

REQUEST FOR PROPOSALS

SOLAR POWER PURCHASE AGREEMENT ("SPPA"), COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION THREE

RFP NUMBER: RFP-FS-2021-02-BD

PROPOSALS DUE:

*March 09, 2022, NO LATER THAN 5:00 PM
PACIFIC TIME (PT)*



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1.0 PROJECT OVERVIEW

1.1 The judicial branch of California is a part of California government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California, including the Supreme Court. A part of the judicial branch is the Judicial Council, chaired by the Chief Justice of California. The Judicial Council is the primary policy making body of the California judicial system. The Judicial Council of California (“Judicial Council”) is the staff agency of the Judicial Council. Facilities Services (“FS”) is the division of the Judicial Council responsible for the planning, design, construction, and real estate and asset management of facilities for the court system of California.

1.2 The Judicial Council seeks proposals for a solar project to be delivered using a Solar Power Purchase Agreement (“SPPA”) for the Court of Appeal, Fourth Appellate District, Division Three (“Court of Appeal”) located at 601 West Santa Ana Boulevard, Santa Ana, CA 92701. The project elements will include delivery of a Solar Photovoltaic System (“PV System”), Battery Energy Storage System (“BESS”), and Renewable Energy Certificates (“RECs”). For additional information regarding environmental attributes and RECs see SPPA (Attachment, D), Exhibit B, Section 2.4. The integrated project deliverables that incorporate the PV System and BESS are defined as the (“System”). The project is part of the Judicial Council’s plan to reduce courthouse Greenhouse Gas Emissions (“GHG”) and obtain a renewable supply for its electric consumption.

Interested parties should note that this pilot single-site Request for Proposals (“RFP”) will most likely precede a much larger solicitation for onsite renewable energy generation, in conjunction with associated battery energy systems. At the time of writing, it is anticipated this opportunity is to include 33 locations across the State. Prospective bidders are advised to monitor the Bidders / Solicitations website at the following address: <https://www.courts.ca.gov/rfps.htm>.

1.3 The Judicial Council seeks to award an SPPA and corresponding Site License Agreement (“SLA”) to one (1) Renewable Energy Development Firm (“Contractor”). The SPPA and SLA when referred to together shall be called the (“Agreements”). *The Contractor performing Services under the Agreements must hold a valid B General Building Contractor license and a C-10 - Electrical Contractor license.* For certain approaches to deliver the project deliverables, additional specialty Contractor’s licenses (for example but not exclusively the D-31 - Pole Installation and Maintenance license, D-56 - Trenching Only license, and C-7 - Low Voltage Systems license) will be required. All applicable Contractor’s licenses must be valid at the time of proposal submission or the proposal will be deemed non-responsive. All applicable Contractor’s licenses must be valid at the time of executing the Agreements and must remain valid throughout the term of those Agreements. See SLA (Attachment E), Exhibit O, Section 1.1 Qualifications, for additional information regarding license requirements. Contractor must also be registered with the Department of Industrial relations as set forth in Section 3.3. *[Revised on 03/11/2022]*

1.4 The SLA will permit the Contractor non-exclusive and revocable limited access to the project site for the construction and operation of the System as set forth in the Agreements. It is the sole responsibility of each Contractor submitting a proposal under this RFP to review both of the Agreements before submitting their proposal. This RFP provides an overview of the project and solicitation, yet complete terms and conditions are indicated in the Agreements. Any questions pertaining to this RFP and the Agreements must be submitted in writing with Attachment S, Form for Submission of Questions, see RFP Section 7.3 for detail. Any exceptions to the Agreements must be submitted using Attachment F, Acceptance of the Terms and Conditions, per the process described in RFP Section 9.3.1 below.

1.5 The selected Contractor shall provide to the Judicial Council all electricity produced by the PV System at the Electrical Interconnection Point (“EIP”) at the agreed to price per kWh for the term of the SPPA, see Attachment D, Section 2.1, Purchase/Sale of Electricity). The term of the SPPA shall be for a period of twenty (20) years from the commercial operation date of the System unless terminated earlier pursuant to the provisions of the SPPA, see SPPA, (Attachment D), Section 1.2, Term, or the SLA. Electric services for the Court of Appeal are currently provided by Southern California Edison (“SCE”). Included with this RFP are Historical Site Electricity Billing Information (Attachment O), Proposed Site Solar Layout (Attachment P.1), Site Electrical Drawings (Attachment P.2), Existing Roof Drawings (Attachment P.3). The facility is to have a brand-new roofing surface installed starting February 2022, specifications and 100% Construction Drawings have been included (Attachment P.4). The pricing under the SPPA for electricity shall be as documented in the SPPA (Attachment D), Exhibit B, Section 2.2.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

2.1 The Judicial Council seeks the services of a Contractor with relevant technical expertise for development and delivery of turnkey energy services that provide onsite generated solar electricity, through the PV System, as well as improve facility resiliency in times of grid outage through an onsite BESS at the Court of Appeal.

