



Request for Proposal

Design and Construction Quality Assurance Services

The Administrative Office of the Courts, Office of Court Construction and Management seeks to identify a number firms qualified to provide services in all phases of design and construction in the following disciplines:

- **Plan Checking**
- **Construction Inspection**
- **Materials Testing and Special Inspection**
- **Total Building Commissioning**



**ADMINISTRATIVE OFFICE
OF THE COURTS**

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

REQUEST FOR PROPOSALS

Date
11/01/06

To
Design and Construction Quality Assurance
Firms

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

Project Title
RFP number: OCCM-FY2006-04_
ID/IQ D&C QA Services

Send Proposal to:
Judicial Council of California
Administrative Office of the Courts
Attn: Ms. Nadine McFadden
455 Golden Gate Avenue, 7th Floor
San Francisco, CA 94102
*(Indicate RFP Number and Project Name
on lower left corner of envelope)*

Contact
solicitations@jud.ca.gov

RFP SCHEDULE		DATES (Calif. Time)
1.	Deadline for submittal of Service Provider requests for clarifications, modifications or questions regarding the RFP	2 PM on 1/12/07
2.	Modifications and/or answers to questions posted on the Court website: http://www.courtinfo.ca.gov/reference/rfp	5 PM on 1/19/07
3.	Email notice from Service Provider to AOC of intended submission of a Proposal	2 PM on 1/24/07
4.	<u>Submittal Deadline for Proposal</u>	<u>2 PM on 1/26/07</u>
5.	Posting of Short Listed Service Providers (Estimated)	5 PM on 2/7/07
6.	Interviews of Short Listed Service Providers (Estimated) (in San Francisco, Burbank, and Sacramento)	2/8/07 – 3/15/07
7.	Notice of Intent to Award (Estimated)	3/16/07

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Attachment A - Sample Agreement

1.0 INTRODUCTION

The judicial branch of California is a part of California government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California, including the Supreme Court. A part of the judicial branch is the Judicial Council, chaired by the Chief Justice of California. The Judicial Council 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 court system of California.

Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California are shifting from the counties to the state. Many of these approximately 450 existing facilities require repairs or modifications. Specialists in Quality Assurance, such as Plan Checking services, Construction Inspection services, Materials Testing Laboratory and Special Inspection services, and Total Building Commissioning services will be required for many of these repairs or modifications. There are five new major capital projects, with values from \$6,000,000 to \$60,000,000 in estimated construction cost. These five projects are located in Fresno, Contra Costa, Orange, Mono, and Plumas counties. Over the next 3 years approximately 20 Facility Modification projects, with an estimated value of \$175,000,000, are anticipated to require Quality Assurance services. In addition, each year 8 to 10 feasibility studies for future capital projects with a value of up to \$750,000,000, may also require some of these services.

2.0 PURPOSE OF THIS RFP

OCCM seeks the services of Quality Assurance firms or individuals with specialized expertise in various phases of the repair or construction of public buildings. It is anticipated that selected firms or individuals will review, test, inspect and document existing conditions, architectural or engineering documents, construction materials and assemblies according to applicable codes, regulations and standards. Service Providers will be evaluated and selected to provide services throughout the State. It is anticipated that contracts will be issued for the following services with an associated minimum number of contracts:

- 2.1 Plan Checking Service Providers, Two (2)
- 2.2 Construction Inspection Service Providers, Eight (8)
- 2.3 Materials Testing Laboratory and Special Inspection Service Providers, Two (2)
- 2.4 Total Building Commissioning Service Providers, Two (2).

Service Providers will be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the AOC for design and construction quality assurance services on “facility modifications” and new “capital projects.” Service Providers may be assigned various projects and tasks as may arise, based on the location and nature of the services required and the qualifications and resources of the Service Providers. Because the scope and number of projects and tasks are unknown at the time of contract execution, the contracts are known as ID/IQ contracts. Approximately twenty facility modification projects are anticipated and five capital projects are funded and scheduled to begin construction over the next two years. The term of these ID/IQ contracts in support of the projects will be in terms of up to one year, with two one year option terms, with the potential of going through 6/30/2009. Once a project specific contract has been awarded, the contract will continue until the project has been completed, regardless of project duration.

