

Request for Proposals (RFP) for ID/IQ Special Inspection & Materials Testing Services

The Judicial Council of California seeks to identify a number of firms qualified to provide Special Inspection and Materials Testing Services for various projects to be initiated between approximately January 26, 2022 and January 25, 2027, with possible extensions to January 25, 2031.

**PROPOSALS DUE: NOVEMBER 2, 2021
NO LATER THAN 5:00 PM PACIFIC TIME**

RFP NUMBER: RFP-FS-2021-05-MB



**JUDICIAL COUNCIL
OF CALIFORNIA**

ADMINISTRATIVE DIVISION
FACILITIES SERVICES

Date

September 27, 2021

Action Requested

Submit Proposals

To

Special Inspection and Materials Testing Firms

Non-Cost Proposal email to:

fs202105mb.noncost@jud.ca.gov**From**

Judicial Council of California

Cost Proposal email to:

fs202105mb.cost@jud.ca.gov**Project Title**

RFP Number: RFP-FS-2021-05-MB
 ID/IQ Special Inspection and Materials Testing
 Services

Deadline

November 2, 2021 @ 5:00 pm PST

ContactSolicitations@jud.ca.gov**RFP TABLE OF CONTENTS:**

- 1.0 Introduction
- 2.0 Purpose of This RFP
- 3.0 Scope of Services
- 4.0 Responding to This RFP
- 5.0 Proposal Content
- 6.0 Selection Process
- 7.0 Evaluation of Proposals
- 8.0 Projected Timeline
- 9.0 Contract Terms
- 10.0 DVBE Incentive
- 11.0 Confidential or Proprietary Information
- 12.0 Administrative Rules Governing RFP
- 13.0 Protests

RFP ATTACHMENTS:

- Attachment A. Administrative Rules Governing Requests for Proposals
- Attachment B. Qualification Questionnaire Form
- Attachment C. Acceptance of Terms & Conditions Form
- Attachment D. Duties and Performance Special Inspection & Materials Testing
- Attachment E. Regional Map
- Attachment F. Geographical Service Area Form
- Attachment G. Fee Schedule
- Attachment G-1. Fee Schedule Worksheets
- Attachment H. Sample Master Agreement
- Attachment I. Form for Submission of Questions
- Attachment J. Payee Data Record Form
- Attachment K. Payee Data Record Supplement
- Attachment L. Bidder Declaration
- Attachment M. DVBE Declaration
- Attachment N. General Certifications Form
- Attachment O. Unruh Civil Rights Act Certification
- Attachment P. Darfur Contracting Act Certification
- Attachment Q. Iran Contracting Act Certification

1. INTRODUCTION

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. The Facilities Services office 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.

2. PURPOSE OF THIS RFP

Consultants. The Judicial Council seeks proposals from special inspection and materials testing firms with highly qualified, properly certified consultants and labs with expertise and technical qualifications related to special inspections and materials testing services required in various phases of the repair or construction of court buildings. It is anticipated that contracts will be issued to at least six (6) firms.

Prospective firms for the purpose of this RFP will be referred to as “**Consultants.**”

- 2.1 Consultant shall be responsible for providing materials testing and special inspections of work in progress to ensure compliance with State and local building codes, architects’ plans and specifications, and the requirements of the Judicial Council. The Project Inspector shall monitor and schedule the work of the Special Inspectors and testing laboratories. The scope of services for Project Inspector is separate from the scope for Special Inspection and Material Testing firm, the details of which are included in Attachment D.
- 2.2 The number of projects and specific scope of work for each project is unknown at this time, and there is no guarantee by the Judicial Council that the firm will, if awarded a contract, be requested to provide services for any projects.
- 2.3 Firms will be evaluated and selected to provide services throughout the State. Statewide capability is preferred, however qualified Consultants will be considered to provide services in one, two, three, or all four of the geographic regions designated by the Judicial Council as listed below:
 - 2.3.1 Southern Region;
 - 2.3.2 South Central Region;
 - 2.3.3 Northern/Central Coast Region;
 - 2.3.4 Northern Central Region

A map of the regions and counties is included in this RFP as **Attachment E**. Consultants shall complete **Attachment F**, Geographical Service Area Form, indicating which counties in each of the four regions that they wish to be considered for services.

2.4 In responding to this RFP, the following are the definitions of the services requested:

2.4.1 **Capital Project** means those courthouse construction projects for which management is delegated to the Facilities Services – Project Management unit. These projects are generally new construction or significant courthouse renovation projects with construction values generally in the range of \$5 million to \$500 million.

2.4.2 **Facility Modification Project** means those courthouse construction projects for which management is delegated to the Facilities Services – Project Management and Facilities Operations units. These projects are modifications and repairs to existing court facilities with construction values generally in the range of \$5,000 to \$10 million.

2.4.3 **Special Inspections and Materials Testing** means the careful and thorough examination and documentation of a specific construction procedure (e.g. welding, masonry placement, etc.) and the sampling and testing of materials for a project.