2.2 Description of Site

The project site is located at: Fourth Appellate District Court of Appeal, Division Three, 601 West Santa Ana Boulevard, Santa Ana, CA 92701

Lat/Long Coordinates: 33° 44'57.50N 117° 52'22.28W

Site layout is included in Attachment P.1, Site Layout.

2.3 Desired PV System Size. The Contractor's proposed PV System shall be comprised of an array of photovoltaic panels and electrical equipment components sized appropriately to maximize savings.

2.4 System Output Guarantees. Contractor shall provide System Guarantees, as set forth in SPPA (Attachment D), Section 6.

2.5 Description of Desired PV System

2.5.1 The roof-mount PV System shall be attached to the two (2) main roof areas of the facility, referenced in this RFP as "North Roof" and "South Roof," see Attachment P.1, Site Layout Plan.

2.5.2 It is anticipated that the PV System will be permanently affixed to the facility roof subject to SLA (Attachment E), Section 15.4, Facility Re-Roofing (if roof mounted PV System), yet the Judicial Council invites Bidders to provide alternate solutions. See RFP Attachment B, Technical Proposal and Qualifications Questionnaire Form, Section 1.6, Technical Solution/Scope of Work for additional details.

2.5.3 The System will have an appropriate combined electrical panel installed at the ground floor electrical room, see Attachment P.3, Electrical Drawings.

2.5.4 System shall be interconnected with the local utility grid as per the current SCE Net Generation Output Meter requirements.

2.6 Description of BESS

2.6.1 The Contractor's proposed BESS shall be exclusively charged from the PV System in order to comply with the requirements of the California Public Utility Commission's Self-Generation Incentive Program ("SGIP"). Contractor should maximize use of all relevant, applicable, and available at the time of project development incentives such as SGIP in order to provide the most financially beneficial solution for the Judicial Council.

2.6.2 The BESS will be lithium-ion chemistry and will be installed externally to the north of the Court of Appeal in a self-contained unit with code compliant fire detection and suppression systems, see Attachment P.1, Site Layout.

2.6.3 The BESS shall have an available Application Programming Interface ("API") that can send charge and discharge requests by the Judicial Council and its

authorized representatives. The Judicial Council prefers that access to the API be available through an “Open API” specification such as OpenADR 2.0B.

- 2.7 Interconnection with the Local Utility.** The System will be installed and given permission to operate by the Utility and the appropriate Authority Having Jurisdiction (“AHJ”) so that in the event of a grid outage, the facility would automatically switch to operate independently (“Island Mode”). Both Automatic Transfer Switch (“ATS”) and Relay Solution (“Relay Solution”) proposals will be given consideration.
- 2.8 Project Financing.** The only type of financing considered for this project is a SPPA, inclusive of all systems.
- 2.9 Project Ownership.** All project components will be fully owned by the Contractor, as defined in the SLA (Attachment E), Section 6, Ownership of the System.
- 2.10 Operation & Maintenance (“O&M”).** The selected Contractor will provide fully inclusive O&M services for all installed systems for twenty (20) years following the installation of the project, inclusive of an annual onsite inspection and cleaning of panels as a minimum. See SPPA, Attachment D, Section 7 for detail.
- 2.11 Monitoring**
- 2.11.1 **Solar Monitoring.** The solar monitoring for the PV System should be able to report the following data points as a minimum:
- R** Total Renewable generation onsite
 - R ex** Renewable Energy exported to the grid
 - G** grid energy sent to building
 - N** NEM net consumption of grid electricity accounting for exports
 - Ru** Solar Energy utilized onsite
- 2.11.2 The data should be available in real-time via an internet-based data platform, and allow exporting to CSV or Excel, and PDF formats for reporting purposes.
- 2.11.3 **BESS Monitoring.** BESS Monitoring is specified in SLA, Attachment E, Exhibit C.1, Section 4.8.
- 2.12 Hours of Work.** Work required to install the System, as well as ongoing maintenance services, will take place in an occupied court facility; therefore, work hours may be restricted depending upon the courthouse’s schedule as set forth in the SLA. The Contractor will be required to comply with all applicable security and COVID-19 safety protocols throughout the term of the contract.
- 2.13 Project Objectives.** The Judicial Council has following specific goals in issuing this solicitation for the development of a renewable energy facility:
- 2.13.1 **Providing electricity price stability.** The Judicial Council would like to reduce its exposure to electricity prices in Southern California Edison territory by diversifying the type of energy resources that are utilized to serve the Judicial Council’s electricity requirements.

