

RESPONSE TO SUBMITTED QUESTIONS

Q #	Consultant Questions	Consultant RFP Reference (Document & Page-Section-Item)	Answers
1	<p>This Consultant has two legal entities with current Class B licenses. Entity 1 predominantly performs General Contractor work and is the parent of Entity 2. Entity 2 is currently performing Construction Management and technical support services, with staff and expertise from Entity 1. Please confirm that if this consultant proposes with Entity 2, it can utilize experience and expertise gained with, and through its parent, Entity 1.</p>	<p>RFP Page 1, Section 2.3 Licensing</p>	<p>All Consultant firms to be awarded a contract under this RFP must itself be a duly licensed (i) architect, (ii) mechanical engineer, <i>and/or</i> (iii) construction manager with a Class-B General Building Contractor’s license, as applicable, in California.</p> <p>The entity proposing to be awarded a contract must satisfy the licensing requirements stated in the RFP and as required by law. (See RFP § 2.7). Members of a Consultant’s POE Team may consist of, whether in-house or by sub-consultant, qualified individuals as required by the RFP. (See RFP § 3.4).</p>
2	<p>Please confirm that the Consultant can use Administrative Office of the Courts (AOC) or Judicial Council of California (JCC) experience and current JCC personnel, as references for Prior Relevant experience? Please advise if there are any restrictions /conflicts on JCC personnel to be used as reference(s).</p>	<p>RFP Page 9, 4.5.7 Prior Relevant Experience</p>	<p>Confirmed. Provided references must comply with the requirements stated in the RFP. (See RFP § 5.3; Attach. B).</p>

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3	<p>The RFP requires that pursuant firms should have completed a minimum of two post occupancy evaluations within the last seven years. Can JCC please confirm what type studies are acceptable to meet this requirement? Would prior experience with condition assessments, post occupancy commissioning and / or retro-commissioning be acceptable?</p>	<p>RFP page 3, Section 3 – Scope of Services, Paragraph 3.3</p>	<p>Consultant must have performed two Post Occupancy Evaluations as either the prime or sub-consultant in the past seven years. Post occupancy commissioning and retro-commissioning can be presented as part of the complete POE services, but cannot be substituted for this requirement. The condition assessments including commissioning may be considered to be a POE; however, this depends on the extent of the services provided as part of the assessment. See RFP § 3 for the extent of services generally covered in a complete POE.</p>
4	<p>Please confirm if the firm submitting qualifications as the prime consultant needed to be already pre-qualified by the JCC?</p>		<p>No pre-qualification was required to propose; RFP Attach. B must be provided as required. (See RFP § 4.6).</p>

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5	Please confirm if being chosen for this project precludes team members from pursuing the future projects in the Statewide Capital-Outlay Projects (new courthouses)		See RFP § 2.7. A Consultant (or its sub-consultant whose services are 10% or more of the Consultant’s agreement) that provides POE services pursuant to this RFP will be prohibited from also providing subsequent construction or consulting services under any separate contract or agreement when such subsequent services are required, suggested, or otherwise deemed appropriate in any end products resulting from the POE services provided per this RFP. Subject to the above, a Consultant performing POE services for a particular courthouse project is not automatically precluded from working on other Judicial Council projects.

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6	Regarding the requirement to submit two POEs completed in the past 7 years, can these have been done by sub-consultants, or must they have been done by the prime?	<p>RFP; Section 3.3 “The Consultant firm entering into any agreement awarded pursuant to this RFP must have performed a minimum of two (2) Post Occupancy Evaluations, as either the prime or sub- consultant at any tier, within the past seven (7) years.”</p> <p>RFP; Section 4.8 Sample Post Occupancy Evaluations. Submit a minimum of two (2) complete Post Occupancy Evaluation Reports conducted by Consultant within the last seven (7) years.</p>	The proposing Consultant must have performed two Post Occupancy Evaluations as either the prime or sub-consultant in the past seven years. (See RFP § 3.3.)