2.5 **ID/IQ Contracts.** Multiple Consultants will be selected to enter into Indefinite Delivery/Indefinite Quantity (“**ID/IQ**”) contracts with the Judicial Council for Special Inspections and Materials Testing services for new construction and facility modification projects. Those Consultants may be assigned or awarded various projects and tasks often in competition with other ID/IQ Consultants, as may arise, based on the location and nature of the services required and the qualifications and resources of the Consultants (each a “**Project**”). Because the scope and number of Projects and tasks are unknown at the time of contract execution, the contracts are known as ID/IQ contracts. The initial term of the ID/IQ contracts for these Projects will be for five (5) years.

2.5.1 Posted with this RFP is the Judicial Council’s form of Master Agreement, including the indemnification provision that the Judicial Council will include in that agreement, which the Judicial Council will utilize for the requested services. In accordance with the Judicial Council’s Administrative Rules Governing Requests for Proposals, attached hereto and incorporated herein as **Attachment A**, please indicate in Consultant’s Proposal if it has any comments or objections to the form of agreement.

PLEASE NOTE: The Judicial Council reserves the right in its sole discretion to reject any proposed changes or modifications to the form of Master Agreement, and does not intend to consider any substantive changes to the form of Master Agreement unless they are submitted with the Consultant’s Proposal pursuant to the instructions in this RFP; in the event that a Consultant is awarded a contract under this RFP and refuses to execute that contract unless or without requested changes or modifications thereto, the Judicial Council may revoke said award to the Consultant of the Services under this RFP. See Section 5.1.9, Acceptance of Terms and Conditions, and Section I, Execution of Contracts, of **Attachment A** of this RFP for further information and direction.

- 2.6 **Licensing and Certification.** All Consultants, and sub-consultant(s), employees or agents thereof, performing work per agreements awarded under this RFP must have, at the time of proposal and at all times throughout the duration of their performance of the work, all appropriate, valid license(s) and certification(s) required under law to provide the work being performed, satisfactory evidence of which may be requested by the Judicial Council at any time. The Consultant must ensure that the work will at all times be performed either by an appropriately certified individual or, when legally permissible, under the direct supervision of an appropriately certified individual.
- 2.7 The Contractor and key personnel proposed to be assigned responsibilities on this Project must be highly qualified and have extensive experience in all aspects of site and facility inspection and testing on projects with similar size and complexity. Minimum qualifications shall include:
- 2.7.1 Significant experience and successfully completed projects of similar facilities within the last five (5) years.
 - 2.7.2 Required licenses and certifications to provide the specified services, including:
 - i. Laboratory: fully staffed office, inspector commute location, and DSA accepted materials testing laboratory within one hundred (100) miles of the Region being bid.
 - ii. Lead Special Inspector: International Code Council (ICC), American Welding Society (AWS), DSA, or required certification in the specific aspect of the work to be inspected, plus five (5) years construction inspection experience.
 - iii. Special Inspector: ICC, AWS, DSA, or required certification in the specific aspect of the work to be inspected, plus three (3) years construction inspection experience.
 - 2.7.3 Capability and experience in providing on-site and off-site inspections of similar facilities.
 - 2.7.4 Capability and experience in providing materials sampling and testing as required for the Project.
 - 2.7.5 Experience in working with entities in the quality control of similar facilities.
- 2.8 **Subsequent Project Proposals.** Consultants may be asked to provide proposals on some Projects (“**Project Proposal(s)**”) but may not be asked to provide Project Proposals on other Projects or any at all. The Judicial Council, at its sole discretion, may choose to issue work assigning Projects according to each Consultant’s qualifications and based on prior Project performance as well as geographic proximity to the Projects. In some cases, more than one Consultant will be asked to provide Project Proposals for the same Project. The Judicial Council will award Consultants specific Projects based on their Project Proposals, specific expertise, knowledge of and involvement with specific systems

and/or facilities, prior performance on this contract, and those other factors that the Judicial Council may deem pertinent for the work.

- 2.9 **Consultant Performance Management.** The Judicial Council may choose to conduct periodic Business Performance Reviews on completed Projects to evaluate the Consultant's performance for quality assurance, safety, duration of the Project, Judicial Council satisfaction, and other relevant factors. The Judicial Council, at its sole discretion, may not offer subsequent Projects to and/or may terminate an agreement with any Consultants who do not meet minimum performance benchmarks specified in their Business Performance Review.
- 2.10 **No Follow-On Contracting.** For any Project that a Consultant is providing consulting services pursuant to an agreement awarded by this RFP, the Consultant is prohibited from also providing construction or subsequent consulting services under any separate contract or agreement the Consultant may have with the Judicial Council when such services are required, suggested, or otherwise deemed appropriate in any end products resulting from the agreement awarded by this RFP. This prohibition shall extend to Consultants' sub-consultants whose services amount to more than ten percent (10%) of the monetary value of the Consultant's agreement awarded under this RFP.
- 2.11 **Sole Means.** This RFP is the sole means for prospective Consultants to submit their proposals to the Judicial Council for Special Inspection and Materials Testing ID/IQ services, as described above.

