

Request for Proposals (RFP) for

ID/IQ Vertical Transportation Systems Consulting Services

The Judicial Council of California, Facilities Services Office seeks to identify Vendors qualified to provide elevator consulting services for various projects to be initiated between January 2020 and December 2022 with possible extensions to December 2024.

RFQ number: RFP-FS-2019-05-DGF

PROPOSALS DUE: November 15th, 2019
NO LATER THAN 2 PM Pacific Time



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE DIVISION
FACILITIES SERVICES

Request for Proposals
RFP-FS-2019-05-DGF
ID/IQ Vertical Transportation Systems Consulting Services

Date

September 23, 2019

Contact

CapitalProgramSolicitations@jud.ca.gov

To

ID/IQ Vertical Transportation Systems
Consulting Firms

From

Judicial Council of California

Project Title

RFP Number: FS-2019-05-DGF
ID/IQ Vertical Transportation Systems
Consulting Services

ATTACHMENTS

Attachment A – Administrative Rules Governing Request for Proposals
Attachment B – Hourly Rates Form
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Attachment D – Sample ID/IQ Agreement
Attachment E – Acceptance of Terms and Conditions
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1. INTRODUCTION

- 1.1 The judicial branch of California is part of the 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 Judicial Council of California (“Judicial Council”) is the staff agency of the Judicial Council. The Facilities Services office is the division of the Judicial Council responsible for the planning, design, construction, and real estate and asset management of facilities for the court system of California.
- 1.2 Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California has shifted from the counties to the state. Many of these existing facilities (approximately 500 facilities) require repairs or modifications, and approximately 600 facility modifications are completed per year. Over the next 5-years, approximately 10 to 30 projects with a construction value of approximately \$15,000 to \$50,000 per project are anticipated to require the services requested by this RFP.
- 1.3 Any contract executed as a result of this RFP will be subject to amendment by mutual consent between the Judicial Council and the successful Consultant.

2. PURPOSE OF THIS RFP

- 2.1 **Consultants.** Judicial Council seeks proposals from firms to provide the services of qualified, properly licensed consultants with expertise in all phases of elevator repair, replacement, and modernization in public buildings (“Proposals”). It is anticipated that selected firms will provide assessment, design, and administrative services. Consultants for the purpose of this RFP will be referred to as “Consultants.” Consultants will be evaluated and selected to provide services throughout the State.
- 2.2 **ID/IQ Contracts.** Multiple Consultants will be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the Judicial Council for the elevator consulting services for repair, replacement, modernization, or for the provision of the services they propose upon. Those Consultants 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 Consultants (“Project(s)”). 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. The initial term of the ID/IQ contracts for these Projects will be for three-years with a possible two-year extension. It is anticipated that ID/IQ contracts will be issued to multiple Consultants.

- 2.2.1 Posted with this RFP is the Judicial Council’s form of Standard Agreement, including the indemnification provision that the Judicial Council will include in that agreement, which the Judicial Council will utilize on the individual projects. In accordance with the Judicial Council’s Administrative Rules Governing this RFP, attached hereto and incorporated herein as Attachment A, please indicate in Consultant’s Proposal if the Consultant has any comments or objections to the Standard Agreement form; **PLEASE NOTE**: The Judicial Council does not intend to consider any substantive changes to the Standard Agreement. For further information and directions, see section 4.4.14, Acceptance of Terms and Conditions.
- 2.3 **Licensing.** All Consultants, and sub-consultant(s), employees or agents thereof, performing work per agreements awarded under this RFP must have, at all times, throughout the duration of their performance of the work, all appropriate, and valid license(s) required under the law to provide the work being performed. If the possession of any license(s) including, without limitation, a valid California Mechanical Engineer license and Electrical Engineer license, is required under the law for the performance of the work, the Consultant must ensure that the work will be performed either by an appropriately licensed individual, or under the direct supervision of an appropriately licensed individual.
- 2.4 **Prevailing Wages.** All Consultants and sub-consultant(s) shall pay all workers not less than the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work as determined by the Director of the Department of Industrial Relations, State of California, for the type of work performed and the locality in which the work is to be performed, pursuant to sections 1770 et seq. of the California Labor Code. Prevailing wage rates are available online at: <http://www.dir.ca.gov>. All Consultants and sub-consultant(s) thereof, shall comply with the registration and qualification requirements pursuant to sections 1725.5 and 1771.1 of the California Labor Code.
- 2.5 **Subsequent Project Proposals.** Consultants may be asked to provide proposals on some Projects (“Project Proposal(s)”), but may not be asked to provide Project Proposals on other Projects or none at all. The Judicial Council, at its sole discretion, may choose to issue work in a round-robin rotation assigning Projects according to each Consultant’s qualifications with the intent to issue Projects equally based on prior Project performance. In some cases, more than one Consultant will be asked to provide Project Proposals for the same Project. Selection of a Consultant for a specific Project is at the sole discretion of the Judicial Council. The Judicial Council will make efforts to award a fair share of the work to each of the Consultants based on their Project Proposals, specific expertise, knowledge of and involvement with specific systems and/or facilities, prior performance, and those other factors that the Judicial Council may deem pertinent for the work.