2.13.2 **Improving resiliency of court operations during power outages.** The Judicial Council is looking to improve the Court of Appeal facility resiliency in times of grid outage through an onsite System. The System should be able to operate in “island mode” and serve critical electrical loads connected to the main electrical panel for a minimum of six (6) hours. The project is not seeking any load segregation for critical loads via a dedicated critical loads panel. Critical loads will remain being served via the main building electrical panel. Non-critical loads will be load-shed manually or automatically during a grid-outage to maximize use of the BESS resiliency benefit for Court operations.

Critical Loads for the purpose of this solicitation references emergency system loads as those defined by CEC article 700,701,702, CFC chapter 12, NFPA 110, and NFPA 111, to include equipment such as, but not limited to:

- Fire pumps
- Egress path lighting and exit signs
- Fire alarm and life-safety systems (including emergency voice alarms)
- Doors and locks for in-custody detention cells
- Elevator systems
- Communication systems
- Security systems
- Emergency responder radio coverage
- Horizontal sliding doors
- Smoke control system

2.13.3 **Demonstrating renewable energy commitment.** The Judicial Council is committed to taking steps that will result in cleaner air, lower greenhouse gas emissions, and increase sustainable energy sources for citizens of the State of California.

2.13.4 **Promoting local economic development.** The Judicial Council would like to source the renewable energy from a renewable onsite project for the Court of Appeal to encourage local economic development and employment opportunities for diverse business enterprises and workers.

2.13.5 **Enhancing public awareness.** The Judicial Council would like to enhance the public awareness of the Judicial Council’s efforts to pursue sustainable technologies.

2.13.6 **Facilitating reduction of local greenhouse gas emissions.** Onsite renewable energy generation at the Court of Appeal facility will also provide a greater impact on actual Judicial Council emissions in the long run by influencing the US Environmental Protection Agency (“EPA’s”) regional greenhouse gas emissions factor.

2.14 **Design Guidelines.** In addition to the guidelines stated herein, see SLA (Attachment E), Exhibit C.1, Minimum Requirements and Exclusions, and Exhibit F, Design and Installation Process and Milestone Schedule for additional detail. Contractor should consider the following guidelines when designing the System:

- 2.14.1 **Rooftop Solar.** The Contractor shall develop a design for a new PV System. Contractor should specify in their design their areas of the North and South Roof that will be utilized. It is the responsibility of the Contractor to assess the building structural integrity, roof condition and shading limitations.
- 2.14.1.1 Mounting system shall limit roof penetrations, as far as reasonably practicable. A ballasted solution is not allowed for this solicitation. Mounting system design needs to meet applicable building code requirements with respect to snow, wind, and earthquake factors. Contractor's PV System installation must not void the roof warranty. Contractor must follow the requirements of the existing roof warranty. The Judicial Council will provide approved construction details, as well as work to be completed by the original installer/warranty holder, and a sign-off by the warranty holder that the work will not void the existing warranty. The Court of Appeal is currently undergoing a re-roofing project which is anticipated to be complete by early 2022. The rooftop solar PV install will be able to commence following the completion of the re-roofing project. Construction details and warranty information for the new roof will be made available to the Contractor awarded an Agreement as a result of this RFP.
- 2.14.2 **BESS.** Please reference Sections 3 and 4 of Exhibit C.1, as part of Attachment E, Site License Agreement Master for BESS Minimum Requirements and Assumptions.
- 2.14.3 **Code Specifications.** All power generation and transmission equipment must be UL listed for its designed use. Construction, maintenance, and operation of the System must comply with current adopted California Building Code, State of California Fire Marshall requirements, and all other applicable laws and regulations as set forth in the SLA.

