



# Request for Proposal

for

## Plan Review Services

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### New San Bernardino Courthouse

Superior Court of California

County of San Bernardino

**The Administrative Office of the Courts,  
Office of Court Construction and Management, seeks a  
qualified firm to provide Plan Review Services during  
Preliminary and Working Drawing Phases to assure that  
Construction Documents meet minimum Title 24 requirements.**



ADMINISTRATIVE OFFICE  
OF THE COURTS

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OFFICE OF COURT CONSTRUCTION  
AND MANAGEMENT



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

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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## REQUEST FOR PROPOSAL

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Date  
4/22/09

To  
Plan Review Firms

From  
Administrative Office of the Courts,  
Office of Court Construction and Management

Project Title  
RFP number: OCCM-FY2008-10

Send Proposal to:  
Judicial Council of California  
Administrative Office of the Courts  
Attn: Ms. Nadine McFadden  
455 Golden Gate Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94102  
*(Indicate RFP Number and Project Name  
on lower left corner of envelope)*

Contact  
[OCCM\\_solicitations@jud.ca.gov](mailto:OCCM_solicitations@jud.ca.gov)

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RFP SCHEDULE		DATES (Calif. Time)
1.	Deadline for submittal of Service Provider requests for clarifications, modifications or questions regarding the RFP	2 PM on 5/4/09
2.	Modifications and/or answers to questions posted on the Court website: <a href="http://www.courtinfo.ca.gov/reference/rfp">http://www.courtinfo.ca.gov/reference/rfp</a>	5 PM on 5/8/09
3.	<b><u>Submittal Deadline for Proposal</u></b>	<b><u>2 PM on 5/14/09</u></b>
4.	Posting of Short Listed Service Providers (Estimated)	5 PM on 5/18/09
5.	Interviews of Short Listed Service Providers (Estimated) (in Burbank)	5/20/09 – 5/22/09
6.	Notice of Intent to Award (Estimated)	5/26/09

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## **1.0 INTRODUCTION**

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

Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for Superior Court facilities in California have shifted from the counties to the state. Through a statewide evaluation process a New San Bernardino Courthouse was identified as an immediate need. Site acquisition and schematic design is now complete.

This project is for a trial court facility comprised of approximately 356,390 gross square feet. The 11 story building has a partially exposed below grade lower level with holding and detention elements. The site development includes approximately 7.1 acres. The overall construction budget is approximately \$283,102,696 (escalated to reflect costs at mid-point of construction). The design team is led by Skidmore, Owens & Merrill (SOM), San Francisco office. The Construction Manager at Risk providing pre-construction services is Rudolph and Sletten. Peer review for the base isolation system is provided via Rudolph and Sletten.

## **2.0 PURPOSE OF THIS RFP**

OCCM seeks the services of a qualified Plan Review firm with specialized expertise in the plan review of large public buildings. This RFP is the means for prospective Service Providers

to submit their proposals to the AOC for the selection of services described in this document. The RFP and all addenda will be posted at <http://www.courtinfo.ca.gov/reference/rfp/>.

### **3.0 SCOPE OF SERVICES**

#### **Background:**

1. Plan checking for fire and life safety will be performed by the State Fire Marshal (SFM).
2. Plan checking for access compliance will be performed by the State Architect (DSA).
3. Plan checking for detention facilities within the building will be performed by the Corrections Standards Authority (CSA).
4. The Plan Checking Proposal shall not duplicate the efforts of SFM, DSA or CSA, unless requested by the AOC as an optional service.
5. Plan checking of this project is limited to verifying Title 24 compliance of mechanical systems, plumbing systems, electrical systems; and structural systems; those systems not being reviewed and approved by the state agencies listed above. Make no comments duplicating state agency jurisdictions unless requested to do so.
6. Determine a not to exceed cost of Plan Review as described per the Schedule of Hourly Rates included within the Proposal.
7. The initial plan review of Construction Documents shall be completed within 20 working days with subsequent reviews completed within 15 working days from the date documents are received.

