



REQUEST FOR QUALIFICATIONS

Consultant Services for the
California Trial Court Facilities
Standards, 2011 edition



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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REQUEST FOR QUALIFICATIONS

Date
November 19, 2010

To
Interested Architectural and Engineering Firms

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

Project Title
RFQ No. OCCM-2010-30-RO
Consultant Services for California Trial Court
Facilities Standards, 2011 Edition

Send Proposal 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 number and project name
on lower left corner of envelopes)*

Contact:
OCCM_Solicitations@jud.ca.gov

Schedule of Events

No.	Events	Dates (Calif. Time)
1	Pre-submittal / Project Review Teleconference. (non-mandatory) Telephone Participants Dial: 877-455-8688 Participant Code: 900364	3:00 to 4:30 pm on November 29, 2010
2	Deadline for request for clarification regarding the RFQ	December 1, 2010, 5:00 pm
3	Post answers to request for clarification on “courtainfo” website: http://www.courtinfo.ca.gov/reference/RFQ/	December 6, 2010, 5:00 pm
3	<u>Submittal Deadline Statement of Qualifications</u>	December 13, 2010, 12:00 pm
3	Posting of short listed consultants on “courtainfo” website	December 20, 2010, 5:00 pm
4	Interviews of short listed potential Consultants at the AOC Bay Area /Northern Coastal Regional Office – 455 Golden Gate, 3rd floor, San Francisco, CA.	January 2011 (TBD)
5	Posting of Intent to Award on “courtainfo” website	January 2011 (TBD)

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Attachments to the RFQ:

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- B Form for Submission of Questions
- C Payee Data Record Form
- J Reference Check Form

1.0 GENERAL INFORMATION

The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making agency 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 AOC responsible for the planning, design, construction, real estate and asset management of facilities for the Superior and Appellate Courts in California. The mission of OCCM is to create and maintain court buildings that reflect the highest standards of excellence.

The Trial Court Facilities Act of 2002 (SB 1732, Escutia) as amended, among other requirements shifted the governance of California's Superior Court buildings from the counties to the state. The current inventory is comprised of over 500 court buildings containing approximately nineteen million managed square feet of space devoted to court occupancy.

The Judicial Council's current capital improvement program includes the construction of more than 50 new facilities and major modification of existing buildings. The current program has an estimated total cost of over \$6.5 billion. OCCM developed a five-year capital outlay plan: <http://www.courtinfo.ca.gov/programs/occm/documents/5year1112.pdf>

The *California Trial Court Facilities Standards* are a single set of facilities performance expectations and court component requirements, which describe the AOC's expectations for the integrated functioning of essential elements in a modern state trial court building. The Judicial Council adopted the Standards effective April 2006. The Standards are available at: http://www.courtinfo.ca.gov/programs/occm/documents/06_April_Facilities_Standards_with_Amendment1.pdf

The Office of Court Construction and Management intends to create a new edition of the Standards for adoption by the Judicial Council in 2011.

2.0 PURPOSE OF THIS REQUEST FOR QUALIFICATIONS

This RFQ is the means for a prospective Consultant to submit qualifications to the AOC and to request selection based on the itemized criteria described in this RFQ. OCCM seeks the services of a consultant team (Consultant), lead by a California licensed architect, with expertise in research and development of design guidelines and facilities standards for trial court buildings.

3.0 SCOPE OF SERVICES

3.1 In preparation for these upcoming court building projects, and in light of information gleaned from their use, as well as emerging best practices OCCM intends to create a new edition of the Standards based upon the 2006 Edition (the Project); with the assistance and expertise of a Consultant. The Consultant shall work at the direction of an OCCM Project Manager and will seek the input from Court representatives, members of other state agencies, advisory committees of the Judicial Council of California (Council) and other groups or individuals identified by the AOC.

The professional services will be provided in two phases: 1) exploration and research on which portions of the Standards, 2006 edition should be changed or retained; 2) research, writing and production of the next edition of the Standards.

The Consultant team, for Phase 1 will consist of experts in court planning & programming, architecture, MEP engineering, security & detention design, and low voltage electronic systems. The consultants necessary for Phase 2 shall be determined by the OCCM and Consultant as a result of the investigations in Phase 1.

The services listed in this section will be undertaken in 2011 with option for one additional year renewal of the contract if necessary.

The intended outcome would be publication of a new edition of the, California Trial Court Facilities Standards. The content is a single set of facilities performance standards and court component templates that describe the AOC's expectation for the integrated functioning of essential elements in a modern state trial court building.