- 2.6 **Consultant Performance Management.** The Judicial Council may choose to conduct periodic Business Performance Reviews on completed Projects to evaluate the Consultant's performance for quality assurance, safety, duration of the Project, Judicial Council satisfaction, and other relevant factors. The Judicial Council, at its sole discretion, may not offer subsequent Projects to and/or may terminate an Agreement with any Consultants who do not meet minimum performance benchmarks specified in their Business Performance Review.
- 2.7 **No Follow on Contracting.** For any Project that a Consultant is providing consulting services pursuant to an Agreement awarded by this RFP, the Consultant is prohibited from also providing construction services on that same Project under any separate contract or agreement the Consultant may have with the Judicial Council.
- 2.8 **Sole Means.** This RFP is the sole means for prospective Consultants to submit their qualifications to the Judicial Council for the ID/IQ services for elevator repair, replacement, and modernization (see Section 3).

3. SCOPE OF SERVICES

- 3.1 **Consultant Services.** The Scope of Services requested under agreements awarded under this RFP include professional consultant services of an engineering nature, as well as incidental services that members of those professions and those in their employ may logically or justifiably perform, such as elevator assessment, design, and administration services ("Services").

3.1.1 Elevator Assessment Services

- 3.1.1.1 Elevators, Lifts & Dumb Waiters: Provide a detailed survey of each unit, which identifies the installed systems, the equipment condition, performance, and reusability.
- 3.1.1.2 Escalators: Provide a scheduled and detailed survey of each escalator to determine equipment condition, performance, proper operation, cleanliness and current level or service.
- 3.1.1.3 Provide documents pertinent data including, but not limited to, type, width of handrail and steps, speed, landings served, direction of travel, manufacturer, maintenance contractor, date of installation, modernization date (if applicable), and special features installed, if any.
- 3.1.1.4 Review the operational areas of the escalators including, but not limited to, machine, drive motor, bull gear, brake, control panel, handrail drive

unit, truss area, tracks, step rollers, step chain and all related escalator equipment. Review elevator cab interiors.

3.1.1.5 Review the exterior areas of the escalator including, but not limited to, newels, steps, landings plates, comb plates, handrails, skirts, decking, balustrades and all related escalator equipment.

3.1.1.6 Study available maintenance records to determine if there are excessive callbacks and if caused by the lack of preventative maintenance.

3.1.1.7 **Deliverables.** Assessment reports for each facility shall include:

A. Preliminary Report

- i. Report shall include summary of findings, issues, challenges, and considerations.
- ii. After submitting the report, a conference call will be set up (if required) to discuss the report and any items that need discussion and decisions to be made prior to proceeding with development of the performance specifications.

B. Performance Specifications

- i. Establish with the Judicial Council the design and details of cars, entrances and operation fixtures, all considerations of the life safety program, security and other details, which will be covered in the specifications.
- ii. Provide modernization performance type bidding specifications suitable for obtaining bids from qualified companies. The specifications will incorporate all features previously outlined and will include the highest applicable standards of operating and dispatching. Possible economies by use of pre-engineered units will be considered, if applicable.
- iii. Performance/standard specifications shall be developed in a manner to allow the Judicial Council to use them as a standard and can later be used by the Judicial Council for any future elevator modernization project. Performance/standard specifications shall include:

- CSI master format, including scope of work, technical requirements, and installation details; and
 - Non-proprietary specifications.
- iv. Work with local court administrator to confirm allowed work hours to perform work.

C. Project Budget

- i. Project budget for facility to include estimated labor and materials.
- ii. The budget should be based on the work hours allowed per Court requirements.
 - a. Work performed during regular working hours.
 - b. Work performed during non-regular working hours.

