

# REQUEST FOR PROPOSALS FOR SPECIAL INSPECTIONS AND MATERIALS TESTING SERVICES

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## **New Modesto Courthouse Superior Court of California County of Stanislaus**

The Judicial Council of California (Judicial Council) seeks proposals from Special Inspection firms qualified to provide services for the New Modesto Courthouse for the Superior Court of California, County of Stanislaus.

**Regarding:  
RFP-FS-2021-18-AL**

**Proposals Due:  
AUGUST 30, 2021, NO LATER THAN 05:00 PM  
PACIFIC TIME**



JUDICIAL COUNCIL  
OF CALIFORNIA





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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# REQUEST FOR PROPOSALS

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**Date**

August 6, 2021

**To**

Qualifying Firms

**From**

Judicial Council of California, Facilities Services

**Subject**

RFP number: RFP-FS-2021-18-AL  
New Modesto Courthouse Special Inspections and  
Materials Testing Services

**Action Requested**

Send Proposals to:  
Judicial Council of California, BAP  
Attn: Sheryl Berry  
455 Golden Gate Avenue, 6<sup>th</sup> Floor  
San Francisco, CA 94102

**Deadline**

August 30, 2021, by 05:00 Pm Pacific Time

**Contact**

[Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)

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## **1.0 BACKGROUND INFORMATION**

- 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. 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.
- 1.2 This project will create a full-service courthouse in Modesto to replace seven court facilities: five in Modesto and the two outlying courthouses. Consolidating these facilities will enable the court to increase efficiency by retiring leases and centralizing operations. The project will improve security by providing enhanced entrance screening, separate hallways for the public, staff, and in-custody defendants, and properly sized holding areas for in-custody defendants.
- 1.3 The project includes space for two future new judgeships and will enable the court to provide basic services currently not possible due to space restrictions, such as a self-help center; appropriately sized public lobby and service counters; a properly sized and equipped jury assembly room and jury deliberation rooms, and rooms for family court mediation and attorney/client interviews, as well as a children's waiting room.

## **2.0 PURPOSE OF THIS RFP**

- 2.1 This Request for Proposals (“RFP”) is the means for interested firms (“Contractor(s)”) to submit their proposals (“Proposal(s)”) to the Judicial Council for the services described herein.
- 2.2 Bidding Contractors for the purpose of this RFP will be referred to as “Proposers.” The RFP and all related documents and addenda are available in electronic form at <http://www.courts.ca.gov/rfps.htm>.
- 2.3 The Judicial Council anticipates awarding one (1) Standard Agreement (“Agreement”) to a Proposer that is able to provide the Special Inspections and Materials Testing Services.
- 2.4 The Judicial Council intends to award the Project and issue Notices to Proceed in a timely manner following the selection process indicated herein.
- 2.5 The selected Contractor will apply their expertise to the Project in collaboration with other Project participants to construct a court building that provides significant value to the State judicial system.

### 3.0 PROJECT DESCRIPTION

- 3.1 The New Modesto Courthouse project (“Project”) is the building construction and associated site development of a new trial court facility.
- 3.2 The Project located at 701 10<sup>th</sup> Street, Modesto, California, is comprised of twenty-seven courtrooms, accommodating approximately 350 judges and court support staff. The building will have eight (8) above grade and one below grade levels; approximately 315,000 gross square feet, 135 feet high; Type 1A high-rise life-safety construction; the building structure is a steel special moment resisting frame; building enclosure is lightweight composite precast concrete, metal panel and window wall; the Project includes, but is not limited to, all building structure, enclosure, interior improvements, detention spaces, fire protection, mechanical, electrical, telecommunication, audio visual, and security systems.
- 3.3 The site development is approximately 2.75 acres and is relatively flat; it has been cleared of buildings and above grade improvements. The Project generally includes removal of existing foundations, and underground utilities as further defined in the construction documents. Underground utilities shall be relocated by other parties under the terms of a property agreement between the Judicial Council and the City of Modesto.
- 3.4 The site development includes but is not limited to site preparation, underground utilities, landscape, hardscape, on-site, on-grade driveways, surface parking lot; utility & receiving yard; secured bus sallyport, a one-story utilities building, security barriers, fencing, and gates.
- 3.5 The Project is designed to be certified “Silver” by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program.
- 3.6 The current authorized project hard construction budget is \$249,000,000 and is currently in the contract award phase. The Construction Phase is anticipated to commence in the fall of 2021, with estimated start and completion dates as follows:

Estimated start date: November 13, 2021

Estimated completion date: November 13, 2024

#### 3.7 Project Team:

Architectural/Engineering Firm: Skidmore, Owings, & Merrill LLP

Construction Management Agency: Kitchell CEM

Construction Manager at Risk: McCarthy Building Companies, Inc.