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7	<p>Regarding the requirement to disclose any potential conflicts of interest for past work done for the JCC:</p> <p>a. Does having completed work on the county court systems' Facility Plan Updates for the JCC (in 2018-2019) constitute a conflict of interest for conducting POEs on those court's facilities?</p> <p>Does having served as programming consultant to the design team for particular courthouses constitute a conflict of interest for conducting POEs on those courthouses?</p>	<p>RFP Section 4.5.12 Conflicts of Interest: If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to similar work, the Project, or the Judicial Council that may have a potential to conflict with Consultant's ability to provide the Services described herein to the Judicial Council. Consultants cannot submit, propose, bid, contract, sub-contract, consult, or have any other economic interests in the Project to which the Consultant may provide Services.</p>	<p>Work on the Facility Plan Updates is not a conflict of interest.</p> <p>There would likely be a conflict of interest if a Consultant were to provide POE services on a courthouse project for which that Consultant previously provided programming services; however, Consultants awarded a master agreement under this RFP would not be subsequently requested to submit a Project Proposal for POE services on any such courthouse projects with which the Consultant was previously associated in any way.</p>

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8	<p>Can you please advise on a question regarding the <i>Evaluation of Proposals part 6.1.2</i> regarding the number of Post Occupancy Evaluations within the past 7 years:</p> <p>Will the JCC accept a proposal as complete and responsive if the Prime has not completed the required number of Post Occupancy Evaluations within the last seven years but a (<i>non-Prime</i>) consultant team member has completed the required number of POE's?</p>		<p>No, the proposing Consultant must have performed two Post Occupancy Evaluations as either the prime or sub-consultant in the past seven years. (See RFP § 3.3.)</p>
9	<p>Will this be an IRB investigation since it involves human subjects?</p>	N/A	<p>POE services conducted under this RFP will not involve IRB investigations.</p>

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10	Please clarify no follow-on contracting clause in RFP. We understand this to mean a team is precluded from performing work that is a direct result of EOS findings but would like to confirm EOS services will not preclude a team from performing other JCC capital projects.	RFP-FS-2020-09-JP; 8.5. CONTRACT TERMS AND ADMINISTRATIVE RULES	See RFP § 2.7. A Consultant (or its sub-consultant whose services are 10% or more of the Consultant’s agreement)—not the “team”—that provides POE services pursuant to this RFP will be prohibited from also providing subsequent construction or consulting services under any separate contract or agreement when such subsequent services are required, suggested, or otherwise deemed appropriate in any end products resulting from the POE services provided per this RFP. Subject to the above, a Consultant performing POE services for a particular courthouse project is not automatically precluded from working on other Judicial Council projects.
11	How many courthouses are planned to be evaluated in total as part of this RFP’s POE scope?	RFP, Page 0, Section 2.2, ID/IQ Contracts	The Judicial Council plans to evaluate all future courthouse projects that are constructed ground up. However, the number of buildings to be evaluated is incumbent on the availability of funds. The Judicial Council is currently constructing ten new courthouse buildings, some of which will be completed in 2021; Project Proposals for POE services may therefore be requested for all or none depending on funding availability.

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12	The Follow-On Contracting clause describes prohibition of future participation in certain circumstances. Please clarify the extent of exclusion that a consultant or sub-consultant will be subject to after working on this POE Projects?	RFP, Page 2, Section 2.7, No Follow-On Contracting	See RFP § 2.7. A Consultant (or its sub-consultant whose services are 10% or more of the Consultant’s agreement) that provides POE services pursuant to this RFP will be prohibited from also providing subsequent construction or consulting services under any separate contract or agreement when such subsequent services are required, suggested, or otherwise deemed appropriate in any end products resulting from the POE services provided per this RFP. Subject to the above, a Consultant performing POE services for a particular courthouse project is not automatically precluded from working on other Judicial Council projects.
13	We are required to have a construction manager currently holding a Class-B General Building Contractor’s license in the State of California. Our company holds a B-license. Does that satisfy this requirement? Or do we need to name an individual with that license?	RFP, Page 3, Section 3.4.2, POE Team	All Consultant firms to be awarded a contract under this RFP must itself be a duly-licensed (i) architect, (ii) mechanical engineer, <i>and/or</i> (iii) construction manager with a Class-B General Building Contractor’s license, as applicable, in California. The entity proposing to be awarded a contract must satisfy the licensing requirements stated in the RFP and as required by law. (See RFP § 2.7).

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14	At a minimum, we are required to have 7 listed professionals as part of the POE Team. Can we have the mechanical or electrical engineer also be listed as the commissioning agent if that individual holds both PE license and CxA certifications?	RFP, Page 3, Section 3.4.3, 3.4.4, 3.4.5, POE Team	Yes, a qualified individual who has licensure and experience under more than one discipline can be proposed for more than POE Team one role.
15	Proposed Services include security. There are different aspects of Courthouse security. These include but are not limited to physical security which may include the building itself such as blast zones and bullet proof glass; mechanical security such as security equipment; electronic security such as surveillance cameras; and cyber security such as digital and web-based security. Please clarify the intended limit of POE scope for security.	RFP, Page 3-6, Section 3.5, Description of Services	The security specialist shall address physical and electronic security, particularly the building construction requirements for secure spaces, and security equipment for access control and surveillance. Cyber security is excluded from the scope of this RFP.

