

Administrative Office of the Courts
Office of Court Construction and Management
Request for Proposals – Public Private Partnership Consultant

Responses to Proposer’s Requests of Clarification

QUESTION	RESPONSE
<p>1. ORGANIZATION: Financial Management Consulting</p> <p>1.1. What is AOC budget by consulting service phases? (I already asked this question during the teleconference, I guess you already answered it).</p> <p>1.2. Do the AOC have "a model for long-term legislative control & oversight" of the P3 projects, with respect to coordinating court facilities project? If so, explain</p> <p>1.3. With respect to the current inventory of court facilities, will the AOC create a joint power authority to maintain design, construction, and asset control responsibility?</p>	<p>We are interested in receiving the Proposer's estimation of appropriate costs to provided services. Funds for the contract are available.</p> <p>Other than the acceptance of the benchmark criteria prior to issuing a development bid RFP, no further legislative branch involvement is required.</p> <p>The AOC/ Judicial Council already have authority under SB1732 for transferred court facilities, including the Long Beach facility.</p> <p>AOC will carry out these responsibilities with combination of internal resources and outside consultants.</p>
<p>2. ORGANIZATION: Brookhurst Development Corp</p> <p>2.1. Page 3 of the RFP indicates that any firm awarded a P3 consulting services agreement may not submit a bid on that project within 12 months of completion of said services. If a firm is pre-qualified as a P3 consultant, yet has not been awarded a contract, is that firm prohibited from bidding on P3 projects as part of a development team? Another question - if awarded a firm is awarded P3 consulting contract with the AOC, is that firm prohibited from bidding on other P3 projects of the AOC that are unrelated to the project for which the consultant is contracted to provide consulting services?</p>	<p>A firm that is not awarded a contract for this RFP is not prohibited from any other AOC contract in the future.</p> <p>The firm(s) that is (are) awarded this contract for this RFP is not prohibited from other, non-Long Beach courthouse projects.</p>
<p>3. ORGANIZATION: Ernst & Young Corporate Finance</p> <p>3.1. On page 3 of the RFP it states that the successful advisor can not provide "goods or services to the developer..." Would this restriction restrict a financial provider from underwriting debt, participating in a syndication of debt or providing other financial instruments to the developer?</p>	<p>Yes, the provider would be prohibited from having any involvement in the Long Beach development that provides a financial benefit to the firm.</p>

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3.2. Section 3 of the RFP provides for the activities to be undertaken. Can the AOC confirm whether a detailed business case is required for the P3 Projects and what further approval processes are required before the Long Beach Project is able to go to market?	Benchmark measurements must be developed similar to a business case. The benchmarks are to be accepted by the State Department of Finance and legislative committees as indicated in (SB 82) prior to the solicitation for the Long Beach court development.
3.3. Can AOC confirm that the AOC has the legal authority to undertake a P3 project as proposed in the RFP and if not what steps are required in order to be able to obtain such authority?	Yes, the Judicial Council and AOC have the authority. Refer to SB 1732; SB 77 (FY 2007-08 State Budget Act) and SB 82
3.4. The estimated time frames set out in section 3 of the RFP appear to be quite short, especially for a jurisdiction undertaking one of its first P3 projects. Is there a driver behind the timetable as set out in section 3 and has the AOC received advice, and solicited feedback, in relation to the time frame set out in sections?	Timetable is proposed. Rapid escalation of construction costs and proven advantage over traditional public agency delivery are major factors to the schedule. Replacement of the existing deficient court building is a critical and immediate need of the Superior Court.
3.4.1. In particular the proposed period of 3 months for Solicitation of Developers will be challenging given the likely work required to submit a detailed RFP proposal.	Consultant will be expected to provide expertise to the AOC on solicitation requirements and parameters.
3.5. What is the rationale for developing the financing and business terms during the solicitation phase? We would normally expect that the RFP that is issued to the prospective Developers would include such terms as these will be fundamental to the overall transactions.	Financing and business terms are to be included in the RFP to Developers. These terms are developed by the consultant during the planning phase.
3.6. Section 3 provides that other advisors "may assist in the development of design requirements and performance specifications..." Can the AOC confirm what state of development the requirements and specifications are in? In addition can the AOC confirm the extent of design work undertaken on the Long Beach Project?	AOC will separately retain architects/engineers to develop performance standards . . . the P3 strategic consultant will assist by contributing ideas and recommendations about the scope of such standards.
3.7. Is the consultant required to be registered in California or elsewhere the United States?	If specific services to be provided require a license or registration – the consultant shall have such a license or registration which is valid in California
3.8. Can the AOC confirm the process for finalising the P3 Consulting Agreement?	AOC will negotiate with selected consultant per section 8 of the RFP

