



# **Request for Qualifications and Proposals for Preconstruction Services and Construction Management at Risk Services with a Guaranteed Maximum Price**

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## **San Jose Family Justice Center**

Superior Court of California,  
County of Santa Clara

The Administrative Office of the Courts, Office of Court Construction and Management seeks proposals from Construction Management firms qualified to provide services in all phases of design and construction of a new courthouse for the Superior Court of California, County of Santa Clara



**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/PROPOSALS

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### **Preconstruction Services and Construction Management at Risk Services with a Guaranteed Maximum Price**

Date  
August 27, 2010

To  
Interested Construction Management  
at Risk Firms

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

Project Title  
San Jose Family Justice Center  
Solicitation Number: OCCM-2010-23-GS

Send Proposals To:  
Judicial Council of California  
Administrative Office of the Courts  
Attn: Ms. Nadine McFadden,  
Business Services, 7th Floor  
455 Golden Gate Avenue  
San Francisco, CA 94102  
*(indicate RFQ/P number and project name  
on lower left corner of envelopes)*

Contact:  
[OCCM\\_Solicitations@jud.ca.gov](mailto:OCCM_Solicitations@jud.ca.gov)

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### **Schedule of Events**

No.	Events	Dates (Calif. Time)
1	Pre-Proposal / Project Review Teleconference. Telephone Participants Dial: 877-455-8688 Participant Code: 900364	3:00 to 4:30 pm on September 10, 2010
2	Deadline for submission of Proposer's Requests for Clarifications re: the RFQ/P and non-binding email of Intent to Respond	12:00 noon September 21, 2010
3	Clarifications, Modifications and Answers to Questions posted on "courtinfo" website: <a href="http://www.courtinfo.ca.gov/reference/rfp/">http://www.courtinfo.ca.gov/reference/rfp/</a>	5:00 pm on September 28, 2010 (estimated)
4	<b>Proposal Due Date and Time</b>	1:00 pm on October 13, 2010
5	Posting of Short Listed Proposers on courtinfo website	Week of November 3, 2010 (estimated)
6	Interviews of Short Listed Proposers at the AOC Bay Area /Northern Coastal Regional Office – San Francisco	Week of November 15, 2010 (estimated) Times TBD
7	Posting of Intent to Award on courtinfo website	Week of December 13, 2010 (estimated)

## **RFP Index**

- 1.0 Introduction
- 2.0 Purpose of this RFQ/P
- 3.0 Project Description and Schedule of Work
- 4.0 Responding to the RFQ/P
- 5.0 Statement of Work, Legal Terms and Conditions
- 6.0 Submitting Your Proposal
- 7.0 Selection Process
- 8.0 Disabled Veteran Participation Goals
- 9.0 Administrative Rules Governing This RFQ/P Process

### Attachments to the RFP:

- A CM at Risk Agreement for Preconstruction and Construction Phase Services
- B not used
- C Construction Phase Scope Detail
- D Form for Submission of Questions
- E Technical Qualifications Questionnaire
- F Fee Proposal Form
- G Payee Data Record
- H General Conditions of the Contract for Construction, Document 00700
- I Cost Responsibility Matrix
- J Reference Check Form

## **1.0 Introduction**

This Request for Qualifications and Proposal (RFQ/P) is the means for Construction Managers to submit their proposals to the AOC for the services described in this document. The RFQ/P and all associated documents and addenda are available in electronic form at <http://www.courtinfo.ca.gov/reference/rfp/>.

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.

**Funding Sources** – Funding for this project is from SB1407 through the State budget process for FY 2010-2011. Additional funding will be provided by the Court and land donation by the County.