3. SCOPE OF SERVICES AND DELIVERABLES

- 3.1 The scope of services requested under agreements awarded under this RFP includes professional consultant services for Special Inspection and Materials Testing Services as well as incidental services that the professionals providing those services and those in their employ may logically or justifiably perform ("**Services**").
- 3.2 The Judicial Council intends to award Projects in a timely manner to Consultants that have been awarded a Contract under this RFP in accordance with the following selection process:
- 3.2.1 Work to be Performed less than or equal to \$75,000.00:

If the estimated hard construction cost of a proposed Project is equal to or less than \$75,000.00, then the Judicial Council may issue a Service Work Order, without soliciting proposals from other Consultant(s) that have been awarded a Contract under this RFP. The Judicial Council's Project Manager will evaluate and review the Consultant's Proposal to confirm that the price of the Work is fair and reasonable, and otherwise meets the Judicial Council's requirements. Once the Judicial Council's Project Manager has selected a Consultant, and the Consultant has executed the Service Work Order, a Notice to Proceed will be issued to that Consultant.

Work to be Performed greater than \$75,000.00:

If the estimated hard construction cost of a proposed Project is greater than \$75,000.00, then the Judicial Council intends to solicit bids from at least three (3) Consultants that have been awarded a Contract under this RFP unless there is an emergency or some other incident which justifies a sole sourcing of those services. Consultants will be provided with a basic description of the Project. Depending on the Project, Consultants may be provided with appropriate drawings, specifications, security clearance requirements, permitting information, and other relevant information relating to the Project. The Judicial Council's Project Manager will then award the Project to the Consultant based on lowest price, project approach, plan, expertise, staffing, and other factors that the Judicial Council may deem pertinent for the work. Once a Consultant has been selected, the Judicial Council's Project Manager will then, under the existing Contract, issue a Service Work Order with that Consultant for that given Project. Once the Service Work Order has been executed, a Notice to Proceed will be issued to the Consultant.

In the event that one Consultant is the winning bidder for one or more Projects, the Judicial Council reserves the right, in its sole discretion, to limit the award to that Consultant for only one Project and the remaining Projects could then be awarded to the next most qualified bidder.

The Judicial Council does not guarantee that a Consultant will either have the opportunity to submit a bid for a Project or receive any Service Work Order(s).

3.3 The scope of work for Subject Project may include one or multiple components as set forth in Section 3.5 below. Any one of the components or combination thereof may be changed, including terminated, in the same manner as the project, as indicated herein, without changing in any way the remaining component(s). The provisions of this Agreement shall apply to each component without regard to the status of the remaining component(s). Consultant shall invoice for each component separately and the Judicial Council shall compensate Consultant for each component separately on a proportionate basis based on the level and scope of work completed for each component. The number of projects and specific scope of work for each project is unknown at this time, and there is no guarantee by the Judicial Council that the firm will, if awarded a contract, be requested to provide services for any projects.

3.4 Subject Projects. The Judicial Council currently owns and maintains over 400 buildings across the State of California. The scope of services required by this RFP includes providing Special Inspections and Materials Testing services to some or all of the following types of projects:

3.4.1 Capital Projects: These projects involve new construction or significant renovation of existing court buildings. The upcoming projects are part of the Judicial Branch Five Year Infrastructure Plan:
(<https://www.courts.ca.gov/documents/5year2223.pdf>)

3.4.2 Facility Modification Projects: These are individual court facility projects that are authorized by the Trial Court Facilities Modification Advisory Committee (<http://www.courts.ca.gov/tcfmac.htm>). The projects will range in size, location, and scope.

3.5 The Judicial Council seeks proposals from highly qualified inspection firms with expertise and technical qualifications in Special Inspections and Materials Testing services for construction of public buildings. Special Inspection and Materials Testing Services are elaborated in **Attachment D, Duties and Performance**. They include, but are not limited to the following:

3.5.1 **Special Inspections and Materials Testing (“Laboratory”) Services.** Working in coordination with the Project Inspector/Inspector of Record, review, test, inspect and document existing conditions, architectural or engineering documents, construction materials and assemblies according to applicable codes, regulations, and standards.

3.5.2 **Laboratory Services** include, at the direction of the Judicial Council, the inspection and required testing of the following elements of construction:

- i. Soils (grading, excavation, and filling)
- ii. Asphalt concrete (hot mix asphalt and rubberized hot mix asphalt)
- iii. Foundations (piles and piers)
- iv. Reinforcing steel
- v. Concrete
- vi. Shotcrete
- vii. Precast concrete
- viii. Engineered wood products such as glulam beams and “I” joists
- ix. Masonry
- x. Cladding
- xi. Glazing
- xii. Post installed anchors and dowels (installation and proof load testing)
- xiii. Shear walls and floor systems used as high load diaphragms
- xiv. Fire-resistant materials (sprayed and mastic & intumescent)
- xv. Fire-resistant penetrations and joints
- xvi. Firestop assemblies and details
- xvii. Structural steel & connections
- xviii. High strength bolting
- xix. Nondestructive testing (NDT)

4. RESPONDING TO THIS RFP

4.1 Responsive Proposals will provide straightforward, concise information that satisfies all requirements specified. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content. Please only submit documentation which has been specified in this RFP. Materials sent which fall outside of that specified within this RFP will not be considered in proposal scoring.