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16	<p>The POE team is expected to conduct site visits to the courthouses to interview court staff in various departments and observe operational/functional activities including staff behaviors and opinions. In the light of lockdowns due to COVID, this activity of observing and interviewing occupants in the field will be limited if not impossible. Please clarify the JCC’s expectation for this task?</p>	<p>RFP, Page 4, Section 3.5.3, Description of Services (Site Visits)</p>	<p>All applicable public health orders and limitations related to COVID-19 will be adhered to appropriately, and any such issues/concerns will be addressed by the Judicial Council and Consultant at the time and as part of the services to be provided; nevertheless, based on current needs and timing, the Judicial Council does not anticipate COVID-19-related limitations posing a problem.</p>
17	<p>We are required to submit proposals electronically which includes minimum of two completed POE reports per Section 4.8. The documents to transmit electronically may be large. Can we utilize an external ftp site or does JCC have an external site for this RFP where we can upload the documents? Does JCC have a size limit to the electronic files to be emailed or uploaded?</p>	<p>RFP, Page 7, Section 4.4, Proposal Submissions</p>	<p>No external site or FTP is being utilized for this solicitation. Consultants should please reduce the size of any files submitted to the extent possible (20MB and under is recommended). Consultants can also send Proposal documents in multiple, split emails if necessary (identified appropriately). Please also be sure to copy Johnny.Perez@jud.ca.gov on all submitted Proposals.</p>

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18	We are required to provide a list of “ALL” California public entities for which Consultant has provided the same or similar Services to in the past 7 years. But it goes on to state “Limit your response to no more than 3 most recent public entities.” Please clarify if we need to provide “ALL” or “3 most recent” public entity references.	RFP, Page 9, Section 4.5.7.2, Prior Relevant Experience	For responses to RFP § 4.5.7.2, please provide the following, consistent with the Project References requested in Attachment B: “List ALL Post Occupancy Evaluation projects in which Consultant has participated as the architect, engineer, construction manager, or other member of the POE team during the past seven (7) years. Consultant may limit its response to the ten (10) most-recently completed projects; if, however, Consultant has performed POE projects for any California public entities in the past seven (7) years, then Consultant must include at least the three (3) most recent such projects performed by Consultant for a California public entity.”
19	For project references, can we list JCC as one of the references if we have worked or are working with JCC?	RFP, Page 9, Section 4.5.7.2, Prior Relevant Experience	Yes

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20	<p>The Conflicts of Interest clause describes prohibition of participation where applies. It states that the Consultant for this POE contract (Services) may not perform any “construction” work or submit a bid for the Project. Please clarify this prohibition more in detail.</p>	<p>RFP, Page 10, Section 4.5.12, Conflicts of Interest</p>	<p>Consultants must provide the information requested in RFP § 4.5.12.</p> <p>Consultant may not have any interest that would constitute a conflict of interest under California Public Contract Code (PCC) sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or California Rules of Court, rule 10.103 or 10.104. See RFP § 2.7; Attachment L, <i>Form of Standard Agreement</i>, Exhibit A, §§ 34 and 40.7.</p>
21	<p>We are required to submit financial statements for past 2 full fiscal years. Would it be possible to only send a link to downloadable financial statements to one specific person rather than send as an attachment? These documents are very confidential. We can send a secured link. Please advise.</p>	<p>Attachment B, Page B-1, Financial Statement</p>	<p>All required documents are to be submitted with the Consultant’s Proposal. The inbox to receive Proposals for this RFP is a confirmed secure/confidential location. See RFP Attach. A, § C, for more details regarding the submission and handling of confidential materials.</p>

RFP No.: RFP-FS-2020-09-JP

RFP Title: ID/IQ Post Occupancy Evaluation Services

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22	Is all the individual listed under the Job Title column required to be part of the Services such as Graphic Designer? From the Pre-Proposal Conference held on 12/15/20 and per RFP Section 3.5.7, it was determined that a cost estimator may be required. Can we add a cost estimator to Job Title column? It says not to edit the form. Please clarify.	Attachment E, Page E-1, Cost Proposal	The Graphic Designer, if necessary, would only be part of the prime Consultant or sub-consultant responsible for preparing the reports and publication material. An Addendum will be posted for Attachment E indicating the additional title for cost estimator. All the listed titles on the form are required to be filled out by the Consultants.