#### 3.8 Offsite Locations:

Precast Concrete Plant(s): Clark Pacific, Woodland, CA  
Willis Construction, San Juan Bautista, CA

Steel Fabricator(s): Schuff Steel, Stockton, CA  
The Herrick Corporation, Stockton, CA

- 3.9 The location where the work is performed will be referred to as the “Project Location”.
- 3.10 The Project documents and construction schedules are available on the Judicial Council’s Bidders/Solicitations website (<https://www.courts.ca.gov/rfps.htm>). All documents are posted to the RFP webpage as separate documents or condensed zip files.

#### 4.0 DESCRIPTION OF SERVICES AND DELIVERABLES

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.

- 4.1 **Special Inspections and Materials Testing (“Laboratory”) Services.** Working in coordination with the Project Inspector, review, test, inspect and document existing conditions, architectural or engineering documents, construction materials and assemblies according to applicable codes, regulations, and standards.
- 4.1.1 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. Masonry
  - ix. Post installed anchors and dowels (installation and proof load testing)
  - x. Fire-resistant materials (sprayed and mastic & intumescent)
  - xi. Fire-resistant penetrations and joints
  - xii. Firestop assemblies and details
  - xiii. Structural steel
  - xiv. High strength bolting
  - xv. Nondestructive testing (NDT)
- 4.1.2 Laboratory services required for the Project above are further described in Exhibit 2 Special Inspections and Materials Testing Duties and Performance.
- 4.1.3 Licensing and Certification. All Contractors and subcontractors, employees or agents thereof, performing work for this Project 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 Contractor 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.

- 4.1.4 Minimum Qualifications. 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 similar projects. Minimum qualifications shall include:
- i. Significant experience and successfully completed projects of similar facilities within the last five (5) years.
  - ii. Required licenses and certifications to provide the specified services, including:
    - a. Laboratory: fully staffed office, inspector commute location, and DSA accepted materials testing laboratory within two hundred miles of the Project site.
    - b. 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.
    - c. 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.
  - iii. Capability and experience in providing on-site and off-site inspections of similar facilities.
  - iv. Capability and experience in providing materials sampling and testing as required for the Project.
  - v. Experience in working with entities in the quality control of similar facilities.
- 4.2 Contractor shall not change any of the key personnel without prior written approval by the Judicial Council Project Manager or designee, unless said personnel cease to be employed by Contractor. In either case, the Judicial Council shall be allowed to interview and approve replacement personnel. Contractor agrees that reassignment of any of the listed personnel during any resulting Agreement period shall only be with other professional personnel who have equivalent experience and shall require prior consultation and written approval by the Judicial Council Project Manager or designee.
- 4.3 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.

## 5.0 TIMELINE FOR THIS RFP

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  |
|---|---|
| RFP issued  | Friday, August 6, 2021                                |
| Pre-proposal Conference ( <i>optional</i> ) via Cisco Webex:<br>Meeting number (access code): 1453 54 2539<br>Meeting password: USc2ym3Nhq5 | Thursday, August 12, 2021 at<br>10:00 AM Pacific Time |
| Deadline for written questions to <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>                                    | Wednesday, August 18, 2021<br>by 3:00 PM Pacific Time |
| Questions and answers posted  | Monday, August 23, 2021                               |
| Latest date and time proposal may be submitted  | Monday, August 30, 2021 by<br>5:00 PM Pacific Time    |
| Evaluation of non-cost proposals ( <i>estimate only</i> )   | Friday, September 10, 2021                            |
| Shortlist of interviewees posted ( <i>estimate only</i> )   | Monday, September 13, 2021                            |
| Anticipated interview dates ( <i>estimate only</i> )  | Week of September 20, 2021                            |
| Evaluation of cost proposals ( <i>estimate only</i> )   | Friday, September 24, 2021                            |
| Selection ( <i>estimate only</i> )  | Monday, September 27, 2021                            |
| Notice of Intent to Award ( <i>estimate only</i> )  | Tuesday, September 28, 2021                           |
| Negotiations and execution of contract ( <i>estimate only</i> )   | Monday, October 18, 2021                              |
| Contract start date ( <i>estimate only</i> )  | Tuesday, October 19, 2021                             |

