



Superior Courts of California, Counties of

- Butte: New North Butte Courthouse
- Los Angeles: New Southeast LA Courthouse
- Tehama: New Red Bluff Courthouse
- Yolo: New Woodland Courthouse
- Lake: New Lakeport Courthouse
- Monterey: New South Monterey County Courthouse
- Riverside: New Indio Juvenile/Family Courthouse
- Sacramento: New Sacramento Criminal Courthouse
- Shasta: New Redding Courthouse
- Sonoma: New Santa Rose Criminal Courthouse
- Sutter: New Yuba City Courthouse
- Santa Clara: New San Jose Family Courthouse
- Solano: Renovation to Fairfield Old Solano Courthouse

Request for Architectural and Engineering Qualifications

The Administrative Office of the Courts, Office of Court Construction and Management seeks to identify and select architects and their consulting engineering teams qualified to provide services in all phases of pre-design, design and construction of new courthouses for the Superior Courts of California, Counties of Butte, Los Angeles, Tehama, Yolo, Lake, Monterey, Riverside, Sacramento, Shasta, Sonoma, Sutter, Santa Clara and Solano, for projects to be funded in Fiscal Year 2009-2010

Request for Qualifications, February 27, 2009
Architectural, Engineering and Related Services

Date

February 27, 2009

To

Qualified Architectural and Engineering
Consulting Teams

From

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

Subject

Request for Qualifications of Architectural,
Engineering, and Related Services;
Superior Courts of California, Counties of:

- Butte: New North Butte Courthouse
- Los Angeles: New Southeast LA Courthouse
- Tehama: New Red Bluff Courthouse
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- Sutter: New Yuba City Courthouse
- Santa Clara: New San Jose Family Courthouse
- Solano: Renovation to Fairfield Old Solano Courthouse

Action Requested

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

Project Title:

Project Name: A&E - Major Capital Projects
2009

RFQ number: OCCM-FY2008-08

Deadline

SOQ must be received on or before the date
and time specified in the RFQ Schedule.

Send Statements of Qualifications to:

Judicial Council of California
Administrative Office of the Courts
Attn: Ms. Nadine McFadden
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102

*(Indicate RFQ Number, Name of Your Firm,
and Project Name on lower left corner of
envelope)*

Contact

OCCM_Solicitations@jud.ca.gov

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 create and maintain buildings that reflect the highest standards of excellence.

The Trial Court Facilities Act of 2002 (SB 1732, Escutia) as amended, among other requirements has shifted the governance of California's Superior Court buildings from the counties to the state, commencing July 1, 2004 and completing by December 31, 2009. The current inventory is comprised of approximately 600 separate court facilities 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 Trial Courts Five-year Capital Outlay Plan. The Trial Courts Five-year Capital Outlay Plan, which has been approved by the Judicial Council, can be reviewed at <http://www.courtinfo.ca.gov/programs/occm/5year.htm>.

Senate Bill 1407 (SB1407, Perata), enacted on September 26, 2008, provides enhanced revenue streams and authorizes \$5 billion in lease-revenue bonds for trial court facility construction. This historic revenue bond is the legislature's first significant commitment to funding courthouse improvements across the state since the enactment of the Trial Court Facilities Act in 2002. The revenue from this bond is proposed to support the preconstruction phase costs and debt service for construction phase costs for 41 capital-outlay projects. The projects which are the subject of this RFQ are the first group of the 41 capital-outlay projects to be funded. The first group includes Santa Clara-New San Jose Family Courthouse, which will be partially funded by this bond issue, and the Solano Historic Courthouse project, a renovation and restoration of an historic courthouse. The first group also includes Imperial-New El Centro Courthouse, for which an architectural and engineering team was selected in a prior procurement and which is therefore excluded from this solicitation.

2.0 PURPOSE OF THIS RFQ

OCCM seeks the services of qualified architectural and engineering consulting teams, led by architects licensed in California (the Consultant), with expertise in all phases of planning and design of public or similar institutional buildings. Architects licensed in California do not necessarily need to have offices located in California, as long as the firms can demonstrate their capability to provide effective service to the AOC and the Courts based on their primary locations, or through business associations with California practices which are proposed in the SOQs for all

phases, or for specific phases of a project. SOQs must clearly describe and explain joint ventures and other firm associations which are proposed for a project or projects.

This RFQ is the means for prospective Consultants to submit their qualifications for a specific project or projects to the OCCM, for the projects described in Attachment A, for the services described in this document. The RFQ and its Attachments A & B, the Standard Agreement, Form 330, Payee Data Record form, and all addenda are posted as separate documents accompanying this RFQ.

Prospective Consultants are required to submit separate customized qualifications, including specific teams, for a (each) specific project for which they wish to be considered under this solicitation. Single, boilerplate-type qualification submissions for multiple projects will be disqualified. Submissions must directly respond to the criteria for qualifications, upon which scores will be assigned and tabulated, as described in Sections 4, 5, and 7 listed below.