## **2.0 Purpose of this RFQ/P**

The AOC seeks to retain the services of a qualified Construction Manager (CM) at Risk firm with expertise in all phases of preconstruction and construction of public buildings as described herein, for the Project as described in article 3, Project Description. Subject to the conditions prescribed by the AOC and provided herein, the AOC is hereby soliciting Qualifications and Proposals for furnishing Preconstruction Services and Construction Management Services with a Guaranteed Maximum Price (GMAX) for the Project, as described in this RFQ/P. The selected CM at Risk will apply its expertise to all aspects of the Project in collaboration with other project participants to produce a court building that provides significant value to the state judicial system. Selection will be made on the basis of a

combination of qualifications and price. The AOC intends to award the CM at Risk Contract and issue a Notice To Proceed in a timely manner following the selection process.

This RFQ/P describes the Project to include both Preconstruction Phase Services and Construction Phase services. The procurement method for the purchase of the services during the Preconstruction Phase of this Project shall be a firm fixed price proposal. The procurement method for the Construction Phase of this Project is commonly known as "Construction Manager at Risk with Guaranteed Maximum Price". This RFQ/P requests that interested firms submit a Proposal which encompasses both Phases of the Project.

In responding to this RFQ/P, all Proposers are required to adhere to all AOC requirements provided herein. All Proposers must hold and maintain a valid type B general contractor license from the State of California. The AOC will contract with a single firm or entity, and the successful Proposer may not self-perform construction work or bid on subcontractor bid packages.

### **3.0 Project Description**

The Project is the pre-construction planning, design, construction, and commissioning of a new building with site development for a trial court facility comprised of approximately 234,000 BGSF with 20 courtrooms, related superior court administrative offices & public service spaces, holding area at courtrooms, in custody central holding, and court support spaces. The court building will be a mid-rise of approximately 7 to 8 above-grade floors with up to three below-grade levels that will be primarily dedicated to central holding, vehicle sallyport, building services and secure parking of approximately 43 stalls. The Project includes, but is not limited to, all building structure, enclosure, interior improvements, mechanical, electrical, data, telecommunication, audio visual, security systems; as well as the interior furniture, fixtures and equipment.

The site development includes but is not limited to site preparation, underground utilities, landscape, hardscape, vehicular drives and ramps, street-frontage improvements, security barriers, fencing, and gates. Site work will include demolition of an existing parking lot and paving prior to commencement of construction. The site will be in downtown San Jose on a partial city block (approximately 1.8 acres) site near the Downtown Superior Court and the Old Courthouse.

The AOC will implement an owner controlled insurance program (OCIP) to provide project insurance for the benefit of the AOC, the CM at Risk, and subcontractors of every tier doing work at the project site. The OCIP is more fully described in Article 11 - Insurance and Bonds of Attachment H General Conditions of the Construction Contract, Document 00700.

Note that a Phase I and II Environmental Site Assessment Report was completed for this project and CEQA review is completed and documented by the Final Initial Study and Mitigated Negative Declaration, March 2010 prepared by the Judicial Council of California's Administrative Office of the Courts. These documents are on the courtinfo web site, <http://www.courtinfo.ca.gov/reference/rfp/>.

A detailed description of the Project is contained in Exhibit G to Attachment A - the CM at Risk Agreement for Pre-Construction and Construction Phase Services.

The AOC's estimated Direct Cost of the Work (Construction) is shown on Attachment F.

3.1 General and Estimated Schedule of Work:

Start and completion dates shown below are estimated. Actual dates for each phase will be inserted into the CM at Risk Agreement as it is amended to authorize a subsequent phase of services. Dates include AOC and regulatory reviews or approvals.

a. Acquisition and Feasibility Studies Phase (NIC)

Start: September 2009

Complete: June 11, 2010

b. Preliminary Plans / SD and DD Phase

Start: November 16, 2010

Complete: June 13, 2011

c. Working Drawings Phase (NIC)

Start: June 14, 2011

Complete: May 17, 2012

d. Bidding/Contract Award Phase (NIC)

Start: May 18, 2012

Complete: August 30, 2012

e. Construction Phase (NIC)

Start: August 31, 2012

Complete: July 1, 2014

#### **4.0 Responding to this Request for Qualifications/Proposal**

The AOC has developed the schedule of events (see page 2) showing the key dates for this solicitation process. The RFQ/P and schedule are subject to change, and the AOC does not send notifications of changes to this RFQ/P or the schedule to prospective Proposers and is not responsible for failure of any Proposer to receive notification of any change in a timely manner. Proposers are advised to visit the AOC website (<http://www.courtinfo.ca.gov/reference/rfp/>) frequently to check for changes and updates to the RFP/Q, including the Schedule. Prospective Proposers must take the following actions according to the specified timelines in order to participate in this process.

