



# Request for Proposal

## Vertical Transportation Modernization Services

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### Hall of Justice

Superior Court of California

County of San Francisco

The Administrative Office of the Courts, Office of Real Estate and Facilities Management and the Judicial Branch Capital Program Office seeks a qualified firm to provide vertical transportation modernization services for the Superior Court of California in San Francisco County.



ADMINISTRATIVE OFFICE  
OF THE COURTS

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JUDICIAL AND COURT OPERATIONS  
SERVICES DIVISION

JUDICIAL BRANCH CAPITAL PROGRAM OFFICE



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
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REQUEST FOR PROPOSALS

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Date  
2/11/14

Project Title:  
San Francisco Hall of Justice Vertical  
Transportation Modernization

Solicitation Number:  
JBCP-2014-01-BR

Send Proposal to:  
Judicial Council of California  
Administrative Office of the Courts  
Attn: Ms. Nadine McFadden  
455 Golden Gate Avenue, 6<sup>th</sup> Floor  
San Francisco, CA 94102  
*(Indicate RFP Number and Project Name  
on lower left corner of envelope)*

Contact  
[capitalprogramsolicitations@jud.ca.gov](mailto:capitalprogramsolicitations@jud.ca.gov)

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<b>RFP SCHEDULE</b>		<b>DATES (Calif. Time)</b>
1	Mandatory pre-proposal job walk	10 AM, February 21, 2014
2	Deadline for submittal of Proposers' requests for clarifications, modifications or questions regarding the RFP; and non-binding email of intent to propose	2 PM, February 28, 2014
3	Modifications and/or answers to questions posted on the Court website: <a href="http://www.courts.ca.gov">www.courts.ca.gov</a>	5 PM, March 12, 2014
4	<b><u>Proposal due date and time</u></b>	<b><u>2 PM, March 19, 2014</u></b>
7.	Notice of Intent to Award (Estimated)	March 27, 2014

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### Attachments

- A Vertical Transportation Plans & Specifications (provided by HKA)
- B Survey and Evaluation Report (dated April 11, 2011)
- C Asbestos Work Permit and Management Process
- D Standard Agreement (Sample Document)
- E Form for Submission of Questions
- F Payee Data Form

### **1.0 Introduction**

This Request for Proposal (RFP) is the means for potential proposers to submit their proposals to the Administrative Office of the Courts (AOC) for the services described in this document. The RFP and all associated documents and addenda are available in electronic form at <http://www.courts.ca.gov>.

The Judicial Council of California, chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Administrative Office of the Courts (AOC) is the staff agency of the Judicial Council. The Judicial Branch Capital Program Office (JBCPO), is the division of the AOC responsible for the planning, design, and construction of facilities for the Superior and Appellate Courts of California.

### **2.0 Purpose of this Request for Proposal**

The AOC seeks the services of a qualified firm with specialized expertise in vertical transportation renovation/modernization to provide all labor and materials required for alteration and rehabilitation of four (4) elevators in the San Francisco Hall of Justice building.

### **3.0 Scope of Services**

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

- 3.1 Complete alterations, rehabilitation and renovations of Nos.9-12 traction elevators in accordance with plans and specifications provided by HKA Elevator Consulting.

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- 3.2 Elevators Nos. 9-12 have various usages including public, in custody, secure judge and freight. Due to high demand and usage in this building, only one (1) elevator of each use will be allowed offline at a time.
- 3.3 Maintenance & Warranty: The selected contractor shall provide contract maintenance and operations of the four (4) elevators being altered, from start of the alternations and related work through the completion of the last elevator and for the 12-month maintenance and warranty period. Warranty for the entire project will commence after acceptance of the last elevator.
- 3.4 The services required by this RFP shall be completed within fourteen (14) months of the Notice to Proceed, including all inspections, tests, documentation, punch list and clean up items, and full demobilization, notwithstanding that only one (1) elevator of each use will be allowed offline at a time.