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<p>3.9. On Page 6 of the RFP in the para titled "Tab 1." The Proposer is to confirm that [it] "takes no exception to the materials provided." If the Proposer wishes to raise concerns as to the P3 Consulting Agreement do these therefore need to be 'pre-agreed' with the AOC prior to submission of the RFP response to meet this requirement?</p>	<p>If a Proposer has concerns or exceptions these shall be provided in writing with the proposal submittal – see section 8 of RFP (paragraph 2);</p> <p>the AOC will consider such concerns or alternate language during the contract negotiations</p>
<p>3.10. On page 7 under Tab 7 General Qualifications the AOC requests general qualifications for the Proposer's office or branch office. Can the AOC confirm what sort of information it is looking for (eg Broker Dealer registration) in this regard beyond staffing levels and structure mentioned?</p>	<p>It is at the discretion of the proposer to provide any information pertinent to demonstrate your firm's qualifications and expertise.</p>
<p>3.11. Tab 8 requires audited accounts to be provided. If the Proponent is a partnership and does not have audited accounts or is not able to provide unaudited accounts is there an alternative requirement that would be acceptable to the AOC? This requirement is highly unusual for professional services contracts.</p>	<p>In general, AOC is interested in the firm's stability and financial capacity to provide the services and be in business for the duration of the project.</p>
<p>3.12. If the Proposer is going to put forward a team with detailed experience in judicial projects that is not based in California is it acceptable for the Proposer to identify travel and subsistence expenses as a separately identifiable item as this will likely result in a better value for money contract than having to anticipate the number of trips / costs and build this into the rate scheme.</p>	<p>The Proposers are hereby requested to provide two versions of fee proposals; one with travel and living expenses and all other costs included in their hourly rates, the other at straight hourly rates plus travel and living expenses paid according to the AOC's Travel and Living expense policy, which will be posted along with these questions. The AOC may negotiate the actual number of trips to be authorized during the contract discussions.</p>
<p>4. ORGANIZATION: The Staubach Company - Los Angeles Region</p> <p>4.1. In the RFP, you reference the Project Feasibility Report (Superior Court of California County of Los Angeles New Long Beach Court - Phase 1):</p> <p>4.1.1. Were the staffing assumptions in Appendix C the result of departmental interviews or just estimated growth projections?</p> <p>4.1.2. The project size was based on these assumptions is it likely the project size will vary based on a more in-depth study or is this space study finalized?</p>	<p>Departmental interviews</p> <p>Size of Court Functions is set; other uses (i.e., County and justice agencies) may be added to project.</p>

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4.1.3. Project Alternative 1 - are we correct in assuming that the existing courthouse will remain in operation while a new facility is constructed elsewhere? If revenue neutral, would developing on the current site be an option?	Yes; Yes
4.2. Have there been discussions with the County and the City regarding a joint development plan for the courthouse and county and city administrative facilities? Would these options be worth exploring?	Such discussions of project approaches is expected to occur, with the assistance of contracted consultant
4.3. The Project Feasibility Report (project schedule) includes a schedule that states there is an assumption that funding is included in the 2007 - 2008 State Budget Act.	
4.3.1. Does the consulting work as outlined in the RFP have an identified budget? If so, how much is that budget?	Funds for this consulting contact are available;
4.3.2. When does the consulting work specified (for the Long Beach Courthouse) in the RFP needs to be completed by?	Developer RFP should be issued no later than April 2008.
4.4. In the RFP scope of services section, the proposed schedule identifies 3 months for solicitation for developers and 2 months for evaluation of developer proposals. Can we propose an alternative timeline that best addresses the needs of the AOC?	Yes – however refer to response 3.4 above.
4.5. The RFP calls for delivery by registered mail, certified mail and or by hand delivery. Does courier qualify as hand delivery?	Yes.
4.6. Our firm is a private company and we generally do not release audited financial statements. We are happy to provide the name of our CFO who is prepared to discuss details regarding our financial condition or our banking representative. Will points be deducted from our RFP submission if we answer question number 8 in this manner?	Financials can be disclosed under Confidentiality Provisions. Also refer to response 3.11 above
4.7. During the implementation phase (design and construction), you have requested <i>"periodic progress reports and recommending action."</i> Does this include an expectation that the consultant provide day-to-day project management and cost controls for the project or just general oversight? Do you see a need for in-depth project management during this phase?	No, the consultant is not expected to provide project management. Occasional services may be required at major milestones during design and construction to evaluate benchmark achievements.

