified SOQ, provided the new or modified SOQ is received by the Judicial Council no later than the date fixed for submission of SOQs. Modifications offered in any other manner, oral or written, will not be considered. SOQs cannot be changed or withdrawn after the date fixed for submission of SOQs.
- 4.9. **Change in Information.** Design Build Entities shall notify the Judicial Council in writing in the event any of the Design Build Entities or proposed Design Build Team members' (at time of SOQ) license(s) expire, is, or may be, suspended or has a change in signatory authority after submission of its SOQ. **If a Design Build Entity fails to comply with this requirement, the Judicial Council reserves the right to disqualify a Design Build Entity from participating in the RFQ or RFP process, as applicable, or, if the Design Build Entity is selected for the Project, to terminate any resulting contract for cause.**

5. Organization and Content of SOQ.

- 5.1. **SOQ Forms.** Design Build Entity shall submit SOQs that include the following:
- 5.1.1. The completed Prequalification Questionnaire (**Attachment 1**);
 - 5.1.2. Team Information, including the Personnel Form (**Attachment 6**);
 - 5.1.3. Judicial Council Certifications (**Attachment 4**); and
 - 5.1.4. Payee Data Record (**Attachment 5**), completed in the exact legal name of the Design Build Entity's business, signed by a representative authorized to bind the Design Build Entity.
- 5.2. **SOQ Content & Organization.** SOQs shall be completed and include the following information, organized and tabbed as follows:
- 5.2.1. **Tab 1: Completed Prequalification Questionnaire.** Design Build Entity shall complete the Prequalification Questionnaire form attached hereto as **Attachment 1**, including the required certification and declaration included therein. The omission of any requested information may be grounds to disqualify a Design Build Entity. **The failure to provide a complete certification and declaration as instructed in the Prequalification Questionnaire will result in the disqualification of a Design Build Entity.**
 - 5.2.2. **Tab 2: Design Build Team Information.** Design Build Entity shall complete the Personnel Form attached hereto as **Attachment 6** and shall include the following additional information:
 - 5.2.2.1. Resumes of the Design Build Team members' key personnel listed below. Identify which key personnel are members of the Design Build Entity, and which are consultants or subcontractors (if applicable). Specifically define the role of each person and outline each person's individual experience and responsibilities, including experience with the design-build delivery method for public works projects of similar size and complexity as the Project. Indicate personnel who will serve as primary contact(s) for the Judicial Council. The key personnel for the process are limited to:
 - 5.2.2.1.1. Project Executive
 - 5.2.2.1.2. Project Manager
 - 5.2.2.1.3. Design Work Manager
 - 5.2.2.1.4. Architect of Record
 - 5.2.2.1.5. Lead Cost Estimator
 - 5.2.2.1.6. Project Site Superintendent
 - 5.2.2.2. **NOTE: The RFP will require that the Design Build Entity furnish additional information related to the above-referenced key personnel, and additional key personnel. The Judicial Council expects that ALL key personnel identified in Design**

Build Entity's SOQ SHALL be included in Design Build Entity's proposal. However, if any key personnel are terminated, or no longer capable of performing Work on the Project, Design Build Entity will be required to submit the above information for any replacement key personnel in its proposal. The qualifications of a Design Build Entity are based, in part, on the key personnel, and the Judicial Council shall review any proposed replacement to determine if the replacement key personnel are equivalent in experience and qualifications as those identified in the SOQ, subject to the evaluation criteria in the RFP.

5.2.3. **Tab 3: Prior Project Experience.** List all design build projects **completed** within the past **seven (7) years individually** for the (i) general contractor and (ii) architect of record. This may include projects included in Section III, Subpart C (Recent Project Completed Information Sheet) of the Prequalification Questionnaire. Include the following information:

- 5.2.3.1. Project Name;
- 5.2.3.2. Location;
- 5.2.3.3. Owner;
- 5.2.3.4. Owner Contact Information;
- 5.2.3.5. Architect or Engineering Firm (if the architect of record did not provide these services);
- 5.2.3.6. Architect or Engineering Firm Contact Information (name and current phone number; if the architect of record did not provide these services);
- 5.2.3.7. Construction Manager, if applicable (name and current phone number);
- 5.2.3.8. Inspector of Record, if applicable (name and current phone number)
- 5.2.3.9. Description of Project and Scope of Work Performed;
- 5.2.3.10. Total Value of Construction (including change orders);
- 5.2.3.11. Date Construction Commenced;
- 5.2.3.12. Original Contractual Completion Date;
- 5.2.3.13. Adjusted Completion Deadline Based on Time Extensions Granted by Owner;
- 5.2.3.14. Actual Date of Completion;
- 5.2.3.15. General Contractor's Project Manager, if applicable (lead contact in office)
- 5.2.3.16. General Contractor's Superintendent, if applicable (lead contact on project site)

5.2.4. **Tab 4: Certifications.** Design Build Entity must provide the Judicial Council Certifications attached hereto as **Attachment 4**. Scanned copies of the signed original forms are sufficient. Design Build Entity's original hardcopies may be required if selected as the successful Design Build Entity.