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

The AOC has developed the schedule of events (see page “i”) with dates showing the key dates for this solicitation process. The RFP and schedule are subject to change, and the AOC does not send notifications of changes to this RFP or the schedule to prospective proposers and is not responsible for failure of any proposer to receive notification of any change in a timely manner. Proposers are advised to visit the AOC website (<http://www.courts.ca.gov>) frequently to check for changes and updates to the RFP, including the Schedule.

- 4.1 Email Indicating Interest. Prospective proposers who intend to respond to this RFP are requested to notify the AOC by sending an email to [capitalprogramsolicitations@jud.ca.gov](mailto:capitalprogramsolicitations@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 proposer (firm) and contact person.

#### **5.0 Proposal Submission**

- 5.1 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.
- 5.2 The Proposer must submit:
  - A. **One (1) original and 2 copies** of your non-price proposal.
  - B. **One (1) CD or flash drive** of the entire proposal. The electronic files must be in PDF, Word, or Excel formats. Label the disk or flash drive with firm name, RFP title and number.
  - C. **One (1) original and 1 copy of Price Proposal.** The original Price Proposal must be signed by authorized representative of the proposer. Submit Price Proposal in a separate sealed envelope. Clearly mark the envelope “Price Proposal – (firm name), and RFP title and number”). The total price shall include maintenance cost during construction. Add Alternates (refer to Attachment A) shall be provided as separate cost items.

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D. **One (1)** completed and signed Payee Data Record Form (*Attachment F*). Indicate the exact legal name under which you propose to contract with the AOC.

5,3 Proposals are not to be submitted as e-mails. Proposals may be sent by US mail service certified mail, or overnight delivery carrier, or may be delivered in person. The proposer assumes all risk of loss regarding any delivery method it chooses to use, and the AOC shall not be held responsible for any failure of any delivery service/method. The proposer is solely responsible for ensuring delivery no later than the date and time specified. The AOC will return unopened, any proposal received after the time specified in the most current RFP Schedule.

Please note that DVBE documentation is **not** submitted with the Proposal, but is to be submitted only if the proposer is selected for services (see Section 12.0).

## 6.0 **Proposal Content**

The following information must be included in the proposal:

- A. *Cover Letter:* Provide cover letter that confirms all elements of the RFP have been read and understood and that the proposer takes no exception to the terms and conditions which are provided as Attachment D. If exceptions are taken, proposer shall submit as instructed in section D below. Cover letter shall be one page maximum and signed by an individual authorized to bind the proposer contractually. The letter should include:
- i. Exact legal, address, telephone and fax numbers, and federal tax identification number of the organization proposing to do business with the AOC (or social security number if the organization is a sole proprietorship),
  - ii. The name, telephone, fax, address, and e-mail address of one business person who is the organization's designated representative,
  - iii. The name, telephone, fax, address, and e-mail address of the contracts management or legal person who will liaise with the AOC in contractual matters.
- B. *Project Experience:* Identify and describe five (5) projects including client, location, building use, structure type, and the detailed nature of your firm's services. Provide details (if applicable) of your firm's familiarity in working with federal, state or local governmental agencies. Describe your experience in preparing plans, permits and documentations for regulatory compliance. One page per project.
- C. *Summary of Firm and Key Personnel:* Describe your firm's history, resources, and capabilities. Indicate key personnel that you will agree to commit to AOC projects, including name, qualifications, past project experience and job classification. Indicate applicable licenses, credentials, and professional training held by the firm principal(s) and key personnel. Information to be provided with licenses to include licenses number, date of original issue, lapses in dates of licensure, standing of licensee (including any disciplinary or other actions taken

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by licensing authority, other than licensing renewal), expiration of current licenses. Three pages total.

- D. Submission of proposer’s exceptions to contract language (subject to negotiation). Exceptions must be submitted on a red-lined version of the terms and conditions. Proposed changes should be clearly indicated and a written explanation or rationale should be provided for each exception and/or proposed change.

