



# Superior Courts of California Ten Court Buildings

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## Request for Architectural and Engineering Qualifications

**The Administrative Office of the Courts, Office of Court Construction and Management seeks to identify a number of architects and engineers qualified to provide services in all phases of planning, design and construction, of ten court buildings. Selected consultants will be awarded contracts for specific project assignments beginning in October 2004.**



**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 QUALIFICATIONS

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Date

June 15, 2004

Action Requested

You are invited to review and respond with a Statement of Qualifications ("SOQ")

To

Potential Consultants

Project Title:

RFQ number: OCCM-A&E-0614

From

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

Deadline

SOQ must be received by 1 p.m. on Friday,  
July 23, 2004

Subject

Request for Qualifications of Architectural,  
Engineering, and Related Services;  
Ten Superior Court Buildings

Send Statements of Qualifications 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

Contact

*occmrfq@jud.ca.gov*

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### 1.0 BACKGROUND INFORMATION

The Judicial Council of California, chaired by the Chief Justice of California, 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 Superior and Appellate Courts of California.

The mission of OCCM is to enhance the administration of justice by providing responsible and efficient professional stewardship of the court facilities of California; to promote excellence in the built environment in support of equal access to justice; and to provide leadership in the design and management of judicial architecture.

The Trial Court Facilities Act of 2002 (SB 1732, Escutia) as amended, among other requirements will shift the governance of California's Superior Court buildings from the counties to the state, commencing July 1, 2004 and completing by June 30, 2007. The current inventory is comprised of over 450 court buildings containing approximately ten million usable square feet of space devoted to court occupancy.

Under SB1732, the Judicial Council has authority to "recommend to the Governor and the Legislature the projects [that] shall be funded from the State Court Facilities Construction Fund." In support of this responsibility of the Council, OCCM has developed a capital outlay plan for the trial courts, following an intensive 2-1/2 year trial court facilities master planning effort. The capital outlay plan, which has been approved by the Judicial Council, identifies 201 trial court building projects during the next five years, and can be reviewed at <http://www.courtinfo.ca.gov/reference/fiveyear.htm>. In addition to major capital outlay projects, OCCM anticipates many special repair projects each year for which architectural and engineering services will be required. A separate Request for Qualifications (RFQ) will be issued for services related to capital outlay and special repair projects beyond the ten projects described in this document.

## **2.0 PURPOSE OF THIS RFQ**

OCCM seeks the services of several qualified architectural and engineering consulting teams lead by an architect licensed in California (the Consultant) with expertise in all phases of planning and design of public buildings.

This RFQ is the means for prospective Consultants to submit their qualifications to the OCCM and to request selection as one of several Consultants to be interviewed for one or more of the ten projects described in Attachments B.1 through B.10 with the services described in this document.

## **3.0 SCOPE OF SERVICES**

The scope of architectural, engineering and related services for the ten projects described in Attachments B.1 through B.10 may include some or all the services for planning, design and construction projects, and/or modification to existing buildings to maintain or restore the designed level of services, including but not necessarily limited to: site selection and analysis; regional, urban and campus planning; expanded court operations master planning; space requirement programming; conceptual, functional, and space planning; planning and preparation of land use entitlement documentation, including traffic, parking and support of environmental impact studies under CEQA, and coordination of required mitigations with building design; preparation of and participation in approvals by local and state agencies; concept, schematic design and design development of buildings and their sites; court functional planning, including planning, design, and specification of furniture, telecommunications and audiovisual systems;

sustainable site and building design solutions; development of construction documents for traditional competitive bid contracts, as well as for design-build, or other alternate construction contracting methods; code analyses requisite to permit approvals for new structures and modifications of existing buildings of all structural types and generations, including historic buildings; participation in constructability reviews; planning and preparing for, and selection of alternate methods of contracting; building commissioning; move planning; and warranty and facility performance reviews and related services as deemed necessary for particular projects.