This RFP is the means for prospective Service Providers to submit their proposals to the AOC for the ID/IQ design and construction quality assurance services for facility modification and major capital projects, described in this document. The RFP and all addenda will be posted at <http://www.courtinfo.ca.gov/reference/rfp/>.

3.0 SCOPE OF SERVICES

The scope of services required by this RFP includes some or all of the following services:

- 3.1 **Plan Checking:** Perform plan checking of preliminary plans, working drawings, or post approval documents for conformance to minimum applicable codes (Title 24) for State owned or occupied non-essential services buildings. (State agency review and approval is required, and specific plan checking will be performed by the Division of the State Architect for Access Compliance; the State Fire Marshal for Fire and Life Safety; and the Corrections Standards Authority for Holding Cells.)
- 3.2 **Construction Inspection:** Perform competent and adequate inspection necessary for adherence to contract documents during the performance of the work. A proper inspection will identify non-compliance or deviations by the contractor from the contract documents, and work not in compliance with the applicable codes and regulations, or referenced standards. Inspection may be required on property or buildings prior to, during or after acquisition to determine existing conditions of a site, building, or project. (Environmental site surveys and hazard documentation, EIR preparation, and site remediation services are not included in the scope of services for this RFP.)

- 3.3 **Materials Testing and Special Inspections:** Materials testing and special inspection is as required by the construction documents and Title 24 and its referenced standards. These tests and inspections may include but not be limited to the following materials: concrete, wood, soils, masonry, rebar, roofing, welding and steel. Some construction documents may require other testing or inspection services beyond those directly required by Title 24. These must also be performed. Tests or inspections may be required on property or buildings prior to, during or after acquisition to determine existing conditions of a site, building, or project (Environmental site surveys and hazard documentation, EIR preparation, and site remediation services are not included in the scope of services for this RFP.)
- 3.4 **Total Building Commissioning:** Participate as necessary throughout the life of the project to assure that all construction elements and systems work individually and together as intended and required. The commissioning shall effectively and efficiently transfer operational control of the building to those responsible.

4.0 RESPONDING TO THIS RFP

Email Indicating Interest. Service Providers who intend to respond to this RFP are requested to notify OCCM by sending an email to solicitations@jud.ca.gov with the RFP number and name in the subject line. Please include the name, address, telephone, fax number, and e-mail address of the Service Provider (firm) and contact person.

Statement of Qualifications. Service Provider's Statement of Qualifications (SOQ) should clearly and accurately demonstrate the specialized knowledge and experience required for any or all of the four Quality Assurance services under consideration. Submit separate SOQ documents for each Quality Assurance service under consideration. Submit five (5) copies in paper form of the SOQ, 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. Submit your SOQ(s) in one package to the address shown on page 2 of this RFP.

In your SOQ please provide:

- 4.1 **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 Service Provider. (one page maximum)
- 4.2 **County by County Service Listing – Attachment 1.** On Attachment 1, indicate (yes or no) as to your ability to service projects by Quality Assurance service category within that county. An inability to service a county will not impact the score of an applicant.

- 4.3 **Standard Form 330**, (U.S. General Services Administration)
<http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?viewType=DETAIL&formId=21DBF5BF7E860FC185256E13005C6AA6>:
- 4.3.1 Complete Form 330 in full, per specific instructions included therein.
- 4.3.2 Part 1 (F): Examples of the prospective Service Provider's projects (at least 10 projects). Provide owner's information for each project as a reference contact.
- 4.3.3 Part 1 (H): The prospective Service Provider shall describe its specific responses to the selection criteria, numbered and titled as listed in section 6.0 of this RFP. Responses should provide specific information regarding experience, expertise of the key personnel, description of continuous quality improvement process, and capacity to deliver high quality QA services for projects located within the counties identified on Attachment 1, and any other relevant selection criteria information not provided elsewhere in Standard Form 330.
- 4.4 Price Proposal. In one sealed envelope: Two (2) complete copies of your hourly rate Proposal, with the following clearly marked on the outside: "Price Proposal – (firm name). Project Name, RFP Number". Provide Hourly Rates for all who will provide for any or all of the four (4) Quality Assurance services under consideration as they would be billed to the AOC. With these hourly rates please indicate the job title, a short corresponding job description and the Quality Assurance service they would provide.
- 4.5 A completed and signed original of the Vendor Data Record Form, a copy of which can be found in the website posting of this RFP.