3.0 Labor Compliance

- 3.1 **Prevailing Wage.** The Contractor and all subcontractors under the Contractor shall pay all workers on work performed pursuant to the Agreements for this project not less than the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work as determined by the Director of the Department of Industrial Relations, State of California, for the type of work performed and the locality in which the work is to be performed, pursuant to sections 1770 et seq. of the California Labor Code. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Agreement, as determined by Director of the State of California Department of Industrial Relations, are on file at the Judicial Council's principal office. Prevailing wage rates are also available from the Court or on the internet at <http://www.dir.ca.gov>.
- 3.2 **Prevailing Wage Compliance Monitoring.** The project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Contractor shall post job site notices, as prescribed by regulation. Contractor shall comply with all requirements of Labor Code Section 1771.4, except the requirements that are exempted by the Labor Commissioner for the Project.

3.3 Contractor Registration. Contractor shall comply with the registration and compliance monitoring provisions of Labor Code Section 1771.4, including furnishing its certified payroll records (“CPR(s)”) to the Labor Commissioner of California and complying with any applicable enforcement by the Department of Industrial Relations (“DIR”). Labor Code Section 1771.1(a) states the following:

“A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.”

4.0 TIMELINE FOR THIS RFP

4.1 The Judicial Council has developed the following list of key events related to this RFP. All dates are subject to change at the discretion of the Judicial Council.

EVENT	DATE/ TIME (PT)
RFP issued	February 4, 2022
Pre-proposal Conference (<i>Optional</i>)	February 10, 2022 10:00 AM to 11:00 AM
Site Walk (<i>Mandatory</i>)	February 17, 2022 from 10:00 AM to 11:30 AM
Deadline for questions	February 25, 2022, at 5:00 PM
Questions and answers posted	March 11, 2022
Latest date and time proposal may be submitted	March 25, 2022, at 5:00 PM
Evaluation of proposals (<i>estimate only</i>)	April 8, 2022
Post Shortlist for Interviews (<i>estimate only</i>)	April 12, 2022
Anticipated interview dates (<i>estimate only</i>)	Week of April 18-22, 2022
Notice of Intent to Award (<i>estimate only</i>)	April 29, 2022
Contract Negotiations (<i>estimate only</i>)	May 16, 2022
State Public Works Board Approval (<i>estimate only</i>)	May 31, 2022
Contract Execution (<i>estimate only</i>)	June 17, 2022
Contract start date (<i>estimate only</i>)	June 30, 2022
Contract end date (<i>estimate only</i>)	Twenty (20) years after System is operational, per the Agreements

5.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment A, Administrative Rules Governing this RFP	These rules govern this solicitation.
Attachment B, Technical Proposal and Qualifications Questionnaire Form	The Proposer must submit its Technical Proposal and Qualifications Questionnaire, using this form, that reflects the anticipated work to be performed that would be set forth in a subsequent agreement(s), if awarded.
Attachment C, Proposed Price Quotation Form	The Proposer must submit pricing, using this form, that reflects the anticipated work to be performed and payment provisions that would be set forth in a subsequent agreement(s), if awarded.
Attachment D, Solar Power Purchase Agreement for Photovoltaic System	If selected, the person or entity submitting a proposal (the “Proposer”) must sign SPPA agreement containing these terms and conditions.
Attachment E, Site License Agreement for Photovoltaic System	If selected, the person or entity submitting a proposal (the “Proposer”) must sign SLA agreement containing these terms and conditions.
Attachment F, Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions indicated in SPPA and SLA agreements, or identify exceptions to the terms and conditions.
Attachment G, General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment H, Darfur Certification Form	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment IA, Payee Data Record Attachment IB, Supplemental Payee Data Record	STD204 form: This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal. STD205 form: This form is optional and is used to provide remittance address information if different than the mailing address on the Payee Data Record, for multiple remittance addresses, and additional Authorized Representatives of the Payee not identified on the STD 204.