3.0 SCOPE OF SERVICES

The scope of architectural, engineering and related services for the project described in this RFQ and its Attachment B may include some or all of the following services:

- 3.1 **Site Analysis and Selection:** Participate in and/or perform detailed site selection and analysis for a new court building, including required countywide, urban, regional, court campus, or site-specific development planning;
- 3.2 **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, massing and test fit alternatives, as requested, (Real Estate brokerage services are not included in scope of services of this RFQ);
- 3.3 **Land Use Entitlement:** Support and/or 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);
- 3.4 **Development Studies:** Conduct or participate in planning, parking and traffic, zoning, geotechnical, on-site and off-site utility and related utilization studies required for site consideration and acquisition and for project development and approvals;

- 3.5 **Functional Programming and Detailed 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;
- 3.6 **Architectural and Engineering Design Services for New Construction:** Provide architectural, structural, civil, mechanical, electrical, plumbing, sustainable and LEED™ design, security, acoustical, interior design, lighting, audio visual, data/telecommunications, graphics design, building information modeling (“BIM”) and related services which may be required in connection with planning, design and a new building project. Special services that may be requested 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 art, where appropriate.

Additional Services may be required in any or all project phases including conventional schematic design, design development, construction documents, bidding, and construction contract administration and/or bridging documents for design-build, as needed, and where stipulated for a specific project or projects;

- 3.7 **Planning and Building Code Analyses:** Conduct and/or participate in all building and planning code analysis and reviews, including progressive and final analyses prior to design approvals, during coordination with AOC and executive branch agency reviews, and during and after construction. Analyses may include seismic hazard review where appropriate;
- 3.8 **Historic consulting or preservation services:** Provide specialized consulting where required in connection with restoration, preservation, or coordination of disciplines in adaptive reuse of historically significant building(s);
- 3.9 **Contracting and Sourcing:** Provide consultation on and analysis of methods of sourcing which may be used for the building projects subject to this solicitation, including (but not necessarily limited to) traditional design-bid-build, Construction Manager at Risk, and alternate approaches such as integrated project delivery; 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 for all aspects of project cost estimating and schedule planning, including construction estimating, life cycle

costing, value engineering, constructability 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 design and furniture specification, and finished material details;
- 3.12 **A/V, Telecommunications, Security, Low-Voltage Systems Design:** Provide all services required to properly plan, design and coordinate new and existing A/V, Telecommunications, Security and related low voltage systems associated with courthouse equipment.
- 3.13 **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;
- 3.14 **Construction Contract Administration:** Consistent with the scope stipulated in the attached contract, provide construction phase services, including (but not necessarily limited to) field observations, RFI and submittal reviews and processing, review of testing and inspection reports required by the bid documents (testing laboratory or construction inspection services are not part of this RFQ), coordination of finishes, furnishings and equipment, evaluation of pricing and schedule impacts for consideration/negotiation of changes, and project contract completion, including punch list, warranty review, preparation of record drawings and closeout;
- 3.15 **Building Commissioning:** Participation in development of building commissioning documents and procedures; and participation in commissioning program. (Specialized Commissioning agent services are not part of this RFQ);
- 3.16 **Move and Occupancy Planning:** Planning, design, and execution of temporary relocation, move planning, and start-up assistance;
- 3.17 **Peer Review Panel:** Participate in peer reviews of projects for which the Consultant is not associated, if requested; (OCCM may 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); limited compensation may be applicable.

- 3.18 **Trial Court Design Standards:** All projects shall be designed subject to the Judicial Council's Trial Court Facility Standards," April 2006 and subsequent updates;
- 3.19 **Sustainable Design and LEED™ Requirements:** All projects shall be designed for sustainability and at a minimum, to the standards of a LEED™ 2.1 Silver rating.

4.0 SPECIFICS OF SUBMITTING A RESPONSIVE SOQ

- 4.1 Each Consultant's Statement of Qualifications (SOQ) should clearly and accurately demonstrate the specialized knowledge and experience required for consideration for selection for each specific project for which the consultant seeks to compete; a separate SOQ must be submitted. An SOQ shall consist of a completed Standard Form 330, (Parts I and II); and a completed Technical Questionnaire. Additionally provide a statement of the prospective Consultant's last 10 years' history of litigation or settlements related to claims for errors or omissions. Form 1 attached should also be completed and included.
- 4.2 For each specific project for which the consultant seeks to compete, submit two (2) compact disks or flash drives, each containing the complete SOQ, in the form of a single PDF file. Place a label on the disk with the name of your organization, the name of the project for which you are submitting, and the AOC's RFQ number for this solicitation (OCCM-FY2008-08), and. Label the PDF file submitted on the disk in exactly the same manner.
- 4.3 In addition to the above requested copies of the SOQ, please submit one (1) completed and signed original of the Payee Data Record form posted with this RFQ. The Payee Data Record Form must be completed in the exact legal name of the business entity under which the Consultant proposes to do business with the AOC, and must be signed by an authorized representative of said entity. Do not include the Payee Data Record Form in the PDF file you submit and provide a brief letter identifying the individual who will serve as your point of contact for this RFQ including their telephone and e-mail contacts. Any official communication of the AOC with regards to this procurement will be sent to that individual at the e-mail address you specify.
- 4.4 When shipping SOQs to the AOC, prospective Contractors submitting SOQs for more than one project may include the CDs for multiple projects in a single shipping container.
- 4.5 With the exception of the Payee Data Form, do not enclose any other materials with your SOQ submission. The AOC does not require that DVBE information be submitted with your SOQ.

