

Hollywood Courthouse Modernization Project
Prequalification and Selection Process for Design-Build Entities
June 27, 2014

1. Prequalification Process

- 1.1. The Judicial Council of California, acting through the Administrative Office of the Courts (AOC), will evaluate the following criteria under Government Code section 70391.7(c)(2)(B) to prequalify design-build entities for the Hollywood Courthouse Modernization Project:
- 1.1.1. Possession of all required licenses, registration, and credentials in good standing that are required to design and construct the project.
 - 1.1.2. Submission of evidence that establishes that the design-build entity members have completed, or demonstrated the capability to complete, projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project.
 - 1.1.3. Submission of a proposed project management plan that establishes that the design-build entity has the experience, competence, and capacity needed to effectively complete the project.
 - 1.1.4. Submission of evidence that establishes that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance, as well as a financial statement that assures the Judicial Council that the design-build entity has the capacity to complete the project.
 - 1.1.5. Provision of a declaration certifying that applying members of the design-build entity have not had a surety company finish work on any project within the last five years.
 - 1.1.6. Provision of information and a declaration providing detail concerning all of the following:
 - 1.1.6.1. Any construction or design claim or litigation totaling more than five hundred thousand dollars (\$500,000) or 5 percent of the annual value of work performed, whichever is less, settled against any member of the design-build entity over the last five years.
 - 1.1.6.2. Serious violations of the California Occupational Safety and Health Act of 1973, as provided in Part 1 (commencing with

Section 6300) of Division 5 of the Labor Code, settled against any member of the design-build entity.

- 1.1.6.3. Violations of federal or state law, including, but not limited to, those laws governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements, settled against any member of the design-build entity over the last five years. For purposes of this subclause, only violations by a design-build member as an employer shall be deemed applicable, unless it is shown that the design-build entity member, in his or her capacity as an employer, had knowledge of his or her subcontractor's violations or failed to comply with the conditions set forth in subdivision (b) of Section 1775 of the Labor Code.
- 1.1.6.4. Information required by Section 10162 of the Public Contract Code.
- 1.1.6.5. Violations of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code), excluding alleged violations or complaints.
- 1.1.6.6. Any conviction of any member of the design-build entity of submitting a false or fraudulent claim to a public agency over the last five years.
- 1.1.7. Provision of a declaration that the design-build entity will comply with all other provisions of law applicable to the project, including, but not limited to, the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code (Gov. Code, § 70391.7(c)(2)(B).)
- 1.2. Prequalification shall be limited to evaluation of the above-referenced criteria. Following this evaluation, the AOC will establish a short list of up to five of the project's most highly qualified design-build entities that can submit proposals for the project (Prequalified List).

2. Selection Process

- 2.1. Once the Prequalified List is determined, the Judicial Council shall request proposals for the project from the design-build entities on the Prequalified List.
- 2.2. The Judicial Council determines that under Government Code section 70391.7(c)(3)(A), the “best interests of the state” are served by using the selection method provided in Government Code section 70391.7(c)(3)(B)(i) to select the winning design-build entity for the project. Specifically, the Judicial Council will use a design-build competition to select the design-build entity for the project based on evaluating (a) price, and (b) performance and other criteria. The AOC shall award the project to the design-build entity whose proposal is judged as providing the “best value” in meeting the interests of the Judicial Council and meeting the objectives of the project. “Best value” means a value determined by objective criteria, which include, but are not limited to, price, features, functions, life-cycle costs, and experience.
- 2.3. Evaluation of the Best Value criteria shall be scored as follows:
 - 2.3.1. Thirty percent or more for price; and
 - 2.3.2. Seventy percent or less for performance and other criteria.
- 2.4. The performance and other criteria shall include, but are not limited to, the following:
 - 2.4.1. Design-build entity experience and financial resources in the design and construction of projects of similar size, scope, or complexity
 - 2.4.1.1. Business licenses necessary to perform the work
 - 2.4.1.2. History of design-build entity team working together on other design-build projects
 - 2.4.1.3. Experience of the design-build entity in relation to the work to be performed, including demonstrated ability to meet project budgets and schedules, demonstrated effectiveness of the quality assurance program and procedures being used by the firm in both design and construction services, and the nature and quality of recently completed work

- 2.4.1.4. Financial resources of the design-build entity
- 2.4.2. Demonstrated experience and training of project personnel
 - 2.4.2.1. Proposed key personnel
 - 2.4.2.2. Plan to retain key personnel throughout the project
 - 2.4.2.3. Demonstrated experience and training of project personnel
 - 2.4.2.4. Ability to maintain continuity of design-build entity's proposed staff from design through completion of the project
 - 2.4.2.5. Identification of the scope and elements of the work to be done by subcontractors
 - 2.4.2.6. To the extent known, the identification and qualifications of subcontractors
- 2.4.3. Proposed project schedule (including plan to maintain project schedule)
- 2.4.4. Life-cycle costs
- 2.4.5. Proposed risk allocation between the design-build entity and the Judicial Council
- 2.4.6. Proposed functions and features
- 2.4.7. Knowledge of sustainable design in modernization projects
- 2.4.8. Financial strength, safety record, and claims avoidance
 - 2.4.8.1. Design-build entity's verifiable financial strength, safety program and record, history of avoided work-related accidents, damage to property during the course of construction, public liability claims and litigation on past projects, and ability to work with owners in the successful completion of owner-controlled insurance programs
- 2.4.9. Project plan/approach:
 - 2.4.9.1. The proposed project plan shall demonstrate the design-build entity's approach to this project, indicating a clear understanding

of the purpose, service, scope, and objectives of the project, including methodology for coordination and issue tracking and quality control strategies. The project plan shall demonstrate the firm's approach to advertising and outreach to the local subcontractor and vendor community; this approach should clearly identify the firm's plan to encourage participation by local subcontractors and vendors.

2.4.10. Other nonprice criteria applicable to the project

3. Delegation

- 3.1. Under section 12.3.1.1(5) of the Judicial Branch Capital Program Management Manual, the director of the Judicial Branch Capital Program Office is delegated the responsibility to establish methods for evaluating solicited bids or proposals for any contract related to the planning, design, and construction, rehabilitation, or renovation of court facilities. This delegation shall specifically include the ability to establish for the project (a) the specific allocation between price and performance and other Best Value criteria as long as the price criterion constitutes at least 30 percent of the scored evaluation; and (b) the specific Best Value criteria to evaluate, including the percentages allocated to each criterion.