3.2 The work of the Consultant will be in two phases.

3.2.1 **Phase 1-Scope Determination.** Consultant services include, but not limited to:

- a. Formation of a process for managing and evaluating the development of the new edition of the Standards. The Consultant shall establish a web site to exchange and review information.
- b. Evaluation of the current Standards to identify areas that should be revised. This evaluation will be made by the consultant team and AOC team.
- c. Identify the scope of consulting services, the total consulting budget, the Standards implementation budget and a master schedule.
- d. Publication of the Standards in a Web based format should be evaluated in addition to the printed format.

3.2.2 **Phase 2-Document Production.** Work begins after Phase 1 has been approved by the AOC. The work includes but not limited to:

- a. Prepare a detailed work plan, including a matrix of responsibilities for managing the development, review, approval, publishing and distribution of the Standards. The work plan includes a team of experts to review the current Standards and the standards of other public and private sector owners. Based on these reviews, propose a list of changes to the Standards.
- b. Convene workshops and progress review meetings as needed. Document and maintain records of the decisions reached in such meetings. Provide incremental draft submittals for review.
- c. Assemble staff and resources necessary to accomplish the work; adding sub-consultants and web resources as required.
- d. Regularly update and report the project schedule.
- e. Confirm the budget for development, publication and distribution of the Standards.
- f. Prepare engineering and architectural diagrams, computer generated visualizations, illustrations, tables and graphics to be included in the Standards.
- g. The Consultant will assist the AOC to obtain approval from the Judicial Council to publish the Standards.
- h. The Consultant will evaluate the appropriate format for ease of use, publication and distribution of the Standards. It shall be published in a format that allows wide, easy access by users and permits easy amendment as needed. Arrange for Beta testing of the Standards as required. The Consultant will arrange for professional printing and distribution of the Standards in a bound report and compact disk.

4.0 RESPONDING TO THE REQUEST FOR QUALIFICATIONS

The prospective Consultant's Statement of Qualifications (SOQ) should clearly and accurately demonstrate the specialized knowledge and experience of its key individuals. The SOQ should illustrate the prospective Consultant's understanding of the various approaches to development and implementation of facilities standards for programs of multiple buildings. The SOQ should demonstrate the prospective Consultant's thorough understanding of facility design for the Superior Courts of California.

The following information shall be included in the Statement of Qualifications ("SOQ") submittal: Sub-consultants shall be identified within the SOQ for the purpose of conveying the level of expertise proposed by the Consultant.

- 4.1 **Copies.** Submit two (2) copies of the SOQ signed by an authorized representative, in paper form, which consists of a Cover Letter and Standard Form 330, (Parts I and II). SOQ shall be prepared in a bound 8.5" x 11" booklet format, using tabs to divide sections of the Form 330. Attachments, except as noted, will not be accepted. In

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addition, submit **one (1) Compact Disk** containing the complete SOQ. Submit your SOQ in one package to the address shown on page 2 of this RFQ.

- 4.2 **Cover letter.** A cover letter, signed by an authorized representative of the prospective Service Provider, shall include the name, address, telephone, fax number, e-mail address, and federal tax identification number of the proposing Consultant. (one page maximum)
- 4.3 **Standard Form 330**, (U.S. General Services Administration): See link below.
- 4.4 Complete Form 330 in full and per specific instructions included therein.
 - 4.4.1 Part I (C) List sub-consultants in this section.
 - 4.4.2 Part I (F): Examples of the prospective Consultant's projects (at least 5 projects). Provide owner's information for each project and a reference contact.
 - 4.4.3 Part II: Each specialty sub-consultant shall fill out this section.
- 4.5 References: Provide professional references maximum 3 per key individual of the Phase 1 participating consultants, in the form provided (see attachment J). Reference providers shall complete and submit reference forms independently of the prospective Consultant to the AOC in the manner described in Attachment J.

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 SELECTION PROCESS

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

6.0 RIGHTS

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The AOC reserves the right to reject any and all SOQs, in whole or in part, as well as the right to issue similar RFQs in the future. This RFQ is in no way an agreement, obligation, or contract and in no way is the AOC or the State of California responsible for the cost of preparing the associated SOQs. One copy of a submitted SOQ will be retained for official files.

Only written responses will be accepted.

7.0 EVALUATION OF SOQs

SOQs will be evaluated by the AOC; a 'short list' of candidates will be selected for further consideration and interview. The AOC will evaluate SOQs and score them in the following manner:

Points (100 max)	Evaluation Criteria
25	Experience and credentials of the lead architect of the prospective Consultant. Experience in development of design, performance, facilities or program standards for public or private institutions or corporations with large inventories of buildings.
25	The prospective Consultants' knowledge of the functions and operations of the Superior Courts of California.
25	Credentials of the expert sub-consultants within the consultant team.
15	Consultant's proven ability to work cooperatively with other professionals and public agency officials. Provide reference names.
10	Demonstrate capacity in time, staff and resources to develop and manage the work to meet the schedule.

