

## Superior Courts of California, Counties of



1. Alpine–New Markleeville Courthouse
2. Fresno–Renovation to Fresno County Courthouse
3. Glenn–Renovation and Addition to Willows Historic Courthouse
4. Kern–New Mojave Courthouse
5. Los Angeles–New Eastlake Juvenile Courthouse
6. Nevada–New Nevada City Courthouse
7. Placer–New Tahoe Area Courthouse
8. Plumas–New Quincy Courthouse
9. Riverside–New Hemet Courthouse
10. San Joaquin–Renovation and Addition to Juvenile Justice Center
11. Santa Barbara–New Santa Barbara Courthouse
12. Sierra–New Downieville Courthouse
13. Stanislaus–New Modesto Courthouse

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### Request for Architectural and Engineering Qualifications

The Administrative Office of the Courts, Office of Court Construction and Management seeks to identify and select architects and their consulting engineering teams qualified to provide services in all phases of pre-design, design and construction of new courthouses for the Superior Courts of California, Counties of *Alpine, Fresno, Glenn, Kern, Los Angeles, Nevada, Placer, Plumas, Riverside, San Joaquin, Santa Barbara, Sierra, and Stanislaus* for projects to be funded in Fiscal Year 2010-2011 under SB1407.

RFQ Number: OCCM-2010-24-JMG

Request for Qualifications, August 6, 2010  
Architectural, Engineering and Related Services  
RFQ Number: OCCM-2010-24-JMG

Date

August 6, 2010

To

Architectural and Engineering Consulting  
Teams

From

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

Subject

Request for Qualifications of Architectural,  
Engineering, and Related Services;  
Superior Courts of California, Counties of:  
14. Alpine–New Markleeville Courthouse  
15. Fresno–Renovation to Fresno County  
Courthouse  
16. Glenn–Renovation and Addition to  
Willows Historic Courthouse  
17. Kern–New Mojave Courthouse  
18. Los Angeles–New Eastlake Juvenile  
Courthouse  
19. Nevada–New Nevada City Courthouse  
20. Placer–New Tahoe Area Courthouse  
21. Plumas–New Quincy Courthouse  
22. Riverside–New Hemet Courthouse  
23. San Joaquin–Renovation and Addition  
to Juvenile Justice Center  
24. Santa Barbara–New Santa Barbara  
Courthouse  
25. Sierra–New Downieville Courthouse  
26. Stanislaus–New Modesto Courthouse

Action Requested

You are invited to review and respond with a  
Proposal

Project Title:

Project Name: A&E - Major Capital Projects  
SB1407, Groups 2C and 3A, B, C and D

RFQ number: OCCM-2010-24-JMG Deadline

Proposals must be received on or before  
8/27/10 at 2:00 PM, the date and time  
specified in the RFQ Schedule.

Send Statements of Qualifications to:

See Section 10.6

Contact

[OCCM\\_Solicitations@jud.ca.gov](mailto:OCCM_Solicitations@jud.ca.gov)

## **1.0 BACKGROUND INFORMATION**

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 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 Superior and Appellate Courts of California.

The mission of OCCM is to create and maintain buildings that reflect the highest standards of excellence.

The Trial Court Facilities Act of 2002 (SB 1732, Escutia) as amended, among other requirements has shifted the governance of California's Superior Court buildings from the counties to the state, commencing July 1, 2004 and completing by December 31, 2009. The current inventory is comprised of approximately 600 separate court facilities containing approximately ten million usable square feet of space devoted to court occupancy.

Under SB1732, the Judicial Council has authority to "recommend to the Governor and the Legislature the projects [that] shall be funded from the State Court Facilities Construction Fund." In support of this responsibility of the Council, OCCM has developed a Trial Courts Five-year Capital Outlay Plan. The Trial Courts Five-year Capital Outlay Plan, which has been approved by the Judicial Council, can be reviewed at <http://www.courtinfo.ca.gov/programs/occm/5year.htm>.

Senate Bill 1407 (SB1407, Perata), enacted on September 26, 2008, provides enhanced revenue streams and authorizes \$5 billion in lease-revenue bonds for trial court facility construction. This historic revenue bond is the legislature's first significant commitment to funding courthouse improvements across the state since the enactment of the Trial Court Facilities Act in 2002. The revenue from this bond is proposed to support the preconstruction phase costs and debt service for construction phase costs for 41 capital-outlay projects. The projects which are the subject of this RFQ are the remaining projects of the 41 capital-outlay projects to be funded, as noted above.

## **2.0 PURPOSE OF THIS RFQ**

OCCM seeks the services of qualified architectural and engineering consulting teams ("Service Providers"), led by architects licensed in California with expertise in all phases of planning and design of public or similar institutional buildings. Architects licensed in California do not necessarily need to have offices located in California, as long as the firms can demonstrate their capability to provide effective service to the AOC and the Courts based on their primary locations, or through business associations with California practices which are proposed in the Proposals for all phases, or for specific phases of a project. SOQs submitted must clearly describe and explain joint ventures and other firm associations which are proposed for a project or projects.

This RFQ is the means for prospective Service Providers to submit their qualifications for a specific project or projects to the OCCM, for the projects described in Attachment A, for the services described in this document.

Prospective Service Providers are required to submit separate customized qualifications, including specific teams, for a (each) specific project for which they wish to be considered under this solicitation. Single, boilerplate-type qualification submissions for multiple projects will be disqualified. Proposals must directly respond to the criteria for qualifications, upon which scores will be assigned and tabulated, as described in section 9 of this RFQ.

### 3.0 SCOPE OF SERVICES

The scope of architectural, engineering and related services desired for the projects described in this RFQ and its Attachment A may include some or all of the following services:

- 3.1 **Site Analysis and Selection:** Participate in and/or perform detailed site selection and analysis for a new court building, including required countywide, urban, regional, court campus, or site-specific development planning;
- 3.2 **Site Acquisition Consultation:** Participate in and coordinate with AOC staff, legal counsel, service providers, and real estate brokers in site acquisition activities, and assist with or prepare related documentation, including but not limited to feasibility studies, economic analyses or pro forma, market or demographic surveys or studies, or preliminary project concept designs, massing and test fit alternatives, as requested, (Real Estate brokerage services are not included in scope of services of this RFQ);
- 3.3 **Land Use Entitlement:** Support and/or participate in the preparation of environmental studies and reports as required under CEQA and related local and state laws and regulations; (Environmental site surveys and hazard documentation; EIR preparation; and site remediation services are not included in scope of services of this RFQ);
- 3.4 **Development Studies:** Conduct or participate in planning, parking and traffic, zoning, geotechnical, on-site and off-site utility and related utilization studies required for site consideration and acquisition and for project development and approvals;
- 3.5 **Functional Programming and Detailed Space Planning:** Conduct functional programming, design definition, and space planning for court building functions,

including surveys for existing facilities and develop or assist in the development of court building project requirements documents, including complete site, functional and space requirements, conceptual building, and test fit studies;

- 3.6 **Architectural and Engineering Design Services for New Construction:** Provide architectural, structural, civil, mechanical, electrical, plumbing, sustainable and LEED™ design for certification to current standards for Silver, low voltage system design including fire protection, security, audio-visual, telecommunications and IT-building automation systems integration; acoustical, interior design including furniture selection, specification, bidding and procurement coordination and assistance. Building information modeling (“BIM”) and related services which may be required in connection with planning, design and a new building project. Other services that may be requested include but may not be limited to, geotechnical engineering; land surveys; wind engineering; vibration control; life safety/code consulting; ; parking structure design; parking revenue control; and art, where appropriate.