- 4.2 Consultants who intend to respond to this RFP are requested to notify Branch Accounting and Procurement by sending an email to Solicitations@jud.ca.gov with the RFP number and name in the subject line (“ID/IQ Special Inspection and Materials Testing Services / RFP-FS-2021-05-MB”). Please include the name, address, telephone number, and email address of the Consultant (firm) and contact person. Failure to send an email does not preclude a consultant from submitting a proposal as this email is not mandatory.
- 4.3 This RFP process and RFP schedule are subject to change at any time. Changes will be posted to the RFP website (<http://www.courts.ca.gov/rfps.htm>) and no other notifications of changes will be provided. Prospective participants are urged to consult the website in a timely manner to remain apprised of any changes. Staying abreast of changes regarding this RFP is the sole responsibility of the Proposer. The Judicial Council will not address individual parties directly during this RFP’s solicitation period.
- 4.4 A pre-proposal conference call will be held to answer questions with regards to this RFP. This conference call is not mandatory to submit a Proposal. The pre-proposal conference call will be held remotely via phone. The exact date, time, and call-in number are listed in the Projected Timeline in Section 8.1 of this RFP, which may be subsequently revised or updated on the Judicial Council website for this solicitation at: <http://www.courts.ca.gov/rfps.htm>.
- 4.5 **Written Questions.** Proposers may submit written questions using **Attachment I**. Such questions must be submitted on or before the due date specified for submission of questions listed in the Projected Timeline section of this RFP. If the Judicial Council deems it necessary in response to the questions submitted, changes may be made to this RFP and an updated version will be posted to the RFP web posting prior to the due date for Proposals via addendum. Written questions must be submitted by e-mail to the following address: Solicitations@jud.ca.gov. *Note: Please include the following as the subject line of your email: “Q&A RFP-FS-2021-05-MB”*
- 4.6 **Proposal Format.** The Judicial Council will only accept proposals in an electronic format. See Section 4.7 below for instructions on submitting proposals electronically. The Proposer must submit its proposal in two parts, the non-cost (technical) portion and the cost portion.
- 4.6.1 **NON-COST PROPOSAL:** The Proposer shall make an effort to compress the non-cost proposal file to less than 10MB in size and submit one (1) electronic file of the non-cost proposal using PDF or Word format. If the file cannot be reduced to below 10MB, then the Proposer shall divide the file into 10MB increments and send over multiple emails. The subject line in each email shall reference which portion of the proposal is attached (i.e. Part 1 of 3). The non-cost portion of the proposal must be submitted to the Judicial Council in an electronic file, separate from the cost portion. The Proposer must include the RFP number and ‘technical’ in the name of the electronic file.
- 4.6.2 **COST PROPOSAL:** The Proposer must submit one (1) electronic file of Exhibit G, Fee Schedule using PDF, Word, or an Excel format. The cost portion of the proposal must be submitted to the Judicial Council in an electronic file, separate

from the non-cost portion. The Proposer must include the RFP number and ‘cost’ in the name of the electronic file.

- 4.7 **Method of Submission.** Only electronically submitted proposals will be accepted. Proposals must be delivered by the date and time listed on the coversheet of this RFP but no more than three (3) days in advance of the proposal due date to the following email addresses:

For Non-Cost Proposal email to: fs202105mb.noncost@jud.ca.gov

For Cost Proposal email to: fs202105mb.cost@jud.ca.gov

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

- 4.8 The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests.
- 4.9 **Submission Timelines.** The due date and time for submission of 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. Late proposals will not be accepted.

5. PROPOSAL CONTENT

- 5.1 **Non-Cost Proposal Format.** The following information must be included in the non-cost proposal. A proposal lacking any of the following information may be deemed non-responsive. Proposals should include all of—and be bookmarked and numbered according to—the following sections:
- 5.1.1 **Cover Letter:** A cover letter, signed by an authorized representative of your organization, that provides the exact business name under which you propose to conduct business with the Judicial Council, and your address, telephone number, email address, and federal tax identification number. The cover letter must state that the Master Agreement posted with this RFP is completely acceptable to the Consultant as posted except as otherwise specifically indicated, pursuant to Section 5.1.9, Acceptance of the Terms and Conditions, of this RFP.
- 5.1.2 **Table of Contents:** A table of contents of the material contained in the Proposal should follow the cover letter, which should list the Qualification Questionnaire and Attachment Forms as well.
- 5.1.3 **Executive Summary:** The executive summary should contain a brief summary of Consultant’s qualifications.
- 5.1.4 **Qualification Questionnaire:** All Consultants submitting a Proposal shall also submit a completed Qualification Questionnaire with its Proposal, the form of which is attached hereto as **Attachment B**.

- a) Consultants must update their Qualification Questionnaire if Consultant's status or information changes at any point during this solicitation.
- b) A Consultant's Proposal may be deemed nonresponsive if, without limitation, the Consultant's Qualification Questionnaire is not submitted 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 Consultant, 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.).

5.1.5 Proposer Information:

- a) Provide a brief history of Consultant, and, if a joint venture, of each participating entity. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.
- b) Provide Consultant's current email address, address, telephone numbers, and federal tax identification number. Note that if the Consultant is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- c) Provide a statement of Consultant's financial resources and insurance coverage. Include a certification of correctness of Consultant's statement of financial resources.
- d) Provide a statement of ALL claim(s) filed against Consultant in the past five (5) years. Briefly indicate the nature of the claim and the resolution, if any, of the claim(s).

5.1.6 Additional Data: Provide additional information about the Consultant as it may relate to Consultant's Proposal. Indicate ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the Judicial Council in understanding Consultant's qualifications and expertise.