#### **Plan Review:**

Participate throughout the Design Development Phase (as of April 1, 2009 the Schematic Design was at 100%) and the Working Drawing Phase of the project to determine that construction documents meet minimum applicable code requirements as follows:

1. Design Development Phase: The Plan Review firm will meet with the Architect and/or Engineers to review the schematic design and to establish a plan review schedule for the entire project. The plan review schedule may include reviews in addition to those listed below (100% Design Development and 100% Working Drawings), as long as it results in expediting the overall process.
2. Design Development Phase: The Plan Review firm will review and provide comments for the mechanical, plumbing, electrical and structural portions of the 100% Design Development documents. No backcheck is required for these plan review comments, but the Plan Review firm shall answer questions and clarify comments for the Architect or Engineer.
3. Working Drawings Phase: The Plan Review firm will provide plan review services for the mechanical, plumbing, electrical, and structural portions of the Construction Documents. Three (3) review cycles will be provided for the Construction Documents in the price: an initial review of the 100% Construction Documents; one backcheck; and one over-the-counter check to approval. These three cycles may not be required to reach approval.

4. Optional Services: The Plan Review firm may be asked by the AOC to provide accessibility plan review and/or fire & life safety plan review services. The accessibility review and the fire & life safety plan review services may be requested during the design development phase and/or during the working drawing phase of the project. The review for accessibility and the fire & life safety will be provided using the applicable portions of California Title 24. This option may be selected if the AOC perceives that such a review may shorten the required state agency review time.

#### 4.0 RESPONDING TO THIS RFP

**Statement of Qualifications.** Service Provider's Statement of Qualifications (SOQ) should clearly and accurately demonstrate the specialized knowledge and experience required for the Plan Review. Submit five (5) copies in paper form of the SOQ, which consists of a Cover Letter and Standard Form 330, (Parts I and II). SOQ shall be prepared in a bound 8.5" x 11" booklet format, using tabs to divide sections of the Form 330. Attachments, except as noted, will not be accepted. Submit your SOQ(s) in one package to the address shown on page 2 of this RFP.

In your SOQ please provide:

- 4.1 **Cover letter.** A cover letter, signed by an authorized representative of the prospective Service Provider, shall include the name, address, telephone, fax number, e-mail address, and federal tax identification number of the proposing Service Provider. (one page maximum)
- 4.2 **Standard Form 330**, (U.S. General Services Administration)  
<http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?viewType=DETAIL&formId=21DBF5BF7E860FC185256E13005C6AA6>:
  - 4.2.1 Complete Form 330 in full, per specific instructions included therein.
  - 4.2.2 Part 1 (F): Examples of the prospective Service Provider's projects (at least 10 projects). Provide owner's information for each project as a reference contact.
  - 4.2.3 Part 1 (H): The prospective Service Provider shall describe its specific responses to the selection criteria, numbered and titled as listed in section 6.0 of this RFP. Responses should provide specific information regarding experience, expertise of the key personnel, description of continuous quality improvement process, and capacity to deliver high quality services, and any other relevant selection criteria information not provided elsewhere in Standard Form 330.
- 4.3 **Price Proposal.** In one sealed envelope: Two (2) complete copies of your Price Proposal, with the following clearly marked on the outside: "Price Proposal – (firm name). Project Name, RFP Number". The Price Proposal structure is "not to exceed", and may be invoiced monthly.

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- 4.3.1 Indicate the overall “not to exceed” price by phase, by MEP and Structural and totals.
  - 4.3.2 Indicate the “not to exceed” price for optional services separately by phase and by DSA and SFM and totals.
  - 4.3.3 Provide Schedule of Hourly Rates for all who will provide the services under consideration as they would be billed to the AOC. With these hourly rates please indicate the job title, a short corresponding job description and the service they would provide.
- 4.4 A completed and signed original of the Vendor Data Record Form, a copy of which can be found in the website posting of this RFP.