8.0 ADDITIONAL REQUIREMENTS

8.1 Submittals should be sent by registered mail, certified mail, overnight courier, or by hand delivery. Incomplete submittals may be rejected without review. Any submittals received after the deadline will be rejected without review.

8.2 Prospective Service Providers may submit questions on the form provided to the AOC via e-mail to occm_solicitations@jud.ca.gov no later than the date identified on page 2 of this RFQ. Please indicate the RFQ number and title in the subject line. Contact with the AOC shall be made only through this email address; telephone calls will not be accepted.

8.3 All notices, clarifications, and addenda to this RFQ will be posted on <http://www.courtinfo.ca.gov/reference/rfp/>. Please monitor that website for all information regarding this RFQ; the AOC is not responsible for sending individual notification of changes or updates. It is the sole responsibility of the prospective Service Providers to remain apprised of changes to the RFQ.

8.4 Professional references are to be submitted – by the reference provider not the prospective Consultant – to: occm@jud.ca.gov with the subject line including the words “Facilities Standards”.

9.0 PROPOSED CONTRACT TERMS

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

9.2 The AOC reserves the right to modify or update the Standard Agreement in the interest of the AOC, in whole or in part at any time up to the negotiation of the agreement with the Service Provider. By submitting for this RFQ, the prospective Service Provider and its key sub consultants acknowledge that a) the project team is capable of providing the services required in the contract, and b) has no objection to the Standard Agreement.

9.3 If a satisfactory contractual agreement on services and compensation cannot be reached between the AOC and a selected Service Provider within 30 calendar days of notification of selection, the AOC reserves the right to terminate negotiations with that Service Provider and attempt to reach satisfactory contractual agreement with another qualified Service Provider.

9.4 The Service Providers selected under this RFQ will not be precluded from consideration nor given special status in any future RFQs issued by the AOC.

9.5 The AOC cannot guarantee the amount or duration of the work.

9.6 The AOC reserves the right to reject any of the Service Provider’s sub consultants and ask that a different firm be proposed for consideration. Upon selection of the Service Provider, the AOC reserves the right to approve the selection of other sub consultants not requested in the RFQ.

9.7 Provision of the Work: Work shall be provided in accordance with Work Orders to be issued by the AOC under the Agreement resulting from this procurement, and shall be subject to the provisions of the Agreement accompanying this RFQ, including any additional provisions specified in the Work Orders with regard to schedule, key personnel, and subcontractors.

9.8 Compensation: The method of compensation will vary on a Work Order by Work Order basis, and compensation may be based on a Time and Materials Not to Exceed or Fixed Price basis, and will be subject to all of the provisions of Exhibit C of the Agreement.

10.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

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

Please note that DVBE documentation is not submitted with Qualifications, but is to be submitted only if the Service Provider is selected for service.

11.0 Administrative Rules Governing Request for Qualifications

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)”), 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 Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider 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 and needs for goods and/or services, the RFQ includes instructions which prescribe the format, content, and the date and time due of SOQs that are being solicited. Prospective Service Providers must adhere to all instructions provided in the RFQ when submitting SOQs.

B. Errors in the RFQ or Administrative Rules

1. If a prospective Service Provider who desires to submit an SOQ discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ; 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; believes that one or more of the RFQ’s requirements is onerous or unfair; believes that

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the RFQ unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective Service Provider must, at least 2 full AOC business days before the due date of the SOQs, provide the AOC with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective Service Provider is of the opinion that the RFQ or the Administrative Rules should be changed, 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 Service Provider'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 will, prior to the date established for submission of the SOQs, at its sole discretion determine if it chooses to modify the RFQ. Any modification is made it will be published by the AOC to the AOC's website advertising the solicitation.
3. If a prospective Service Provider submitting a SOQ knows of (or if 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 Service Provider is submitting an SOQ at its own risk, and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the AOC.

C. Questions and Confidentiality

1. Prospective Service Providers 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 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. The Administrative Office of the Courts is bound by California Rules of Court 10.500 as to disclosure of its administrative records. If a prospective Service Provider's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the prospective Service Provider may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the prospective Service Provider must submit a statement explaining why the question is sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature

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of the question, the question will not be answered in this manner and the prospective Service Provider will be notified.

3. If the AOC receives a request for public access to material submitted in response to the RFQ, the AOC will determine, in its sole opinion, whether marked material is exempt from disclosure under Rule 10.500 or other applicable law. If the AOC, in its sole opinion, find or reasonably relieves that the material so marked is except from disclosure, the material will not be disclosed. If the AOC finds or reasonable relieves that the material so marked is not exempt from disclosure, the AOC will contact the prospective Service Provider with a request to substantiate its claim for confidential treatment, but may disclose the information pursuant to rule 10.500 and other applicable law regardless of the marking or notation seeking confidential treatment.