**7.0 Selection Process**

- 5.1. An evaluation panel composed of predominantly JBCPO staff will review and score the Proposals, based on the selection criteria
- 5.2. At any time, the AOC may contact previous Clients and Owners to verify the experience and performance of the prospective proposer, their key personnel, and their sub-consultants.

**8.0 Evaluation of Proposals**

The AOC will evaluate Proposals using the following criteria:

<b>CRITERIA</b>	<b>TOTAL NUMBER OF POINTS</b>
<i>Qualifications – Consultant’s ability to perform all services required as outlined in the RFP</i>	35
<i>Experience/Expertise – Demonstrated experience in relation to the scope and quality of services provided to clients in the past</i>	15
<i>Reasonableness of cost proposal based on cost breakdown provided for services required</i>	50
<i>Points Maximum</i>	100

**9.0 Additional Requirements**

- 9.1 Prospective proposers must hold and maintain throughout the project a type C-11 contractor’s license from the State of California.
- 9.2 Prospective proposers may submit questions to the AOC via e-mail to [capitalprogramsolicitations@jud.ca.gov](mailto:capitalprogramsolicitations@jud.ca.gov) no later than the date specified in the RFP Schedule. 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.
- 9.3 All notices, clarifications, and addenda to this RFP will be posted on <http://www.courts.ca.gov>. 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 proposers to remain apprised of changes to the RFP.

#### **10.0 Proposed Contract Terms**

- 10.1 The AOC reserves the right to modify or update the terms and conditions in the interest of the AOC, in whole or in part at any time up to the negotiation of the agreement with the proposer. Proposed terms and conditions are provided as Attachment D.
- 10.2 If a satisfactory contractual agreement on services and compensation cannot be reached between the AOC and a selected firm within 30 calendar days of notification of selection, the AOC reserves the right to terminate negotiations with that firm and attempt to reach satisfactory contractual agreement with another qualified proposer.
- 10.3 The proposer selected under this RFP will not be precluded from consideration nor given special status in any future RFPs issued by the AOC.
- 10.4 The AOC cannot guarantee the amount or duration of the work.
- 10.6 The AOC reserves the right to reject any of the proposer's subconsultants and ask that a different firm be proposed for consideration. Upon selection of the proposer, the AOC reserves the right to approve the selection of other subconsultants not requested in the RFP.

#### **11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

One copy of each proposal will be retained by the AOC for official files and will become a public record. California Judicial Branch entities are subject to rule 10.500 of the California Rule of Court, which governs public access to judicial administrative records (see [www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10\\_500](http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_500)).

If information submitted in a proposal contains material noted or marked as confidential and/or proprietary that, in the AOC's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed upon a request for access to such records. If the AOC finds or reasonably believes that the material so marked is **not** exempt from disclosure, the AOC will disclose the information regardless of the marking or notation seeking confidential treatment.

The proposer may be required to sign an AOC Non-Disclosure Agreement before the AOC discloses any confidential information.

#### **12.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

The AOC requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). The AOC will require that the selected firm to demonstrate DVBE compliance and complete a DVBE Compliance Form. Information about DVBE resources can be found on the Executive Branch's website at

<http://www.dgs.ca.gov/pd/Programs/OSDS/legislation.aspx> or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

### **13.0 ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS**

The AOC reserves the right to reject any and all Proposals, in whole or in part, and 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 (the “RFP”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “Proposal(s)”), the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of a Proposal, prospective proposers agree to be bound by these Administrative Rules. If a prospective proposer has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B.
2. In addition to explaining the Administrative Office of the Courts’ (AOC’s) requirements and needs for goods and/or services, the RFP includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Prospective Proposers must adhere to all instructions provided in the RFP when submitting Proposals.