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4.8. The RFP envisions the Developer's scope include design, construction, financing and operations and maintenance . Do you believe a facilities / property management expert will be needed on the consulting team?	The assembly of the Proposer team's experts is at the Proposers' discretion.

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<p>5. ORGANIZATION: HDR</p> <p>5.1. Since the AOC is under no obligation to award a contract for P3 consulting services to a firm on the pre-qualified list, the selection of a pre-qualified firm does not constitute an award?</p> <p>5.2. If so, any pre-qualified firm may join a developer's team to pursue any AOC P3 project?</p> <p>5.3. If a firm is pre-qualified and subsequently awarded a contract for a specific project, is that same firm free to join a developer's team to pursue any other AOC P3 project?</p>	<p>Correct: pre-qualification is not award of contract.</p> <p>A pre-qualified firm that is not awarded a contract for the Long Beach project consulting may join a developer's team for any project. If a pre-qualified firm is awarded a consulting contract for a separate project (anything other than Long Beach) in the future, that firm would only be prohibited from being involved in the developer team for that other specific project.</p> <p>Yes.</p>
<p>6. ORGANIZATION: Novoco</p> <p>6.1. We understand we are required to submit hourly rates that include all traditional reimbursements (i.e. reproduction, travel, lodging, etc.). What is meant by "any other charges for Services" which is included in the instructions for tab 10 at the bottom of page 7. If we are to include all costs in our hourly rate, what is the intent of the "any other charges for Services."</p> <p>6.2. In addition to the hourly rates, are we to submit a level of effort (hours by labor category) for each of the tasks in the SOW? If yes, how much detail is required? Will this information be used for evaluation purposes only? Or does this total cost now become a fixed price contract? In concert with this question is paragraph 3 on page 8. The AOC will evaluate Proposals based on the proposed rates ... in accordance with the information provided in the RFP regarding the timeframe and Services anticipated... Does this mean the AOC will apply the proposed rates against an AOC estimate of hours in order to compare each proposal's total cost?</p> <p>6.3. Depending on the answer to #2, we currently understand that we will invoice monthly based on the number of hours incurred by labor category. Is this correct?</p>	<p>Any other charges includes all Travel and Living expenses, any incidentals (photocopying, etc.) or other particular needs of this project (i.e. if the Vendor needed to buy a particular type of software license to do some type of analysis, that is at the Vendor's expense, not reimbursable).</p> <p>The Proposers are hereby requested to identify by name any key individuals they intend to actually commit to the Project, and provide job titles for all other individuals. Provide corresponding hourly rates for these individuals/titles. Provide your best estimates the total number of hours of project involvement you anticipate by individual/job title. Provide a summary of hours and dollars.</p> <p>The AOC will consider both estimated level of effort and hourly rates in evaluating the Proposals.</p> <p>Contract may be a lump sum for defined services with progress payments based on percent complete or payments based on number of hours incurred by labor category.</p>

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<p>7. ORGANIZATION: KPMG Corporate Finance</p> <p>7.1. Does AOC the have any guidelines covering payment of expenses incurred by consultants?</p> <p>7.2. Would the AOC be prepared to consider a fee structure based on hourly rate excluding expenses?</p> <p>7.3. Please clarify what is required in the response to the RFP in relation to DVBE participation.</p>	<p>The AOC's guidelines will be posted along with these answers to questions.</p> <p>Refer to response 3.12 above</p> <p>Not preferred.</p> <p>To commit to participation, or show that a good faith effort was made to do so.</p>
<p>8. ORGANIZATION: Deloitte Consulting LLP</p> <p>8.1. How many pre-qualified vendors will be selected?</p> <p>8.2. Will consulting firms be pre-qualified by each area of expertise, i.e. strategic, financial, marketing advice, etc...?</p> <p>8.3. If we are proposing from a non-US local office, can we use our U.S Federal Tax Identification Number?</p> <p>8.4. If we are proposing from a non-U.S local office, is it acceptable to present U.S financial data in our proposal?</p> <p>8.5. As a partnership firm, we do not have published audited financial statements for three years. What will the AOC accept as a proxy for this requirement while still deeming our proposal compliant?</p> <p>8.6. With regard to the RFP Section 5, Tab 7 (General Qualifications), since we will be staffing from Two (2) primary locations, should we detail our qualifications for both offices, or can we combine them?</p> <p>8.7. It is stated in the RFP Section 5, Tab 1 (Cover Letter) that "the Proposer takes no exception to the materials provided". However, the RFP Section 8, Paragraph 2 states that the Proposer may "indicate its specific objection, and supply additional or alternate language acceptable to Proposer in its Proposal" if exception is taken to the terms and conditions in the standard agreement. Can we follow the instructions of Section 8 without being deemed non-compliant under the Cover Letter affirmation requirement?</p>	<p>Not determined.</p> <p>No. Prequalification for expertise across all categories.</p> <p>Only if that bears the same legal name under which you intend to do business with the AOC.</p> <p>Financial data should most closely match the legal name under which you intend to do business with the AOC.</p> <p>Refer to responses 3.11 and 4.6 above</p> <p>Provide detail qualifications of consultants/staff that will work on this assignment.</p> <p>Refer to response 3.9 above</p>

