

Request for Proposal

General Contractors for Facility Modification and Tenant Improvement Projects

The Administrative Office of the Courts, Office of Court Construction and Management seeks to identify a General Contractors qualified to provide construction services for facilities modification projects.



**ADMINISTRATIVE OFFICE
OF THE COURTS**

**OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT**

Request For Proposals
ID/IQ General Contractors for Facility Modifications

RFP NO: OCCM-FY2008-01

Date
July 15, 2008

To
General Contractors for Construction

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

Project Title
RFP number: OCCM-FY2008-01_
ID/IQ GC Services

Send Proposal to:
Judicial Council of California
Administrative Office of the Courts
Attn: **Ms. Donna Clevante**
2860 Gateway Oaks Drive, Suite 400
Sacramento, CA 95833
*(Indicate RFP Number and Project Name
on lower left corner of envelope)*
**Proposals must be received by 2 p.m. on
August 22, 2008**

Contact
mailto:OCCM_Solicitations@jud.ca.gov

RFP SCHEDULE		DATES (Calif. Time)
1	Pre-Proposal / Project Review Teleconference. Telephone Participants Dial: 1-866-232-0362: enter code 946043	11:00 AM on July 24, 2008
<u>1.</u>	<u>Deadline for submittal of Contractor requests for clarifications, modifications or questions regarding the RFP</u>	<u>August 1, 2008 by 5:00 p.m.</u>
2.	Modifications and/or answers to questions posted on the Court website: http://www.courtinfo.ca.gov/reference/rfp	August 7, 2008
3.	Email notice from Contractor to AOC of intended submission of a Proposal	August 15, 2008
4.	<u>Submittal Deadline for Proposal</u>	<u>August 22, 2008 by 2:00 p.m.</u>
5.	Posting of Short Listed Contractors (Estimated)	August 29, 2008
6.	Interviews of Short Listed Contractors (Estimated) (in San Francisco, Burbank, and Sacramento)	September 8, 2008 through September 22, 2008
7.	Notice of Intent to Award (Estimated)	September 30, 2008

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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 that will require the services of a full service General Contractor that has the capability to perform these various facility modifications turn-key if required.

2.0 PURPOSE OF THIS RFP

OCCM seeks the services of qualified General Contractors with expertise in all phases of construction as required to perform a variety of facility modification projects and other construction projects in Court facilities, usually in the \$50,000 to \$700,000 range. The Construction Contractors will be evaluated and selected to provide services in one or more of the three regions of the Administrative Office of the Courts (Bay Area/Northern Coastal, Northern/Central, and Southern regions). A map of the three regions is included in this RFP as Attachment A. Contractors should indicate, in their cover letter, the region(s) for which they wish to be considered.

2.1 Zone 1 – BANCRO – Bay Area/Northern Coastal Regional Office

2.2 Zone 2 - NCRO – Northern/Central Regional Office

2.3 Zone 3 – SRO – Southern Regional Office

General contractors (GCs) will be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the AOC for construction services on “facility modifications.” GCs may be awarded various projects and tasks as may arise, based on the location and nature of the services required and the qualifications and resources of the GCs and often in competition with other GCs who have also entered into ID/IQ contracts. 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 50-75 facility modification projects are anticipated and scheduled to begin construction per year. Additionally these ID/IQ contracts will be utilized for some new and remodel courtroom projects to provide space for new judgeships. The term of these ID/IQ contracts in support of the projects will be two years, with three one year option terms, with the potential of extending through 6/30/2013. 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 Contractors to submit their proposals to the AOC for the general construction services for facility modification 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 RFQ/P includes some or all of the following services:

3.1 SERVICES

Contractor to provide general construction services on various court facility projects in California on an as-needed basis. These projects involve renovation projects, program-wide projects, and infrastructure projects. Work will include a variety of construction related activities including new construction, modifications, renovation, and repairs at numerous Court facility locations throughout California including but is not limited to: general and specialized construction activities (ex. demolition, mechanical, electrical, plumbing, HVAC, security/fire systems, roofing, tile, cabinetry and workstation modifications or other incidental related work as directed by AOC project manager. It is anticipated that some projects may require some limited design and/or preparation of construction documents necessary for a turn key operation based on job walks conducted by the AOC project manager and for the purposes of obtaining permits. It is intended that the provider will deliver a total and complete construction project as requested. Contractor agrees to provide all necessary expertise and services to professionally and diligently prosecute the work authorized by Work Orders to be issued by the AOC. Contractor must be licensed as a general contractor in the State of California in order to provide the services. A Statement of Work will be provided with each Task Order; the contract terms and conditions: and the specifications, drawings, and special conditions provided with the Task Order, when applicable.