#### **B. Errors in the RFP or Administrative Rules**

1. If a prospective proposer who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP; is of the opinion that the structure of the RFP does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought; believes that one or more of the RFP’s requirements is onerous or unfair; believes that the RFP unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective proposer must, at least 2 full AOC business days before the due date of the Proposals, provide the AOC with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective proposer is of the opinion that the RFP or the Administrative Rules should be changed, as well as a written description of the modification sought. Said written notice must be in the form of an e-mail submitted to the e-mail address established for the submission of questions in the RFP. Failure to provide the AOC with such written notice as specified above on or before the time specified above forfeits the prospective proposer’s right to raise such issues later in the solicitation process.
2. Without disclosing the source of the request, the AOC will evaluate the request and will, prior to the date established for submission of the Proposals; at its sole discretion determine if it chooses to modify the RFP. Any modification is made it will be published by the AOC to the AOC’s website advertising the solicitation.



3. If a prospective proposer submitting a Proposal knows of (or if it can be reasonably demonstrated should have known of) an error in the RFP but fails to notify the AOC of the error as prescribed above, the prospective proposer is submitting a Proposal at its own risk, and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the AOC.

**C. Addenda**

1. In response to questions raised, or at its sole discretion, the AOC may modify the RFP website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of Proposals. Such modification shall be made via a posting of such change(s) to the AOC's website.

**D. Withdrawal and Resubmission of Proposals**

1. A prospective Proposer may withdraw its Proposal, but only in its entirety, at any time prior to the deadline for submitting Proposals by notifying the AOC in writing of its withdrawal. Any such notice of withdrawal must bear the signature of an individual and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by e-mail to the e-mail address established for the submission of questions in the RFP document.
2. A prospective Proposer who has withdrawn a Proposal may thereafter submit a new Proposal, provided that it is received at the AOC no later than the Proposal due date and time specified in the RFP.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered, and, if received, will not be accepted as valid.
4. Proposals cannot be withdrawn after the Proposal due date and time specified in the RFP.

**E. Evaluation Process**

1. In accordance with the provisions of the RFP, an evaluation will be made of all Proposals rightfully received, to determine if they are complete with regard to the materials required for submission by the RFP and to determine if they otherwise comply with the requirements established in the RFP.
2. If a Proposal submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFP, the Proposal will be rejected. A requirement will be judged to be material to the extent that it is not responsive to or is not in substantial accord with requirements of the RFP. Material deviations cannot be waived.

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3. The AOC, at its sole discretion shall have the right to waive immaterial deviations of Proposals with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFP.
4. The AOC's waiver of an immaterial deviation for one prospective proposer shall in no way act to excuse that prospective proposer from material compliance with any other RFP requirement. The AOC's waiver of an immaterial deviation for one prospective proposer shall in no way act to excuse other prospective proposer(s) from material compliance with that same requirement.
5. Proposals that make false or misleading statements or contain false or misleading information may be rejected, if, in the AOC's sole opinion, the AOC concludes that said statements and/or information were intended to mislead the AOC.
6. During the evaluation of the Proposal's, the AOC has the right to require a prospective proposer's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective proposer to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal to be materially in non-compliance with the requirements of the RFP.

**F. Proposals: Rejection, Negotiation, Selection Rights**

1. In accordance with the provisions of the RFP, the AOC may reject any or all Proposals.
2. The AOC reserves the right to negotiate the content of the Proposal proposed with individual prospective proposers if it is deemed in the AOC's best interest.
3. The AOC reserves the right to make no selection if Proposals are deemed to be outside the fiscal constraints of, or against the best interest of, the State of California.

**G. Award of Contract**

1. Award of contract, if made, will be in accordance with the provisions of the RFP except to the degree that any immaterial deviation(s) have been waived by the AOC.
2. The actual execution of contracts is subject to availability of the funds necessary to pay for the good and services by the State of California through its budgeting and appropriations methods. The AOC makes no guarantee of funding through its solicitation for goods and/or services via an RFP.