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 Service Provider 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 Service Provider 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 Service Provider shall in no way act to excuse that prospective Service Provider from material compliance with any other RFQ requirement. The AOC's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse other prospective Service Provider(s) from material compliance with that same requirement.
5. 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.
6. During the evaluation of the SOQ's, the AOC has the right to require a prospective Service Provider's representatives to answer questions with regard to the SOQ submitted. Failure of a prospective Service Provider 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 Service Providers if it is deemed in the AOC's best interest.

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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 deviation(s) have been waived by the AOC.
2. The actual execution of contracts is subject to availability of the funds necessary 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 Service Provider 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 to disqualify the award made.
2. By submitting an SOQ, a prospective Service Provider 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. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Service Provider 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.

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Such failure and subsequent rejection shall act to further forfeit the right of the prospective Service Provider to continue the protest, and is not appealable under this protest procedure.

3. 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 SOQs, or grant of award(s) but only as such responsibilities are 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 B will not be considered a valid protest, will be rejected by the AOC, and the prospective Service Provider 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 Service Provider who has actually submitted an SOQ may protest the AOC's rejection of its SOQ for failure to comply with the requirements of the RFQ, or upon the basis of an allegation of improprieties with regard to the AOC's responsibility to fairly and impartially evaluate the RFQs and make awards, but only insofar 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 to provide the SOQ to the AOC on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the SOQ with regard to any other requirement necessary to make a correct submission as specified by the RFQ, the prospective Service Provider may file a protest. Said protest must provide verifiable documentation that it has submitted an SOQ in compliance with all the RFQ's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.

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- b. If an SOQ is rejected because the SOQ submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFQ, the prospective Service Provider may file a protest. Said protest 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 or qualify the prospective Service Provider for a short listing for further evaluation and the prospective Service Provider 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 were specified in the RFQ, the prospective Service Provider may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the AOC has failed to fairly and impartially execute said responsibilities. 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 Service Provider 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 the prospective Service Provider shall have no further recourse under this procedure, including any right of appeal.

If the course of investigation of a protest and when 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 with the Administrative Rules. If the protest submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.

The Contracting Officer will endeavor to provide the protesting prospective Service Provider with a written judgment within ten (10) AOC business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.

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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 Service Provider
- Terminate the already existing contract that resulted from the RFQ and award the contract to the protesting prospective Service Provider
- 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.

While the AOC will endeavor to investigate the protest and provide a written response to the prospective Service Provider 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 prospective protesting Service Provider of the expected time within which it shall provide a response.

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 Service Provider thereafter seeks an appeal of the ruling or relief prescribed. All appeals are subject to, and shall follow, the process provided below. 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 following the date of issuance of the AOC Contracting Officer's decision. The justification for an appeal is specifically limited to the following.

- 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. Allegation(s) that the Contracting Officer's decision regarding the protest contained errors of fact, and that such errors of fact were

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significant and material factors in the Contracting Officer's decision; or

- c. Allegation(s) that the decision of the Contracting Officer with regards to the protest was in error of law or regulation.

Appeals raising other justifications for appeal shall be rejected as non-compliant and the prospective Service Provider shall have no further recourse under this procedure, including any further right of appeal.

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 appeal 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 protesting prospective Service Provider 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's 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 will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy,

The AOC Senior Manager Business Services will endeavor to provide the appealing prospective Service Provider with a written judgment within ten (10) AOC business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.

While the AOC will endeavor to investigate the appeal and provide a written response to the prospective Service Provider within ten (10) AOC business days, if the AOC requires additional time to review the appeal and is not able to provide a response within said period of time, the AOC will notify the appealing prospective Service Provider of the expected time within which it shall provide a response.

The judgment of the AOC Senior Manager Business Services and any relief or remedy specified shall be final and are not subject to further appeal.

N. News Releases

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

O. Disposition of SOQ Materials Submitted

All materials submitted in response to the 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 Service Provider submitting the SOQ. One copy of a submitted SOQ will be retained for official files and become a public record.

P. Payment and Withholding

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFQ, however, prospective Service Providers 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 Service Provider.

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 Service Provider.

(DVBE Forms Follow)

12.0 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/SERVICE PROVIDERS/SUPPLIERS

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

Percentage of Total Contract Cost: DVBE _____%

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

Percentage of Total Contract Cost DVBE _____%

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

Percentage of Total Contract Cost DVBE _____%

GRAND TOTAL: DVBE _____%

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

<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>

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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 & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

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

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

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

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

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

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

<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>	

End of RFQ Form