4.6 Completing the Standard Form 330, (U.S. General Services Administration):

Complete the Standard Form 330 completely, paying particular attention to the following:

- 4.6.1 Part 1 (A – D): Identify the your organizations point of contact, proposed team comprised of the Architect and only key sub-consultants, Structural, Mechanical, Electrical, low-voltage and LEED/Sustainability (as applicable), and an organizational team chart for the project or projects described in Attachment A;
- 4.6.2 Part 1 (E): Provide resumes for the key personnel that will constitute the actual team you propose to provide to the AOC the services necessary to complete the project. Include your organization’s principal-in-charge for this project, project manager, project architect, and project designer or alternate team roles. For your sub-consultants include principal-in-charge for this project or projects and project engineer (one page per person maximum). In composing your team, the AOC urges that you propose teams and individuals which have the requisite experience for the size, scale and complexity of the subject project, availability during the time frame proposed and in each particular geographical location. In particular, candidates for project manager should have the proven, commensurate experience in court or institutional projects, in the proposing organization, or in past employment;
- 4.6.3 Part 1 (F): Provide examples of your organization’s projects (no more than 10 projects) which best illustrate their collective firm, and individual qualifications for the scope and size of the specific project for which you propose to compete. Provide one attached page following the text page for each project for supporting photographs and/or graphics. Indicate any projects accomplished by the staff you are proposing that were conducted while under the employment of others. Project examples cited should be either California court buildings or institutional buildings of similar complexity completed in the last ten (10) years which demonstrate the Consultant’s ability and experience to successfully complete the subject court project applied for. Provide Owner’s information as a reference contact for verification of firm, team and individual roles and responsibilities for project(s) you have listed. (two pages per project maximum);
- 4.6.4 Part 1 (G): Participation of the key proposed team members in the project examples from Part 1 (F) should be provided. (One page maximum);
- 4.6.5 Part 1 (H): Provide a description of: a) your organization’s approach to the design of public or similar institutional buildings, and b) your response to the selection criteria listed in 7.0 of this RFQ. This section shall be signed by an authorized representative of the proposing organization. (four pages maximum);

- 4.6.6 Part II: Provide specific qualifications for the home office and/or branch office(s) and/or combination of single or multiple firm resources which you are proposing to perform the work described in the RFQ. Fill in sections 1 through 9. Part 9 shall indicate current employees by discipline. Section 12 shall be signed by an authorized representative of the proposing organization. Parts 4, 5b, 8c and 11 are not required. If you are proposing that a branch office provide a significant part of the services, provide your proposed plan for managing the project as regards to the roles, relationships and respective responsibilities of the proposing office and the home office relative to provision of the services within the home office, the branch offices of the firm, or both.
- 4.7 SOQs should provide straightforward, concise information that satisfies the requirements noted above and the criteria for point ranking listed below. Extensive color displays, and/or graphics are not necessary. Emphasis should be placed on brevity, conformity to instructions, requirements of this RFQ, as well as the completeness and clarity of content.

5.0 LIMITATIONS ON PROJECTS— APPROPRIATION FUNDING LIMITATIONS

- 5.1. If a Consultant wishing to participate in this RFQ already has major capital work with the AOC, that Consultant will not be precluded from consideration for additional work under this solicitation provided the consultant has requisite resources to complete multiple projects, subject to the criteria for selection under Section 7. This also applies to subconsultants.
- 5.2. For each of the subject projects, it is the intention of the AOC to contract with the selected firms for all phases of the project or projects described. However, the AOC can only authorize work for a phase or phases of work subject to appropriation under the respective budget act. As previously noted, all of the projects included in this RFQ are subject to appropriation in the Fiscal Year 2009-2010 Budget Act, and no work can begin until that budget is signed and appropriated. All future phases of work are similarly subject to budget appropriations in future fiscal AOC cannot guarantee the amount or duration of the work,. Prior to the time a contract is executed the project descriptions provided here are subject to change at the sole discretion of the AOC.

6.0 RIGHTS

- 6.1. The AOC has the right to reject any and all SOQ(s) that are not provided on or before the due date and time or that do not conform to the requirements of this RFP.
- 6.2. The AOC has the right to issue RFQs for the same or similar projects, in the future.

- 6.3. If, prior to the signing of the contract for an awarded project, the proposing entity changes its business ownership or the AOC determines that Contractors' proposed personnel or the subcontractors specified in the SOQ or subsequently agreed to during the interview process have substantially changed, the AOC reserves the right to terminate the intent to award a contract (already covered elsewhere).
- 6.4. This RFQ and the proposal of SOQs shall in no way act to form an agreement, obligation, or contract. In any event and regardless of circumstances in no way shall the AOC or the State of California be held responsible for any loss of profit or any costs or expenses incurred or experienced as a result of a prospective Consultant's preparation and proposal of an SOQ, or participation in interviews.
- 6.5. One copy of each SOQ submitted will be retained for official files.

7.0 SOQ EVALUATION PROCESS, INTERVIEWS, AND SELECTION OF CONSULTANTS FOR A PROJECT

- 7.1 For each individual project for which a submission has been made, an evaluation team consisting of AOC OCCM staff and other members of a project advisory team, as appropriate, will be assigned by the AOC.
- 7.2 The evaluation team will initially determine if the SOQ submitted conforms to the requirements of this RFQ. Prospective Consultants that submitted SOQs failing to meet RFQ requirements will, as soon as practicable, be notified in writing by e-mail.
- 7.3 The evaluation team will evaluate and grade the remaining Statements of Qualifications each to be weighted as indicated. In the process of grading the SOQs submitted, OCCM Staff may contact previous Clients and Owners listed in Part 1 (F) of the Standard Form 330 to verify the experience and performance of the prospective Consultant, their key personnel, and their key sub-consultants, as appropriate.