4.1 Optional: Submit Questions Prior to the Pre-Proposal Teleconference:

If your organization wishes to submit questions that will be answered at the Pre-Proposal conference, please submit your written questions, using the electronic Form for Submission of Questions that is posted as Attachment D of this RFQ/P. Please complete all sections of the form when submitting. Pay particular attention to correct identification and citation of areas of the

RFQ/P about which you raise questions. Questions at this stage should address the particulars of the RFQ/P process and general questions about the overall nature of the Project. Proposers are requested to withhold highly specific questions regarding the Project until after the Pre-Proposal Teleconference. Note: Your firm name may appear when the answers to the questions you have submitted are posted to the AOC website. Posting of answers to this initial set of questions to the AOC website will be made after the Pre-Proposal Teleconference.

All questions must be submitted using the form noted above, sent as attachments to an e-mail sent to the following e-mail address: "[OCCM\\_Solicitations@jud.ca.gov](mailto:OCCM_Solicitations@jud.ca.gov)" and must include the following in the e-mail subject line: "CM at Risk: RFQ/P Questions + (the name of your organization)".

4.2 Optional: Participate by Phone in the Pre-Proposal Teleconference:

The AOC will provide an overview of the Project, introduce key AOC personnel, and answer questions submitted in writing via email prior to the Pre-Proposal Teleconference. If time allows, other questions may be solicited and answered. Although questions will be responded to verbally, the official and binding response will be the written response posted to the AOC website.

4.3 Optional: Submit Requests for Clarifications re: the RFQ/P and Email Intent to Respond:

If your organization wishes to submit questions prior to submission of a Proposal, please submit using the form and process as described in section 4.1 above. Answers to questions will be posted to the AOC website.

Email Indicating Interest: Proposers who intend to respond to this solicitation are requested to notify the AOC by sending an email to [OCCM\\_Solicitations@jud.ca.gov](mailto:OCCM_Solicitations@jud.ca.gov) with the RFQ/P number and name in the subject line. This is not mandatory but is strongly encouraged, to assist the AOC in managing the RFQ/P process. Please include the name, address, telephone, fax number, and e-mail address of the Proposer (firm) and contact person.

4.4 Preparing and Packaging Your Proposal:

Proposals should provide straightforward, concise information that satisfies the requirements noted in this RFQ/P. Expensive binding, elaborate displays, and the like are discouraged. Emphasis should be placed on brevity, conformity to the AOC's instructions, selection criteria of this RFQ/P, and completeness and clarity of content. Organizing proposals using tab dividers in the order indicated below helps ensure that each proposal achieves the proper emphasis, and will facilitate review and evaluation. Attachments, except as noted, will not be accepted.

Each Proposer's shall submit items listed in a) through d) below. Statement of Qualifications (SOQ) booklets should clearly and accurately demonstrate specialized knowledge and experience required for consideration.

In one large sealed envelope clearly marked, "PROPOSAL – Firm Name, Project Name, RFQ/P Number", enclose and submit the following:

- a) Two (2) copies, in paper form, of your Price Proposal. Submit Price Proposal in a separately sealed smaller envelope which will be included with other materials listed below. Clearly mark this envelope, ("PRICE PROPOSAL – Firm name, Project Name, RFQ/P Number");