Additional or specialized services may be required in any or all project phases including conventional schematic design, design development, construction documents, bidding, and construction contract administration and/or bridging documents for design-build, as needed, and where stipulated for a specific project or projects;

- 3.7 **Planning and Building Code Analyses:** Conduct and/or participate in all building and planning code analysis and reviews, including progressive and final analyses prior to design approvals, during coordination with AOC and executive branch agency reviews, and during and after construction. Analyses may include seismic hazard review where appropriate;
- 3.8 **Historic consulting or preservation services:** Provide specialized consulting where required in connection with restoration, preservation, or coordination of disciplines in adaptive reuse of historically significant building(s);
- 3.9 **Contracting and Sourcing:** Provide consultation on and analysis of methods of sourcing which may be used for the building projects subject to this solicitation, including (but not necessarily limited to) traditional design-bid-build, Construction Manager at Risk, and alternate approaches such as integrated project delivery; participate in preparation of associated conventional or unique contract documents required for procurement; participate in construction contract bid analysis of general and special construction and, or construction management contracts; (Legal services, construction management, and construction services are not included in the scope of services in this RFQ);

- 3.10 **Cost Analysis and Schedule Planning:** Provide for all aspects of project cost estimating and schedule planning, including construction estimating, life cycle costing, value engineering, constructability reviews, critical path, and special scheduling;
- 3.11 **Design Services for Furniture, Fixtures and Equipment:** Provide all services required to properly plan, design, specify and coordinate, select, bid and install furniture, fixtures, special finishes and equipment, including but not necessarily limited to: interior design, including millwork design and furniture specification, and finished material details;
- 3.12 **A/V, Telecommunications, Security, Low-Voltage Systems Design:** Provide all services required to properly plan, design and coordinate new and existing A/V, Telecommunications, Security and related low voltage systems associated with courthouse equipment, including integration as appropriate with building automation system design.
- 3.13 **Site Planning and Landscape Architecture:** Provide all services required to properly plan, design, specify and coordinate exterior site design, including grading, parking lots, roads, driveways, hardscape, landscape, irrigation and coordination of underground utilities and/or building structures with landscape and hardscape elements;
- 3.14 **Construction Contract Administration:** Consistent with the scope stipulated in the attached contract, provide construction phase services, including (but not necessarily limited to) field administration and observations, RFI and submittal reviews and processing, review of testing and inspection reports required by the bid documents (testing laboratory or construction inspection services are not part of this RFQ), coordination of finishes, furnishings and equipment, evaluation of pricing and schedule impacts for consideration/negotiation of changes, and project contract completion, including punch list, warranty review, preparation of record drawings and closeout;
- 3.15 **Building Commissioning:** Participation in development of building commissioning documents and procedures; and participation in commissioning program in connection with sustainable design requirements or as otherwise needed. (Specialized Commissioning agent services are not part of this RFQ);
- 3.16 **Move and Occupancy Planning:** Planning, design, and execution of temporary relocation, move planning, and start-up assistance;
- 3.17 **Peer Review Panel:** Participate in peer reviews of projects for which the Service Provider is not associated, if requested; (OCCM may institute a process of project

reviews to be conducted by panels that include Architects and Engineers knowledgeable about court design but not associated with the particular project to be reviewed); limited compensation may be applicable.

3.18 **Trial Court Design Standards:** All projects shall be designed subject to the Judicial Council’s Trial Court Facility Standards,” April 2006 and subsequent updates;

3.19 **Sustainable Design and LEED™ Requirements:**

All projects shall be designed for sustainability and at a minimum to the standards of (and certified as) LEED™ Version 3 Silver rating

#### **4.0 SPECIFICS OF SUBMITTING A RESPONSIVE PROPOSAL**

**The following materials (“Materials”) shall constitute a Proposal:**

A. SOQ Disks

Each Service Provider’s Statement of Qualifications should clearly and accurately demonstrate the specialized knowledge and experience required for consideration. For each (1) specific project that your organization wishes to receive consideration, a separate (1) SOQ must be submitted. An SOQ consists of (1) a completed Standard Form 330, (Parts I and II); (2) a completed and a signed Qualifications Questionnaire, a blank copy of which is posted in Attachment E of this RFQ. SOQs should provide straightforward, concise information that satisfies the requirements noted above and the criteria for point ranking listed below. Extensive color displays, and/or graphics are not necessary. Emphasis should be placed on brevity, conformity to instructions, requirements of this RFQ, as well as the completeness and clarity of content.

For each specific (1) project for which your organization seeks to compete, submit two (2) compact disks (please do not submit flash drives), each disk containing a single PDF file containing all of the elements of a complete SOQ as specified immediately above. Place a label on the disks or drives you submit with (1) the name of your organization, (2) the name of the project for which you are submitting, and (3) the AOC’s RFQ number for this solicitation (OCCM-2010-24-JMG). Entitle the actual PDF file submitted on the disk with an abbreviated but easily recognizable version of this same information, in the same order as requested above. Timely receipt of this electronic media is required in order for your SOQ to receive consideration for selection for a project under this solicitation.

Do not provide printouts or bound copies of your SOQs when you submit. Submit only the disks or drives requested above.

B. Litigation History Disks:

Submit 2 disks or flash drives, each containing a PDF file of a written document that provides a listing of any litigation or settlements your organization is/was involved in that arose from or is/was related to claims made with regards to errors or omissions in your provision of architectural and/or engineering services. The history provided shall cover the 10 year period prior to the date proposals are due under this RFQ. Provide any explanatory comments regarding the litigation or settlements you may wish to include. Make certain to cite the manner in which any litigation or settlement was concluded / is being continued. The file submitted must in addition bear a statement affirming and attesting that this is a true and accurate history, this affirmation signed by an authorized officer or legal representative of your organization. Do not include the file of the litigation history on the SOQ disks or drives you submit. Place a label on the disks or drives you submit with (1) the name of your organization, (2) the words "Litigation History", and (3) the AOC's RFQ number for this solicitation (OCCM-2010-24-JMG). Entitle the actual PDF file submitted on the disk with an abbreviated but easily recognizable version of this same information, in the same order as requested above.

Do not provide printouts or bound copies of your Litigation History when you submit. Submit only the disks or drives requested above.

C. Written Materials and PDF Files of Written Materials:

Submit one (1) completed and signed original of the Payee Data Record form, a blank copy of which is posted only in the .PDF file (not the Word file) posting of this RFQ as Attachment F. The Payee Data Record Form must be completed in the exact legal name of the business entity under which the prospective Service Provider proposes to do business with the AOC, and must be signed by an authorized representative of said entity. Do not include a PDF file of the Payee Data Record Form on the SOQ disks or drives you submit, but do submit a PDF file of your completed and signed Payee Data Form on the same disk on which you submit your litigation history. Entitle this file with (1) the name of your organization, (2) the words "Payee Data Form", and (3) the AOC's RFQ number for this solicitation (OCCM-2010-24-JMG).

Submit a (1) separate written document identifying the individual who will serve as your point of contact for administrative communication with regard to this RFQ, including their address, telephone and e-mail contact information. It is the intention of the AOC that all communication regarding this RFQ will be made via the California Courts' website, however, should the need arise for the AOC to initiate



any separate communication addressed to your organization with regards to this RFQ it will be sent to that individual at the e-mail address you specify. This written document should, in addition, reference this RFQ by name and assert and attest that (1) all requirements of the RFQ have been read and understood; (2) the legal agreement posted with this RFQ is completely acceptable to your organization; (3) that the information submitted on your PDF files is true to the best of your knowledge; and (4) that the signatures provided on the PDF files you are submitting have been made by individuals from your organization with the appropriate knowledge and authority to make such assertions. The letter itself should be signed by an authorized officer or legal representative of your organization. Do not include a file of this written document on the SOQ disks or drives you submit, but do submit a PDF file of you're the signed document on the same disks on which you submit your litigation history. Entitle this file with (1) the name of your organization, (2) the words "Introductory Letter", and (3) the AOC's RFQ number for this solicitation (OCCM-2010-24-JMG).