5.1.7 Statement of Services: Prepare a detailed Statement of Services for which Consultant is submitting its Proposal, and briefly demonstrating Consultant's understanding of the Services and work required for the Projects (see Section 3, Scope of Services and Deliverables, for reference), experience of the firm in relation to the scope of potential work, and quality of service provided to customers in the past on public agency buildings, courthouse projects, or projects of similar complexity. Include copies of the Consultant's (and any subconsultants') current California Department of Industrial Relations (DIR) Registration, professional certifications, or other credentials.

5.1.8 **Scored Components:** The following sections will be evaluated according to the format outlined in Section 7.2 Proposal Evaluation:

5.1.8.1 **Project Team Expertise:**

- a. Identify the key personnel that Consultant would assign to the Project(s), including their roles. For each, describe his or her experience with public works projects, including identifying the five (5) most recent of those projects. List certification and license numbers and dates issued. Include an organizational chart indicating all personnel and their positions. Sub-consultants may be proposed as part of the team in addition to employees.
- b. Include resumes of key personnel who may be performing the Services for the Judicial Council. Specifically, define the role of each person and outline that person's individual experience and responsibilities. Indicate personnel who will serve as primary contact(s) for the Judicial Council. Indicate Consultant's and personnel's availability to provide the Services.
- c. Include copies of current professional certification(s), such as ICC, DSA Masonry, American Welding Society Certified Welding Inspector (CWI), or required certification in the specific aspect of the work to be inspected, or other credentials.

5.1.8.2 **Consultant's Prior Relevant Experience:**

- a. Describe Consultant's experience with Special Inspection and Materials Testing services including the project names, locations, owner names, general descriptions, lists of firms involved, Consultant's role, and complete scopes of services provided. Describe the Consultant and sub-consultant relationships for each project.
- b. Provide a list of California public entities for which Consultant has provided the same or similar Services to in the past seven (7) years. Limit your response to no more than the five (5) most recent public entities. Include the names of the entity, a description of services provided, and the name of the contact person and telephone number at the entity. Also, indicate the Consultant's personnel that performed services for each entity.

5.1.8.3 **Approach:** Provide Consultant’s philosophy and approach to project management and completing the Services on a courthouse project.

- a. Describe how Consultant will work with the Judicial Council staff in performing the Services.
- b. Specify the current and projected workload of Consultant and describe Consultant’s ability to complete the expected Services as anticipated herein.
- c. Include how the staff intend to coordinate and collaborate with the design and construction teams to meet the project schedule. For example, describe the proposed management, engineering, and lead inspector oversight methodology, any staffing efficiencies, or documentation processes.
- d. Include a statement of the quality control plan to be followed during the duration of the work. The plan shall address the accuracy, completeness, and timeliness of all testing and related reports.

5.1.8.4 **Reference Evaluation:** Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services in the last seven (7) years. The Judicial Council may check references listed by the Proposer.

5.1.8.5 **DVBE Incentive:** If Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to Section 10 of this RFP, Consultant must provide with its Proposal proof of its DVBE Certification including, without limitation, a copy of Consultant’s DVBE certification approval letter, Consultant’s Department of General Services (DGS) Supplier ID Number, active dates of Consultant’s DVBE Certification, and a signed certification of its status by Consultant’s disabled veteran owners and managers.

5.1.9 **Acceptance of Terms and Conditions Form, Attachment C:**

- a) On **Attachment C**, a file separately posted to the website posting of this RFP, 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.
- b) If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions in Word format that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change that clearly identifies the benefit to the Judicial Council from the proposed exception.

- c) Any material exception, as determined by the Judicial Council in its absolute and sole discretion, to any of the Terms and Conditions shall be a negative factor in the evaluation.

5.1.10 **Certifications and Attachments:** The Proposer is required to complete and sign the following Certifications and Attachments and submit signed forms with its Proposal:

- i. Payee Data Record (Attachment J). This form must be completed in the exact name of the business entity under which you propose to do business with the Judicial Council. The Payee Data Record Supplement (Attachment K) is optional (only if remittance address information is different than the mailing address on the STD 204, for multiple remittance addresses, or additional Authorized Representatives of the Payee not identified on the STD 204).
- ii. Disabled Veteran Business Enterprise (DVBE) Bidder Declaration (Attachment L) only if the Proposer wishes to claim the DVBE incentive associated with this solicitation, and the DVBE Declaration Form (Attachment M) for each DVBE that will provide goods and/or services in connection with the contract.
- iii. General Certifications Form (Attachment N)
- iv. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment O)
- v. Darfur Contracting Act Certification (Attachment P)
- vi. Iran Contracting Act Certification (Attachment Q)

5.1.11 **Delinquent Taxpayer Status:** By completing and signing Attachment N, General Certifications Form, the Prime Proposer (or Prime Proposers if a joint venture) certifies that their organization is not listed on either or both of the following lists:

- a) State of California Franchise Tax Board's "Top 500 Delinquent Taxpayers" (available at <https://www.ftb.ca.gov/about-ftb/newsroom/top-500-past-due-balances/corporate-income-tax-list.html>); and/or;
- b) California Department of Tax and Fee Administration's "Top 500 Sales & Use Tax Delinquencies in California" (available at <https://www.cdtfa.ca.gov/taxes-and-fees/top500.htm>)

5.1.12 **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. The Consultant selected to provide the Services and any subsidiary, parent, holding company, or affiliate of the selected Consultant may not perform any construction work or submit a bid for the Project.