3.1.2 Design Services

- 3.1.2.1 Provide Drawings.
- 3.1.2.2 Provide plan review approval for facilities that have construction documents prepared.
- 3.1.2.3 Provide bid package drawings to the Judicial Council for issuance to prospective bidders.
- 3.1.2.4 Attend pre-bid meetings, which includes conference calls with the Judicial Council and prospective bidders.
- 3.1.2.5 Attend pre-bid job walks, providing on-site support to Judicial Council's Project Manager by addressing questions on the design and existing conditions.
- 3.1.2.6 Provide written responses to requests for information (RFI)/written questions submitted by prospective bidders.
- 3.1.2.7 Provide cost breakdown of full elevator replacement which will be used for developing/negotiating fees with prospective bidders.
- 3.1.2.8 Provide cost breakdown of full escalator replacement which will be used for developing/negotiation fees with prospective bidders.

- 3.1.2.9 Final fee will be determined for additional work and not for combine details/specifications that could be used as part of package.

3.1.3 **Bidding and Construction Administration Services**

- 3.1.3.1 Attend pre-bid meeting and walk, pre-construction conference, and at least two meetings during the construction phase.
- 3.1.3.2 Provide technical evaluations of all submitted bids.
- 3.1.3.3 Review and respond to RFI's submitted during the construction phase.
- 3.1.3.4 Provide regular site visits during construction at least once per month.
- 3.1.3.5 Provide corrective notices to contractor as required and provide carbon copy of the notices to the JCC Project Manager.
- 3.1.3.6 Provide punch list and reverification walk to the JCC Project Manager.

4. **RESPONDING TO THIS RFP**

- 4.1 Responsive Proposals will provide straightforward, concise information that satisfies the requirements specified. Please only submit documentation which has been specified in this RFP. Materials sent which fall outside of what is specified within this RFP may not be considered in proposal scoring.
- 4.2 Consultants who intend to respond to this RFP are requested to notify the Judicial Council by sending an email to CapitalProgramSolicitations@jud.ca.gov with the RFP number and name in the subject line. Please include the name, address, telephone, fax number, and email address of the Consultant (firm) and contact person. Note, however, that interested parties must check the Judicial Council's website for subsequent notices and announcements; the Judicial Council will not address individual parties directly during this RFP's solicitation period.
- 4.3 **Optional:** A pre-proposal teleconference will be held to provide answers to questions with regards to this RFP. This teleconference is **not** mandatory to submit a Proposal. A pre-proposal teleconference can be attended using the information below:

Date and Time: October 7, 2019 at 1:00 P.M. (PST)
Call-in Number: 1-877-820-7831
Participant Code: 678586

- 4.4 **Proposal Format.** Proposals must be submitted in three-ring binders or three-hole soft report covers, consecutively numbered on each page. Proposals shall be no longer than twenty (20) pages, 8½” x 11” paper, inclusive of résumés, forms, and pictures, and tabbed according to the numbering system reflected below. Consultants are encouraged to print double-sided to save paper. All page limits listed below refer to a single printed side (except where specifically stated below).

Two (2) complete copies of the Proposal is required for consideration. Additionally, Consultants shall provide copies of their Proposal on one (1) compact disk or USB flash drive containing all documentation required below in both Adobe PDF format and editable formats; label the CD or drive clearly with the name of your organization and with “ID/IQ Elevator Consulting Services/FS-2019-05-DGF.”

Proposals should be tabbed according to and include the following sections:

- 4.4.1 **Cover Letter (1-page limit):** A cover letter, signed by an authorized representative of your organization, that provides the exact business name under which you propose to conduct business with the Judicial Council, and your address, telephone, fax number, e-mail address, and federal tax identification number. The cover letter must state that the Standard Agreement posted with this RFP is completely acceptable to the Consultant as posted except as otherwise specifically indicated, pursuant to section 4.4.14, Acceptance of the Terms and Conditions, of this RFP.
- 4.4.2 **Table of Contents:** A table of contents of the material contained in the Proposal should follow the cover letter.
- 4.4.3 **Executive Summary:** The executive summary should contain a brief summary of Consultant’s qualifications.
- 4.4.4 **Qualification Questionnaire:** All Consultants submitting a Proposal shall also submit a completed Qualification Questionnaire with its Proposal, the form of which is attached hereto as **Attachment C**.
- 4.4.4.1 Consultants must update their Qualification Questionnaire if Consultant’s status or information changes.
- 4.4.4.2 A Consultant’s Qualification Questionnaire shall be deemed nonresponsive if, without limitation, the Consultant’s Qualification Questionnaire is not submitted with its Proposal, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Consultant, is not updated as required or is misleading or inaccurate in any material manner (e.g.,

financial resources are overstated, previous violations of law are not accurately reported, etc.).