ATTACHMENT	DESCRIPTION
Attachment J, Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment K, Iran Contracting Act Certification	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment L, Internal Background Check Policy	Policy that describes Background Checks for Contractors Working on the Judicial Council’s Behalf in Restricted Areas.
Attachment M.1, DVBE Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment M.2, Bidder’s Declaration	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
Attachment N, Historical Site Electricity Usage Interval Data	This document contains historical electricity usage data for the facility, preceding the 2020 Covid19 pandemic.
Attachment O, Historical Site Electricity Billing Information	This document contains utility invoices for the period of data in Attachment O, supplemented more recent 2021 invoices.
Attachment P.1, Solar Site Layout	This document outlines via satellite imagery the Court of Appeal facility roof tops and grounds proposed licensed areas for the System.
Attachment P.2, Existing Roof Drawings	This document includes all currently available roof layout and relevant structural drawings for the Court of Appeal facility.
Attachment P.3, Electrical Drawings	This document includes all currently available electrical drawings for the Court of Appeal facility.
Attachment P.4, 2021 Court of Appeal Re-Roofing Specifications and Drawings	Attachment P.4 includes the 100% design drawings for the facility re-roofing project currently underway.
Attachment Q, Court of Appeal, Fourth Appellate District, Division Three, Asbestos Survey Report, Roof	This document contains an asbestos containing materials survey in relation to the original Court of Appeal roofing materials.
Attachment R, Judicial Council Tool Control Policy	Policy that describes the Judicial Council Tool Control Policy while working in In-Custody Holding Areas.
Attachment S, Form for Submission of Questions	Proposer shall submit questions by completing and submitting this form to solicitations@jud.ca.gov

6.0 PAYMENT INFORMATION

- 6.1 For detail regarding payment processes and requirements see the following sections of the SPPA (Attachment D): Section 2, Sale of Electricity; Section 3, System Invoicing Payment; Section 5, Metering; and Section 6, Contractor’s Solar PV and BESS Guarantees.

7.0 PRE-PROPOSAL CONFERENCE AND SITE WALK

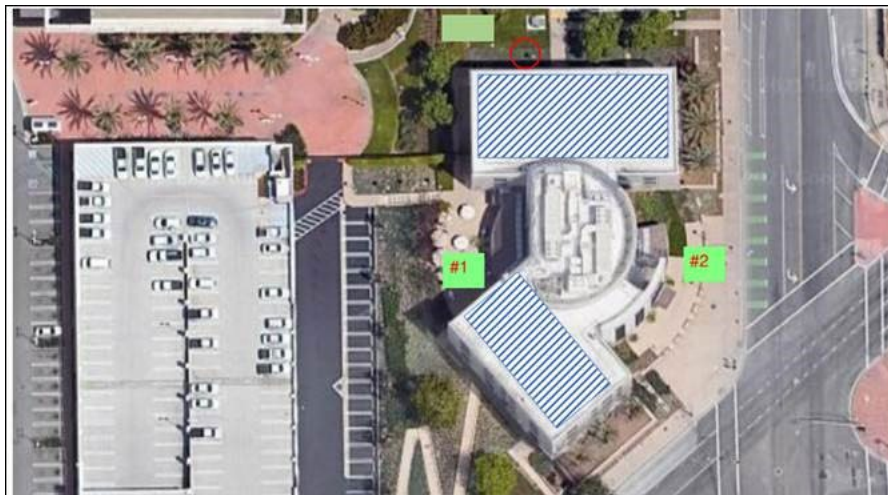
- 7.1 **Pre-Proposal Conference.** A pre-proposal call-in conference will be held to answer questions with regards to this RFP. This conference is **not mandatory** to submit a Proposal. The pre-proposal conference can be attended by calling in to the phone number below and entering the participant passcode. The date and time of the call-in conference is indicated in RFP, Section 4.0, Timeline for this RFP.

Call in number: 877-820-7831
Participant Passcode: 109630

Attendance at the pre-proposal conference is optional. However, Proposers are strongly encouraged to attend.

- 7.2 **Mandatory Site Walk.** The Judicial Council will hold a site walk on the date identified in the Timeline in Section 4.0 above. Attendance at the site walk is **mandatory**. Each Proposer must be certain to check in at the mandatory site walk, as the attendance list will be used to ascertain compliance with this requirement. The Judicial Council will reject the proposal of any Proposer who does not attend the mandatory site walk. Proposers who intend to attend the mandatory site walk are requested to notify Branch Accounting and Procurement by sending an email to Solicitations@jud.ca.gov with the RFP title, number, and “Mandatory Site Walk” in the subject line (“Solar Power Purchase Agreement, Court of Appeal, Fourth District, Division Three / RFP-FS-2021-02-BD Mandatory Site Walk”).
- 7.3 **Site Walk Details.** The meetup location is the “Front” of the building. The front is considered the North Side (#2) off Ross Street. See Table 1 below:

Table 1:



Everyone is required to wear a facemask when entering the building and groups of no more than 4 people are to be escorted through the building up to the roof at a time. All court staff are working in person, so following standard social distancing protocols are encouraged.