## 6.0 RFP ATTACHMENTS

6.1 The following attachments are included as part of this RFP. Note: all attachments are posted to the RFP webpage as separate documents.

| ATTACHMENT  | DESCRIPTION   |
|---|---|
| Attachment 1: Administrative Rules Governing RFPs (Non-IT Services) | These rules govern this solicitation.   |
| Attachment 2: Judicial Council Standard Terms and Conditions        | If selected, the Proposer must sign this Standard Agreement (the “Terms and Conditions”) form.  |
| Attachment 3: Proposer’s Acceptance of Terms and Conditions         | On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions and submit the completed form with its proposal. |
| Attachment 4: General Certifications Form                           | The Proposer must complete the General Certifications Form and submit the completed form with its proposal.   |

| ATTACHMENT   | DESCRIPTION   |
|--|---|
| Attachment 5: Darfur Contracting Act Certification | The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.   |
| Attachment 6: Unruh and FEHA Certification         | The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the completed certification with its proposal.  |
| Attachment 7: Iran Contracting Act Certification   | The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.   |
| Attachment 8: Bidder Declaration                   | The Proposer must complete this form only if it wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation.  |
| Attachment 9: DVBE Declaration                     | Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Proposer is itself a DVBE, it must also complete and sign the DVBE Declaration.   |
| Attachment 10: Price Proposal Worksheet            | The Proposer must complete this form and submit the completed form with its Cost Proposal. Proposer must list its proposed pricing and estimated quantities of the services described in the worksheet. The hourly rates and fixed-rate prices listed must coordinate with prices listed in the Proposer’s not-to-exceed Cost Proposal. |
| Attachment 11: Questions and Answers Form          | The Proposer shall use this form to submit questions (if applicable) to Judicial Questions prior to deadline listed on the Timeline section of this RFP.  |
| Attachment STD 204: Payee Data Record              | This form contains information the State of California requires in order to process payments and must be submitted with the proposal.   |
| Attachment STD 205: Payee Data Record Supplement   | 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.  |
| Exhibit 1: Duties and Performance                  | This exhibit describes the general duties of the Laboratory Contractor.   |

6.2 The Project Drawings, including Working Drawings and specifications, and construction schedules are available on the Judicial Council’s Bidders/Solicitations website (<https://www.courts.ca.gov/rfps.htm>). All documents are posted to the RFP webpage as separate documents or condensed zip files.



## 7.0 PAYMENT INFORMATION

- 7.1 Compensation Method. The method of compensation will be on a time and materials basis up to a maximum not-to-exceed amount, only for hours or expenses actually incurred by Contractor or its subcontractor's employees in pursuit of the work. Contractor shall be compensated at the hourly rates applicable to Contractor's employees and fixed-prices as specified in the submitted Price Proposal Worksheet (Attachment 10) and allowable expenses.
- 7.2 Travel Time. The Judicial Council is not obligated to pay for, and Contractor shall not invoice for any hours of non-production work expended by the Contractor or its subcontractor's employees that are spent traveling to or from the Project Location, including any offsite work locations within a two hundred-mile radius of either the Contractor's designated office, testing laboratory, 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 Contractor has specifically included line items for these costs in the form of a prior written approval from the Judicial Council Project Manager or designee.
- 7.2.1 If Contractor receives preauthorization and approval for travel time costs, these costs shall not exceed the amount approved. Additionally, travel time shall not be used as a basis for calculating overtime and shall not be used as basis for any other fee calculations (such as overtime premiums or administrative costs) that may be owed to Contractor.
- 7.2.2 The Judicial Council is not obligated to preauthorize requests for travel time costs and may reject such requests due to budgetary constraints or any other reason at the Judicial Council's sole discretion.
- 7.2.3 Contractors should consider the use of a local work force or software for conducting remote inspections, when practical to avoid unnecessary travel costs.
- 7.2.4 Contractor must have a fully staffed office, inspector commute location, and certified laboratory within two hundred miles of the Project site.
- 7.3 Allowable Expenses. Contractor may submit for reimbursement, without mark-up, only the following categories of expense:
- 7.3.1 Preauthorized Travel and Living Expenses for travel to an offsite location exceeding a two hundred-mile radius from either the Contractor's designated office, testing laboratory, or the Project site.
- 7.3.2 Reimbursable expenses subject to written preauthorization and approval by the Judicial Council Project Manager or designee.
- 7.4 Compensation for Travel and Living Expenses. Reimbursement for Travel and Living Expenses is subject to the provisions given below.
- 7.4.1 If travel expenses are allowed under Section 7.3 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 Attachment 2 to Appendix B to the Standard Agreement.