- b) One (1) original of the Payee Data Record form completed in the exact legal name of the Proposer's business signed by an authorized representative of the Proposer (Do not bind Payee Data Record form into the SOQ booklet);
- c) One (1) compact disk containing the complete SOQ booklet and Payee Data Record form;
- d) Five (5) copies, in paper form, of the SOQ booklets, which consists of a Cover Letter and Standard Form 330 (Parts I and II). A SOQ booklet shall be prepared in a bound 8.5" x 11" booklet format using divider tabs that correspond, in number and title, to the Standard Form 330 sections outlined below:

Tab 1. Cover Letter

Provide a cover letter that references this RFQ/P and includes Proposer's ability to quickly begin work in the Acquisition and Feasibility Studies Phase; written confirmation that all elements of the RFQ/P have been read and understood and that the Proposer agrees to all terms stated in the CM at Risk Agreement for Preconstruction and Construction Phase Services (Attachment A of this solicitation document) and the General Conditions of the Contract for Construction, Document 00700 (Attachment H of this solicitation document). See required initials in Attachment F (Fee Proposal Form).

- The exact legal name, address, telephone and fax numbers, and federal tax identification number of the organization proposing to do business with the AOC (or social security number if the organization is a sole proprietorship),
- The name, telephone, fax, address, and e-mail address of one business person who is the organization's designated representative,
- The name, telephone, fax, address, and e-mail address of the contracts management or legal person who will liaise with the AOC in contractual matters.

Tab 2. 330 Part I (A-D): Firm Identification

Identify the Proposer's point of contact; list proposed team comprised of the key members of Proposer's firm to be assigned to this Project, including their roles and their time, in hours, dedicated to the Project for each phase of work (one page maximum); and an organizational team chart for this Project (one page maximum). Attach a one page maximum firm description after the 330 form. If more than one firm is identified in section A-D, submit a one page description for each firm.

Tab 3. 330 Part I (E): Resumes of Key Personnel

Resumes of key personnel of the proposed team for the Project. Indicate name, position, years of experience and years with firm, along with at least 2 references with current contact information per person. (One page per person maximum);

Each individual should also have at least two (2) references submitted in the form of Attachment J, Reference Check Form, in the manner described on the form.

Tab 4. 330 Part I (F): Example Projects

Maximum ten (10) example projects (public works and/or private sector) which best illustrate firm's qualifications for the scope and size of the specific project. Indicate any projects accomplished by current firm staff conducted while under the employment of others. Indicate services performed as Preconstruction services and/or Construction Management at Risk services with a GMAX. Construction shall have been completed within the past five years and have a construction cost over \$150,000,000. Projects shall be relevant to a high-public-use, urban, mid-rise trial court or buildings of similar

complexity and budget that demonstrate the Proposer's ability and experience to successfully plan and complete this court project. Type of buildings, size of buildings, complexity of construction, and references for the key project personnel are important parts of the evaluation. Provide Owner's and architect's information and a reference contact for each that is verifiable. Provide one attached page following the text page for each project for supporting photographs and/or graphics. (Two pages per project maximum);

Tab 5. 330 Part I (G): Key Personnel

Each Key person's area of responsibility and level of participation in the proposed team and their role in the project examples from section 4. (One page maximum);

Tab 6. 330 Part I (H): Proposed Approach

Provide a Project Plan for performing the activities specified in the Statement of Work provided in this RFQ/P. The Project Plan should be organized into three sections: Preconstruction, Guarantee of GMAX/Bidding (including plans for advertising and other outreach to the local subcontractor community), and Construction Management. Use these categories to group information that illustrates your firm's proposed approach to the entire CM at Risk process, indicating your strategies for feasibility studies, project planning, quality control, issue anticipation resolution throughout the Project, your methodology for coordination and issue tracking, as well as any other information you feel is pertinent. This section shall be signed by an authorized representative of the prospective Proposer. (Ten pages maximum);

Tab 7. 330 Part II: General Qualifications

Provide general qualifications for the Proposer's office or branch office that is performing the work described in the RFQ/P. 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 prospective Proposer. Items 4, 5b, 8c and 11 of Part II are not required.