D. Packaging:

With the exception of the materials requested above, do not enclose any other materials with your submission.

Submit all of the disks and written materials referred to above in a single shipping container, labeled with (1) the name of your organization, and (2) the AOC's RFQ number for this solicitation (OCCM-2010-24-JMG).

E. Submission of Proposals:

See section 10.6 for the address to which your Proposal must be submitted

F. DVBE Program:

The AOC has a Disabled Veterans Business Enterprise (DVBE) participation goal. The AOC does not require that your DVBE forms be submitted with your Proposal. However, submission of your DVBE forms will be required following notification of selection and prior to the signing of a contract with the AOC. Forms are provided here to familiarize you with this requirement and for your later convenience. See section 13 of this RFQ for additional details regarding DVBE participation.

## 5.0 OTHER MATERIALS REQUESTED

5.1 In addition to the electronic media and written materials requested in section 4.0 above, prospective Service Providers are also requested to provide two (2) printed bound copies containing all of the elements of each Proposal (see above for a description of all of the elements in a Proposal).

5.2 Although the AOC would appreciate that these materials arrive by the same date the Proposals are due, the timely receipt of these bound copies is not required in order for your SOQ to receive consideration under this solicitation.

**5.3 In the event that a prospective Service Provider provides the bound copies requested in this section 5.0., but fails to provide the Proposal as requested in section 4.0, the written materials will not receive consideration as a Proposal under this solicitation and will be disposed of.**

5.4 Provide the two (2) printed bound copies directly to the AOC regional offices, addressed as follows:

Address:	For the following projects
S. Ernest Swickard, AIA, Assistant Director AOC-Southern Regional Office 2255 North Ontario Street, Suite 200 Burbank, CA 91504	Kern–New Mojave Courthouse LA–New Eastlake Juvenile Courthouse Riverside–New Hemet Courthouse Santa Barbara–New Santa Barbara Courthouse
Robert Uvalle, Manager AOC-Northern Central Regional Office 2860 Gateway Oaks Drive, Suite 400 Sacramento, CA 95833	Alpine–New Markleeville Courthouse Fresno–Renovation to Fresno County Courthouse Nevada–New Nevada City Courthouse Placer–New Tahoe Area Courthouse Plumas–New Quincy Courthouse Sierra–New Downieville Courthouse
Rona G. Rothenberg, FAIA, Senior Manager AOC-Bay Area Northern Coastal Regional Office 455 Golden Gate Avenue, 8th floor San Francisco, CA 94102	Glenn–Renovation and Addition to Willows Historic Courthouse San Joaquin–Renovation and Addition to Juvenile Justice Center Stanislaus–New Modesto Courthouse

## **6.0 COMPLETING THE STANDARD FORM 330 (U.S. GENERAL SERVICES ADMINISTRATION)**

Complete the Standard Form 330 completely, paying particular attention to the following:

1. Part 1 (A – D): Identify the your organizations point of contact, proposed team comprised of the Architect and only key sub-service providers, Structural, Mechanical, Electrical, low-voltage and LEED/Sustainability (as applicable), and an organizational team chart for the project or projects described in Attachment A;
2. Part 1 (E): Provide resumes for the key personnel that will constitute the actual team you propose to provide to the AOC the services necessary to complete the project. Include your organization’s principal-in-charge for this project, project manager, project architect, and project designer or alternate team roles. For your sub-service providers include principal-in-charge for this project or projects and project engineer (one page per person maximum). In composing your team, the AOC urges that you propose teams and individuals which have the requisite experience for the size, scale and complexity of the subject project, availability during the time frame proposed and in each particular geographical location. In particular, candidates for project manager should have the proven, commensurate experience in court or institutional projects, in the proposing organization, or in past employment. The Court programmer-planner should not be included, as that sub-consultant will be selected by the AOC and assigned after selection during contract negotiation;
3. Part 1 (F): Provide examples of your organization’s projects (no more than 10 projects) which best illustrate their collective firm, and individual qualifications for the scope and size of the specific project for which you propose to compete. Provide one attached page following the text page for each project for supporting photographs and/or graphics. Indicate any projects accomplished by the staff you are proposing that were conducted while under the employment of others. Project examples cited should be either California court buildings or institutional buildings of similar complexity completed in the last ten (10) years which demonstrate the prospective Service Provider’s ability and experience to successfully complete the subject court project applied for. Provide Owner’s information as a reference contact for verification of firm, team and individual roles and responsibilities for project(s) you have listed. (two pages per project maximum);

4. Part 1 (G): Participation of the key proposed team members in the project examples from Part 1 (F) should be provided. (One page maximum);
5. Part 1 (H): Provide a description of: a) your organization's approach to the design of public or similar institutional buildings, and b) your response to the selection criteria listed in section 9.0 of this RFQ. This section shall be signed by an authorized representative of the proposing organization. (four pages maximum);
6. Part II: Provide specific qualifications for the home office and/or branch office(s) and/or combination of single or multiple firm resources which you are proposing to perform the work described in the RFQ. Fill in sections 1 through 9. Part 9 shall indicate current employees by discipline. Section 12 shall be signed by an authorized representative of the proposing organization. Parts 4, 5b, 8c and 11 are not required. If you are proposing that a branch office provide a significant part of the services, provide your proposed plan for managing the project as regards to the roles, relationships and respective responsibilities of the proposing office and the home office relative to provision of the services within the home office, the branch offices of the firm, or both.

## **7.0 LIMITATIONS ON PROJECTS— APPROPRIATION FUNDING LIMITATIONS**

7.1 If a prospective Service Provider wishes to participate in projects covered by this RFQ, but already has major capital work with the AOC, that Service Provider will not be precluded from consideration for additional work under this solicitation provided that the AOC makes a determination that the Service Provider has the requisite resources to complete the work as will be determined subject to the criteria for selection under section 9 of this RFQ.

7.2 For each of the subject projects, it is the intention of the AOC to contract with the selected firms for all phases of the project or projects described. However, the AOC can only authorize work for a phase or phases of work subject to appropriation under the respective budget act. As previously noted, all of the projects included in this RFQ have received an initial funding appropriation from the Department of Finance, the Joint Legislative Budget Committee and the State Public Works Board. All future phases of work may similarly be subject to budget appropriations in future fiscal years. AOC cannot guarantee the amount or duration of the work. Prior to the time a contract is executed the project descriptions provided here are subject to change at the sole discretion of the AOC.

## **8.0 RIGHTS**

8.1 The AOC has the right to reject any and all Proposals that are not provided on or before the due date and time or that do not conform to the requirements of this RFQ.

8.2 The AOC has the right to issue RFQs for the same or similar projects, in the future.

8.3 If, prior to the signing of the contract for an awarded project, the proposing entity changes its business ownership or the AOC determines a prospective Service Provider's proposed personnel or the subcontractors specified in the Proposal or subsequently agreed to during the interview process have substantially changed, the AOC reserves the right to terminate the intent to award a contract (already covered elsewhere).

8.4 This RFQ and the Proposals provided as a result of it shall in no way act to form an agreement, obligation, or contract. In any event and regardless of circumstances in no way shall the AOC or the State of California be held responsible for any loss of profit or any costs or expenses incurred or experienced as a result of a prospective Service Provider's preparation and provision of Proposal(s), or participation in interviews.