7.4 Criteria for Evaluation of SOQ's and Interviews

| WEIGHT | QUALIFICATIONS TO BE EVALUATED |
|---------------|--|
| 40% | <p><u>Design Experience</u></p> <p>Specific experience of the proposed team and its key individuals in the development of high quality buildings for court or other similar program intensive public/institutional buildings of similar size, complexity and cost, during the past ten years, as evidenced by awards from third party organizations for completed projects; teams with long-term experience</p> |

| | |
|-----|---|
| | together; documented and proven successful design solutions, etc. |
| 20% | <p><u>Project Management</u></p> <p>Specific experience of the proposed project manager in managing individual public/institutional projects of similar size, complexity. Prospective Consultant's record and systems for providing and maintaining high quality consulting services and design/contract documents to its clients, and in construction contract administration, and for budgetary and scheduling management, as evidenced by projects which have bid on or below budget; been completed on or ahead of schedule; specialized documentation of successes in management of scope, cost and time parameters for completed projects, etc.</p> |
| 10% | <p><u>Geographic Breadth of Service Delivery Area</u></p> <p>Ability of the firm to provide service in the geographical location of the project, given the firm's proposed resources, as evidenced by specific offices, resources and teams in specific locations which are proposed to be assigned to specific projects covered by this solicitation, etc.</p> |
| 20% | <p><u>Technical and Project Execution Capabilities Expertise</u></p> <p>Demonstrated experience and expertise of the proposed team to deliver high quality construction documents, and specific aspects of institutional building, including (but not necessarily limited to), building Mechanical/Electrical/Plumbing (MEP) and structural engineering design, interior design, site design and LEED™ standards and processes, as evidenced by documentation of completed projects which accomplished specific technical goals, such as LEED or otherwise unique and particular mechanical, electrical, structural and other systems, etc.</p> <p>The AOC's evaluation of prospective Consultant's ability to actually provide all the requisite resources needed to complete the project(s) for which they are selected, taking the AOC's scheduled expectations of the time frames for project execution into effect, as evidenced by a list of staff in specific locations who will be assigned to the proposed project.</p> |
| 10% | <p><u>Specialized Expertise</u></p> <p>Specialized expertise in court facilities programming and planning; and any other particular technical specialty associated with a given building project, as evidenced by specific examples of that expertise.</p> |

- 7.5. Based upon this initial evaluation, the AOC will select a list (estimated at 3 to 5 in number) of short listed firms for each project. The selected firms will be invited for in person interviews.

- 7.6. Following the interviews, the evaluation team will, taking the results of the Interview, and, using the assigned weights, determine the highest ranking Consultant, who will be selected for the project.

8.0 RFQ PROCESS AND SUBSEQUENT EVENTS

- 8.1 This RFQ process and the RFQ Schedule are subject to change at any time. Changes will be posted to the RFQ website, and no other notifications of changes shall be transmitted. **Prospective participants are urged to consult the website in a timely manner to remain apprised of any changes. Staying abreast of changes in the RFQ is the sole responsibility of the prospective Consultant.**
- 8.2 On the date specified in the RFQ Schedule provided in this solicitation, a web based teleconference will be held to review the published RFQ requirements and procedures, and to review questions which are submitted or proposed at the teleconference. If as a result of this teleconference, the AOC deems it necessary to modify this RFQ, the AOC will post clarifications and addenda to this RFQ on this website.
- 8.3 Prior to the web-based teleconference, Prospective Consultants may submit written questions to the AOC via e-mail which must be mailed to OCCM_Solicitations@jud.ca.gov. **Questions must be submitted** no later than the date and time specified in the RFQ Schedule. Utilize the “Form for Questions” posted with this RFQ as the vehicle to submit your questions. The AOC will post answers to the questions submitted as well as any necessary clarifications and addenda to this RFQ on the website [for](#) this solicitation in accordance with the date specified in the RFQ Schedule.
- 8.4 SOQs to be submitted may be sent by US mail, express mail, courier service of the prospective vendor’s choice, or by hand delivery to the AOC. E-mail submissions are not acceptable.
- 8.5 SOQs are due on or before the date and time specified in the RFQ Schedule or as said schedule is subsequently modified via changes posted to the website. It is the sole responsibility of the submitting Consultant to ensure that the SOQ reaches the AOC on or before the date and time specified. Submittals received after the deadline will be rejected without review. With the exception of SOQs delivered by hand, the AOC provides no receipts nor makes any notification of its receipt or failure to receive any SOQ.
- 8.6 Submissions must be sent to:
Judicial Council of California
Administrative Office of the Courts
Attn: Ms. Nadine McFadden

455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102
*(Indicate RFQ Number, Name of Your Firm, and Project Name
at lower left corner of envelope)*

If an SOQ is to be submitted by hand, it must be submitted only to the reception desk of the AOC on the 7th floor 455 Golden Gate Avenue, San Francisco, CA 94102. Consultants are advised to obtain a handwritten receipt from the AOC receptionist when submitting.