It is intended that for most projects:

The AOC Project Manager will notify three Contractors with a basic description of the job, including time and place to meet. Contractors will meet with the AOC Project Manager at the site and the PM will tell the contractor what needs to be done while walking around the site. Depending on the job, the PM will also

provide any appropriate drawings, specs and permitting information. Contractors will then develop and submit proposals based upon information received at the job walk. Contractors will estimate quantities and what construction tasks are necessary, develops a schedule to perform the work and submits a list of subcontractors who will be hired for the project. The selected proposal will be the proposal that is the most acceptable to the AOC, and contractor will be issued a task order for execution and then a notice to proceed, and work can begin.

3.2 Provision of the Work:

Work shall be provided in accordance with Task 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.

3.3 Compensation:

The method of compensation will based on a Fixed Price with AOC project manager approved schedule of values.

4.0 RESPONDING TO THIS RFP

Email Indicating Interest. Contractors who intend to respond to this RFP are requested to notify OCCM by sending an email to OCCM_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 Contractor (firm) and contact person.

Optional: Attend/Participate by Phone in the Pre-Proposal Conference: The AOC will provide an overview of the Project, introduce key AOC personnel, and answer questions. Although questions will be responded to verbally, the official and binding response will be the written response posted to the AOC website. Participants Dial: 1-866-232-0362: [enter code 946043 on July 24, 2008 from 11:00 a.m. to 12:00 p.m.](#)

Statement of Qualifications. Contractor's Statement of Qualifications (SOQ) should clearly and accurately demonstrate the specialized knowledge and experience required for services under consideration. Submit four (4) copies in paper form of the SOQ, which consists of a Cover Letter and Application form for Prequalification of General Building Contractors . SOQ shall be prepared in a bound 8.5" x 11" booklet format, using tabs to divide sections of the Application for Pre-Qualification of General Contractors . 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 Contractor, shall include the name, address, telephone, fax number, e-mail address, and federal tax identification number of the proposing Contractor. (one page maximum).
- 4.2 **County by County Service Listing Grouped by Three (3) Zones– Attachment 1.** Indicate (yes or no) as to your ability to service projects by within that county. An inability to service a county will not impact the score of an applicant.
- 4.3 **Application form for Prequalification of General Contractors:**
 - 4.3.1 Complete Application form in full, per specific instructions included therein.
 - 4.3.2 Section 1 : Part A – General Information
Part B – Data Required
Part C - Questions
 - 4.3.3 Section 2: Parts I through VI. The prospective Contractor shall describe its specific responses to the selection criteria, numbered and titled as listed in section. Responses should provide specific information regarding experience, expertise of the key personnel, description of continuous quality improvement process, and capacity to deliver high quality General Contractor construction services for projects located within the Zones counties identified on Attachment 1, and any other relevant selection criteria information not provided elsewhere the Application form.
- 4.4 Overhead & Profit percentage fee rates. In one sealed envelope: Four (4) complete copies of Attachment C. Provide rates for OH &P % for project costs in the given cost ranges with the understanding that the items noted as General Conditions are not part of said fee. Management staffing hourly rates as listed that includes: base pay, labor burden, vacation, medical, computer, phone, vehicle.
- 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 Contractor 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 Contractor, 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
25	<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>	
25	<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>Project Experience:</u> Demonstrated record that the Contractor has delivered high quality services on projects of similar scope on budget and with a good history as far as change orders, claims and safety records;</p>	
20	<p><u>Availability of resources:</u> Ability of the GC to provide staff and resources necessary to deliver facility modifications, management oversight and administrative support on projects located within the counties identified in Attachment 1.</p>	
10	<p><u>Overhead and Profit rates – Project Management Personnel rates.</u> Proposed rates for those providing Construction services, along with job titles and corresponding job descriptions, per attachment C fee proposal sheet.</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 Contractors may submit questions to the AOC via e-mail to occm_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 Contractors to remain apprised of changes to the RFP.