Tab 8. Technical Qualifications Questionnaire

Include completed Attachment E form here bearing an original signature from an individual with a level of authority qualified to commit your organization.

Tab 8.1 Supporting Documentation: Safety Record

Include a description of your organization's Project safety and security program, your ability to comply with the terms of Article 10 – Protection of Persons and Property of Attachment H General Conditions of the Construction Contract, Document 00700, and an explanation of your organization's experience in assisting an owner in the successful administration of an owner controlled insurance program.

Tab 8.2 Supporting Documentation: Litigation History

List litigation(s) and resolution(s) within the past 5 years, include dispute(s) that were or were not resolved thru arbitration.



Tab 9. General Contractor License

Include a copy of your Type B general contractor license permitting your firm to perform construction work in the State of California.

Tab 10. Financial Information

Provide one original (preferred) or copy of your audited and already published financial statements for three annual periods preceding the due date for your Proposal. Please be certain that the statements provided are in the same legal name as that in which you intend to do business with the AOC and not in the name of parent organizations, and do not include other subsidiaries.

4.5 Communications Regarding this RFQ/P

Any questions regarding this solicitation document shall be directed in writing (via email) to the Business Services Manager for this RFQ/P process. Proposers/potential Proposers are to refrain from contacting any other AOC personnel with regards to this RFQ/P. The Business Services Manager for this solicitation process is:

Mr. George Santore  
Senior Contract Specialist  
Finance/Business Services  
Judicial Council of California - Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
[OCCM\\_Solicitations@jud.ca.gov](mailto:OCCM_Solicitations@jud.ca.gov)

For Standard Form 330, please go to:

[http://contacts.gsa.gov/webforms.nsf/0/21DBF5BF7E860FC185256E13005C6AA6/\\$file/sf330.doc](http://contacts.gsa.gov/webforms.nsf/0/21DBF5BF7E860FC185256E13005C6AA6/$file/sf330.doc)

## **5.0 Statement of Work, Legal Terms and Conditions**

The Statement of Work (SOW) and legal terms and conditions applicable to the Construction Phase of the Project can be found in three places - Attachment A of this solicitation, "Standard Agreement for Preconstruction and Construction Phase Services", Attachment C, Construction Phase Cost Detail, and Attachment H, "General Conditions Of The Contract For Construction, Document 00700".

Services generally required in Preconstruction Phase are: Input to Design and Construction Documents, Scheduling and Phasing, Value Analysis, Constructability; Feasibility Studies and Peer Reviews (not code-level plan checks), Cost Control Management, Monitor Approvals, Prepare Subcontractor Bid Packages, Identify Qualified Subcontractors and Solicit Bids, Receive bids, Agreement on Guaranteed Maximum Price.

Services generally required in Construction Phase are: Execute and manage Subcontracts, Provide on-site support and logistics including but not limited to temporary construction office trailers and equipment, supervise and direct the Work, conduct Project Meetings, Project site safety, Quality Assurance Program, prepare Monthly Progress Payments Application, manage Change Order process, prepare Monthly Construction Progress Report, coordinate Commissioning and Acceptance Testing, and prepare Record Construction Documents and perform Project Closeout .

## **6.0 Submitting Your Proposal**

In order to be considered for award, the AOC requires that statements of qualifications and technical and price proposals (“Proposal(s)”) shall be provided, in written form, not later than the time and date indicated in the Schedule of Events on page 2 of the most current version of this RFQ/P, to the following address:

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

Proposals are not to be submitted as e-mails. Proposals may be sent by US mail service certified mail, or overnight delivery carrier, or may be delivered in person. The Proposer assumes all risk of loss regarding any delivery method it chooses to use, and the AOC shall not be held responsible for any failure of any delivery service/method. The Proposer is solely responsible for ensuring delivery no later than the date and time specified. The AOC will return unopened, any proposal received after the time specified in the most current RFQ/P Schedule.

## **7.0 Selection Process**

It is the intention of AOC that its selection of the firm to provide professional construction management services for this Project shall take into consideration both the quality of the Proposer, as demonstrated by their competence and experience and by the cost proposed to provide services.