The Consultants selected through this RFQ may be selected to provide some or all of the following (depending on the project scope):

- 3.1 **Planning:** Review, synthesize, update and/or supplement as required completed trial court facilities master plans, which have been prepared by the AOC and its consultants for the 58 trial courts, for the purpose verifying the associated resulting renovation or new buildings projects;
- 3.2 **Site analysis and selection:** Participate in and/or perform detailed site selection and analysis for new and existing court buildings, including required countywide, urban, regional, court campus or site-specific development planning;
- 3.3 **Site acquisition consultation:** Participate in and coordinate with AOC staff, legal counsel, consultants and real estate brokers in site acquisition activities, and assist with or prepare related documentation, including but not limited to feasibility studies, economic analyses or pro forma, market or demographic surveys or studies, or preliminary project concept designs, as requested, (Real Estate brokerage services are not included in scope of services of this RFQ);
- 3.4 **Land use entitlement:** Participate in the preparation of environmental studies and reports as required under CEQA and related local and state laws and regulations; (Environmental site surveys and hazard documentation; EIR preparation; and site remediation services are not included in scope of services of this RFQ);
- 3.5 **Development studies:** Conduct or participate in planning, parking and traffic, zoning, geotechnical, on- and off-site utility and related utilization studies required for site consideration and acquisition and for project development and approvals;
- 3.6 **Functional programming and space planning:** Conduct functional programming, design definition and space planning for court building functions, including surveys for existing facilities and develop or assist in the development of court building project requirements documents, including complete site, functional and space requirements, conceptual building and test fit studies;

- 3.7 **Architectural and engineering design services for new construction and or renovation:** Provide architectural, structural, civil, mechanical, electrical, plumbing, security, acoustical, interior design, lighting, data/telecommunications, graphics, and related services which may be required in connection with planning, design and execution of renovation and or new building projects. Special services that may be requested as warranted by specific projects including but not limited to, geotechnical engineering; land surveys; wind engineering; vibration control; life safety/code consulting; audio visual; physical and electronic security design; parking structure design; parking revenue control; and public art.  
Services may be required in any or all project phases including schematic design, design development, construction documents, bidding, permit, construction; building commissioning and occupancy;
- 3.8 **Planning and building code analyses:** Conduct and/or participate in all building and planning code analysis and reviews, including progressive, final and forensic;
- 3.9 **Contracting and sourcing:** Provide consultation on and analysis of methods of sourcing for renovations and or new building projects, including traditional design-bid-build and alternate general contracting; participate in preparation of associated conventional or unique contract documents required for procurement; participate in construction contract bid analysis of general and special construction and, or construction management contracts; (Legal services, construction management, and construction services are not included in the scope of services in this RFQ);
- 3.10 **Cost analysis and schedule planning:** Provide, conduct and/or participate in all aspects of project cost estimating and schedule planning, including construction estimating, life cycle costing, value engineering, constructibility reviews, critical path and special scheduling;
- 3.11 **Design services for furniture, fixtures and equipment:** Provide all services required to properly plan, design, specify and coordinate furniture, fixtures, special finishes and equipment, including but not necessarily limited to: interior design, including millwork and furniture planning, finish development and specification;
- 3.12 **Site planning and Landscape architecture:** Provide all services required to properly plan, design, specify and coordinate exterior site design, including grading, parking lots, roads, driveways, hardscape, landscape, irrigation and coordination of underground utilities and or building structures with landscape and hardscape elements;

- 3.13 **Construction contract administration:** Construction administration services, including field observations, submittal review, testing and inspection bid document preparation (testing laboratory or construction inspection services are not part of this RFQ), coordination of finishes, furnishings and equipment, requisition and procurement of specialized pricing and consideration/negotiation of changes, and project contract completion, including punch list, warranty review, preparation of record drawings and closeout;
- 3.14 **Building Commissioning:** Participation in development of building commissioning documents and procedures; specification of commissioning procedures, and participation in commissioning program. (Specialized Commissioning agent services are not part of this RFQ);
- 3.15 **Move and occupancy planning:** Planning, design and execution of temporary relocation, move planning, and start-up assistance;
- 3.16 **Public Art:** For projects that include a public art component provide the services of an artist experienced in creation and installation of artworks in and surrounding public buildings;
- 3.17 **Peer Review Panel:** Participate in peer reviews of projects for which the Consultant is not associated, if requested; (OCCM intends to institute a process of project reviews to be conducted by panels that include Architects and Engineers knowledgeable about court design but not associated with the particular project to be reviewed; peer reviewers would receive limited compensation for their participation).