8.5 One copy of each Proposal submitted will be retained for official files.

## **9.0 PROPOSAL EVALUATION PROCESS, INTERVIEWS, AND SELECTION OF SERVICE PROVIDERS FOR A PROJECT**

9.1 For each individual project for which a submission has been made, an evaluation team will be assigned by the AOC. Each evaluation team will be comprised of two AOC-OCCM staff reviewers, including a project manager, a manager and/or a planner assigned to a specific project

9.2 The evaluation team will initially determine if the Proposal submitted conforms to the requirements of this RFQ. Prospective Service Providers that submitted Proposals failing to meet RFQ requirements will, as soon as practicable, be notified in writing by e-mail.

9.3 The evaluation team will evaluate and grade the remaining Statements of Qualifications each to be weighted as indicated. In the process of grading the Proposals submitted, OCCM Staff may contact previous Clients and Owners listed

in Part 1 (F) of the Standard Form 330 to verify the experience and performance of the prospective Service Provider, their key personnel, and their key sub-service providers, as appropriate.

9.4 Criteria for Evaluation of Proposals and Interviews

WEIGHT	QUALIFICATIONS TO BE EVALUATED
40%	<p><b><u>Design Experience</u></b></p> <p>Specific experience of the proposed team and its key individuals in the development of high quality buildings for court or other similar program intensive public/institutional buildings of similar size, complexity and cost, during the past ten years, as evidenced by awards from third party organizations for completed projects; teams with long-term experience together; documented and proven successful design solutions, etc.. See *1, *2 below.</p>
20%	<p><b><u>Project Management</u></b></p> <p>Specific experience of the proposed project manager in managing individual public/institutional projects of similar size, complexity. Prospective Service Provider's record and systems for providing and maintaining high quality consulting services and design/contract documents to its clients, and in construction contract administration, and for budgetary and scheduling management, as evidenced by projects which have bid on or below budget; been completed on or ahead of schedule; specialized documentation of successes in management of scope, cost and time parameters for completed projects, etc.</p>
15%	<p><b><u>Geographic Breadth of Service/Specific Local Knowledge</u></b></p> <p>Ability of the firm to provide service in the geographical location of the project, given the firm's proposed resources, as evidenced by specific offices, resources and teams in specific locations which are proposed to be assigned to specific projects covered by this solicitation, etc. and by demonstration of specific knowledge of the project geography, culture, local requirements for the specified project(s).</p>
20%	<p><b><u>Technical and Project Execution Capabilities Expertise</u></b></p> <p>Demonstrated experience and expertise of the proposed team to deliver high quality construction documents, and specific aspects of institutional building, including (but not necessarily limited to), building Mechanical/Electrical/Plumbing (MEP) and structural engineering design, interior design, site design and LEED<sup>TM</sup> standards and processes, as evidenced by documentation of completed projects which accomplished specific technical goals, such as LEED or otherwise unique and particular mechanical, electrical, structural and other systems, etc.</p> <p>The AOC's evaluation of prospective Service Provider's ability to actually provide all the requisite resources needed to complete the project(s) for</p>

which they are selected, taking the AOC's scheduled expectations of the time frames for project execution into effect, as evidenced by a list of staff in specific locations who will be assigned to the proposed project.

5%

**Specialized Expertise**

Specialized expertise in court facilities programming and planning; and any other particular technical specialty associated with a given building project, as evidenced by specific examples of that expertise. See \*1, \*2 and \*3 below

Notes:

\*1. For the Glenn-Willows Renovation and Addition project, proposing firms must demonstrate substantial experience and knowledge of additions and renovations to old and historically significant buildings.\* 2. For the Fresno-Renovation to Fresno County Courthouse and San Joaquin-Renovation and Addition to Juvenile Justice Center, proposing firms must demonstrate substantial experience and knowledge of in-place renovations of fully occupied buildings. \*3. Selection of the court programmer-planner will be made by the AOC and discussed with each selected firm following architect selection.

9.5. Based upon this initial evaluation, the AOC will select a list (estimated at 3 to 5 in number) of short listed firms for each project. The selected firms will be invited for in person interviews.

9.6. Following the interviews, the evaluation team will, taking the results of the interview into account, and using the assigned weights, determine the highest ranking prospective Service Provider, who will be selected for the project. If the AOC and the firm selected for a project have not come to an agreed to price and a fully developed Statement of Work within 90 days from the day of posting of the selections, the AOC has the right to discontinue discussion with that firm and proceed with the next highest ranked firm.

## 10 RFQ PROCESS AND SUBSEQUENT EVENTS

10.1 This RFQ process and the RFQ Schedule are subject to change at any time. Changes will be posted to the California Courts' website pertaining to the RFQ, and no other notifications of changes shall be transmitted. **Prospective participants are urged to consult said website in a timely manner to remain apprised of any changes. Staying abreast of changes in the RFQ is the sole responsibility of the prospective Service Provider.**

10.2 Prospective Service providers may submit written questions to the AOC via e-mail which must be mailed to OCCM\_Solicitations@jud.ca.gov. Questions must be submitted no later than the date and time specified in the RFQ Schedule. Utilize the "Form for Questions" posted as Attachment C to this RFQ as the vehicle to submit your questions. The AOC will post answers to the questions submitted as

well as any necessary clarifications and addenda to this RFQ on the California Courts' website posting pertaining to this solicitation in accordance with the date specified in the RFQ Schedule. If, as a result of a question submitted, the AOC deems it necessary to modify this RFQ, the AOC will post clarifications and addenda to this RFQ on the California Courts website posting pertaining to this RFQ.

10.3 On the date specified in the RFQ Schedule posted as part of this solicitation, a web based teleconference will be held to review the published RFQ and to provide overall summary answers to any frequently submitted questions or other questions that appear to be of particular importance or interest. Details regarding the website for the telecom and how to obtain access codes and telephone number for the call are provided in the RFQ Schedule. Due to the limitations of the teleconference format, the AOC is not bound by the verbal comments provided during the teleconference. If a prospective Service Provider requires a binding answer, the question must be submitted in writing as detailed above.

10.4 Proposals to be submitted may be sent by US mail, express mail, courier service of the prospective vendor's choice, or by hand delivery to the AOC. E-mail and/or fax submissions are not acceptable.

10.5 All of the materials required in section 4 of this RFQ ("Materials") are due on or before the date and time specified in the RFQ Schedule or as said schedule is subsequently modified via changes posted to the website. It is the sole responsibility of the prospective Service Provider to ensure that the Proposal reaches the AOC on or before the date and time specified. Submittals received after the deadline will be rejected without review. With the exception of Proposals delivered by hand, the AOC provides no receipts nor makes any notification of its receipt or failure to receive any Proposal, and participants are requested to refrain from inquiring about this matter.

10.6 Submissions must be sent to:

Judicial Council of California  
Administrative Office of the Courts  
Attn: Ms. Nadine McFadden  
455 Golden Gate Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94102-3688  
*(Indicate RFQ Number and Name of Your Firm  
at lower left corner of outer packaging)*

*If a Proposal is to be submitted by hand, it must be submitted only at the reception desk of the AOC on the 7th floor 455 Golden Gate Avenue, San*



*Francisco, CA 94102.(Hours: 9 A.M. to 5 P.M., AOC Business Days)  
Service Providers are advised to obtain a handwritten receipt from the AOC  
receptionist when submitting.*

10.7 As already discussed in detail in section 9 above, after an initial evaluation of the received Proposals for compliance with the requirements of this RFQ, a short-list of qualified firms will be established for each Project.