### **7.1 Proposal Evaluation Process**

The evaluation team will first evaluate the Qualifications/Technical portion of the submitted SOQ to determine its responsiveness to the AOC’s expressed needs and score them as Total Quality Points. Then these Quality Points will be factored into a formula that computes the Cost per Unit Quality. The lowest Cost per Unit of Quality determines the winning Proposer.

#### **7.1.1 Qualifications/Technical Proposal Evaluation Process:**

The Proposals received will be analyzed and scored by members of an evaluation team which will be comprised of AOC staff and/or its designees. Each member of the evaluation team will assign a point score according to the following grading schedule. Points assigned by the individual team members will then be averaged to determine a Total Quality Points score for each Proposer.

Financial Strength, Safety Record, and Claims Avoidance: 20 points

The Proposer has verifiable financial strength, excellent safety program and record, has successfully avoided work related accidents, damage to property during the course of construction, and public liability claims and litigation on past projects, and has successfully worked with owners in the successful completion of owner controlled insurance programs..

Demonstrated Experience of the Firm: 30 points

Experience of the firm in relation to the work to be performed, including demonstrated ability to meet project budgets and schedules, demonstrated effectiveness of the quality assurance program and procedures being utilized by the firm in both Preconstruction and CM at Risk services, and the nature and quality of recently completed work.

Demonstrated Experience and Training of Project Personnel: 30 points

Demonstrated experience and training of the principals and key personnel to be assigned to the Project; maintain continuity of firm's proposed staff from Preconstruction and CM at Risk services thru the completion of the project.

Project Plan/Approach: 20 points

The proposed Project Plan shall demonstrate the Proposer's approach to this Project indicating a clear understanding of the purpose, service, scope, and objectives of this solicitation, including methodology for coordination and issue tracking and quality control strategies.

The Project Outreach Plan shall demonstrate the Proposer's approach to advertising and outreach to the local subcontractor and vendor community; this approach should clearly identify the Proposer's plan to encourage participation by local subcontractors and vendors. (5 max. points out of 20)

TOTAL QUALITY POINTS = 100 points max.

#### 7.1.2 Short List and Interviews

The Total Quality Points will be used to create a short list of firms to be interviewed. It is intended that the short list will include at least three firms. Proposers not on the short list will not be eligible for further consideration for this Project. The interviews will be evaluated on the same criteria as the proposals. After the interviews the Total Quality Points previously assigned to a Proposer on the short list will be adjusted, if necessary, and the final score will be re-calculated.

#### 7.1.3 Price Proposal Evaluation Process

After the conclusion of the above tasks, the Price Proposals of the firms interviewed, will be evaluated to derive a Cost Per Unit of Quality. The Cost Per Unit Quality will be compared and the Proposer with the lowest Cost Per Unit of Quality shall be announced as the most responsive Proposer. . The Lowest Cost per Unit of Quality will be calculated as follows:

1. The Cost Per Unit of Quality is a ratio of the Total Price for Services(page 2, Attachment F) in Dollars divided by Total Quality Points.
2. The Total Quality Points is defined above section 7.1.1.
3. The Total Price for Services in Dollars is the sum of the fixed Pre-construction Services fees plus the multiplication of the proposer's percentage times the Direct Cost of Work.

4. The Total Price for Services is divided by the Total Quality Points to obtain the Cost Per Unit of Quality for each Proposer, as illustrated below using the following assumptions:
  - Total Quality Points = 89
  - Total Fixed fee for Preconstruction Services = \$1,500,000
  - Total Project Direct Cost of Work = \$500,000,000
  - % of Direct Cost of Work proposed for Construction Phase Services = 7%
5. Cost per Unit of Quality is calculated as follows:
  - Cost per Unit of Quality =  $[\$1,500,000 + (500,000,000 \times 7\%)] / 89$
  - Cost per Unit of Quality = \$410,112.36

The winning Proposer should be prepared to commence work immediately following execution of the legal contract provided in Attachment A. In the event an agreement cannot be reached with the selected Proposer after a reasonable amount of time, the AOC may choose to award the agreement to the next-highest ranked Proposer.