#### **4.0 SPECIFICS OF A RESPONSIVE PROPOSAL**

Each Consultant SOQ should clearly and accurately demonstrate specialized knowledge and experience required for consideration. The following information shall be included:

- 4.1 Cover letter which includes the name, address, telephone, e-mail address and fax numbers, and federal tax identification number of the proposing prime architectural consulting practice;
- 4.2 Five (5) copies of the SOQ (in paper form) signed by an authorized representative of the firm, including name, title, mailing address, telephone number and e-mail address of one individual who is the responder's designated representative; Per 4.5, one copy of Attachment B for each project the Consultant desires to be considered for;

- 4.3 Standard Form 255, (General Services Administration) one for the entire prospective Consultant team, for each project the Consultant desires to be considered for, consisting of:
  - 4.3.1 Sections 1 – 5: Identify the prospective Consultant personnel to be utilized on the project;
  - 4.3.2 Section 6: Identify specialists and consultants, their proposed contribution, past work with the lead consultant referenced to projects described in section 8;
  - 4.3.3 Section 7: Identify (maximum one page per person) the Consultant's principal architect, structural, mechanical and electrical engineers (a principal is the person committed to AOC throughout the project assignments and who is responsible for the Consultant's contractual commitments and quality of service). For each assignment, identify (maximum one page per person) the proposed project manager, project architect and project designer; identify project structural, mechanical and electrical engineers, and reference their involvement in projects in section 8; (a project individual is the person responsible for the execution of the work and will be the primary client contact for that portion of the work);
  - 4.3.4 Section 8: Describe building projects relevant to California courts or buildings of similar complexity completed in the last five (5) years, and with reference to the key individuals identified in section 7, and provide contact information (including phone number) for the Consultant's client on each project identified;
  - 4.3.5 Section 9: Omit;
  - 4.3.6 Section 10: In a maximum of three (3) pages, the prospective Consultant shall describe: a) its approach to the design of public buildings, b) its system for providing high quality services; and c) its understanding of the challenges of the Superior Courts of California, Capital Improvement Program.
- 4.4 The AOC may contact the Clients and Owners listed in section 8 of the standard form to verify the experience of the prospective Consultant's key personnel and their performance on past projects;
- 4.5 The submittal of qualifications will include a completed Attachment B, to this RFQ, in which the Consultants will indicate:
  - 4.5.1 The project(s) which the Consultant proposes to perform services, considering project size, preferences of the Consultant or insurance limitations (the Consultant is referred to the AOC OCCM standard agreement for Architectural and Engineering services for insurance requirements related to project scale);

4.5.2 On the Table of Proposed Services: Services the lead architect proposes to perform, and those which sub consultants will provide;

Attachment B will aid the AOC's OCCM in the evaluation of qualifications for each proposing Consultant, and be a guide to individual project assignments to selected Consultants;

4.6 Responsive SOQs should provide straightforward, concise information that satisfies the requirements noted above. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on brevity, conformity to instructions, requirements of this RFQ, as well as the completeness and clarity of content.

## **5.0 SELECTION PROCESS**

- 5.1. An evaluation panel of OCCM staff will review the submittals of the Statements of Qualifications, and may contact previous Clients of the prospective Consultant. After this evaluation, a short-list of three to four qualified firms will be established for each of the ten Projects; a Consultant may be short-listed for more than one project at the sole discretion of the AOC OCCM.
- 5.2. AOC OCCM will notify all proposers of the short-list for the projects; firms on the short-list will be notified of their interview time and place (interview dates for each project are indicated on the project descriptions, Attachment B); notification of interview will include an agenda of topics to be discussed; only the Consultant's Principal, Project Manager, Project Designer and Project Architect will participate in the interview; the AOC interview panel will be listed in the interview notification letter.
- 5.3. If a satisfactory contractual agreement on services and compensation cannot be reached in principle between the AOC and the first selected Consultant, for a particular assignment, within 30 calendar days of notification of selection, the AOC reserves the right to reassign any project to another qualified Consultant.
- 5.4. Successful Consultants selected for project assignments under this RFQ will not be precluded from consideration nor given special status in any succeeding RFQs for Architectural and Engineering Services, issued by the AOC.
- 5.5. The AOC cannot guarantee the amount or duration of the work, nor which phases will be authorized for a particular project. Project descriptions are subject to change, to the time a contract is executed, at the sole discretion of AOC OCCM. A Consultant selected by the AOC for the study phase of a project will be retained for subsequent phases of that project, subject to the successful performance of services, appropriation of funds by the California Legislature, and pursuant to the AOC Agreement for Architectural and Engineering services.