10.8 The AOC will notify the short listed firms which have been established for each project solely via publication of the lists to this website; This website posting will in addition provide those firms on the short-list with their interview time and location, which shall be in either San Francisco, Sacramento, or the Burbank offices of the AOC, or at the location or an individual court. Of particular importance and interest at the interviews is attendance by the prospective Service Provider's specific proposed principal, project manager, project designer and/or project architect, and prospective Service Provider's court programmer, or programming service provider, as well as any other key service provider or service providers whose attendance will inform the interview and contribute to the final selection (e.g. the preservation service provider for an historic project).

10.9 The AOC will conduct tours of the existing building projects for the short-listed firms for the following projects only - Fresno-Downtown; Glenn-Willows; and San Joaquin. No tours will be held for the other projects. The date, time and location of the tours to be done will be published in the website announcement of the short list of firms selected for interview for those projects. If prospective Service Providers wish to visit the locale of the new projects, they are welcome to do so, but must not contact the courts in so doing.

10.10 It is the intention of the AOC to proceed with the projects with the prospective Service Provider staff and subcontractors specified in the Proposals submitted. However, during the interviews, the AOC may request a mutually agreeable equivalent substitution for any one or more of the prospective Service Provider's staff and sub-service providers originally proposed as part of the prospective Service Provider team that will execute the project. If a prospective Service Provider is selected for a project, prospective Service Provider is advised that the AOC shall have the right to approve the selection of other sub-service providers not designated in your Proposal.

10.11 Once the interviews have been completed and a selection made, the selected firm will be informed by via a website posting of a list of the projects and names of the selected firms.

10.12 Following selection, the AOC's assigned project manager will contact the firm and proceed with the negotiation of the contract fee and execution of the contract.

10.13 If a satisfactory agreement regarding services and fees cannot be reached between the AOC and the first ranked prospective Service Provider within 30 calendar days after notification of prospective Service Provider selection, the AOC reserves the right to assign any project to another qualified prospective Service Provider, according to the results of the final ranking of firms for each project.

10.14 Throughout this solicitation process, if there is any need for communication with the AOC with regards to any aspect of this RFQ, such communication must be in writing, and submitted as e-mail to OCCM\_Solicitations@jud.ca.gov. With regard to the details of particular projects or any award of projects via this RFQ, prospective Service Providers and their sub-service providers **must not communicate on these topics with AOC or Court personnel or other AOC consultants** associated with the subject projects. Violation of this restriction may disqualify a firm from consideration.

## **11.0 ADMINISTRATIVE RULES GOVERNING THIS RFQ—CONTRACT TERMS**

This solicitation (the "RFQ") (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 selection of any service provider for a project, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the "Administrative Rules") are governed solely by these Administrative Rules. By the act of submission of a Proposal, prospective Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider has objections to the Administrative Rules or any other objections to this RFQ, they must be dealt with in accordance with the provisions of the Administrative Rules, which are attached hereto as Attachment B.

The provision of these Services will be subject to a written and signed contract with the AOC. A copy of the AOC Standard Agreement for professional services performed by architects and engineers is posted with this RFQ. The Standard Agreement is provided to allow prospective Service Providers to familiarize itself with the Standard Agreement's terms and structure. The AOC will modify the Statement of Work of the Standard Agreement to account for any differences in the services to be provided for individual projects.

## **12.0 LIMITS OF PROFESSIONAL LIABILITY INSURANCE COVERAGE APPLICABLE TO PROJECTS COVERED BY THIS RFQ**

The legal agreement published as part of this RFQ includes professional liability insurance requirements. It is the policy of the AOC to require architects and engineers contracted to provide services to maintain professional liability insurance. The limits of liability required will vary according to the cost and nature of the project. For the projects listed below, the professional liability insurance limits of liability will be required:

Alpine–New Markleeville Courthouse	\$2 million per occurrence and \$2 million annual aggregate
Fresno–Renovation to Fresno County Courthouse	\$5 million per occurrence and \$5 million annual aggregate
Glenn–Renovation and Addition to Willows Historic Courthouse	\$2 million per occurrence and \$2 million annual aggregate
Kern–New Mojave Courthouse	\$2 million per occurrence and \$2 million annual aggregate
Los Angeles–New Eastlake Juvenile Courthouse	\$3 million per occurrence and \$3 million annual aggregate
Nevada–New Nevada City Courthouse	\$5 million per occurrence and \$5 million annual aggregate
Placer–New Tahoe Area	\$2 million per occurrence and \$2 million annual aggregate
Plumas–New Quincy Courthouse	\$3 million per occurrence and \$3 million annual aggregate
Riverside–New Hemet Courthouse	\$5 million per occurrence and \$5 million annual aggregate
San Joaquin–New Juvenile Courthouse	\$2 million per occurrence and \$2 million annual aggregate
Santa Barbara–New Santa Barbara Courthouse	\$5 million per occurrence and \$5 million annual aggregate
Sierra–New Downieville Courthouse	\$2 million per occurrence and \$2 million annual aggregate
Stanislaus–New Modesto Courthouse	\$5 million per occurrence and \$5 million annual aggregate

The AOC does not require a selected Service Provider to have each of its subcontractors maintain professional liability insurance limits equal to those required of the Service Provider. The insurance required of subcontractors is a business decision between the Service Provider and its subcontractors.

## **11.0 REQUESTS FOR PUBLIC RECORDS; CONFIDENTIAL OR PROPRIETARY INFORMATION**

The Administrative Office of the Courts is bound by California Rule of Court 10.500 with regards to disclosure of public records. If a request is made to the AOC for access to documents or materials related to this RFQ, the AOC will determine whether such documents or materials, in whole or part, are subject to disclosure under Rule 10.500 or other applicable law and inform the inquiring party. If subject to disclosure under Rule 10.500, the AOC will proceed to disclose the documents/materials as public records.

Please see Attachment B, Administrative Rules Governing Requests for Qualifications, for the AOC's policy with regards to the treatment of any confidential or proprietary information submitted as part of your Proposal.

## **13.0 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 (DVBE's). The AOC is subject to this participation goal. Upon selection of an organization for participation in a contract with the AOC, the AOC requires that the selected Service Provider demonstrate DVBE compliance and complete a DVBE Compliance Form. If it would be impossible for the selected Service Provider to provide DVBE participation in its work effort, explanation of why and written evidence of a "good faith effort" to achieve participation must be provided (see Attachment D for details and DVBE Forms). Information about DVBE resources can be found on the Executive Branch's internal website at <http://www.dgs.ca.gov/default.htm>, or by calling the Office of Small Business and DVBE Certification at 916-375-4940. The DVBE forms are NOT required as part of your submission, but are provided here to educate the prospective Service Provider with requirements to do business with the AOC.

**ATTACHMENT A—LIST OF PROJECTS**

<i>Project Name</i>	<i>No. of Courts</i>	<i>Size (Sq Ft)</i>	<i>Total Project Cost</i>	<i>Completion Date</i>
Alpine–New Markleeville Courthouse	1	14,841	\$26,372,000	11/2014
Fresno–Renovation to Fresno County Courthouse	25	200,000	\$111,361,000	10/2015
Glenn–Renovation and Addition to Willows Historic Courthouse	3	44,826	\$46,229,000	8/2015
Kern–New Mojave Courthouse	3	40,655	\$42,132,000	4/2015
Los Angeles–New Eastlake Juvenile Courthouse	5	65,513	\$99,836,000	7/2015
Nevada–New Nevada City Courthouse	6	83,782	\$107,933,000	7/2015
Placer–New Tahoe Area Courthouse	1	15,000	\$27,489,000	4/2015
Plumas–New Quincy Courthouse	3	38,283	\$51,767,000	3/2015
Riverside–New Hemet Courthouse	9	116,303	\$118,413,000	1/2016
San Joaquin–Renovation and Addition to Juvenile Justice Center	1	4,000	\$3,137,000	7/2013
Santa Barbara–New Santa Barbara Courthouse	8	97,266	\$151,988,000	10/2015
Sierra–New Downieville Courthouse	1	14,950	\$23,145,000	11/2014
Stanislaus–New Modesto Courthouse	26	301,464	\$278,276,000	5/2016