5.1.13 **Other Required Materials:** If Consultant is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Consultant is in good standing in California. If Consultant is a corporation, LLC, LP, or LLP that is based out of state, and Consultant conducts or will conduct (if awarded the contract) intrastate business in California, proof that Consultant is qualified to do business and in good standing in California. If Consultant is a corporation, LLC, LP, or LLP that is out of state, and Consultant does not (and will not if awarded the contract) conduct intrastate business in California, proof that Consultant is in good standing in its home jurisdiction.

5.2 **Fee Schedule Worksheet, Attachment G-1.** Provide the hourly and unit rates Consultant proposes to charge for all services utilizing **Attachment G-1** to this RFP with the Proposal. Rates must be fully loaded and include Overhead and Profit. Rates must include any escalation anticipated by Consultant during the entire duration of any resulting Master Agreement including anticipated prevailing wage increases. All other services not included herein shall be negotiable as required.

5.2.1 The lowest fee proposal (Total Bid Price) submitted will receive the maximum 25 points available. Each subsequent proposer will receive a portion of the 25 available points based on the proportion of the lowest proposer’s total bid price to their total bid price.

5.2.2 During review, if any of the required documents are missing, Judicial Council may reject the bid submission as non-responsive. If any of the required documents are incomplete, the evaluation committee may reject the bid submission as non-responsive. If any of the required documents have been modified or contain alterations, the evaluation committee may reject the bid submission as non-responsive

5.2.3 Bidder is required to bid every item listed within the Fee Schedule Worksheet. Failure to indicate a dollar amount for any item within a contract area will be grounds to reject the entire bid. A zero dollar amount (\$0.00 or \$ -) listed for any and all items will be interpreted and understood by the State to mean that the bidder indicating a zero dollar amount shall perform any such services at no cost to the State.

6. SELECTION PROCESS

6.1. **Shortlist.** An evaluation panel composed of Judicial Council staff will review and score the Proposals based on the qualifications-based selection criteria (Non-Cost Proposal) given in this RFP and establish a shortlist of the highest scoring Proposals. Judicial Council will post the shortlist on the website publishing this RFP.

- 6.2. **Interviews.** The Judicial Council may, at its discretion, hold interviews of the Consultants that have been shortlisted. Consultants on the shortlist will be notified of their interview time and place. Interviews are expected to be held remotely via Microsoft Teams or Cisco WebEx video call. If the Judicial Council chooses not to hold interviews, the names of the selected Consultants will be posted on the website posting for this RFP.
- 6.3. **Reference Checks.** The Judicial Council will contact three (3) references of the interviewed Consultants identified in the Consultant References section of the Qualification Questionnaire (Attachment B) to conduct a customer satisfaction survey of recently completed projects. References listed should be those for whom the Proposer has conducted similar services in the last seven (7) years. Responding clients will be asked to score the following: Consultant's quality of work, scheduling practices, project and sub-consultant management, working relationships, and paperwork processing. Reference responses will be scored on a scale of one to five, with one being unsatisfactory and five being excellent. Reference evaluation forms will be totaled and be applied as indicated in Section 7, Evaluation of Proposals, of this RFP.
- 6.4. **Final Rankings.** After the interviews, if any, the ranking of the Consultants according to the cost-based selection criteria (Cost Proposal) will be adjusted and the highest-scoring Consultants will be contacted regarding contract execution. The names of the selected Consultants will be posted on the website posting for this RFP (<http://www.courts.ca.gov/rfps.htm>). The selected Consultants will then be contacted regarding contract execution.
- 6.5. At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant, their key personnel, and their sub-consultants.

7. EVALUATION OF PROPOSALS

- 7.1 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.
- 7.2 Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score the submitted Proposal according to the following criteria and with the following weights:

Points	Criteria	100 points maximum
20	<p>1. Project Team Expertise Project team’s demonstrated experience with public works projects and Special Inspection and Materials Testing Services, including roles, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff in performing the Services.</p>	
25	<p>2. Consultant’s Prior Relevant Experience Past seven (7) years of relevant experience of the prospective Consultant in conducting Special Inspections and Materials Testing for court buildings or similar program-intensive, public agency buildings.</p>	
20	<p>3. Approach Consultant’s approach towards project management and performing Special Inspections and Materials Testing.</p>	
5	<p>4. Reference Evaluation The Judicial Council will contact three (3) references provided by the Consultant to evaluate previous client satisfaction. See Section 6.3, Reference Checks, of this RFP for additional details.</p>	
5	<p>5. DVBE Incentive Consultant will receive the DVBE incentive if Consultant qualifies for the incentive pursuant to Section 10 of this RFP.</p>	
25	<p>6. Cost Proposal Total Bid Price for the consultant services requested by this RFP, as provided in Consultant’s Fee Schedule Attachment G.</p>	

8. PROJECTED TIMELINE

- 8.1 The Judicial Council has developed the following list of key events from RFP issuance through performance start date. All deadlines are subject to change at the Judicial Council's discretion.