## 6.0 RIGHTS

- 6.1. The AOC reserves the right to reject any and all SOQ's, in whole or in part, as well as the right to issue similar RFQs in the future. This RFQ 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 associated SOQ. One copy of a submittal will be retained for official files.
- 6.2. The AOC reserves the right to reject any of the Consultant's sub-consultants and ask that a different firm be proposed for consideration.

## 7.0 EVALUATION OF SOQ

The AOC OCCM, will evaluate Statements of Qualifications using the following criteria, each to be weighted as indicated:

Percentage	Criteria
30	Experience of the prospective Consultant team and its key individuals in the development of quality solutions for court or other similar program intensive institutional buildings during the past five years;
25	Demonstrated record that the Consultant has delivered high quality consulting services and contract documents to its clients, and has in place an effective continuous quality improvement process;
20	Demonstrated ability of Consultant to design buildings within strict cost budgets and to meet client requirements and goals;
15	Capacity to provide resources necessary to develop and manage the work of a particular project and geographic region;
10	The prospective Consultant's lead architect's experience with the court functions and operations, or other governmental buildings of similar complexity.

## 8.0 ADDITIONAL REQUIREMENTS

- 8.1 Only written responses will be accepted except that Attachment B must be submitted electronically via e-mail to [occmrfq@jud.ca.gov](mailto:occmrfq@jud.ca.gov). Submittals received

after the deadline may be rejected without review. Responses should be sent by registered or certified mail or by hand delivery.

- 8.2 Within seven (7) business days after this RFQ is issued, potential consultants who plan to submit qualifications for one or more of the projects should register their intention by sending (via e-mail), contact information for the Consultant's Principal (and person responsible for submittal preparation, if different) to [occmrfq@jud.ca.gov](mailto:occmrfq@jud.ca.gov);
- 8.3 Registered proposers will be notified of the non-mandatory pre-submittal telephone conference call tentatively scheduled for July 6, 2004; registered proposers may submit questions, via e mail up to three (3) business days prior to the pre-submittal telephone conference;
- 8.4 After evaluations of the SOQs, a short-list of top ranked Consultants in each Project Category will be published to all registered proposers and posted on the AOC website.

## **9.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES**

The AOC may contract with the Consultant using a single agreement for a specific project or under a standard master agreement that establishes the overall scope of the services to be provided, the obligations of the parties, and the general fee agreement. If a master agreement is utilized, each assignment will be reflected in a separate delivery order under the master agreement. Each single agreement or delivery order will include details about the nature of the assignment or assignments the service provider will perform for the AOC, the timeline(s) for the assignment(s), the firm-fixed or not-to-exceed time and materials fee for services, reporting guidelines, and other information.

Contracts with successful Consultants will be signed by the parties on an AOC Standard Agreement form and will include terms appropriate for the project.

A typical AOC agreement for architectural and engineering services on a conventional design-bid-build project assignment is posted along with this RFQ.

The AOC reserves the right to modify or update the standard agreement in whole or in part at any time up to the negotiation of a specific agreement of a project assignment.

Incorporated in this RFQ, and attached as Attachment A, is a document entitled "Administrative Rules Governing Requests for Qualifications." Prospective consultants shall follow these rules in preparation and submittal of their SOQs.

## **10.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a prospective Consultant's proposal or SOQ 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 Consultant 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 or SOQ.

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

**ADMINISTRATIVE RULES GOVERNING REQUESTS FOR SOQ**

**A. General**

1. This solicitation document, the evaluation of SOQs, and the award of any contract shall conform with current competitive solicitation procedures as they relate to the procurement of goods and services. A prospective Consultant'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 SOQs.