- 4.4.5 **Payee Data Record (no page limit):** A separately printed and signed original Payee Data Record, completed in the exact name of the business entity under which you propose to do business with the Judicial Council. A separately printable copy of this form has been posted with this RFP as Attachment F.
- 4.4.6 **Delinquent Taxpayer Status (2-page limit):** Provide a written and certified document identifying whether or not the Prime Proposer (or Prime Proposers if a joint venture) organization is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.
- State of California Franchise Tax Board’s “Top 500 Delinquent Taxpayers” (available at <https://www.ftb.ca.gov/aboutftb/delinquent-taxpayers.shtml>); and/or;
 - California State Board of Equalization’s “Top 500 Sales & Use Tax Delinquencies in California” (available at <http://www.boe.ca.gov/sutax/top500.htm>)
- 4.4.7 **Proposed Personnel/Project Team:**
- 4.4.7.1 Identify the key personnel that Consultant will assign to the Project(s), including their roles. For each, describe his or her experience with public works projects, including identifying the ten (10) most recent of those projects. List license numbers and dates issued. Include an organizational chart indicating all personnel and their positions.
- 4.4.7.2 Include resumes of key personnel who may be performing Services for the Judicial Council. Specifically, define the role of each person and outline his or her individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the Judicial Council. Indicate Consultant’s and personnel’s availability to provide the Services.
- 4.4.8 **Statement of Services:** Prepare a detailed Statement of Services for which Consultant is submitting its Proposal, and briefly demonstrating Consultant’s understanding of the Services and work required for the Projects (see Section 3, Scope of Services, for reference). Consultant must specifically identify work or services which Consultant is **excluding** from its Statement of Services or which are **not** included or provided by Consultant.
- 4.4.9 **Reference Checks.** The Consultant shall provide five (5) client references that must be from recently completed projects. Please include the following with each

client reference: name of entity/firm, contact person, their phone number/email, project title, location, and start/end dates. The Judicial Council will contact the references provided to conduct a customer satisfaction survey. Responding clients will be asked to score the following: Consultant's quality of work, scheduling practices, project and subcontractor management, working relationships, and paperwork processing. Reference responses will be scored from one (1) – unsatisfactory to five (5) – excellent. Reference evaluation forms will be totaled and be applied as indicated in Section 6.1.

4.4.10 Consultant Information:

- 4.4.10.1 Provide a brief history of Consultant, and, if a joint venture, of each participating entity. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.
- 4.4.10.2 Provide Consultant's current contact information and email address to send Consultant notifications hereunder.
- 4.4.10.3 Describe Consultant's philosophy and how Consultant will work with the Judicial Council staff in performing the Services.
- 4.4.10.4 Provide a statement of Consultant's financial resources and insurance coverage. Include a certification of correctness of Consultant's statement of financial resources.
- 4.4.10.5 Provide a statement of ALL claim(s) filed against Consultant in the past five (5) years. Briefly indicate the nature of the claim and the resolution, if any, of the claim(s).

4.4.11 Prior Relevant Experience:

- 4.4.11.1 Describe Consultant's experience with the Uniform Building Code ("UBC"), Title 24 of the California Code of Regulations, the State Fire Marshall ("SFM"), and the Division of the State Architect ("DSA").
- 4.4.11.2 Provide a list of ALL California public entities for which Consultant has provided the same or similar Services to in the past seven (7) years. Limit your response to no more than the five (5) most recent public entities. Include the names of the entity, a description of services provided, and the name of the contact person and telephone number at the entity. Also, indicate the Consultant's personnel that performed services for each entity.