Notes:

1. Feasibility reports for the above projects are posted at <http://www.courtinfo.ca.gov/programs/occm/publications.htm>
2. Total project costs per feasibility report include hard and soft cost, without financing and including land.
3. Unless otherwise noted, the form of project delivery will be determined during the project.
4. Project construction scheduling assumptions include:
  - Site acquisition/Pre-design: 2 years, starting after 1/1/10
  - Schematic Design/Design Development: 1 year
  - Working Drawings: 1 year
  - Construction: 18-24 months depending on size of project

*End of Attachment A*

## **ATTACHMENT B**

### **JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS**

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

##### ***A. General***

1. This solicitation (the “RFQ”) (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 Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of section B of these Administrative Rules.
2. In addition to explaining the Administrative Office of the Courts’ (AOC’s) requirements and needs for goods and/or services, the RFQ includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Prospective Service Providers must adhere to all instructions provided in the RFQ when submitting Proposals.
3. An RFQ, as published to the link pertaining to that RFQ on the “Request for Proposals” page of the California Courts’ website, encompasses the complete and entire content with regard to the subject matter of that solicitation, and is not subject to any modification not posted in writing to said link. Any and all other publications, communications, rules or policies that seek to or might be construed to modify an RFQ, whether given prior to or during the course of the solicitation, and whether given in writing, given verbally by any person, or published to any other AOC, California Courts, State of California, or to any other website, are hereby disclaimed.

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

1. If a prospective Service Provider who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ; is of the opinion that the RFQ is unclear, is of the opinion that the structure of the RFQ 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 RFQ's requirements is onerous or unfair; believes that the RFQ unnecessarily precludes less costly or alternative solutions; is of the opinion that the RFQ is unlawful in whole or part, or has objections to these Administrative Rules, the prospective Service Provider 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 Service Provider is of the opinion that the RFQ 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 RFQ. Failure to provide the AOC with such written notice as specified above on or before the time specified above forfeits the prospective Service Provider'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 RFQ. Any modification is made it will be published by the AOC to the California Courts' website advertising the solicitation.
3. If a prospective Service Provider submitting a Proposal knows of (or if it can be reasonably demonstrated should have known of) an error in the RFQ but fails to notify the AOC of the error as prescribed above, the prospective Service Provider is submitting an 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. Questions; Requests for Access to Public Records; and Confidentiality***

1. Prospective Service Providers are entitled to submit written questions about the RFQ, the nature of the goods and/or services being solicited, and the RFQ process in accordance with the procedure for the submission of such questions specified in the RFQ. Except as otherwise specified below, the AOC's responses to questions submitted shall be published to the California Courts' website posting for the procurement. If a live conference, teleconference, webinar, or other venue with live participation is scheduled as part of the RFQ process, the AOC will make a good faith effort to answer all questions raised in such settings, but due to the inherent immediate character of these venues, the AOC will not be bound by answers it provides during such events. If a prospective Service Provider requires a binding answer to a question, the question must be submitted in writing as detailed above.



2. The Administrative Office of the Courts is bound by California Rule of Court 10.500 with regards to disclosure of public records.
3. If a request is made to the AOC for access to documents or materials related to this RFQ, the AOC will determine whether such documents or materials, in whole or part, are subject to disclosure under Rule 10.500 or other applicable law and inform the inquiring party. If subject to disclosure under Rule 10.500, the AOC will proceed to disclose the documents/materials as public records.
4. Prospective Service Providers must identify any portion(s) of the Proposal they submit that contains information the prospective Service Provider claims as confidential or proprietary by marking the exact portions of the Proposal in a conspicuous and easily locatable manner. Be specific. The inclusion of documents with the Proposal document (i.e. accompanying letters, etc.) referencing or otherwise identifying and asserting that certain parts of the Proposal are confidential or proprietary does not meet this requirement.
5. If the AOC finds or reasonably believes that any portions of the documents requested are exempt from disclosure for reasons of confidentiality, those portions of the documents will not be disclosed.
6. If any portion of the Proposal documents or materials requested of the AOC under Rule of Court 10.500 is marked confidential or proprietary, and the AOC reasonably believes that the material so marked is not confidential or proprietary, the AOC will contact the prospective Service Providers with a request to substantiate its claim for confidential or proprietary treatment, however, if the AOC disagrees with the substantiation provided, the AOC will proceed to disclose the documents or materials as public records pursuant to rule 10.500 and other applicable law regardless of the marking or notation seeking confidential or proprietary treatment.
7. Prospective Service Providers hereby agree that upon written request of the AOC they will within 5 calendar days provide an alternate version of their Proposal in PDF format with the portions marked confidential and/or proprietary that the AOC agrees are confidential and/or proprietary removed in full.

#### ***D. Addenda***

1. In response to questions raised, or at its sole discretion, the AOC may modify the California Courts' 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 said website.

2. Prospective Service Providers are urged to consult the California Courts' website in a timely manner to remain apprised of any changes to the RFQ. Staying abreast of changes in the RFQ is the sole responsibility of the prospective Service Provider. The AOC will not provide other means of notification of changes.

### ***E. Withdrawal and Resubmission of Proposals***

1. A prospective Service Provider may withdraw an already submitted 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 RFQ document.
2. A prospective Service Provider 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 RFQ.
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 following the Proposal due date and time specified in the RFQ.

### ***F. Evaluation Process***

1. In accordance with the provisions of the RFQ, 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 RFQ and to determine if they otherwise comply with the requirements established in the RFQ.
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 RFQ, 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 RFQ. Material deviations cannot be waived.

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 RFQ.
4. The AOC's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse that prospective Service Provider from material compliance with any other RFQ requirement. The AOC's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse other prospective Service Provider(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 Service Provider's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective Service Provider to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal to be materially non-compliant with the requirements of the RFQ.

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

1. In accordance with the provisions of the RFQ, 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 Service Providers 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.

***H. Award of Contract***

1. Award of contract, if made, will be in accordance with the provisions of the RFQ except to the degree that any immaterial deviation(s) have been waived by the AOC.

2. The actual execution of contracts may be subject to the 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 RFQ.

### ***I. Execution of contracts***

1. The AOC will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFQ within the time specified in the RFQ, or, if no time has been specified in the RFQ, thirty (30) calendar days following the date of publication of selection. If an RFQ allows prospective Service Providers to take exception to the contract documents posted with that RFQ, resolution of such exceptions taken 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 disallow the selection and proceed to negotiation of a contract with the next best qualified firm..
2. By submitting a Proposal, a prospective Service Provider consents to the use of the form of contract posted with the RFQ rather than its own contract form.
3. If an RFQ allows prospective Service Providers to take exception to the contract documents posted with that RFQ, questions about and exceptions to the contract published with that RFQ must be submitted in accordance with the provisions for the same as given in the RFQ. If exceptions are raised with regard to the contract in the period prior to the Proposal due date posted in an RFQ, the AOC will make reasonable attempts to answer such questions prior to due date for the submission of the Proposals, however, the contract will not be negotiated until after the selection of a firm is made, and prospective vendors shall not construe the AOC's responses to questions as the AOC's final position on a question(s) raised, nor rely on the AOC's answers as a guarantee of a later successful negotiation of terms.

### ***J. Protest procedure***

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Service Provider to comply with any of the requirements of the protest procedures set forth in this section J 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 Service Provider to continue the protest, and is not appealable under this protest procedure.