<i>No.</i>	<i>Event</i>	<i>Key Date</i>
1	Issue RFP	September 27, 2021
2	Consultant's Notice of Intent via Email to Participate in Pre-Proposal Conference Call	October 4, 2021
3	Voluntary Pre-Proposal Conference Call Call No.: 1-877-820-7831 (Toll: 720-279-0026) Participant Code: 442926	October 5, 2021 @ 3:00 PM PST
4	Deadline for Consultants' Requests for Clarifications, Modifications, or Questions	October 12, 2021
5	Clarifications, Modifications, and/or Answers to Questions Posted on the Judicial Council Website	October 19, 2021
6	PROPOSAL DUE DATE AND TIME	November 2, 2021 @ 5:00 PM PST
7	Shortlist of Interviewees Posted on the Website	Week of November 16, 2021
8	Oral Presentations / Interviews (Estimated)	Week of November 30, 2021
9	Notice of Intent to Award (Estimated)	December 14, 2021
10	Contract Execution Date (Estimated)	January 26, 2022

9. CONTRACT TERMS

- 9.1 Before the Proposal due date and time listed in the Timeline section of this RFP, the Judicial Council may cancel the RFP for any or no reason. After the Proposal due date and time listed in the Timeline section of this RFP, the Judicial Council may reject all Proposals and cancel the RFP if the Judicial Council determines that: (i) the Proposals received do not reflect effective competition; (ii) the rates are not reasonable; (iii) the rates exceed the expected rates; or (iv) awarding the contract is not in the best interest of the Judicial Council.
- 9.2 If a contract will be awarded, the Judicial Council will post an intent to award notice at <https://www.courts.ca.gov/rfps.htm>
- 9.3 All submitted Proposals shall constitute and be an irrevocable offer by the Consultant that is valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Consultants. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.
- 9.4 Contracts with successful firms will be formed according to the Judicial Council Master Agreement form posted with this RFP. The initial term of this contract will be for five (5) years, which is estimated to commence on or about January 26, 2022. Two (2) subsequent two (2)-year extensions may be offered at the discretion of the Judicial

Council. Note that during subsequent terms, if any, rates may be adjusted based on the California Bureau of Labor Statistics' Consumer Price Index increase for the preceding twelve (12) months prior to the increase becoming effective at the sole discretion of Judicial Council. No other form of rate increase requests will be entertained.

- 9.5 In submitting a Proposal under this RFP, the prospective Consultant must affirm that it has no objections to the use of the Master Agreement as provided, pursuant to this RFP.
- 9.6 If a satisfactory contractual agreement has not been signed within thirty (30) calendar days of provision of a contract draft, the Judicial Council reserves the right to terminate the award.
- 9.7 Consultants selected under this RFP will not be precluded from consideration nor given special status in any future requests for proposals issued by the Judicial Council.
- 9.8 A Proposer may be disqualified at any time for failure to meet minimum requirements, including, but not limited to, required licenses, certifications, current registration with Department of Industrial Relations, etc., regardless of overall scoring
- 9.9 **Prevailing Wage.**

9.9.1 **Payment of Prevailing Wage.** The selected Consultant and all subconsultants must pay all workers on the 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. Department of Industrial Relations (DIR) public works registration is required for this Project. Proposer must list its current and active DIR public works registration number. Proposals without a current DIR public works registration number will not be accepted.

9.9.2 **Prevailing Wage Rates.** Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Project, 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 Judicial Council or on the internet at <http://www.dir.ca.gov/oprl/DPreWageDetermination.htm>. If it becomes necessary to employ a craft, classification or type of worker other than those listed on the Department of Industrial Relations website the Consultant shall contact the Division of Labor Statistics and Research to find the appropriate prevailing wage determination. If the Division of Labor Statistics and Research is unable to identify a determination that is applicable, the Consultant shall notify the Judicial Council immediately, and the Judicial Council will request a special determination from the Division of Labor Statistics and Research. The rate thus determined shall be applicable from the commencement of the Project.

9.9.3 **Consultant Registration.** The selected Consultant shall comply with the registration and compliance monitoring provisions of Labor Code section 1771.4,

including furnishing, its certified payroll records to the Labor Commissioner of California and complying with any applicable enforcement by the Department of Industrial Relations. 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.”

- 9.9.4 **Subcontractor Registration.** The selected Consultant shall, and shall ensure that all “subcontractors” (as defined by Labor Code section 1722.1), comply with Labor Code section 1725.5, including without limitation the registration requirements with the Department of Industrial Relations (“DIR”) that are set forth in Labor Code section 1725.5. The Consultant represents to the Judicial Council that all “subcontractors” (as defined by Labor Code section 1722.1) are registered pursuant to Labor Code section 1725.5. Prior to any subcontractor performing Project work, Consultant shall provide the subcontractor DIR registration number in writing to the Judicial Council, this requirement applies to all levels of subcontractor(s) on the Project regardless of tier.
- 9.9.5 **Compliance.** Each Consultant acknowledges that, for purposes of Labor Code section 1725.5, this work is a public work to which Labor Code section 1771 applies. Projects under the Contract are subject to compliance monitoring and enforcement by the Department of Industrial Relations. The selected Consultant shall post job site notices, as prescribed by regulation. The selected Consultant shall comply with all requirements of Labor Code section 1771.4, except the requirements that are exempt by the Labor Commissioner for the Project. Consultant must also comply with any applicable apprenticeship requirements under the Labor Code.
- 9.10 **Provision of the Work.** Work shall be provided in accordance with Service Work Orders to be issued by the Judicial Council under the Master Agreement resulting from this procurement and shall be subject to the provisions of the Master Agreement accompanying this RFP, including any additional provisions specified in the Service Work Orders with regard to schedule, key personnel, and sub-consultants.
- 9.11 **Compensation.** The method of compensation will vary on a Project-by-Project basis. See the Master Agreement posted with this RFP for details.
- 9.12 **Travel Time.** The Judicial Council is not obligated to pay for, and Consultant shall not invoice for any hours of non-production work expended by the Consultant or its subconsultants’ employees that are spent traveling to or from the Project site and travel to or from any offsite location within a two hundred (200) mile radius of either the