**H. Execution of contracts**

1. The AOC will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFP within the time specified in the RFP, or, if no time has been specified in the RFP, thirty (30) calendar days following the date of publication of award. Exceptions to the contract documents posted with the RFP that are raised by a prospective proposer may delay the execution of contracts. If the negotiation of exceptions raised results in a delay of the planned time of execution past the time period allowed for as specified above (unless otherwise extended in writing by the

AOC), the AOC, at its sole discretion, shall have the right disqualify the award made.

2. By submitting a Proposal, a prospective proposer consents to the use of the form of contract posted with the RFP rather than its own contract form. Questions about and major exceptions to the contract form should be submitted as questions in accordance with the provisions for the raising and answering of questions as given in the RFP, and not following notification of an award. The AOC will make reasonable attempts to answer such questions, however, the contract will not be negotiated until after the award is made, and prospective vendors shall not construe the AOC's responses to questions as the AOC's final position on a question raised, nor rely on the AOC's answers as a guarantee of a later successful negotiation of terms.

## **I. Protest procedure**

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective proposer to comply with any of the requirements of the protest procedures set forth in this Section K will render a protest inadequate and will result in rejection of the protest by the AOC. Such failure and subsequent rejection shall act to further forfeit the right of the prospective proposer to continue the protest, and is not appealable under this protest procedure.
3. A protest may only be based upon allegedly restrictive requirement in the RFP or upon alleged improprieties in regard to the AOC's execution of its responsibilities with regard to receipt and evaluation of the Proposals, or grant of award(s) but only as such responsibilities are specified in the RFP document.

### **A. Protests Based On Allegedly Restrictive Requirements:**

Protests alleging restrictive requirements in the RFP must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFP raised later than as specified in Section C will not be considered a valid protest, will be rejected by the AOC, and the prospective proposer shall have no further recourse under this procedure, including no further right of appeal.

### **B. Protests Based on Alleged Improprieties in Regard to the AOC's Execution of its Responsibilities:**

A prospective proposer who has actually submitted a Proposal may protest the AOC's rejection of its RFP for failure to comply with the requirements of the RFP, or upon the basis of an allegation of improprieties with regard to the AOC's responsibility to fairly and impartially evaluate the RFPs and make awards, but only insofar as such responsibilities are specified in the RFP document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:

- a. If a Proposal is rejected because of an alleged failure to provide the Proposal to the AOC on or before the date and time due,

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and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a correct submission as specified by the RFP, the prospective proposer may file a protest. Said protest must provide verifiable documentation that it has submitted a Proposal in compliance with all the RFP's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.

- b. If a Proposal is rejected because the Proposal submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFP, the prospective proposer may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the Proposal submitted was in fact complete and/or is in fact in compliance with the RFP requirement(s) in question. Such protests must be filed within (5) full AOC business days following the date of dispatch of the notice of rejection.
- c. If a Proposal fails to win an award or qualify the prospective proposer for a short listing for further evaluation and the prospective proposer alleges that said failure was due to a failure of the AOC to fairly and impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities were specified in the RFP, the prospective Proposer may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the AOC has failed to fairly and impartially execute said responsibilities. Such protests must be filed within (5) full AOC business days following the date of posting of award notices to the AOC website for the RFP.

In order to be considered valid, all such protests to be submitted:

1. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document. PDF documents may accompany the e-mail as further detailed below.
2. Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
3. Must provide the title of the solicitation document under which the protest is submitted.
4. Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems

necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.

5. Must provide a detailed description of the specific ruling or relief requested.
6. Must cite **all** protests that the prospective Proposer intends to make. Failure to raise a protest in the initial protest submittal shall act to disqualify the raising of that protest at a later date.