- 7.4 Parking.** Meter Parking is available off Ross Street or parking Structure P6 can be used. Downtown Santa Ana is experiencing lots of construction due to the light rail, please be mindful of detours and road closures.

Handicap parking is located in the P6 public parking structure southwest of the court and can be reached from either Santa Ana Blvd. or Flower Street entrances. Public parking is available at metered spaces available on the streets surrounding the court and in the public parking structure. The court does not validate parking.

- 7.5 Form for Submission of Questions** (Attachment S): Proposers shall submit requests for clarifications, modifications, or questions by the deadline indicated in the Timeline for this RFP, Section 4.0. Proposers who intend to submit questions are requested to notify Branch Accounting and Procurement by sending an email to Solications@jud.ca.gov with the RFP title, number, and “Questions” in the subject line (“Solar Power Purchase Agreement, Court of Appeal / RFP-FS-2021-02-BD Questions”).

8.0 SUBMISSIONS OF PROPOSALS

- 8.1 Proposal Submissions.** In light of the COVID-19 public health crisis, Proposers may only submit Proposals electronically. Incomplete proposals may be rejected without review, and Proposals received after the applicable deadline date and time will be rejected without review.
- 8.2** Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
- 8.3** Due to Judicial Council email size limitations of 15 MB, email transmissions submitting proposals may include the Proposer’s link to a cloud storage or file sharing site approved by the Judicial Council: OneDrive, Dropbox, Google Drive, or iCloud Drive. Any such site utilized must not require registration, membership, or payment in order to access shared files.

- 8.3.1 Please use the following naming convention for any electronic files submitted:

RFPFS202102BD_Non-Cost_ProposerName_*. *

RFPFS202102BD_Cost_ProposerName_*. *

Indicate the RFP number and name of Proposer’s organization in the subject line of the email.

- 8.4** The Proposer must submit its electronic proposal in two separate parts:
- 8.4.1 **Technical (Non-Cost) Proposal.** The Technical Proposal and Qualification Questionnaire Form (Attachment B to this RFP) package. The complete package for the Technical Proposal response, Section 1 (1.1 through 1.15) shall be no longer than twenty (20) pages double sided, or forty (40) pages single sided, 8½” x 11” paper, inclusive of résumés, forms, and pictures. Proposer’ Qualification Questionnaire Form (included in Attachment B), Attachment Forms, and Proposed Price Quotation Form are **not** counted towards this page limit.
- 8.4.2 **Cost Proposal.** The Proposed Price Quotation Form (Attachment C to this RFP) shall be submitted in a separate file and emailed separately from the Technical Proposal and Qualifications Questionnaire Form.
- 8.5** All documentation required by this RFP must be submitted in both Adobe PDF format and editable formats where applicable. All files must be named clearly and include the Proposer’s name and the title and number of this RFP (“Solar Power Purchase Agreement, Court of Appeal / RFP-FS-2021-02-BD”). Proposals must be sent to the following email addresses:
- Email the Technical (Non-Cost) Proposal to: fs202102bd.proposal@jud.ca.gov
- Email the Cost Proposal to: fs202102bd.cost@jud.ca.gov
- Electronic submissions should not be emailed more than five (5) business days in advance of the applicable deadline date
- 8.6** The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests.
- 8.7** The due date and time for submission of your proposals can be found in the most recent version of the RFP schedule posted to the California Courts’ website (<http://www.courts.ca.gov/rfps.htm>) at which this RFP is posted. Please keep abreast of changes to the RFP schedule by monitoring the website throughout the duration of the proposal, evaluation, and award processes.
- 8.8** **Submission Timelines.** Firm(s) assume all risk for ensuring receipt no later than the date and time specified in the Timeline for this RFP. Late proposals will not be accepted. All times in the Timeline for this RFP are Pacific Time. Delivery time stamps of email messages used for delivery will be referenced upon submission of proposal. If Proposer uses one of the external file sharing services indicated in Section 8.4, please note that updates to content stored in those services are not permitted past the submission deadline.

9.0 PROPOSAL CONTENTS

- 9.1** **Technical (Non-Cost) Proposal and Qualifications Questionnaire Form, Attachment B.** The Technical Proposal shall be submitted by completing the **Attachment B, Part 1**. The Qualifications Questionnaire shall be submitted by completing the **Attachment B, Part 2**. Proposers must provide all of the requested information within the form, Parts 1

and 2. Failure to do so completely and accurately may cause the Contractor's Proposal to be deemed non-responsive.