## **8.0 Disabled Veteran Participation Goals**

The State of California requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). The AOC is subject to this participation goal. The AOC will require that the selected Contractor demonstrate DVBE compliance and complete a DVBE Compliance Form when bidding the Project for Construction. If it would be impossible for the selected Consultant to comply, an explanation of why and demonstration of written evidence of a “good faith effort” to achieve participation would be required. Sample information and forms follow as part of the Administrative Rules governing the Submission of Proposals. 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.

## **9.0 Administrative Rules Governing this RFQ/P Process**

The AOC’s Administrative Rules governing the Submission of Proposals follow on the next page. By virtue of submission of a Proposal, the Proposer agrees to be bound by said Administrative Rules with regards to this RFQ/P and said Proposal. Said rules shall in no way act to limit the AOC’s right to negotiate additional or different terms if it deems necessary.

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

The AOC policy is to follow the intent of the California Public Records Act (PRA). If a Proposer-Proposer’s proposal contains material noted or marked as confidential and/or proprietary that, in the AOC’s sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a request for public documents. If the AOC does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a Proposer-Proposer 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.

**A. General**

1. This solicitation document, the evaluation of proposals, and the award of any contract shall conform with current competitive bidding procedures as they relate to the procurement of goods and services. A Proposer's proposal is an irrevocable offer for 45 days following the deadline for its submission.
2. In addition to explaining the Administrative Office of the Courts' (AOC's) requirements, the solicitation document includes instructions which prescribe the format and content of proposals.

**B. Errors in the solicitation document**

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

**C. Questions regarding the solicitation document**

1. If a Proposer's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the Proposer may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the Proposer 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 Proposer will be notified.
2. If a Proposer submitting a proposal believes that one or more of the solicitation document's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the Proposer may submit a written request that the solicitation document be changed. The request must set forth the recommended change and Proposer's reasons for proposing the change. Any such request must be submitted to the AOC by the date and time listed in this RFP for "Deadline for Submission of Proposer's Requests for Clarifications, Modifications or Questions regarding the RFQ/P".

**D. Addenda**

1. The AOC may modify the solicitation document prior to the date fixed for submission of proposals by posting an addendum on the courtinfo website. If any Proposer determines that an addendum unnecessarily restricts its ability to bid, it must notify the AOC no later than one day following the posting of the addendum.

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

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

**F. Evaluation process**

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with solicitation document requirements.
2. If a proposal fails to meet a material solicitation document requirement, the proposal may be rejected. A deviation is material to the extent that a response is not in substantial accord with solicitation document requirements. Material deviations cannot be waived. Immaterial deviations may cause a bid to be rejected.
3. Proposals that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the state regarding a requirement of the solicitation document.
4. Cost sheets will be checked only if a proposal is determined to be otherwise qualified. All figures entered on the cost sheets must be clearly legible.
5. During the evaluation process, the AOC may require a Proposer's representative to answer questions with regard to the Proposer's proposal. Failure of a Proposer to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive.

**G. Rejection of bids**

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

**H. Award of contract**

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible Proposer submitting a proposal compliant with all the requirements of the solicitation document and any addenda thereto, except for such immaterial defects as may be waived by the AOC.
2. The AOC reserves the right to determine the suitability of proposals for contracts on the basis of a proposal's meeting administrative requirements, technical requirements, its assessment of the quality of service and performance of items proposed, and cost.

**I. Decision**

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

**J. Execution of contracts**

1. The AOC will make a reasonable effort to execute any contract based on this solicitation document within 30 days of selecting a proposal that best meets its requirements. However, exceptions taken by a Proposer may delay execution of a contract.
2. A Proposer submitting a proposal must be prepared to use the standard state contract form attached for reference in Exhibit A rather than its own contract form.