8.0 PROPOSED CONTRACT TERMS AND ADMINISTRATIVE RULES

- 8.1 Contracts with successful Contractors will be signed by the parties on an AOC Construction Contract form. A typical AOC Standard Agreement is included as Exhibit 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 Contractor. By submitting for this RFP, the prospective Contractor 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 Contractor within 30 calendar days of notification of selection, the AOC reserves the right to terminate negotiations with that Contractor and attempt to reach satisfactory contractual agreement with another qualified Contractor.
- 8.4 The Contractors 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 Contractor's subconsultants and ask that a different firm be proposed for consideration. Upon selection of the

Contractor, 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 Contractor for assignment under this RFP, the AOC will require that the selected Contractor demonstrate DVBE compliance and complete a DVBE Compliance Form. If it would be impossible for the selected Contractor 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 Contractor 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 Contractor’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 Contractor submitting a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the Contractor 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 Contractors to whom the solicitation document was sent.
2. If prior to the date fixed for submission of Proposals a Contractor 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 Contractor shall bid at its own risk, and if the Contractor 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 Contractor's question relates to a proprietary aspect of its Proposal and the question would expose proprietary information if disclosed to competitors, the Contractor may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the Contractor 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 Contractor will be notified.
2. If a Contractor 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 Contractor may submit a written request that the solicitation document be changed. The request must set forth the recommended change and Contractor'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 Contractor'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 Contractor 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 Contractor 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 Contractor. The Contractor 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 Contractor to answer questions with regard to the Contractor's Proposal. Failure of a Contractor 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 Contractor 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 Contractors 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 Contractor 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 Contractor that best meets its requirements.

K. Protest procedure

1. General

Failure of a Contractor 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 Contractor 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 Contractor has submitted a Proposal that it believes to be responsive to the solicitation document;

- b. The Contractor 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 Contractor believes that the AOC has incorrectly selected another Contractor 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 Contractor 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 Contractor 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 Contractor. 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 Contractor's request for appeal shall include:

- a. The name, address telephone and facsimile numbers, and email address of the Contractor 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 Contractor 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 Contractor'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 Contractor 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 Contractor. 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 Contractor.

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/CONTRACTORS/SUPPLIERS

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

Percentage of Total Contract Cost: DVBE _____%

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

Percentage of Total Contract Cost DVBE _____%

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

Percentage of Total Contract Cost DVBE _____%

GRAND TOTAL: DVBE _____%

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

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

PART B - ESTABLISHMENT OF GOOD FAITH EFFORT

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

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

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

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

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

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

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

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

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

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

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

<i>Company Name:</i>	
<i>Contact Name & 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 Contractors*)

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.

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 RFP Form

County by County Service Listing Grouped by Zone

Attachment 1

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

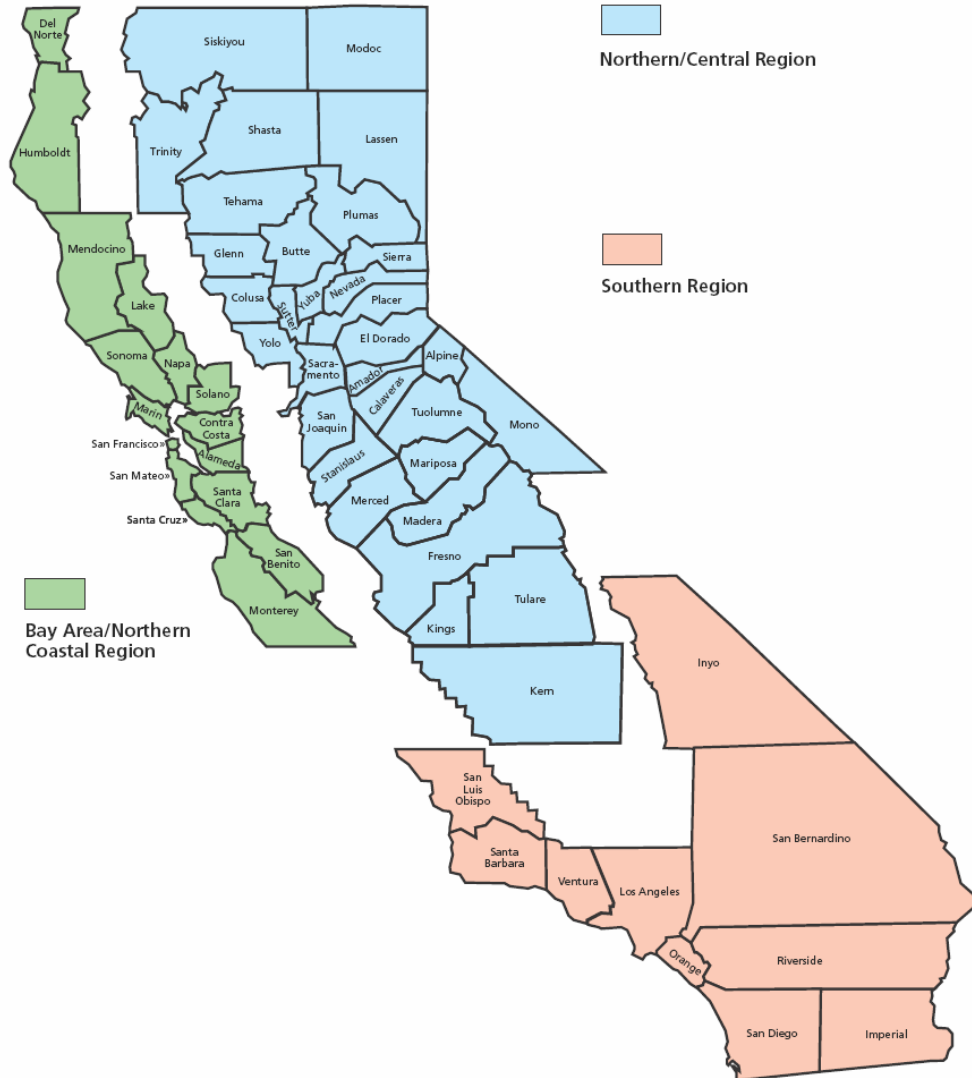
County (MODIFY, SORT BY ZONE)	Yes or No	Past Projects there? Yes or no	Office there? Yes or No
ZONE 1-BANCRO			
Alameda County			
Contra Costa County			
Del Norte County			
Humboldt County			
Lake County			
Marin County			
Mendocino County			
Monterey County			
Napa County			
San Benito County			
San Francisco County			
San Mateo County			
Santa Clara County			
Santa Cruz County			
Solano County			
Sonoma County			
ZONE 2-NCRO			