- 8.7 As already discussed in detail in Section 7 above, after an initial evaluation of the received SOQs for compliance with the requirements of this RFQ, a short-list of qualified firms will be established for each Project.
- 8.8 The AOC will notify the short listed firms which have been established for each project solely via publication of the lists to this website; This website posting will in addition provide those firms on the short-list with their interview time and location, which shall be in either San Francisco, Sacramento, or the Burbank offices of the AOC, or in the location or an individual court. Of particular importance and interest at the interviews is attendance by the Consultant's specific proposed principal, project manager, project designer and/or project architect, and consultants' court programmer, or programming consultant, as well as any other key consultant or consultants whose attendance will inform the interview and contribute to the final selection (e.g. the preservation consultant for an historic project).
- 8.9 It is the intention of the AOC to proceed with the projects with the prospective Consultant staff and subcontractors specified in the SOQs submitted. However, during the interviews, the AOC may request a mutually agreeable equivalent substitution for any one or more of the Consultant's staff and sub-consultants originally proposed as part of the Consultant team that will execute the project. If Consultant is selected for a project, Consultant is advised that the AOC shall have the right to approve the selection of other sub-consultants not designated in your SOQ.
- 8.10 Once the interviews have been completed and a selection made, the selected firm will be informed by via a website posting of a list of the projects and names of the selected firms.
- 8.11 Following selection, the AOC's assigned project manager will contact the firm and proceed with the negotiation of the contract fee and execution of the contract, however, no work may commence, and no contracts may be executed prior to the passage of the Fiscal Year 2009-2010 Budget Act, on or after July 1, 2009.

- 8.12 If a satisfactory contractual agreement regarding services and fees cannot be reached between the AOC and the first selected Consultant within a reasonable, mutually agreed upon period after notification of the Consultant selection, the AOC reserves the right to assign any project to another qualified Consultant, according to the results of the final ranking of firms for each project.
- 8.13 Throughout this solicitation process, if there is any need for communication with the AOC with regards to any aspect of this RFQ, such communication must be in writing, and submitted as e-mail to OCCM_Solicitations@jud.ca.gov. With regard to the projects under consideration and this RFQ, prospective Consultants and their sub-consultants **must not contact any AOC personnel or any individuals in the Superior Courts** for which the subject projects are identified. Violation of this restriction may disqualify a firm from consideration.

9.0 ADMINISTRATIVE RULES GOVERNING THIS RFQ—CONTRACT TERMS

Contracts with selected Consultants will be subject to a written and signed contract. A representative copy of the AOC Standard Agreement for professional services performed by architects and engineers is included with this RFQ. The representative copy of the Standard Agreement is provided to allow a prospective Consultant to familiarize itself with the AOC Standard Agreement terms and structure. The AOC will modify the representative Standard Agreement specific to the services set forth in this RFQ.

Attachment C GENERAL TERMS AND CONDITIONS of the representative Standard Agreement includes professional liability insurance requirements as part of section C.12. It is the policy of the AOC to require architects and engineers contracted to provide services to maintain professional liability insurance. The limits of liability required will vary according to the cost and nature of the project. For the Projects listed in section 12 of this RFQ, the following professional liability insurance limits of liability will be required:

1. New North County Butte Courthouse: \$2,000,000/occurrence - \$2,000,000 project aggregate
2. New Lakeport Courthouse: \$2,000,000/occurrence - \$2,000,000 project aggregate
3. New Southeast Los Angeles County Courthouse: \$5,000,000/occurrence - \$5,000,000 project aggregate
4. New South Monterey Courthouse: \$2,000,000/occurrence - \$2,000,000 project aggregate
5. New Indio Juvenile and Family Courthouse: \$2,000,000/occurrence - \$2,000,000 project aggregate
6. New Sacramento County Criminal Courthouse: \$10,000,000/occurrence - \$10,000,000 project aggregate
7. New San Joes Family Resources Courthouse: \$2,000,000/occurrence - \$2,000,000 project aggregate
8. New Redding Courthouse: \$10,000,000/occurrence - \$10,000,000 project aggregate

9. New Santa Rosa Criminal Courthouse: \$10,000,000/occurrence - \$10,000,000 project aggregate
10. Renovation of Fairfield Old Solano Courthouse: \$2,000,000/occurrence - \$2,000,000 project aggregate
11. New Yuba City Courthouse: \$5,000,000/occurrence - \$5,000,000 project aggregate
12. New Red Bluff Courthouse: \$2,000,000/occurrence - \$2,000,000 project aggregate
13. New Woodland Courthouse: \$10,000,000/occurrence - \$10,000,000 project aggregate

The AOC does not require a selected Consultant to have each of its subcontractors maintain professional liability insurance limits equal to those required of the Consultant. The insurance required of subcontractors is a business decision between the Consultant and its subcontractors.

Incorporated in this RFQ, and attached as Attachment B, is a document entitled “Administrative Rules Governing Statements of Qualifications.” Prospective consultants shall follow these rules in preparation and submittal of their SOQs. By virtue of submission of a proposal, Consultant agrees to be bound by the provisions of said Administrative Rules as regards this procurement.

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 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.

11.0 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 (DVBE's). The AOC is subject to this participation goal. Upon selection of a Consultant for the project assignment under this RFQ, the AOC will require that the selected Consultant demonstrate DVBE compliance and complete a DVBE Compliance Form. DVBE Compliance Forms are not to be submitted with the SOQ. DVBE participation is highly desirable, however, if it would be impossible for selected Consultant to comply, an explanation of why and demonstration of written evidence of a “good faith effort” to achieve participation may suffice. Information about DVBE resources can be found on the Executive

Branch's internal website at <http://www.dgs.ca.gov/default.htm>. or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