- 4.4.12 **Attachment B, Hourly Rates:** Provide the hourly rates Consultant proposes to charge for all services utilizing **Attachment B** to this RFP. Do not change or edit this form. Rates must be fully loaded and include Overhead and Profit. Hourly Rates must be submitted in a separately sealed envelope clearly marked “**Hourly Rates – Consultant’s Name, FS-2019-05-DGF**”.
- 4.4.13 **Approach to Project Management:** Provide Consultant’s philosophy and approach to project management.
- 4.4.14 **Acceptance of the Terms and Conditions:** On **Attachment E**, the Consultant must check the appropriate box and sign the form. If the Consultant marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification. If exceptions are identified, the Consultant *must* also submit (i) a redlined version of the Standard Agreement that implements all proposed changes, and (ii) a written explanation and rationale for each exception and/or proposed change explaining why the change is necessary.
- 4.4.15 **Additional Data:** Provide additional information about the Consultant as it may relate to Consultant’s Proposal. Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the Judicial Council in understanding Consultant’s qualifications and expertise.
- 4.4.16 **DVBE Certification:** If Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 9 of this RFP, Consultant must provide with its Proposal proof of its DVBE Certification including, without limitation, a copy of Consultant’s DVBE certification approval letter, Consultant’s Department of General Services (DGS) Supplier ID Number, active dates of Consultant’s DVBE Certification, and a signed certification of its status by Consultant’s disabled veteran owners and managers.
- 4.4.17 **Consultant’s Current Work Commitments:** Specify the current and projected workload of Consultant and describe Consultant’s ability to complete the expected Services as anticipated herein.
- 4.4.18 **Conflicts of Interest:** If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to similar work, the Project, or the Judicial Council that may have a potential to conflict with Consultant’s ability to provide the Services described herein to the Judicial Council. Consultants cannot submit, propose, bid, contract, sub-contract, consult, or have any other economic interests in the Project to which the Consultant may

provide Services. The Consultant selected to provide the Services and any subsidiary, parent, holding company, or affiliate of the selected Consultant may not perform any construction work or submit a bid for the Project.

5. SELECTION PROCESS

- 5.1. An evaluation panel composed of predominantly Judicial Council staff will review and score the Proposals, based on the selection criteria given in this RFP.
- 5.2. The Judicial Council may, at its discretion, hold interviews with Consultants. If the Judicial Council chooses not to hold interviews, the names of the selected Consultants will be posted on the JCC website for this RFP.
- 5.3. If there are interviews, the Consultants shall be ranked according to the selection criteria and the highest-scoring Consultants will be contacted regarding Agreement execution. The names of the selected Consultants will be posted on the JCC website for this RFP.
- 5.4. At any time, the Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant(s), their key personnel, and their sub-consultants.

6. EVALUATION OF PROPOSALS

- 6.1 Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score the submitted Proposal according to the following criteria and with the following weights:

Points	Criteria	100 points maximum
10	1. Project Team Expertise Project team’s demonstrated experience with public works projects, including roles, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff in performing the Services.	
10	2. Statement of Services Consultant’s demonstrated understanding of the Services required to complete the Projects described in this RFP (See Section 3.2, Additional Services), and the Services that it may <u>exclude</u> from its Statement of Services.	
10	3. Reference Evaluation The Judicial Council will contact five (5) references provided by the Consultant to evaluate previous client satisfaction. See 4.4.9, Reference Checks, for additional details.	

Points	Criteria	100 points maximum
5	4. Consultant Information Consultant’s history, including number of years in business and types of business conducted.	
15	5. Consultant’s Prior Relevant Experience Past seven years of relevant experience of the prospective Consultant in the development of quality solutions for court buildings or similar program-intensive, public agency buildings; for non-project specific work, relevant experience in the evaluation of existing infrastructure, code compliance, design and/or planning solutions.	
40	6. Hourly Rates Hourly rates for the consultant services requested by this RFP, as provided in Attachment B.	
5	7. Approach Consultant’s approach towards project management.	
5	8. DVBE Incentive Consultant will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to Section 9; note that the DVBE incentive will only be awarded if the Consultant itself is a DVBE.	

7. ADDITIONAL REQUIREMENTS

7.1 Proposals may be sent by registered mail, certified mail, using the overnight courier of your choice, or by hand delivery. Incomplete proposals will be rejected without review. **Proposals received after the deadline date and time set forth in the schedule below will be rejected without review.**

7.2 Proposal submissions must be sent to:

Judicial Council of California
Attn: Ms. Sheryl Berry
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102-3688

(Indicate the RFP Number and name of your organization in the lower-left corner of the outer packaging.)