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<p>8.8. From the RFP Section 3 (Scope of Services), the approximate duration of the five (5) phases of the Services applicable to the Initial Project totals 42 months, which exceeds the three-year expiration of the Pre-Qualified List as noted in the RFP Section 2, Paragraph 3. Does AOC envision renewal options of the Pre-Qualified List to extend beyond three years (36 months), or does AOC envision overlapping timeframes of the 5 phases to perform the 42 month level of effort within 36 months?</p> <p>8.9. As this procurement is resulting in a Pre-Qualified List that will span over three (3) years and would apply to P3 projects beyond the Initial Project, would annual rate adjustments or project risk adjustments be acceptable to AOC, or would rates be fixed for the duration of the contract?</p> <p>8.10. On the Long Beach project, has it been decided whether or not to rebuild on the existing site, have AOC acquire a new site, or leave new site selection up to the developers?</p> <p>8.11. Would the AOC be able to provide a list of people who participated on the call on July 24th?</p>	<p>The duration for the Long Beach project consulting engagement is unrelated to the effective length of the pre-qualification list.</p> <p>The pre-qualification is not a contract – therefore initial rates could be adjusted at the time of selection for a future P3 project</p> <p>Such questions are part of the P3 planning & strategic consulting effort</p> <p>Provided</p>
<p>9. ORGANIZATION: Gafcon Inc.</p> <p>9.1. Is it anticipated that the County of Los Angeles will have a role in the development and implementation of a public-private partnership?</p> <p>9.2. Is it possible that other courts will be consolidated at or near the Long Beach location or at another site within the County of Los Angeles?</p> <p>9.3. Pursuant to Sections 70351-70370 of the Government Code (SB 1732), is the Long Beach Courthouse County Facilities Payment Form currently available for public review?</p> <p>9.4. What is the definition of "goods and services" on page 3 of the RFP?</p> <p>9.5. What role with the Administrative Office of the Courts have in the planning and implementation of the public private partnership?</p>	<p>Unknown at this time.</p> <p>Refer to Feasibility Report for information.</p> <p>No.</p> <p>Basically anything at all to do with the Long Beach Courthouse development - acquisition of property, financing, design, construction, and management/ operations of the property</p> <p>The AOC as staff to the Judicial Council has responsibility for the planning, design, construction, and operation of Superior Court facilities in California; refer to SB 1732</p> <p>The Judicial Council will hold the development contract for this P3 project</p>

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<p>10. ORGANIZATION: RBC Infrastructure & Project Finance</p> <p>10.1. The AOC indicates in Section 3 of the RFP that one or more architectural/engineering firms may assist in the project. Please indicate which, if any, capabilities requiring an engineering background the AOC would expect the ideal PPP Consultant team to possess (for example cost estimation, leading the development of benchmarks as described in the scope item 6 of the Planning Phase).</p> <p>10.2. If AOC does prefer that the PPP Consultant team include engineering-related capabilities, please consider providing a one week extension to allow for additional teaming.</p> <p>10.3. Would such an engineering sub-consultant be free to bid for the architectural/engineering role if that were to be subsequently separately tendered?</p> <p>10.4. Exhibit B, Section 3 of the standard form agreement indicates that there will be no separate reimbursement of expenses. We could provide a more aggressive pricing proposal to the AOC if we did not carrying an allowance contingency for travel expenses in our budget. Would AOC consider reimbursing travel expenses for approved trips?</p> <p>10.5. In the case of demonstrating DVBE compliance what typically would constitute a "good faith" effort?</p>	<p>See response 3.6 and 4.8 above; Construction cost estimation will be required for development of the financial benchmark</p> <p>architectural and engineering consulting will be separate from this engagement;</p> <p>See response 10.2 above</p> <p>See response 3.12, 7.1, and 7.2 above</p> <p>An effort that in the opinion of the AOC was made with the true intent of obtaining DVBE participation.</p>
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