5.2.5. **Tab 5: Statutory Certification & Declaration.** Design Build Entity shall ensure that the certification in a form **identical** to the one included with the Prequalification Questionnaire is executed by a person having authority to bind the Design Build Entity, and every **individual** Design Build Entity member.

6. SOQ Evaluation and Prequalification / Shortlist Process.

6.1. **Evaluation.** An evaluation panel composed of predominantly Judicial Council Facilities Services staff will review and score SOQs based on the SOQ Scoring (**Attachment 2**) to prequalify and shortlist Design Build Entities. The SOQ Scoring is intended to evaluate whether a Design Build Entity has provided evidence that the members of the Design Build Team have completed, or demonstrated the experience, competency, capability, and capacity to complete, projects of similar size, scope, or complexity as the Project; that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project; and a financial statement that ensures that the Design Build Entity has the capacity to complete the Project. (Gov. Code, § 70398.3(b)(3)(B).) Of the prequalified Design Build Entities, only Shortlisted Design Build Entities will be invited to submit proposals.

6.2. **Prequalified Design Build Entity.** A prequalified Design Build Entity shall be an entity that: (i) submits a responsive SOQ; (ii) receives a "Pass" for Section 1 (Information About the Design Build Entity) and Section II (Essential Requirements) of the Prequalification Questionnaire; and (iii) receives the minimum required scoring for all other scored portions of the SOQ.

6.3. **Shortlisted Design Build Entities.** The Judicial Council will rank prequalified Design Build Entities from highest to lowest. The Judicial Council will select the three to five highest scoring Design Build Entities as the Shortlisted Design Build Entities who will be eligible to submit a proposal. The Judicial Council reserves

the right to adjust the number of Shortlisted Design Build Entities, in its sole discretion. The Judicial Council will post a list of the Shortlisted Design Build Entities on the Judicial Council website. **Design Build Entities that are not shortlisted pursuant to this RFQ will not be eligible to submit a proposal in response to the RFP.**

- 6.4. **References Checks.** At any time, the Judicial Council may contact previous clients and owners to verify the experience and performance of a prospective Design Build Entity, key personnel, and their consultants or contractors.
- 6.5. **Disqualification.** The Judicial Council reserves the right to disqualify any Design Build Entity based upon a lack of proper licensure, failure to maintain required registration with the Department of Industrial Relations, a history of serious violations of law, debarment, or any other factor that would interfere with the Judicial Council's ability to enter into a contract with the Design Build Entity (including demonstrating that the Design Build Entity does not possess the required competency and experience required by Government Code section 70398, et seq.), regardless of scoring, and at Judicial Council's sole and absolute discretion.
- 6.6. **Nonresponsive SOQs.** The Judicial Council reserves the right to reject any SOQ as nonresponsive to any part of this RFQ, or for any other reason identified in the "Disqualification" section above.
- 6.7. **Rejection of SOQ.**
 - 6.7.1. The Judicial Council reserves the right to waive non-substantial irregularities and omissions contained in Design Build Entity's SOQ and to make all final determinations regarding the qualifications of a Design Build Entity and the responsiveness of any SOQ.
 - 6.7.2. The Judicial Council may refuse to accept a SOQ if the requested information and materials are not provided or not provided by the date and time identified in the Schedule of Events. The date fixed for submission of SOQs will not be changed in order to permit a Design Build Entity to supplement an incomplete or late SOQ. Failure to timely submit SOQs or any information required by this RFQ shall not provide a basis for appeal.
- 6.8. **Qualification/Shortlist Status.** The Judicial Council reserves the right to adjust, increase, limit, suspend, or rescind Design Build Entity's prequalification or shortlist status based on subsequently learned information.