12.0 RFQ Schedule

| Proposed Schedule | RFQ Events |
|--------------------------|--|
| Week of 2/23/09 | Publication of RFQ |
| Weeks of 2/23/09-3/23/09 | 3/5/09 Submission of questions concerning the RFQ 3/9/09 Web-based teleconference to explain and discuss the RFQ |
| Week of 3/23/09 | 3/27/09 RFQ closes. Submissions to be made by 2:00 PM PDST 3/30/09-5/1/09 Review and Ranking of SOQs 5/8/09 Tabulation of final scores and completion of short lists |
| Week of 5/11/09 | 5/11/09 Short-lists to be published. |
| Weeks of 6/1/09-7/31/09 | Interviews to be held Final publications of selected firms and projects |
| After 7/1/09 | Authorization to proceed subject to appropriation under FY2009-2010 Budget Act |

ATTACHMENT A—LIST OF PROJECTS

| <i>Project Name</i> | <i>No. of Courts</i> | <i>Size (Sq Ft)</i> | <i>Construction Cost</i> | <i>Construction Start</i> |
|--|----------------------|---------------------|--------------------------|---------------------------|
| Butte County: New North Butte County Courthouse | 5 Courtrooms | 60,000 | \$59.7 Million | Spring 2013 |
| Lake County: New Lakeport Courthouse | 4 Courtrooms | 50158 | \$60.4 Million | Summer 2013 |
| Los Angeles County: New Southeast Los Angeles Courthouse | 9 Courtrooms | 90,000 | \$92.4 Million | Summer 2013 |
| Monterey County: New South Monterey County Courthouse | 3 Courtrooms | 47,200 | \$56.1 Million | Summer 2013 |
| Riverside County: New Indio Juvenile and Family Courthouse | 5 Courtrooms | 67,900 | \$70.0 Million | Summer 2013 |
| Sacramento County: New Sacramento County Criminal Courthouse | 35 Courtrooms | 396,609 | \$438.6 Million | Summer 2014 |
| Santa Clara County: New San Jose Family Resources Courthouse | 20 Courtrooms | 193,343 | \$157.1 Million | Summer 2011 |
| Shasta County: New Redding Courthouse | 14 Courtrooms | 173,350 | \$177.0 Million | Summer 2013 |
| Sonoma County: New Santa Rosa Criminal Courthouse | 15 Courtrooms | 173,500 | \$194.8 Million | Summer 2012 |
| Solano County: Old Solano Courthouse | | | | |
| Sutter County: New Yuba City Courthouse | 7 Courtrooms | 78,701 | \$87.0 Million | Summer 2013 |
| Tehama County: New Red Bluff Courthouse | 5 Courtrooms | 52,360 | \$53.7 Million | Summer 2013 |
| Yolo County: New Woodland Courthouse | 14 Courtrooms | 141,000 | \$143.6 Million | Summer 2013 |

Notes

1. Feasibility reports for the above projects are posted at <http://www.courtinfo.ca.gov/programs/occm/publications.htm>
2. Unless otherwise noted, the form of project delivery will be determined during the project.
3. Project construction scheduling assumptions include:
 - Site acquisition/Pre-design: 2 years, starting no earlier than 7/1/09
 - Schematic Design/Design Development: 1 year
 - Working Drawings: 1 year
 - Construction: 18-24 months depending on size of project

ATTACHMENT B

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR SOQs

A. General

1. This solicitation (the “RFQ”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “SOQ(s)”) SOQs, and the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for SOQs themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of an SOQ, prospective consultants agree to be bound by these Administrative Rules. If a prospective consultant has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B .
2. In addition to explaining the Administrative Office of the Courts’ (AOC’s) requirements, the RFQ includes instructions which prescribe the format, content, and date and time due of SOQs that are being solicited. Consultants must adhere to all instructions provided in the RFQ when submitting SOQs.

B. Errors in the RFQ or Administrative Rules

1. If a prospective consultant who desires to submit an SOQ discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ, or is of the opinion that the structure of the RFQ does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought, that one or more of the RFQ’s requirements is onerous or unfair, or that the RFQ unnecessarily precludes less costly or alternative solutions, or has objections to these Administrative Rules, the prospective consultant must, at least 2 full AOC business days before the due date of the SOQs, provide the AOC with written notice of the same, accompanied by a written explanation of why the prospective consultant is of the opinion that the RFQ or the Administrative Rules should be clarified or modified, as well as a written description of the modification sought. Said written notice must be in the form of an e-mail submitted to the e-mail address established for the submission of questions in the RFQ. Failure to provide the AOC with such written notice as specified above on or before the time specified above forfeits the prospective consultant’s right to raise such issues later in the solicitation process.

2. Without disclosing the source of the request, the AOC will evaluate the request and at its sole discretion determine if it chooses to modify the RFQ prior to the date fixed for submission of SOQ. Any modification made will be published by the AOC to the AOC's website advertising the solicitation.
3. If a prospective consultant submitting a SOQ knows of (or it can be reasonably demonstrated should have known of) an error in the RFQ but fails to notify the AOC of the error as prescribed above, the prospective consultant is submitting a proposal at its own risk, and, if awarded the work, the consultant shall not be entitled to additional compensation or time by reason of such error later identified, or its later correction by the AOC.

C. Questions and Confidentiality

1. Prospective consultants are entitled to ask questions about the RFQ and the nature of the goods and/or services being solicited in accordance with the procedure for the submission of such questions as specified in the RFQ. Except as otherwise specified below, the AOC's responses to questions submitted shall be published to the public website for the procurement.
2. If a prospective consultant's question, or a reasonably expected AOC response would reveal information that the prospective consultant considers to be proprietary, the prospective consultant should submit the question in writing, conspicuously marking it as "CONFIDENTIAL". Accompanying the question, the prospective consultant must submit a written statement explaining why publishing said question or the reasonably expected AOC response would damage the prospective consultant. If the AOC concurs that the disclosure of the question or the AOC's response would expose proprietary information, the question will be answered, but only to that prospective consultant, and both the question and answer will otherwise be kept in confidence. If the AOC does not concur that such information or its response would reveal information of a proprietary nature, the question will not be answered and the prospective consultant will be notified.