- 9.1.1. All Proposers submitting a Proposal must complete the Qualification Questionnaire. If the Proposer's status or information changes after the initial submission of their proposal then an updated Attachment B, Part 2 shall be emailed to the address above in Section 8.5.
- 9.1.2 A Proposer's Qualification Questionnaire shall be deemed nonresponsive if, without limitation, the Proposer's Qualification Questionnaire is not submit with its Proposal, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Proposer, is not updated as required or is misleading or inaccurate in any material manner (e.g., financial resources are overstated, previous violations of law are not accurately reported, etc.).
- 9.1.3 **Reference Checks.** The Qualification Questionnaire, Part 2 of **Attachment B**, includes reference check details, Part IV (2), Client References. The Proposer shall provide five (5) client references that must be projects completed in the last five years. Please include the following with each client reference: name of entity/firm, contact person, their phone number/email, project title, location, and start/end dates. The Judicial Council will contact the references provided to conduct a customer satisfaction survey. Responding clients will be asked to score the following: Proposer's quality of delivery, scheduling practices, project and subcontractor management, working relationships, and paperwork processing. Reference responses will be scored from one (1) – unsatisfactory to five (5) – excellent. Reference evaluation forms will be totaled and be applied as indicated in Section 11.3.
- 9.1.4 **Certifications, Attachments, and other requirements.** Proposers shall complete and provide the following forms. Failure to do so completely and accurately may cause the Proposer's Proposal to be deemed non-responsive.
- 9.1.5 **Acceptance of the Terms and Conditions (Attachment F).** On Attachment F, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes in Microsoft Word format (utilizing tracked changes), and (ii) a written explanation or rationale for each exception and/or proposed change. Judicial Council reserves the right to modify the draft Contract at any time prior to the award of the Contract. Additionally, Judicial Council retains the right to reject any proposed changes to the draft Contract and/or seek other qualified Contractor for award of the Contract if a Contractor refuses to accept the terms of the Contract.
- 9.1.6 **General Certifications Form (Attachment G).** If Proposer agrees to the stated clauses in form it will check the box and sign this attachment. Please note that the Judicial Council will reject a proposal from a Proposer that does not indicate acceptance of these clauses. The Proposer must complete Attachment G and submit the completed form with its proposal.

- 9.1.7 **Darfur Certification Form (Attachment H).** Pursuant to Public Contract Code (PCC) Section 10478, if a proposer currently or within the previous three years has had business activities or other operations outside of the United States, it must either (i) certify that it is not a “scrutinized company” as defined in PCC 10476, or (ii) receive written permission from the Judicial Council to submit a proposal. To submit a proposal to the Judicial Council, the Proposer must insert its company name and Federal ID Number in the form and complete ONLY ONE of the three paragraphs indicated. The Proposer must complete Attachment H and submit the completed certification with its proposal.
- 9.1.8 **Payee Data Record (Attachment I).** Include a separately printed and signed original Payee Data Record (STD204), completed in the exact name of the business entity under which you propose to do business with the Judicial Council. The Proposer must complete the Payee Data Record (Attachment IA) in order to process payments; please note this is mandatory. If necessary, also include a separately printed and signed original Payee Data Record Supplement (STD205), Attachment IB; please note this optional. Separately printable copies of these forms have been posted with this RFP.
- 9.1.9 **Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification (Attachment J).** Pursuant to Public Contract Code (PCC) Section 2010, the Unruh certification must be provided when (i) submitting a bid or proposal to the Judicial Council for a solicitation of retail electric services of \$100,000 or more, or (ii) entering into or renewing a contract with the Judicial Council for the purchase of goods or services of \$100,000 or more. If Proposer agrees to the stated clauses in form it will sign this attachment.
- 9.1.10 **Iran Contracting Act Certification (Attachment K).** Pursuant to Public Contract Code (PCC) Section 2204, an Iran Contracting Act certification is required for solicitations of goods or services of \$1,000,000 or more. To submit a proposal to the Judicial Council, Proposer must complete ONLY ONE of the two paragraphs listed, and sign the form.
- 9.1.11 **DVBE Certification.** If Proposer intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to Section 14 of this RFP, Proposer must and submit the completed Attachments M.1 and M.2 with its proposal.
- 9.2 Cost Proposal - Proposed Price Quotation Form.** For all Proposed Price Quotation Form requirements see Attachment C. All of the information requested in Attachment C must be included in the price proposal. A price proposal lacking any of the listed information may be deemed non-responsive.
- 9.2.1 Provide a SPPA and cash purchase price for the System.
- 9.2.2 Present annual cashflow for the duration of the Contract (years one (1) through twenty (20) presenting applicable financial savings.
- 9.2.3 Calculate and report the Net Present Value (“NPV”) from the Judicial Council’s perspective, based on the current utility costs provided by the Judicial Council,

and any anticipated avoided cost savings. Indicate the discount rate (%) used in the calculation.