7. Administrative Requirements.

- 7.1. **Disabled Veteran Participation Goals.**
 - 7.1.1. The Judicial Council requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises ("DVBE(s)"). The Judicial Council will require the selected Design Build Entity to demonstrate DVBE compliance.
 - 7.1.1.1. The selected Design Build Entity may complete a DVBE Participation Form that will be provided with the Contract Documents at any time to reflect any DVBEs that take part in any Phase of the Project.
 - 7.1.1.2. In addition, the selected Design Build Entity is required to complete a DVBE Participation Form that will be provided with the Contract Documents when bidding the Project for Construction Work.
 - 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 Design Build Entity's SOQ 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 SOQ 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 Design Build Entity's SOQ contains material noted or marked as confidential and/or proprietary that, in the Judicial Council's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for records. If the Judicial Council does not consider such material to be exempt from disclosure under Rule

10.500, the material will be made available to the public, regardless of the notation or markings. A Design Build Entity that indiscriminately identifies all or most of its SOQ as exempt from disclosure may be deemed non-responsive.

- 7.3. **Errors in the RFQ.** If Design Build Entity discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFQ, Design Build Entity shall immediately provide the Judicial Council with written notice of and request that the RFQ be clarified or modified. Without disclosing the source of the request, the Judicial Council may modify the RFQ prior to the date fixed for submission of SOQs by issuing an addendum. **Failure of Design Build Entity to inform the Judicial Council of any ambiguity, conflict, discrepancy, omission, or other error in this RFQ shall be deemed a waiver thereof and shall not be grounds for a protest or appeal.**
- 7.4. **Addenda.** The Judicial Council may modify the RFQ prior to the date fixed for submission of SOQs by posting an addendum on the Judicial Council website. If Design Build Entity determines that an addendum unnecessarily restricts its ability to submit its SOQ, it must notify the Judicial Council no later than one (1) day following the posting of the addendum.

8. Protest Procedure.

- 8.1. **General.** Failure of Design Build Entity 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 Shortlist Design Build Entity(ies).**
- 8.2.1. Design Build Entity may protest the Judicial Council's prequalification or shortlist determination based on allegations of improprieties occurring after posting of the list of Shortlisted Design Build Entities if the protest satisfies all of the following conditions:
- 8.2.1.1. The Design Build Entity has submitted a SOQ that it believes to be responsive to this RFQ;
- 8.2.1.2. The Design Build Entity believes that the Judicial Council should have prequalified and/or shortlisted the Design Build Entity.
- 8.2.2. The protest must be received no later than **five (5) business days** after the Judicial Council posts the list of Shortlisted Design Build Entities 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 by email to the following address: Solicitations@jud.ca.gov. If the protest is hand-delivered, a receipt must be requested from the Judicial Council and maintained in its original form by Design Build Entity to verify service.
- 8.3.2. The protest shall include the name, address, telephone and facsimile numbers, and email address of the Design Build Entity 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. The 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 the Design Build Entity later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the Judicial Council will not consider such new grounds or new evidence.

8.4. **Appeals Process.**

- 8.4.1. The Judicial Council's decision shall be considered the final action by the Judicial Council unless the Design Build Entity thereafter seeks an appeal of the decision by filing a request for appeal, within five (5) calendar days of the issuance of the 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. The Judicial Council's decision contained errors of fact, and such errors of fact were significant and material factors in the Judicial Council's decision; or
 - 8.4.2.3. The Judicial Council's decision was in error of law or regulation.
- 8.4.3. Design Build Entity's request for appeal shall include:
 - 8.4.3.1. The name, address telephone and facsimile numbers, and email address of the Design Build Entity filing the appeal or their representative;
 - 8.4.3.2. A copy of the 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, the Judicial Council will review the request and the decision and shall issue a final determination. The decision shall constitute the final action of the Judicial Council.

8.5. **Protest Remedies.**

- 8.5.1. If the protest is upheld, the 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 the Design Build Entity or to the integrity of the competitive process, the good faith efforts of the parties, the extent of performance, the cost to the Judicial Council, the urgency of the procurement, and the impact of the recommendation(s) on the Judicial Council. The Judicial Council's actions following a protest may include, but are not limited to any of the following:
 - 8.5.1.1. Revise the list of prequalified Design Build Entities;
 - 8.5.1.2. Reissue the RFQ, or issue 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 SOQ Materials.** All materials submitted in response to this RFQ 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 Design Build Entity submitting the SOQ. The SOQ will be retained for official files and become a Judicial Administrative Record subject to public disclosure pursuant to California Rules of Court, Rule 10.500