Consultant's designated office, inspector's commute location, or the Project site. Notwithstanding the preceding, the Judicial Council may in its own discretion authorize and approve payment for travel time, but only when Consultant has specifically included line items for these costs in the form of a prior written approval from the Judicial Council Project Manager or designee.

9.12.1 Consultants should consider the use of a local work force to avoid unnecessary travel costs.

9.12.2 Consultant must have a fully staffed office and laboratory within one hundred (100) miles of the Region being bid.

9.13 **Allowable Expenses.** Consultant may submit for reimbursement, without mark-up, only the following categories of expense:

9.13.1 Preauthorized Travel and Living Expenses for travel to an offsite location exceeding a two hundred (200) mile radius from either the Consultant's designated office or the Project site.

9.13.2 Reimbursable expenses subject to written preauthorization and approval by the Judicial Council Project Manager or designee.

9.14 **Compensation for Travel and Living Expenses.** Reimbursement for Travel and Living Expenses is subject to the provisions given below.

9.14.1 If travel expenses are allowed under Section 9.13 above: (i) all travel is subject to written preauthorization and approval by the Judicial Council Project Manager or designee, and (ii) all travel expenses are limited to the lower of the actual cost or the maximum amounts set forth in the Judicial Council's Travel and Living Expenses Guidelines, given in Section 5 of Exhibit C to the Master Agreement.

9.14.2 Reimbursement for preauthorized and approved Travel and Living Expenses cannot be used as the basis for any other fee calculations (such as overtime premiums or administrative costs) that may be owed to Consultant.

9.14.3 Preauthorization requests and invoices of approved Travel and Living Expenses must be costed out in accordance with the Judicial Council's Travel and Living Expenses Guidelines. When required by law, California Department of Industrial Relations (DIR) travel and subsistence rates may be utilized based upon the worker's specific classification, however, the Judicial Council's preauthorization and invoice requirements still apply.

9.15 **Compensation for Overtime and Minimum Shift Duration.** Except as set forth in this section, no overtime or minimum shift duration shall be reimbursed by the Council. Notwithstanding the preceding, the Judicial Council will pay overtime and minimum shift duration for those workers who are subject to the Prevailing Wage Laws to the extent that those workers are entitled to overtime and minimum shift duration pursuant to the Prevailing Wage Laws.

9.15.1 Overtime. All overtime, double time, and shift differential time shall be pre-approved in writing by the Judicial Council Project Manager or designee. Unapproved overtime shall not be compensated.

9.16 Consultant shall invoice the Judicial Council once monthly, in arrears, for all Services actually provided, all pre-approved Travel and Living Expenses incurred, and all Reimbursable Expenses incurred in the previous month.

9.17 The Judicial Council will endeavor to pay invoices within sixty (60) business days after receipt of a correctly formatted, itemized invoice. In no event shall the Judicial Council be liable for interest or late charges for any late payments.

9.18 The Judicial Council may withhold full or partial payment to the Consultant in any instance in which the Consultant has failed or refused to satisfy any material obligation provided for under any resulting Agreement.

10. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

10.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%).

10.2 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive.

10.3 Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures. Consultants will receive a DVBE incentive if, in the Judicial Council's sole determination, Consultant has met all applicable requirements. If Consultant receives the DVBE incentive, a number of points will be added to the score assigned to the Consultant's Proposal. The number of points that will be added is specified in Section 7 of this RFP.

10.4 If Proposer wishes to seek the DVBE incentive:

10.4.1 Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment L**). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.

10.4.2 Proposer must submit with its proposal a DVBE Declaration (**Attachment M**) 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 subconsultants, each DVBE subconsultant 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.

10.5 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 this information as requested will result in Proposer not receiving the DVBE incentive.

- 10.6 If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subconsultants are used; (ii) Proposer must use any DVBE subconsultant(s) identified in its proposal unless the Judicial Council 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.

11. 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 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.

12. ADMINISTRATIVE RULES GOVERNING RFP

- 12.1 The Judicial Council’s Administrative Rules Governing Requests for Proposals applicable to this RFP can be found in **Attachment A**. By virtue of submission of a Proposal, the Consultant agrees to be bound by said Administrative Rules.
- 12.2 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 become a public record.

13. PROTESTS

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 a solicitation specifications protest is October 28, 2021, by 5:00 PM Pacific Time. Protests must be sent to: Solicitations@jud.ca.gov.