Responsive Proposals should provide straightforward, concise information that satisfies the requirements specified. Expensive bindings, color displays, and the like are not necessary. Emphasis should be placed on brevity, conformity to instructions, specified requirements of this RFP, and clarity of content.

***Please note that DVBE documentation is not submitted with the Proposal, but is to be submitted only if the Service Provider is selected for services (see Section 9.0).***

## **5.0 SELECTION PROCESS**

- 5.1. An evaluation panel composed of predominantly OCCM staff will review and score the Proposals, based on the selection criteria, and establish a shortlist.
- 5.2. AOC OCCM will post the short-list on the Courtinfo website; firms on the short-list will be notified to determine their interview time and place. Interviews will be held at the AOC offices in Burbank.
- 5.3. At any time, OCCM may contact previous Clients and Owners to verify the experience and performance of the prospective Service Provider, their key personnel, and their sub-consultants.
- 5.4. After the interviews the firms will be ranked based on the selection criteria and the highest-scoring firms will be contacted regarding contract execution. The selected firms will be posted on the Courtinfo website.

## **6.0 EVALUATION OF PROPOSALS**

The AOC OCCM will evaluate Proposals using the following criteria:

Points	Criteria	100 points maximum
20	<p><b><u>Experience of the Firm:</u></b> Demonstrated experience of the firm in relation to the scope of work; work for state agencies; and quality of service provided to customers in the past;</p>	
20	<p><b><u>Expertise of Personnel:</u></b> Demonstrated expertise of the key personnel in relation to the scope of work; work for state agencies; including relative degrees, licenses and certifications;</p>	
20	<p><b><u>Quality Assurance:</u></b> Demonstrated record that the Service Provider has delivered high quality services and documentation to it clients, and has in place an effective continuous quality improvement process;</p>	
20	<p><b><u>Plan Review Philosophy:</u></b> Discuss the firm’s philosophy of plan review; methods to ensure thoroughness; cooperation with A/E firms;</p>	
20	<p><b><u>Price Proposal:</u></b> Price Proposal for this project, providing Plan Review services.</p>	

## 7.0 ADDITIONAL REQUIREMENTS

- 7.1 Proposals should be sent by registered mail, certified mail, overnight courier, or by hand delivery. Incomplete proposals and/or proposals received after the deadline may be rejected without review.
- 7.2 Registered prospective Service Providers may submit questions to the AOC via e-mail to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) no later than the date identified on page 2 of this RFP. Please indicate the RFP number and title in the subject line. Contact with the AOC shall be made only through this email address; telephone calls will not be accepted.
- 7.3 All notices, clarifications, and addenda to this RFP will be posted on <http://www.courtinfo.ca.gov/reference/rfp/>. Please monitor that website for all information regarding this RFP; the AOC is not responsible for sending individual notification of changes or updates. It is the sole responsibility of the prospective Service Providers to remain apprised of changes to the RFP.

## 8.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES

- 8.1 Contracts with successful Service Providers will be signed by the parties on an AOC Standard Agreement form. A typical AOC Standard Agreement is included as Attachment A to this RFP.

- 8.2 The AOC reserves the right to modify or update the Standard Agreement in the interest of the AOC, in whole or in part at any time up to the negotiation of the agreement with the Service Provider. By submitting for this RFP, the prospective Service Provider and their key subconsultants acknowledge that a) the project team will provide the services required in the contract, and b) has no objection to the Standard Agreement.
- 8.3 If a satisfactory contractual agreement on services and compensation cannot be reached between the AOC and a selected Service Provider within 30 calendar days of notification of selection, the AOC reserves the right to terminate negotiations with that Service Provider and attempt to reach satisfactory contractual agreement with another qualified Service Provider.
- 8.4 The Service Providers selected under this RFP will not be precluded from consideration nor given special status in any future RFPs issued by the AOC.
- 8.5 The AOC cannot guarantee the amount or duration of the work.
- 8.6 The AOC reserves the right to reject any of the Service Provider's subconsultants and ask that a different firm be proposed for consideration. Upon selection of the Service Provider, the AOC reserves the right to approve the selection of other subconsultants not requested in the RFP.
- 8.7 Provision of the Work: Work shall be provided in accordance with Work Orders to be issued by the AOC under the Agreement resulting from this procurement, and shall be subject to the provisions of the Agreement accompanying this RFP, including any additional provisions specified in the Work Orders with regard to schedule, key personnel, and subcontractors.
- 8.8 Compensation: The method of compensation may be based on a Time and Materials Not to Exceed or Fixed Price basis, and will be subject to all of the provisions of Exhibit C of the Agreement.