- 9.2.4 The Judicial Council will give preference to SPPA proposals with SPPA rate escalator less than or equal to zero percent (0.0%). The Proposer shall specify their percentage of escalation using a single digit decimal percentage and negative sign to represent an escalation below zero percent, e.g., 1.1%, or -1.1%.

10.0 OFFER PERIOD

- 10.1 A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this period, the Judicial Council reserves the right to negotiate extensions to this period.
- 10.2 The Proposer who may be awarded an Agreement under this RFP will enter into said Agreements with the Judicial Council which will be substantially similar to the draft Agreements included with the RFP as Attachment D, Solar Power Purchase Agreement for Photovoltaic System, and Attachment E, Site License Agreement for Photovoltaic System.

11.0 EVALUATION OF PROPOSALS

- 11.1 **Evaluation and Selection Process.** The process will evaluate the Contractor's qualifications based on their Technical Proposal and Qualifications Questionnaire Form (Attachment B) and interview, if deemed necessary, by the Judicial Council (see RFP Section 12 below). Further evaluation will be based on the Proposed Price Quotation Form (Attachment C). Contractors will be ranked in numerical order from the most points to least points received. The Contractor receiving the highest combined "total score" will be ranked the number one Contractor. The Judicial Council reserves the right to reject any Contractor's submission to the RFP that is non-responsiveness to the selection criteria or fails to demonstrate direct expertise in services of similar size, complexity and nature.
- 11.2 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents. The Judicial Council will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Points will be awarded based on the relative merit of the information provided in the response to the solicitation. Award, if made, will be to the highest-scored proposal.
- 11.3 If a contract will be awarded, the Judicial Council will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>

CRITERION	Maximum number of points
Company Profile and Financial Strength	15
Company Background, Experience and References	20
Project Design and Project Approach	20
Interview	5

CRITERION	Maximum number of points
Acceptance of the Terms and Conditions	5
DVBE Additional Points	3
Cost	32
Total Maximum Score	100

12.0 INTERVIEWS

The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews will most likely be conducted via WebEx or Microsoft Teams. The Judicial Council will notify qualified Proposers regarding interview arrangements.

13.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT. The Judicial Council will not disclose (i) social security numbers, or (ii) balance sheets or income statements that are clearly marked as “**CONFIDENTIAL**” and are submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Judicial Council’s right to disclose information in the proposal, or (b) requiring the Judicial Council to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

14.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

14.1 Qualification for the DVBE incentive is **not mandatory**. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

14.1.1 Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 11.3 above.

14.1.2 To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

14.1.3 If Proposer wishes to seek the DVBE incentive:

- i) Proposer must complete and submit with its proposal the Bidder Declaration (Attachment M.2). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- ii) Proposer must submit with its proposal a DVBE Declaration (Attachment M.1) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

14.1.4 Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the Judicial Council may request additional written clarifying information. Failure to provide additional information as requested by the Judicial Council will result in Proposer not receiving the DVBE incentive.

14.1.5 If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the JBE approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

FRAUDULENT MISREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.

15.0 PROTESTS

15.1 Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive and will result in rejection of the protest. The deadline for the Judicial Council to receive an award protest is within five (5) Court Days after the Notice of Intent to Award is posted on the Court website. See Section 4.0, Timeline for this RFP, for approximate dates.

15.2 Protests must be sent to:

Judicial Council – Branch Accounting and Procurement
ATTN: Manager, Contracts, RFP# FS-2021-02-BD
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

16.0 ADMINISTRATIVE RULES GOVERNING RFP

- 16.1** The Judicial Council's Administrative Rules governing this RFP can be found in Attachment A. By virtue of submission of a Proposal, the Contractor agrees to be bound by said Administrative Rules.
- 16.2** The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar requests for proposals in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. One copy of a submitted Proposal will be retained for official files and becomes a public record.

END OF RFP