Responsive Proposals should provide straightforward, concise information that satisfies the requirements specified. Expensive bindings, color displays, and the like are not necessary. Emphasis should be placed on brevity, conformity to instructions, specified requirements of this RFP, and clarity of content.

Please note that DVBE documentation is not submitted with the Proposal, but is to be submitted only if the Service Provider is selected for services (see Section 9.0).

5.0 SELECTION PROCESS

- 5.1. An evaluation panel composed of predominantly OCCM staff will review and score the Proposals, 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, Burbank, and Sacramento.

- 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 EVALUATION OF PROPOSALS

The AOC OCCM will evaluate Proposals using the following criteria:

Points	Criteria	100 points maximum
20	<p><u>Experience of the Firm:</u> Demonstrated experience of the firm in relation to the scope of potential work, and quality of service provided to customers in the past;</p>	
20	<p><u>Expertise of Personnel:</u> Demonstrated expertise of the key personnel in relation to the scope of potential work; including relative degrees, licenses and certifications;</p>	
20	<p><u>Quality Assurance:</u> Demonstrated record that the Service Provider has delivered high quality services and documentation to it clients, and has in place an effective continuous quality improvement process;</p>	
20	<p><u>Availability of resources:</u> Ability of the Service Provider to provide staff and resources necessary to provide Quality Assurance services, management oversight and administrative support on projects located within the counties identified in Attachment 1.</p>	
20	<p><u>Hourly Rates:</u> Proposed hourly rates for those providing Quality Assurance services, along with job titles and corresponding job descriptions.</p>	

7.0 ADDITIONAL REQUIREMENTS

- 7.1 Proposals should be sent by registered mail, certified mail, overnight courier, or by hand delivery. Incomplete proposals and/or proposals received after the deadline may be rejected without review.
- 7.2 Registered prospective Service Providers may submit questions to the AOC via e-mail to solicitations@jud.ca.gov no later than the date identified on page 2 of

this RFP. Please indicate the RFP 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.

- 7.3 All notices, clarifications, and addenda to this RFP will be posted on <http://www.courtinfo.ca.gov/reference/rfp/>. Please monitor that website for all information regarding this RFP; 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 RFP.

8.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES

- 8.1 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 B to this RFP.
- 8.2 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 RFP, the prospective Service Provider and their key subconsultants acknowledge that a) the project team will provide the services required in the contract, and b) has no objection to the Standard Agreement.
- 8.3 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.
- 8.4 The Service Providers selected under this RFP will not be precluded from consideration nor given special status in any future RFPs issued by the AOC.
- 8.5 The AOC cannot guarantee the amount or duration of the work.
- 8.6 The AOC reserves the right to reject any of the Service Provider's subconsultants 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 subconsultants not requested in the RFP.
- 8.7 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 RFP, including any additional provisions specified in the Work Orders with regard to schedule, key personnel, and subcontractors.
- 8.8 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.

9.0 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 RFP, 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. Refer to Section 10.0 of this RFP. 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.

10.0 ADMINISTRATIVE RULES GOVERNING RFPs

The AOC’s Administrative Rules governing the submittal of Proposals follow. By virtue of submission of a Proposal, the Service Provider agrees to be bound by said Administrative Rules with regards to this RFP and said Proposal. Said rules shall in no way act to limit the AOC’s right to negotiate additional or different terms if it sees 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 RFPs in the future. This RFP 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.

A. General

1. This solicitation document, the evaluation of Proposals, and the award of any contract shall conform with current procedures as they relate to the procurement of goods and services. A Service Provider’s Proposal is an irrevocable offer for 30 days following the deadline for its submission.
2. In addition to explaining the Administrative Office of the Courts’ (AOC’s) requirements, the solicitation document includes instructions which prescribe the format and content of Proposals.

B. Errors in the solicitation document

1. If a Service Provider submitting a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the Service Provider 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 Service Providers to whom the solicitation document was sent.

2. If prior to the date fixed for submission of Proposals a Service Provider 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 Service Provider shall bid at its own risk, and if the Service Provider 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 Service Provider's question relates to a proprietary aspect of its Proposal and the question would expose proprietary information if disclosed to competitors, the Service Provider may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the 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 of the question, the question will not be answered in this manner and the Service Provider will be notified.
2. If a Service Provider 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 Service Provider may submit a written request that the solicitation document be changed. The request must set forth the recommended change and Service Provider'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 Service Provider's Requests for Clarifications, Modifications or Questions regarding the RFP".