## **9.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

The State of California requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). The AOC is subject to this participation goal. Upon selection of a Service Provider for assignment under this RFP, the AOC will require that the selected Service Provider demonstrate DVBE compliance and complete a DVBE Compliance Form. If it would be impossible for the selected Service Provider to comply, explanation of why and demonstration of written evidence of a "good faith effort" to achieve participation would be required. Refer to Section 10.0 of this RFP. Information about DVBE resources can be found on the Executive Branch's website at <http://www.dgs.ca.gov/default.htm> or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

## **10.0 ADMINISTRATIVE RULES GOVERNING RFPs**

The AOC's Administrative Rules governing the submittal of Proposals follow. By virtue of submission of a Proposal, the Service Provider agrees to be bound by said Administrative Rules with regards to this RFP and said Proposal. Said rules shall in no way act to limit the AOC's right to negotiate additional or different terms if it sees necessary.

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

### **A. General**

1. This solicitation document, the evaluation of Proposals, and the award of any contract shall conform with current procedures as they relate to the procurement of goods and services. A Service Provider's Proposal is an irrevocable offer for 30 days following the deadline for its submission.
2. In addition to explaining the Administrative Office of the Courts' (AOC's) requirements, the solicitation document includes instructions which prescribe the format and content of Proposals.

### **B. Errors in the solicitation document**

1. If a Service Provider submitting a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the Service Provider shall immediately provide the AOC with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, the AOC may modify the solicitation document prior to the date fixed for submission of Proposals by issuing an addendum to all Service Providers to whom the solicitation document was sent.
2. If prior to the date fixed for submission of Proposals a Service Provider submitting a Proposal knows of or should have known of an error in the solicitation document but fails to notify the AOC of the error, the Service Provider shall bid at its own risk, and if the Service Provider is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

### **C. Questions regarding the solicitation document**

1. If a Service Provider's question relates to a proprietary aspect of its Proposal and the question would expose proprietary information if disclosed to competitors, the Service Provider may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the Service Provider must submit a statement explaining why the question is

sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the Service Provider will be notified.

2. If a Service Provider submitting a Proposal believes that one or more of the solicitation document's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the Service Provider may submit a written request that the solicitation document be changed. The request must set forth the recommended change and Service Provider's reasons for proposing the change. Any such request must be submitted to the AOC by the date and time listed in this RFP for "Deadline for submission of Service Provider's Requests for Clarifications, Modifications or Questions regarding the RFP".

**D. Addenda**

1. The AOC may modify the solicitation document prior to the date fixed for submission of Proposals by posting an addendum on the Courtinfo website, <http://www.courtinfo.ca.gov/reference/rfp/>. If any Service Provider determines that an addendum unnecessarily restricts its ability to bid, it must notify the AOC no later than one day following the receipt of the addendum.

**E. Withdrawal and resubmission/modification of Proposals**

1. A Service Provider may withdraw its Proposal at any time prior to the deadline for submitting Proposals by notifying the AOC in writing of its withdrawal. The notice must be signed by the Service Provider. The Service Provider may thereafter submit a new or modified Proposal, provided that it is received at the AOC no later than the Proposal due date and time listed in this RFP. Modifications offered in any other manner, oral or written, will not be considered. Proposals cannot be changed or withdrawn after the Proposal due date and time listed in this RFP.