D. Addenda

1. In response to questions raised, or at its sole discretion, the AOC may modify the RFQ website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of SOQs. Such modification shall be made via a posting of such change(s) to the AOC's website.

E. Withdrawal and Resubmission of SOQs

1. A prospective consultant may withdraw its SOQ, but only in its entirety, at any time prior to the deadline for submitting SOQs by notifying the AOC in writing of

its withdrawal. Any such notice of withdrawal must bear the signature of an individual and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by e-mail to the e-mail address established for the submission of questions in the RFQ document.

2. A prospective consultant who has withdrawn an SOQ may thereafter submit a new SOQ, provided that it is received at the AOC no later than the SOQ due date and time specified in the RFQ.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered, and, if received, will not be accepted as valid.
4. SOQs cannot be withdrawn after the SOQ due date and time specified in the RFQ.

F. Evaluation Process

1. In accordance with the provisions of the RFQ, an evaluation will be made of all SOQs rightfully received, to determine if they are complete with regard to the materials required for submission by the RFQ and to determine if they otherwise comply with the requirements established in the RFQ.
2. If an SOQ submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFQ, the SOQ will be rejected. A requirement will be judged to be material to the extent that it is not responsive to or is not in substantial accord with requirements of the RFQ. Material deviations cannot be waived.
3. The AOC, at its sole discretion shall have the right to waive immaterial deviations of SOQs with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFQ.
4. The AOC's waiver of an immaterial deviation for one prospective consultant shall in no way act to excuse that prospective consultant from material compliance with any other RFQ requirement. The AOC's waiver of an immaterial deviation for one prospective consultant shall in no way act to excuse other prospective consultant(s) from material compliance with that same requirement.
3. SOQs that make false or misleading statements or contain false or misleading information may be rejected, if, in the AOC's sole opinion, the AOC concludes that said statements and/or information were intended to mislead the AOC.
4. During the evaluation of the SOQ's, the AOC has the right to require a prospective consultant's representatives to answer questions with regard to the SOQ submitted. Failure of a prospective consultant to demonstrate that the claims made in its SOQ are in fact true may be sufficient cause for deeming a SOQ to be materially in non-compliance with the requirements of the RFQ.

G. SOQs: Rejection, Negotiation, Selection Rights

1. In accordance with the provisions of the RFQ, the AOC may reject any or all SOQs. .
2. The AOC reserves the right, to negotiate the content of the SOQ proposed with individual prospective consultants if it is deemed in the AOC's best interest.
3. The AOC reserves the right to make no selection if SOQs are deemed to be outside the fiscal constraints of, 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 provisions of the RFQ except to the degree that any immaterial defects have been waived by the AOC.
2. The actual execution of contracts is subject to availability of the funds needed to pay for the good and services by the State of California through its budgeting and appropriations methods. The AOC makes no guarantee of funding through its solicitation for goods and/or services via an RFQ.

I. Execution of contracts

1. The AOC will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFQ within the time specified in the RFQ, or, if no time has been specified in the RFQ, thirty (30) calendar days following the date of publication of award. Exceptions to the contract documents posted with the RFQ that are raised by a prospective consultant may delay the execution of contracts. If the negotiation of exceptions raised results in a delay of the planned time of execution past the time period allowed for as specified above (unless otherwise extended in writing by the AOC), the AOC at its sole discretion shall have the right disqualify the award made.
2. By submitting an SOQ, a prospective consultant consents to the use of the form of contract posted with the RFQ rather than its own contract form. Questions about and major exceptions to the contract form should be submitted as questions in accordance with the provisions for the raising and answering of questions as given in the RFQ, and not following notification of an award. The AOC will make reasonable attempts to answer such questions, however, the contract will not be negotiated until after the award is made, and prospective vendors shall not construe the AOC's responses to questions as the AOC's final position on a question raised, nor rely on the AOC's answers as a guarantee of a later successful negotiation of terms.

J. Protest procedure

1. Failure of a prospective consultant to comply with any of the requirements of the protest procedures set forth in this Section K will render a protest inadequate and will result in rejection of the protest by the AOC. Such rejection shall act to further forfeit the right of the prospective consultant to continue the protest, and is not appealable under this protest procedure.
2. A protest may only be based upon allegedly restrictive requirement in the RFQ or upon alleged improprieties in regard to the AOC's execution of its responsibilities with regard to receipt and evaluation of the SOQ, or grant of award, all as specified in the RFQ document.
 - a. **Protests Based On Allegedly Restrictive Requirements:**

Protests alleging restrictive requirements in the RFQ must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFQ raised later than as specified in Section C will not be considered a valid protest and will be rejected by the AOC without further and the prospective consultant shall have no further recourse under this procedure, including no further right of appeal.