**K. Protest procedure**

1. General

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

2. Prior to Submission of Proposal

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

3. After Award

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

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

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

#### 4. Form of Protest

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

- a. The protest must be in writing and sent by certified, or registered mail, or overnight delivery service (with proof of delivery), or delivered personally to the address noted above. If the protest is hand-delivered, a receipt must be requested.
- b. The protest shall include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
- c. The title of the solicitation document under which the protest is submitted shall be included.
- d. A detailed description of the specific legal and factual grounds of protest and any supporting documentation shall be included.
- e. The specific ruling or relief requested must be stated.

The AOC, at its discretion, may make a decision regarding the protest without requesting further information or documents from the protestor. Therefore, the initial protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If the protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the AOC will not consider such new grounds or new evidence.

#### 5. Determination of Protest Submitted Prior to Submission of Proposal

Upon receipt of a timely and proper protest based on allegedly restrictive or defective specifications or other improprieties in the solicitation process that are apparent, or that should have been reasonably discovered prior to the submission of a proposal, the AOC will provide a written determination to the protestor prior to the Proposal Due Date. If required, the AOC may extend the Proposal Due Date to allow for a reasonable time to review the protest. If the protesting party elects to appeal the decision, the protesting party will follow the appeals process outlined below and the



AOC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied, or proceed with the award and implementation of the contract.

6. Determination of Protest Submitted After Submission of Proposal

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

7. Appeals Process

The Contracting Officer's decision shall be considered the final action by the AOC unless the protesting party thereafter seeks an appeal of the decision by filing a request for appeal with the AOC's Business Services Manager, at the same address noted in the Submission of Proposal section of the coversheet of this RFP, within five (5) calendar days of the issuance of the Contracting Officer's decision.

The justification for appeal is specifically limited to:

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

The Proposer's request for appeal shall include:

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

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

8. Protest Remedies

If the protest is upheld, the AOC will consider all circumstances surrounding the procurement in its decision for a fair and reasonable remedy, including the seriousness of the procurement deficiency, the degree of prejudice to the protesting party or to the

integrity of the competitive procurement system, the good faith efforts of the parties, the extent of performance, the cost to the AOC, the urgency of the procurement, and the impact of the recommendation(s) on the AOC. The AOC may recommend a combination of the following remedies:

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

**L. News releases**

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

**M. Disposition of materials**

1. All materials submitted in response to this solicitation document will become the property of the State of California and will be returned only at the AOC's option and at the expense of the Proposer submitting the proposal. **One copy of a submitted proposal will be retained for official files and become a public record. Any material that a Proposer considers as confidential but does not meet the disclosure exemption requirements of the California Public Records Act should not be included in the Proposer's proposal as it may be made available to the public.**

**N. Payment**

1. Payment terms will be specified in any agreement that may ensue as a result of this solicitation document.
2. **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** Payment is normally made based upon completion of tasks as provide in the agreement between the AOC and the selected Proposer. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final product. The amount of the withhold may depend upon the length of the Project and the payment schedule provide in the agreement between the AOC and the selected Proposer.  
(DVBE forms follow)

## DVBE PARTICIPATION FORM

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

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

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

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

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

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

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

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

### PART A - COMPLIANCE WITH DVBE GOALS

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

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

#### PRIME CONTRACTOR

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

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

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

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

**SUBCONTACTORS/SUBCONTRACTOR/PROPOSERS/SUPPLIERS**

1. Company Name: \_\_\_\_\_  
 Nature of Work: \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: DVBE \$ \_\_\_\_\_

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

2. Company Name: \_\_\_\_\_  
 Nature of Work: \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: DVBE \$ \_\_\_\_\_

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

3. Company Name: \_\_\_\_\_  
 Nature of Work: \_\_\_\_\_ Tier: \_\_\_\_\_  
 Claimed Value: DVBE \$ \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PART C - CERTIFICATION** (to be completed by **ALL** Proposers)

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

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

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

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

**End of RFP Form**