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, <http://www.courtinfo.ca.gov/reference/rfp/>. If any Service Provider determines that an addendum unnecessarily restricts its ability to bid, it must notify the AOC no later than one day following the receipt of the addendum.

E. Withdrawal and resubmission/modification of Proposals

1. A Service Provider 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 Service Provider. The Service Provider 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. All Proposals received will be evaluated to determine the extent to which they comply with solicitation document requirements.
2. If an 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. Immaterial deviations may cause a Proposal 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. During the evaluation process, the AOC may require Service Provider to answer questions with regard to the Service Provider's Proposal. Failure of a Service Provider to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal nonresponsive.

G. Rejection of Proposals

1. The AOC may reject any or all Proposals and may or may not waive an immaterial deviation or defect therein. The AOC's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a Service Provider 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 Service Providers 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 AOC.

H. Award of contract

1. Award of contract, if made, will be in accordance with the solicitation document to a responsible Service Provider 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 selection criteria, technical requirements, and its assessment of the quality of service and ability to perform the proposed scope of work.

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 Service Provider that best meets its requirements.

K. Protest procedure

1. General

Failure of a Service Provider 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 Submittal Deadline. The protestor shall have exhausted all administrative remedies discussed in this Section K prior to submitting the protest. Failure to do so may be grounds for denying the protest.

3. After Award

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

- a. The Service Provider has submitted a Proposal that it believes to be responsive to the solicitation document;
- b. The Service Provider 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 Service Provider believes that the AOC has incorrectly selected another Service Provider 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 Service Provider 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 shown on page 2 of this RFP. 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 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 Service Provider 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 Service Provider. 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 agreement.

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 that 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 Service Provider's request for appeal shall include:

- a. The name, address telephone and facsimile numbers, and email address of the Service Provider 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 Service Provider submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record. The Administrative Office of the Courts policy is to follow the intent of the California Public Records Act (PRA). If a prospective Service Provider'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 prospective Service Provider 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.

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 or progress payments as provided in the agreement between the AOC and the selected Service Provider. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final product. The amount of the withholding may depend upon the length of the project and the payment schedule provided in the agreement between the AOC and the selected Service Provider.

Request For Proposals
ID/IQ Quality Assurance Services

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 _____%

**SUBCONTRACTORS/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>	
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Contact Name & Title:	
Telephone Number:	
Nature of Work:	
Reason Why Rejected:	

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.**

Firm Name of Proposer:	
Signature of Person Signing for Proposer	
Name (printed) of Person Signing for Proposer	
Title of Above-Named Person	
Date	

End of RFP Form

County by County Service Listing

Attachment 1

(Please indicate with a ‘YES’ or ‘NO’ your firm’s ability to provide a specific service within each county of California.)

County	Plan Checking	Construction Inspection	Materials Testing and Special Inspections	Building Commissioning
Alameda County				
Alpine County				
Amador County				
Butte County				
Calaveras County				
Colusa County				
Contra Costa County				
Del Norte County				
El Dorado County				
Fresno County				
Glenn County				
Humboldt County				
Imperial County				

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County	Plan Checking	Construction Inspection	Materials Testing and Special Inspections	Building Commissioning
Inyo County				
Kern County				
Kings County				
Lake County				
Lassen County				
Los Angeles County				
Madera County				
Marin County				
Mariposa County				
Mendocino County.				
Merced County				
Modoc County				
Mono County				
Monterey County				
Napa County				

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County	Plan Checking	Construction Inspection	Materials Testing and Special Inspections	Building Commissioning
Nevada County				
Orange County				
Placer County				
Plumas County				
Riverside County				
Sacramento County				
San Benito County.				
San Bernardino County				
San Diego County.				
San Francisco County				
San Joaquin County				
San Luis Obispo County				
San Mateo County				
Santa Barbara County				
Santa Clara County.				

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County	Plan Checking	Construction Inspection	Materials Testing and Special Inspections	Building Commissioning
Santa Cruz County				
Shasta County				
Sierra County				
Siskiyou County				
Solano County				
Sonoma County				
Stanislaus County				
Sutter County				
Tehama County				
Trinity County				
Tulare County				
Tuolumne County.				
Ventura County				
Yolo County				
Yuba County				