**F. Evaluation process**

1. All Proposals received will be evaluated to determine the extent to which they comply with solicitation document requirements.
2. If a Proposal fails to meet a material solicitation document requirement, the Proposal may be rejected. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements. Immaterial deviations may cause a Proposal to be rejected.
3. Proposals that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the state regarding a requirement of the solicitation document.

4. During the evaluation process, the AOC may require Service Provider to answer questions with regard to the Service Provider's Proposal. Failure of a Service Provider to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal nonresponsive.

**G. Rejection of Proposals**

1. The AOC may reject any or all Proposals and may or may not waive an immaterial deviation or defect therein. The AOC's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a Service Provider from full compliance with solicitation document specifications. The AOC reserves the right to accept or reject any or all of the items in the Proposal, to award the contract in whole or in part and/or negotiate any or all items with individual Service Providers if it is deemed in the AOC's best interest. Moreover, the AOC reserves the right to make no selection if Proposals are deemed to be outside the fiscal constraint or against the best interest of the AOC.

**H. Award of contract**

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible Service Provider submitting a Proposal compliant with all the requirements of the solicitation document and any addenda thereto, except for such immaterial defects as may be waived by the AOC.
2. The AOC reserves the right to determine the suitability of Proposals for contracts on the basis of a Proposal's meeting selection criteria, technical requirements, and its assessment of the quality of service and ability to perform the proposed scope of work.

**I. Decision**

1. Questions regarding the AOC's award of any business on the basis of Proposals submitted in response to this solicitation document, or on any related matter, should be addressed to the individual listed in the Submitting Your Proposal section of this RFP who will forward the matter to the appropriate contracting officer.

**J. Execution of contracts**

1. The AOC will make a reasonable effort to execute any contract based on this solicitation document within 30 days of selecting a Service Provider that best meets its requirements.

## **K. Protest procedure**

### 1. General

Failure of a Service Provider to comply with the protest procedures set forth in this Section K, will render a protest inadequate and non-responsive, and will result in rejection of the protest.

### 2. Prior to Submission of Proposal

An interested party that is an actual or prospective proposer with a direct economic interest in the procurement may file a protest based on allegedly restrictive or defective specifications or other improprieties in the solicitation process that are apparent, or should have been reasonably discovered prior to the submission of a Proposal. Such protest must be received prior to the Proposal Submittal Deadline. The protestor shall have exhausted all administrative remedies discussed in this Section K prior to submitting the protest. Failure to do so may be grounds for denying the protest.

### 3. After Award

A Service Provider submitting a Proposal may protest the award based on allegations of improprieties occurring during the SOQ evaluation or award period if it meets all of the following conditions:

- a. The Service Provider has submitted a Proposal that it believes to be responsive to the solicitation document;
- b. The Service Provider believes that its Proposal meets the administrative and technical requirements of the solicitation, proposes services of proven quality and performance, and offers a competitive cost; and,
- c. The Service Provider believes that the AOC has incorrectly selected another Service Provider submitting a Proposal for an award.

Protests must be received no later than five (5) business days after the protesting party receives a Non-Award letter.

### 4. Form of Protest

A Service Provider who is qualified to protest should submit the protest to the individual listed in the Submission of Proposals section on the coversheet of this RFP who will forward the matter to the appropriate Contracting Officer.

- a. 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 address shown on page 2 of this RFP. If the protest is hand-delivered, a receipt must be requested.

- b. The protest shall include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
- c. The title of the solicitation document under which the protest is submitted shall be included.
- d. A detailed description of the specific legal and factual grounds of protest and any supporting documentation shall be included.
- e. The specific ruling or relief requested must be stated.

The AOC, at its 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 protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the AOC will not consider such new grounds or new evidence.

5. Determination of Protest Submitted Prior to Submission of Proposal

Upon receipt of a timely and proper protest based on allegedly restrictive or defective specifications or other improprieties in the solicitation process that are apparent, or should have been reasonably discovered prior to the submission of a Proposal, the AOC will provide a written determination to the protestor prior to the Proposal Due Date. If required, the AOC may extend the Proposal Due Date to allow for a reasonable time to review the protest. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below and the AOC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the contract.