- 7.4.2 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 Contractor.
  - 7.4.3 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.
- 7.5 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.
- 7.5.1 *Overtime.* All overtime shall be pre-approved in writing by the Judicial Council Project Manager or designee. Unapproved overtime shall not be compensated.
- 7.6 Contractor shall invoice the Judicial Council once monthly, in arrears, for all Services actually provided, all Approved Travel and Living Expenses incurred, and all Reimbursable Expenses incurred in the previous month.
- 7.7 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.
- 7.8 The Judicial Council may withhold full or partial payment to the Contractor in any instance in which the Contractor has failed or refused to satisfy any material obligation provided for under any resulting Agreement.

## 8.0 PRE-PROPOSAL CONFERENCE

The Judicial Council will hold a pre-proposal conference on the date identified in the Timeline section of this RFP. The pre-proposal conference will be held via a teleconference call and can be attended using the information below:

Call-in Number: 1-877-820-7831  
Participation Code: 109630

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

## 9.0 SUBMISSIONS OF PROPOSALS

- 9.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
- 9.2 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.
- 9.3 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.
- 9.4 **Written Questions.** Proposers may submit written questions using Attachment 11. Such questions must be submitted on or before the due date specified for submission of questions listed in the 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](mailto:Solicitations@jud.ca.gov)  
*Note: Please include the following as the subject line of your email:  
“Q&A RFP-FS-2021-18-AL”*
- 9.5 **Proposal Format.** The Judicial Council will only accept proposals in an electronic format. See section 9.6 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.
- 9.5.1 **NON-COST PROPOSAL:** The Proposer must submit one (1) electronic file of the non-cost proposal using PDF or Word format. 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.
- 9.5.2 **COST PROPOSAL:** The Proposer must submit one (1) electronic file of the cost proposal 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.
- 9.6 **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: [fs202118al.technical@jud.ca.gov](mailto:fs202118al.technical@jud.ca.gov)  
For Cost Proposal email to: [fs202118al.cost@jud.ca.gov](mailto:fs202118al.cost@jud.ca.gov)

*Note: Indicate the RFP number, Scope (either Project Inspection Services or Special Inspections and Materials Testing Services) and name of Proposer's organization in the subject line of the email.*

9.7 **Submission Timelines.** Late proposals will not be accepted.

## 10.0 PROPOSAL CONTENTS

10.1 **Non-Cost Proposal.** The following information must be included in the non-cost proposal. A proposal lacking any of the following information may be deemed non-responsive.

10.1.1 **Proposer Information.** Provide a brief history of Proposer, 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. Include the following:

- i. The Proposer's name, address, telephone numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract. Include services that the Proposer intends to provide (either Project Inspection Services or Special Inspections and Materials Testing Services).
- ii. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.

10.1.2 **Statement of Services.** Prepare a detailed Statement of Services for which Contractor is submitting its Proposal. Briefly demonstrate Contractor's understanding of the Services and scope of work required for the Project, 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 the following:

- i. Copies of the Proposer's (and any subcontractors') current California Department of Industrial Relations (DIR) Registration, professional certifications, or other credentials.

10.1.3 **Proposed Personnel/Project Team.** Identify the key personnel that Contractor would assign to the Project. Subcontractors may be proposed as part of the project team in addition to employees. Specifically, define the role of each team member (including any subcontractors), and outline that individual's experience with public work projects and responsibilities.

- i. List professional certifications and numbers with dates issued. Indicate Contractor's and personnel's availability to provide the Services.