County (MODIFY, SORT BY ZONE)	Yes or No	Past Projects there? Yes or no	Office there? Yes or No
Alpine County			
Amador County			
Butte County			
Calaveras County			
Colusa County			
El Dorado County			
Fresno County			
Glenn County.			
Kings County			
Lassen County			
Madera County			
Mariposa County			
Merced County			
Modoc County			
Mono County			
Nevada County			
Placer County			
Plumas County			
Sacramento County.			
San Joaquin County			
Shasta County.			
Sierra County			

County (MODIFY, SORT BY ZONE)	Yes or No	Past Projects there? Yes or no	Office there? Yes or No
Siskiyou County			
Stanislaus County			
Sutter County			
Tehama County			
Trinity County			
Tulare County			
Tuolumne County.			
Yolo County			
Yuba County			
ZONE 3-SRO			
Imperial County			
Inyo County			
Kern County			
Los Angeles County			
Orange County			
Riverside County			
San Bernardino County			
San Diego County			
San Luis Obispo County			
Santa Barbara County			
Ventura County			

ATTACHMENT A

Administrative Office of the Courts Regional Map



ATTACHMENT C

FEE RATES - OVERHEAD & PROFIT %

CORPORATE OVERHEAD & PROFIT PERCENTAGE

Please quote a corporate overhead and profit percentage based upon the following project cost ranges: please note that the percentage rates should include any bond costs associated with the given cost range. **Insurance will be identified as separate line item in the cost proposal submission of a given project.**

Project Costs:	OH & P %
\$10,000 up to \$50,000	
\$100,000 up to \$250,000	
\$250,000 up to \$500,000	
\$500,000 up to \$700,000	

The following cost items shall be considered project General Conditions and not part of above OH & P % rate for purposes of this proposal:

Office Trailer	First Aid Equipment & Supplies
Job Site Signage	Security
Field Office Furnishings	Fire Protection & Extinguishers
Field Office Equipment	Street Cleaning & Good Neighbor Policies
Field Office Supplies	Dust Control
Temporary Protection	Plans / Printing
Misc. Equipment rental	Temporary Hand Rails and Safety Cables
Temporary Power	Project Photographs/ Video
Temporary Lighting	Dumpster Rental
Daily Clean-up	Hand Tools/Disposables
Final Power Bill	Storage Bins
Temporary Heat	Weather Protection
Portable Toilets	Temporary Parking/ Metered Stall Rental
Postage, Courier & Shipping	Final Cleanup
Temporary Fencing	Safety Equipment
Water Service	Travel & Subsistance

MANAGEMENT STAFFING

Description:	Hourly Rate
Project Principal	
Project Manager	
Asst Project Manager	
Superintendent	
Estimator / Pre-Construction Mgr	
Scheduler	

Above management personnel rates as listed above should include: base pay, labor burden, vacatic and phone.