3. A protest may only be based upon allegedly unclear, restrictive, or unlawful requirement(s) in the RFQ 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 RFQ document.

- a. **Protests Based On Unclear, Allegedly Restrictive, or Unlawful Requirements:**

Protests alleging unclear, restrictive or unlawful requirements in the RFQ must be submitted and will be subject exclusively to the provisions of section B of these Administrative Rules. Any such protest raised later than as specified in section B will not be considered a valid protest, will be rejected by the AOC, and the prospective Service Provider 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 Service Provider who has submitted a Proposal may protest the AOC's rejection of its Proposal for failure to comply with the requirements of the RFQ, or upon the basis of an allegation of improprieties with regard to the AOC's responsibility to fairly and impartially evaluate the RFQs and make awards, but only insofar as such responsibilities are specified in the RFQ 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 and as further 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, and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a proper submission as specified by the RFQ, the prospective Service Provider may file a protest. Said protest must provide verifiable documentation that it has submitted an Proposal in compliance with all the RFQ'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 provision of the notification of rejection by the AOC.
- 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

RFQ, the prospective Service Provider 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 RFQ requirement(s) in question. Such protests must be filed within (5) full AOC business days following the date of provision of the notification of rejection by the AOC. If a Proposal fails to win an award or qualify the prospective Service Provider for a short listing for further evaluation and the prospective Service Provider 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 RFQ, the prospective Service Provider 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 the award or any short list notices to the California Courts' website posting pertaining to the RFQ.

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 RFQ 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 eliminate the right to introduce 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 Service Provider intends to make. Failure to raise a protest in the initial protest submittal shall act to the right to raise 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 Service Provider 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.

## ***K. 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 prescribe a fair and reasonable remedy.

The Contracting Officer will endeavor to provide the protesting prospective Service Provider 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 RFQ
- If feasible under the provisions for awards provided in the RFQ, extend an additional award to the protesting prospective Service Provider
- Terminate the already existing contract that resulted from the RFQ and award the contract to the protesting prospective Service Provider
- Terminate the already existing contract that resulted from the RFQ for convenience and re-solicit the RFQ
- Refrain from exercising options to extend the term of the contract that resulted from the RFQ 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 Service Provider 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 Service Provider of the expected time within which it shall provide a response.

## ***L. 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 Service Provider 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 RFQ. 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 Service Provider 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 RFQ 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 Service Provider 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.

### ***M. 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 Service Provider 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.

While the AOC will endeavor to investigate the appeal and provide a written response to the prospective Service Provider 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 Service Provider 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.

#### ***N. News Releases***

Prospective Service Providers hereby agree that any 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.

#### ***O. Disposition of Proposal Materials Submitted***

All materials submitted in response to the RFQ 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 Service Provider submitting the Proposal. One copy of a submitted Proposal will be retained for official files and is subject to the provisions of section C of these Administrative Rules.

#### ***P. 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 RFQ, however, prospective Service Providers are hereby advised that AOC payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks or provision of deliverables, as provided for in the agreement between the AOC and the selected Service Provider.
2. The AOC may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount of the withholding may depend

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upon the length of the project and the payment schedule provided in the agreement between the AOC and the awarded Service Provider.

*End of Attachment B*

Attachment C - Form for Submission of Questions



ADMINISTRATIVE OFFICE  
 OF THE COURTS

OFFICE OF COURT CONSTRUCTION  
 AND MANAGEMENT

**Request for Proposals Form for Submission of Questions**

**RFQ Number: OCCM--2010-24-JMG**

<b>Your Organization's Name:</b>			
<b>#</b>	<b>Solicitation Reference</b>	<b>Question</b>	<b>Response</b>
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

*End of Attachment C*

**ATTACHMENT D**

**DVBE PARTICIPATION FORM**

Propser Name: \_\_\_\_\_  
RFP Project Title: \_\_\_\_\_  
RFP Number: \_\_\_\_\_

The State of California Executive 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.*

**PRIME CONTRACTOR**

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

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

Claimed Value: DVBE \$ \_\_\_\_\_

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

***SUBCONTACTORS/SUBCONTRACTOR/PROPOSERS/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.

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

**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.*

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 &amp; Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
<i>Contact Name &amp; Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<b><i>Company Name:</i></b>	
<b><i>Contact Name &amp; Title:</i></b>	
<b><i>Telephone Number:</i></b>	
<b><i>Nature of Work:</i></b>	
<b><i>Reason Why Rejected:</i></b>	

**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. In making this certification, I am aware of section 10115 *et seq.* of the Public Contract Code that establishes the following penalties for State Contracts:

Penalties for a person guilty of a first offense are a misdemeanor, civil penalty of \$5,000, and suspension from contracting with the State for a period of not less than thirty (30) days nor more than one (1) year. Penalties for second and subsequent offenses are a misdemeanor, a civil penalty of \$20,000 and suspension from contracting with the State for up to three (3) years.

IT IS MANDATORY THAT THE FOLLOWING BE COMPLETED ENTIRELY.

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

*End of Attachment D*

## **Attachment E**

### **Consultant Qualifications Questionnaire**

1. **REQUIRED QUALIFICATION INFORMATION:** The Administrative Office of the Courts, Office of Court Construction and Management requires prospective consultants for the Project to answer all the questions contained in this standard form of questionnaire.
2. **AOC QUALIFICATION PROCEDURES:** Prospective consultants for the Project shall complete this form and submit to the AOC as part of their Statement of Qualifications.

The answers to the questions on the standard form of questionnaire shall reflect the prospective consultant's experience in performing public works projects. The document, when completed, shall be verified under oath by the prospective consultant.

Joint Venture: If two or more consultants wish to propose on a project as a joint venture:

- a. All firms involved must submit separate questionnaires in the Proposal.
  - b. The firms must also submit an Affidavit of Joint Venture.
  - c. The Joint Venture must have the required license in the name of the Joint Venture at the time of award.
3. **PERIOD OF QUALIFICATION:** This Qualifications Questionnaire is valid only for this Request for Qualifications, and must be resubmitted for other solicitations.
  4. **CORRECT AFFIDAVIT:** The correct affidavit on page 6 must be completely executed.
  5. **REVIEW OF QUALIFICATIONS:** The AOC will review the information contained in the standard form of questionnaire and the performance of the prospective consultant on public works projects and private sector construction projects. The firm's references may be selected at random and reference checks performed.

#### **INSTRUCTIONS FOR COMPLETION OF SECTIONS 4 AND 5:**

1. **Name of Firm:** Use same name as indicated in Proposal.  
**Contact Person:** Name of person who completed the qualification questionnaire.
2. **Address:** Use address appropriate for contracting purposes. If firm contracts from more than one office in California, then attach the additional address(es).
3. **State of Organization:** Provide information concerning the state where your firm was first organized, the date first organized, and the date initially authorized to do business in California.
4. **Types of Licenses:** Include all valid California licenses and certifications.
5. Provide name of professional liability insurance company, contact, the insurance company A.M. Best rating, and the professional liability insurance capacity per claim and in the aggregate limits of liability.
6. Indicate whether or not professional liability claims (or an incident with a payment by your firm or an insurance company) claims have ever been made against your firm in the past ten (10) years and the disposition of each claim.
7. **Officers or Principals of firm:** List names of officers of the firm. One of these must sign the affidavit on page 6.

8-9. Suspension from Project: If applicable, include brief explanation if a principal of your firm has had license suspended, and if your firm has ever been suspended or terminated from a project.

10. Denied Prequalification or Disqualification from Bidding: If applicable, include a brief explanation if your firm has ever been denied prequalification or was disqualified from proposing on a public works project.