Any protest failing to meet or provide the appropriate requirements as noted above shall not be considered valid and will be rejected as non-compliant by the AOC and the prospective Proposer shall have no further recourse under this procedure, including any right of appeal.

If the course of investigation of a protest and when the AOC deems necessary, the AOC may request and protestor shall make best efforts to provide further evidence or documentation as requested by the AOC.

The existence of a protest will in no way act to restrict the right of the AOC to proceed with the procurement. The AOC, at its sole discretion, may elect to withhold the contract award(s) until the protest is resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

## **J. Protest Decisions**

The protest will be forwarded to the appropriate Contracting Officer at the AOC, who will assess the protest submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.

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

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

If awarding a remedy, the AOC shall, at its sole discretion, choose to employ any or a combination of the following remedies:

- Award the contract consistent with the RFP
- Extend an additional award to the protesting prospective Proposer

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- Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective Proposer
- Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP
- Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned. Other such remedies as the AOC may deem necessary and appropriate. While the AOC will endeavor to investigate the protest and provide a written response to the prospective Proposer within ten (10) AOC business days, if the AOC requires additional time to review the protest and is not able to provide a response within said period of time, the AOC will notify the prospective protesting Proposer of the expected time within which it shall provide a response.

**K. Appeals Submission**

The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting Proposer thereafter seeks an appeal of the ruling or relief prescribed.

All appeals are subject to, and shall follow, the process provided below.

The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the AOC's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the AOC within five (5) AOC business days following the date of issuance of the AOC Contracting Officer's decision.

The justification for an appeal is specifically limited to the following.

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

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

In order to be considered valid, all requests for appeal must be:

1. Submitted by e-mail to the e-mail address established for the submission of questions in the RFP document and addressed to the AOC's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.

2. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
3. Must provide the title of the solicitation document under which the appeal is submitted.
4. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the AOC reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.
5. Must provide a detailed description of the specific ruling or relief requested.
6. Must cite **all** appeals that the protesting prospective Proposer intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

**L. Appeals Decisions**

The AOC's Senior Manager, Business Services will assess the appeal submission for compliance with the requirements of these Administrative Rules, and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply the Administrative Rules.

If the appeal submission is deemed valid, the AOC will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy,

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

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

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

**M. News Releases**

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

**N. Disposition of Proposal Materials Submitted**

All materials submitted in response to the RFP will become the property of the State of California and will be returned only at the AOC's option and at the expense of the prospective proposer submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

**O. Payment and Withholding**

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP, however, prospective proposers are hereby advised that AOC payments are made by the AOC, and the AOC does not make any advance payment for services. Payment by the AOC is normally made based upon completion of tasks as provided for in the agreement between the AOC and the selected Proposer.
2. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The withheld amount may depend upon the length of the project and the payment schedule provided in the agreement between the AOC and the awarded proposer.

(DVBE Forms Follow)



**DVBE PARTICIPATION FORM**

Firm Name: \_\_\_\_\_  
RFQ/P Project Title: \_\_\_\_\_  
RFQ/P Number: \_\_\_\_\_

This Project has a DVBE participation goal of three percent (3%) (DVBE Participation Goal). The CMR must document its DVBE compliance with the DVBE Project Goal by completing the DVBE Participation Form.

*Complete Parts A & B*

*“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
-

**DVBE PARTICIPATION FORM - PART A – COMPLIANCE WITH DVBE**

FIRM: \_\_\_\_\_

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

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

Claimed Value: DVBE \$ \_\_\_\_\_  
 Percentage of Total Contract Amount: DVBE \_\_\_\_\_%

**SUBCONTRACTORS/SUB-SUBCONTRACTORS/PROPOSERS/SUPPLIERS**

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

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

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

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

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

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

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

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

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

**DVBE PARTICIPATION FORM - PART B – CERTIFICATION**

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 California Code of Regulations, Title 2, section 1896.61, and Military and Veterans Code, section 999.

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

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

**End of DVBE Participation Form**