- b. **Protests Based on Alleged Improprieties in Regard to the AOC's Execution of its Responsibilities:**

A prospective consultant who has actually submitted an SOQ may protest the AOC's rejection of its RFQ for failure to comply with the requirements of the RFP, or upon the basis of an allegation of improprieties with regard to the AOC's fair and impartial execution of its responsibilities to evaluate the RFQs and make awards, but only as such responsibilities are specified in the RFQ document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:

- a. If an SOQ is rejected because of an alleged failure of the prospective consultant to provide the SOQ to the AOC on or before the date and time and as otherwise required for submission in the RFP, the prospective consultant may file a protest and must provide verifiable documentation that it has submitted an SOQ in compliance with the RFQ's directives regarding timely submission. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.
 - b. If an SOQ is rejected because the SOQ submitted is incomplete with regards to the materials required for submission, or fails to meet any other material requirement of the RFQ, the prospective

consultant may file a protest and must provide a written explanation which alleges to reasonably demonstrate that the SOQ submitted was in fact complete and/or is in fact in compliance with the RFQ requirement(s) in question. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.

- c. If an SOQ fails to win an award and the prospective consultant alleges that said failure was due to a failure of the AOC to fairly and impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities are specified in the RFQ, the prospective consultant may file a protest and must provide a written explanation which alleges to reasonably demonstrate in what manner the AOC has failed to failed to fairly and impartially execute said procedures. Such protests must be filed within (5) full AOC business days following the date of posting of award notices to the AOC website for the RFQ.

In order to be considered valid, all such protests to be submitted:

1. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFQ document. PDF documents may accompany the e-mail as further detailed below.
2. Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
3. Must provide the title of the solicitation document under which the protest is submitted.
4. Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.
5. Must provide a detailed description of the specific ruling or relief requested.

6. Must cite **all** protests that the prospective consultant intends to make. Failure to raise a protest in the initial protest submittal shall act to disqualify the raising of that protest at a later date.

Any protest failing to meet or provide the appropriate requirements as noted above., shall not be considered valid and will be rejected as non-compliant by the AOC and will be rejected by the AOC without further recourse under this procedure.

If the course of investigation of a protest the AOC deems necessary, the AOC may request and protestor shall make best efforts to provide further evidence or documentation as requested by the AOC.

The existence of a protest will in no way act to restrict the right of the AOC to proceed with the procurement. The AOC, at its sole discretion, may elect to withhold the contract award(s) until the protest is resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

K. Protest Decisions

The protest will be forwarded to the appropriate Contracting Officer at the AOC, who will assess the protest submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply the Administrative Rules.

If the protest submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy.

The Contracting Officer will, within ten (10) AOC business days following the receipt of the protest provide the protesting prospective consultant with a written judgment, including a description of any relief or remedy that shall be provided.

If awarding a remedy, the AOC shall, at its sole discretion, choose to employ any or a combination of the following remedies:

- Award the contract consistent with the RFQ.
- Extend an additional award to the protesting prospective consultant.
- Terminate the already existing contract that resulted from the RFQ award the contract to the protesting prospective consultant.
- Terminate the already existing contract that resulted from the RFQ for convenience and re-solicit the RFQ.

- Refrain from exercising options to extend the term of the contract that resulted from the RFQ and re-solicit sooner than originally planned;
- Other such remedies as the AOC may deem necessary and appropriate.

The AOC will investigate the protest and will provide a written response to the prospective consultant within ten (10) AOC business days. If the AOC requires additional time to review the protest and is not able to provide a response within said period of time, the AOC will notify the protestor.

L. Appeals Submission

The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting consultant thereafter seeks an appeal of the ruling or relief prescribed.

The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the AOC's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFQ. In order to be accepted as valid, any such appeal must be received by the AOC within five (5) AOC business days after the date of issuance of the AOC Contracting Officer's decision.

If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below.

The justification for the filing of an appeal is specifically limited to:

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

In order to be considered valid, all requests for appeal must be:

1. Submitted by e-mail to the e-mail address established for the submission of questions in the RFQ document and addressed to the AOC's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.
2. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
3. Must provide the title of the solicitation document under which the appeal is submitted.
4. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems necessary. If the appealing party fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.
5. Must provide a detailed description of the specific ruling or relief requested.
6. Must cite **all** appeals that the prospective consultant intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

M. Appeals Decisions

The AOC Senior Manager Business Services will assess the appeal submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply the Administrative Rules.

If the appeal submission is deemed valid, the AOC Senior Manager Business Services will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy, (DO WE NEED THE FOLLOWING? and will take into account as it deems applicable, the seriousness of the procurement deficiency; the degree of prejudice suffered by the protesting party; 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 Senior Manager Business Services will, within ten (10) AOC business days following the receipt of the appeal provide the appealing prospective consultant with a written judgment, including a description of any relief or remedy that shall be provided.

The decision of the AOC Senior Manager Business Services shall be the final determination concerning the appeal, and is not itself appealable.

N. News Releases

News releases pertaining to the existence or disposition of a protestor appeal may not be made without prior written approval of the AOC Senior Manager Business Services

O. Disposition of SOQ Materials Submitted; Confidentiality

All materials submitted in response to this RFQ 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 SOQ. One copy of a submitted SOQ will be retained for official files and become a public record. Any material that a prospective consultant considers to be confidential but that does not meet the disclosure exemption requirements of the California Public Records Act may in fact be made available to the public as a public record, and prospective consultants are hereby advised not to include such information in their SOQs. .

P. Payment

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP, however, prospective consultants are hereby advised that AOC payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the AOC and the selected consultant.
2. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount of the withhold may depend upon the length of the project and the payment schedule provided in the agreement between the AOC and the awarded consultant.

End of Attachment B