11. Claims and Disputes on Private and Public Works: If applicable, include a brief explanation and results of each unresolved job dispute or owner – consultant dispute and/or litigation your firm, joint venture, Partnership, association or any combination thereof, your firm has been involved with in the past 5 years. For this purpose, claims do not include ordinary construction administration documentation such as change orders, requests for additional fees, requests for information, etc.

12. For each project cited in Form 330 Part 1 (F), provide the Project Construction Budget or AE's Estimate at the start of the AE's contract, the Contract Amount upon award to the General Contractor, and the Final Project completion cost. Provide the final amount of change orders issued during construction noting any portion attributable to Owner changes to the work. Indicate if the project completed ahead of the original; GC contract schedule, on schedule, or behind schedule, and approximate days in advance or delay.

Additional pages may be attached.

## CONSULTANT'S STATEMENT OF EXPERIENCE

1. Name of firm: \_\_\_\_\_  
Contact Person: \_\_\_\_\_
2. Mailing address of firm: \_\_\_\_\_  
Physical address of firm: \_\_\_\_\_

Telephone No. (area code) (\_\_\_\_\_) \_\_\_\_\_ Fax No. (area code) (\_\_\_\_\_) \_\_\_\_\_

Company Web Site URL: \_\_\_\_\_

3. State of organization: \_\_\_\_\_ Date established: \_\_\_\_\_

Date Authorized to do business in California; -----

4. California state license no.: \_\_\_\_\_ Types of valid California professional licenses: \_\_\_\_\_

5. Professional Liability Insurance company: \_\_\_\_\_

Current Professional Liability Insurance Limits: \_\_\_\_\_ Insurance Co. Best Rating: \_\_\_\_\_

6. Have claims ever been filed with the professional liability insurer? \_\_\_\_\_ If Yes, attach statement of explanation.

7. Officers or Principals of firm: \_\_\_\_\_  
\_\_\_\_\_

8. Have Principals ever had licenses *suspended*? If Yes, attach explanation. \_\_\_\_\_

9. Has firm ever been *suspended or terminated* from a project? If Yes, attach explanation. \_\_\_\_\_

10. Has firm ever been denied prequalification or disqualified from bidding public works? If Yes, attach explanation.

11. In the past ten years, has (or is) your firm been involved in any dispute associated with a project that did not result in litigation (i.e. that was not already included on the Litigation History you have submitted?)

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, attach a brief explanation and results of each dispute

12. Project Title from Form 330 Part 1 (F): \_\_\_\_\_

Project Construction Budget at inception: \_\_\_\_\_

Construction Cost at Bid Award: \_\_\_\_\_

Construction Cost at Completion: \_\_\_\_\_ % of Change Orders: \_\_\_\_\_

Project completed: Ahead of Schedule \_\_\_\_\_ On Schedule \_\_\_\_\_ Behind Schedule \_\_\_\_\_; By \_\_\_\_\_ +/- Days

## AFFIDAVIT

The submitter of the foregoing statements contained on this Technical Qualifications Questionnaire has read the same, and it is true to the best of the submitter's knowledge. Any reference named therein is hereby authorized to supply the AOC with any information necessary to verify the statements.

By signing below, the proposer certifies and declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

## SIGNATURE OF AN INDIVIDUAL

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the  
(Day) (Month) (Year)

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City of \_\_\_\_\_, County of \_\_\_\_\_,  
State of \_\_\_\_\_

Signature of Applicant \_\_\_\_\_  
An individual, doing business as \_\_\_\_\_

## SIGNATURE OF A PARTNER

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the  
(Day) (Month) (Year)  
City of \_\_\_\_\_, County of \_\_\_\_\_,  
State of \_\_\_\_\_

Signature of Applicant \_\_\_\_\_  
A partner of \_\_\_\_\_  
(Name of Firm)

## SIGNATURE OF AN OFFICER OF A CORPORATION

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the  
(Day) (Month) (Year)  
City of \_\_\_\_\_, County of \_\_\_\_\_,  
State of \_\_\_\_\_

Signature of Applicant \_\_\_\_\_  
An officer with the title of \_\_\_\_\_ of \_\_\_\_\_  
(Title of Corporation Officer) (Corporation Name)

**End of Technical Qualifications Questionnaire**

*End of Attachment E*

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## **Attachment F**

### **PAYEE DATA FORM**

**(Note – the Payee Data Form is only to be found in the .PDF file version of this RFQ)**





**PAYEE DATA RECORD**

STD. 204 (REV. 2-2000) (REVERSE)

**ARE YOU A RESIDENT OR A NONRESIDENT?**

Each corporation, individual/sole proprietor, partnership, estate or trust doing business with the State of California must indicate their residency status along with their taxpayer identification number.

A **corporation** will be considered a "resident" if it has a permanent place of business in California. The corporation has a permanent place of business in California if it is organized and existing under the laws of this state or, if a foreign corporation has qualified to transact intrastate business. A corporation that has not qualified to transact intrastate business (e.g., a corporation engaged exclusively in interstate commerce) will be considered as having a permanent place of business in this state only if it maintains a permanent office in this state that is permanently staffed by its employees.

For **individuals/sole proprietors**, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose which will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.

For withholding purposes, a **partnership** is considered a resident partnership if it has a permanent place of business in California. An estate is considered a California estate if the decedent was a California resident at the time of death and a trust is considered a California trust if at least one trustee is a California resident.

More information on residency status can be obtained by calling the Franchise Tax Board at the numbers listed below:

From within the United States, call.....1-800-852-5711

From outside the United States, call.....1-916-845-6500

For hearing impaired with TDD, call....1-800-822-6268

**PRIVACY STATEMENT**

Section 7(b) of the Privacy Act of 1974 (Public Law 93-5791) requires that any federal, state, or local governmental agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it.

The State of California requires that all parties entering into business transactions that may lead to payment(s) from the State must provide their Taxpayer Identification Number (TIN) as required by the State Revenue and Taxation Code, Section 18646 to facilitate tax compliance enforcement activities and to facilitate the preparation of Form 1099 and other information returns as required by the Internal Revenue Code, Section 6109(a). The TIN for individual and sole proprietorships is the Social Security Number (SSN).

It is mandatory to furnish the information requested. Federal law requires that payments for which the requested information is not provided be subject to a 31% withholding and state law imposes noncompliance penalties of up to \$20,000.

You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the state agency(ies) with which you transact that business.

Please call the Department of Finance, Fiscal Systems and Consulting Unit at (916) 324-0385 if you have any questions regarding this Privacy Statement. Questions related to residency or withholding should be referred to the telephone numbers listed above. All other questions should be referred to the requesting agency listed in Section 1.

**ARE YOU SUBJECT TO NONRESIDENT WITHHOLDING?**

Payments made to nonresident payees, including corporations, individuals, partnerships, estates and trusts, are subject to withholding. Nonresident payees performing services in California or receiving rent, lease or royalty payments from property (real or personal) located in California will have 7% of their total payments withheld for state income taxes. However, no withholding is required if total payments to the payee are \$1500 or less for the calendar year.

A nonresident payee may request that income taxes be withheld at a lower rate or waived by sending a completed form FTB 588 to the address below. A waiver will generally be granted when a payee has a history of filing California returns and making timely estimated payments. If the payee activity is carried on outside of California or partially outside of California, a waiver or reduced withholding rate may be granted. For more information, contact:

Franchise Tax Board  
Nonresident Withholding Section  
Attention: State Agency Withholding Coordinator  
P.O. Box 651 Sacramento, CA 95812-0651  
Telephone: (916) 845-4900  
FAX: (916) 845-4831

**If a reduced rate of withholding or waiver has been authorized by the Franchise Tax Board, attach a copy to this form.**

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*End of Attachment F*

*End of RFQ*