**B. Errors in the solicitation document**

1. If a prospective Consultant submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the prospective Consultant 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 SOQ by posting an Addendum on the AOC's Courtinfo website (<http://www/Courtinfo.ca.gov/reference/rfp>).
2. If prior to the date fixed for submission of SOQ a prospective Consultant submitting qualifications knows of or should have known of an error in the solicitation document but fails to notify the AOC of the error, the prospective Consultant shall submit at its own risk, and if the prospective Consultant is awarded a 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 prospective Consultant's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the prospective Consultant may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the prospective Consultant 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 prospective Consultant will be notified.

2. If a prospective Consultant submitting qualifications 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 prospective Consultant may submit a written request that the solicitation document be changed. The request must set forth the recommended change and prospective Consultant's reasons for proposing the change. Any such request must be submitted to Nadine McFadden at the AOC by the proposal due date and time listed on the cover letter of this RFQ.

**D. Addenda**

1. The AOC may modify the solicitation document prior to the date fixed for submission of SOQ by posting an addendum on <http://www.courtinfo.ca.gov/reference/rfp/>. If any prospective Consultant determines that an addendum unnecessarily restricts its ability to submit, it must notify Nadine McFadden at the AOC.

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

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

**F. Evaluation process**

1. An evaluation team will review in detail all SOQs that are received to determine the extent to which they comply with solicitation document requirements.
2. If a proposal or SOQ fails to meet a material solicitation document requirement, the proposal or SOQ may be rejected. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements.

Material deviations cannot be waived. Immaterial deviations may cause a submittal to be rejected.

3. SOQs 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 a prospective Consultant's representative to answer questions with regard to the prospective Consultant's proposal or SOQ. Failure of a prospective Consultant to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal or SOQ nonresponsive.

**G. Rejection of submittals**

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

**H. Award of contract**

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible prospective Consultant submitting qualifications 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 SOQs for contracts on the basis of a proposal's or SOQ's meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed.

**I. Decision**

1. Questions regarding the AOC's award of any business on the basis of SOQ submitted in response to this solicitation document, or on any related matter, should be addressed to Nadine McFadden at the AOC.

**J. Execution of contracts**

1. A prospective Consultant submitting qualifications must be prepared to use a standard state contract form rather than its own contract form.

**K. Protest procedure**

1. The AOC intends to be completely open and fair to all prospective Consultants in selecting the best possible system within budgetary and other constraints described in the solicitation document. In applying evaluation criteria and making the selection, members of the evaluation team will exercise their best judgment.
2. A prospective Consultant submitting a proposal may protest the award if it meets all the following conditions:
  - a. the prospective Consultant has submitted a proposal or SOQ which it believes to be responsive to the solicitation document;
  - b. the prospective Consultant believes that its proposal or SOQ meets the AOC's administrative requirements and technical requirements, proposes items of proven quality and performance, and offers a competitive cost to the State of California; and
  - c. the prospective Consultant believes that the AOC has incorrectly selected another prospective Consultant submitting a proposal or SOQ for an award.
3. A prospective Consultant submitting a proposal who is qualified to protest should contact Nadine McFadden at the AOC at the address given below who will forward the protest to a Contract Officer.

Nadine McFadden  
Administrative Office of the Courts  
455 Golden Gate Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94102-3660

Attachment A

4. If the Contract Officer is unable to resolve the protest to the prospective Consultant's satisfaction, the prospective Consultant should file a written protest within five working days of the contract award notification. The written protest must state the facts surrounding the issue and the reasons the prospective Consultant believes the award to be invalid. The protest must be sent by certified or registered mail or delivered personally to:

Grant Walker  
Business Services Manager  
Administrative Office of the Courts  
455 Golden Gate Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94102-3660

A receipt should be requested for hand-delivered material.

**L. News releases**

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

**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 prospective Consultant submitting the proposal. One copy of a submitted proposal will be retained for official files and become a public record. Any material that a prospective Consultant considers as confidential but does not meet the disclosure exemption requirements of the California Public Records Act should not be included in the prospective Consultant's proposal as it may be made available to the public.