6. Determination of Protest Submitted After Submission of Proposal

Upon receipt of a timely and proper protest, the AOC will investigate the protest and will provide a written response to the Service Provider within a reasonable time. If the AOC requires additional time to review the protest and is not able to provide a response within ten (10) business days, the AOC will notify the Service Provider. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below. The AOC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the agreement.

7. Appeals Process

The Contracting Officer's decision shall be considered the final action by the AOC unless the protesting party thereafter seeks an appeal of the decision by

filing a request for appeal with the AOC's Business Services Manager, at the same address noted in the Submission of Proposal section of the coversheet of this RFP, within five (5) calendar days of the issuance of the Contracting Officer's decision. The justification for appeal is specifically limited to:

- a. Facts and/or information related to the protest, as previously submitted, that were not available at the time the protest was originally submitted;
- b. The Contracting Officer's decision contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
- c. The decision of the Contracting Officer was in error of law or regulation.

The Service Provider's request for appeal shall include:

- a. The name, address telephone and facsimile numbers, and email address of the Service Provider filing the appeal or their representative;
- b. A copy of the Contracting Officer's decision;
- c. The legal and factual basis for the appeal; and
- d. The ruling or relief requested. Issues that could have been raised earlier will not be considered on appeal.

Upon receipt of a request for appeal, the AOC's Business Services Manager will review the request and the decision of the Contracting Officer and shall issue a final determination. The decision of the AOC's Business Services Manager shall constitute the final action of the AOC.

#### 8. Protest Remedies

If the protest is upheld, the AOC will consider all circumstances surrounding the procurement in its decision for a fair and reasonable remedy, including the seriousness of the procurement deficiency, the degree of prejudice to the protesting party or to the integrity of the competitive procurement system, the good faith efforts of the parties, the extent of performance, the cost to the AOC, the urgency of the procurement, and the impact of the recommendation(s) on the AOC. The AOC may recommend a combination of the following remedies:

- a. Terminate the contract for convenience;
- b. Re-solicit the requirement;
- c. Issue a new solicitation;
- d. Refrain from exercising options to extend the term under the contract, if applicable;
- e. Award a contract consistent with statute or regulation; or
- f. Other such remedies as may be required to promote compliance.

**L. News releases**

1. News releases pertaining to the award of a contract may not be made without prior written approval of the AOC's Business Services Manager.

**M. Disposition of materials**

1. All materials submitted in response to this solicitation document will become the property of the State of California and will be returned only at the AOC's option and at the expense of the Service Provider submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record. The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a prospective Service Provider's Proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If the AOC does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a prospective Service Provider is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its Proposal.

**N. Payment**

1. Payment terms will be specified in any agreement that may ensue as a result of this solicitation document.
2. **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** Payment is normally made based upon completion of tasks or progress payments as provided in the agreement between the AOC and the selected Service Provider. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final product. The amount of the withholding may depend upon the length of the project and the payment schedule provided in the agreement between the AOC and the selected Service Provider.

## DVBE PARTICIPATION FORM

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

RFP Project Title: \_\_\_\_\_

RFP Number: \_\_\_\_\_

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

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

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

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

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

### PART A - COMPLIANCE WITH DVBE GOALS

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

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

### PRIME CONTRACTOR

Company Name: \_\_\_\_\_

Nature of Work \_\_\_\_\_ Tier: \_\_\_\_\_

Claimed Value: DVBE \$ \_\_\_\_\_

Percentage of Total Contract Cost: DVBE \_\_\_\_\_%

**SUBCONTRACTORS/SUBCONTRACTOR/SERVICE  
PROVIDERS/SUPPLIERS**

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

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

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

GRAND TOTAL: DVBE \_\_\_\_\_%

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

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

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

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

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

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

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

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

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

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

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

Request For Proposal  
Plan Review Services

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

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

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

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

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

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

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

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

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

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

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

**End of RFP Form**