- 7.3 If a Proposal is to be submitted by hand, it will only be considered a valid submission if it is received at the reception desk of the Judicial Council on the **6th floor of 455 Golden Gate Avenue, San Francisco, CA 94102** (Hours: 9:00 A.M. to 5:00 P.M., Judicial Council Business Days). Consultants are advised to obtain a handwritten receipt from the Judicial Council receptionist when submitting a Proposal.
- 7.4 The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such inquiries. If you require a confirmation, please contact your delivery service.
- 7.5 The due date and time for submission of your proposals can be found in the most recent version of the RFP schedule posted to the California Courts’ website (<http://www.courts.ca.gov/rfps.htm>) at which this RFP is posted. **Please keep abreast of changes to the RFP schedule by monitoring the website** throughout the duration of the proposal, evaluation, and award processes – all associated events and addenda will be made available in electronic form in the website.
- 7.6 **Procurement Schedule and General Instructions.**

7.6.1 The Judicial Council has developed the following list of key events from RFP issuance through performance start date. All deadlines are subject to change at the Judicial Council’s discretion.

<i>No.</i>	<i>Event</i>	<i>Key Date</i>
1	Issuance of RFP	September 23, 2019
2	Pre-Proposal Teleconference 1-877-820-7831 P/C 678586	October 7, 2019 At 1:00 PM
3	Deadline for Consultants’ Requests for Clarifications, Modifications, or Questions (using Attachment L, email to CapitalProgramSolicitations@jud.ca.gov)	October 24, 2019
4	Clarifications, Modifications, and/or Answers to Questions posted on the Judicial Council Website	November 1, 2019 <i>(Estimated)</i>
5	Proposal Due Date and Time.	November 15, 2019
6	Notice of Intent to Award Posted on website: http://www.courts.ca.gov/rfps.htm	December 6, 2019 <i>(Estimated)</i>
7	Full Performance Start Date	January 1, 2020 <i>(Estimated)</i>

8. CONTRACT TERMS AND ADMINISTRATIVE RULES

- 8.1 All submitted Proposals shall constitute and be an irrevocable offer by the Consultant that is valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Consultants. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.
- 8.2 Contracts with successful Consultants will be drafted according to the Judicial Council Standard Agreement form posted with this RFP. The initial term of this contract will be for three (3) years, beginning January 2020. One (1) subsequent two (2)-years extension may be offered at the discretion of the Judicial Council. Note that during subsequent terms, if any, rates shall be adjusted based on the California Bureau of Labor Statistics' Consumer Price Index increase for the preceding twelve (12) months prior to the increase becoming effective.
- 8.3 In submitting a Proposal under this RFP, the prospective Consultant must affirm that it has no objections to the use of the Standard Agreement as provided, pursuant to this RFP.
- 8.4 If a satisfactory contractual agreement has not been signed within 30 calendar days of provision of a contract draft, the Judicial Council reserves the right to terminate the award.
- 8.5 The Consultant selected under this RFP will not be precluded from consideration nor given special status in any future requests for proposals issued by the Judicial Council.
- 8.6 **Provision of the Work.** Work shall be provided in accordance with Service Work Orders to be issued by the Judicial Council under the Standard Agreement resulting from this procurement, and shall be subject to the provisions of the Standard Agreement accompanying this RFP, including any additional provisions specified in the Service Work Orders with regard to schedule, key personnel, and subcontractors.
- 8.7 **Compensation.** The method of compensation will vary on a Service Work Order-by-Service Work Order basis. See the Standard Agreement posted with this RFP for details.

9. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 9.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%).

- 9.2 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive.
- 9.3 Consultants will receive a DVBE incentive if, in the Judicial Council's sole determination, Consultant has met all applicable requirements. If Consultant receives the DVBE incentive, a number of points will be added to the score assigned to the Consultant's Proposal. The number of points that will be added is specified in Section 6 of this RFP.
- 9.4 To receive the DVBE incentive, the Consultant itself must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal (i.e., by submission of a copy of the Consultant's valid DVBE certification approval letter, etc.). Please note that the DVBE incentive will only be awarded to Consultants that can be verified as a certified DVBE. A non-DVBE Consultant, regardless of whether it intends to utilize DVBE sub-consultants, are not eligible for the DVBE incentive.

10. ADMINISTRATIVE RULES GOVERNING RFP

- 10.1 The Judicial Council's Administrative Rules governing this RFP can be found in **Attachment A**. By virtue of submission of a Proposal, the Consultant agrees to be bound by said Administrative Rules.
- 10.2 The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar requests for proposals in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. One copy of a submitted Proposal will be retained for official files and does become a public record.