- ii. Include an organizational chart indicating all personnel and their positions.
- iii. For each key staff member provide a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- iv. Include copies of current professional certification(s), such as ICC, AWS, DSA, or required certification in the specific aspect of the work to be inspected, , or other credentials.

**Note:** Contractor shall not change any of the key personnel without prior written approval by the Judicial Council, unless said personnel cease to be employed by Contractor. In either case, the Judicial Council shall be allowed to interview and approve replacement personnel. Contractor agrees that reassignment of any of the listed personnel during any resulting Agreement period shall only be with other professional personnel who have equivalent experience and shall require prior consultation and written approval by the Judicial Council.

10.1.4 Proposed Project Approach. Provide a statement of the philosophy about and proposed approach to project management and providing the Services on the Project.

- i. Specify the current and projected workload of Contractor and describe Contractor's ability to complete the expected Services as anticipated herein.
- ii. 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.
- iii. 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.

10.1.5 Availability of Resources. Provide a statement of the availability of the firm to provide staff and resources necessary to provide the services, management oversight, and administrative support.

10.1.6 References. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services in the last three (3) years. The Judicial Council may check references listed by the Proposer.

10.1.7 Acceptance of the Terms and Conditions.

- i. On Attachment 3, 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.

- ii. 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.
- iii. 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.

10.1.8 Certifications and Attachments. The Proposer is required to complete and sign the following Certifications and attachments and submit signed forms with its Proposal:

- i. General Certifications Form (Attachment 4)
- ii. Darfur Contracting Act Certification (Attachment 5)
- iii. Iran Contracting Act Certification (Attachment 6) [for solicitations of \$1,000,000 or more]
- iv. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7)
- v. Disabled Veteran Business Enterprise (DVBE) Bidder Declaration (Attachment 8) only if the Proposer wishes to claim the DVBE incentive associated with this solicitation, and the DVBE Declaration Form (Attachment 9) for each DVBE that will provide goods and/or services in connection with the contract.
- vi. Payee Data Record (Attachment STD 204). 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 STD 205) 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).

10.1.9 Other Required Materials.

- i. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
- ii. Department of Industrial Relations (DIR) public works registration is required for this Project. Proposer must list its current DIR public works

registration number. Proposals without a current DIR public works registration number will not be accepted.

**10.2 Cost Proposal.** The following information must be included in the cost proposal.

10.2.1 The Proposer is required to complete and include Attachment 10 Price Proposal Worksheet with its Proposal. Billing rates must be fully loaded and include Overhead and Profit. Billing rates must include any escalation anticipated by Contractor during the entire duration of any resulting Standard Agreement. All other services not included herein shall be negotiable as required.

10.2.2 Attach the Proposer’s “not to exceed” cost proposal for all work and expenses payable under the contract, if awarded, including a detailed line item budget showing total cost of the proposed services. For items not listed in Attachment 10, a full explanation of all budget line items is required in a narrative entitled “Budget Justification.”

**NOTE: IT IS UNLAWFUL FOR ANY PERSON ENGAGED IN BUSINESS WITHIN THIS STATE TO SELL OR USE ANY ARTICLE OR PRODUCT AS A “LOSS LEADER” AS DEFINED IN SECTION 17030 OF THE BUSINESS AND PROFESSIONS CODE.**

**11.0 OFFER PERIOD**

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.

**12.0 EVALUATION OF PROPOSALS**

12.1 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

12.2 The Judicial Council will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

| CRITERION  | MAXIMUM NUMBER OF POINTS |
|--|--------------------------|
| <i><u>Non-Cost Proposal</u></i>  |                          |
| <u>Statement of Services and Firm Experience:</u> Demonstrated 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. | 17                       |
| <u>Proposed Personnel/Project Team Expertise:</u> Demonstrated expertise of the key personnel on public works buildings, courthouse projects, or projects of similar complexity in relation to the scope of potential work.  | 15                       |

| CRITERION   | MAXIMUM NUMBER OF POINTS |
|---|--------------------------|
| <u>Proposed Project Approach</u> : Philosophy about and proposed approach to providing the services, ability and availability to complete the work, demonstrated intent to coordinate the work.   | 10                       |
| <u>Availability of Resources</u> : Ability of the firm to provide staff and resources necessary to provide Quality Assurance services, management oversight and administrative support  | 10                       |
| <u>References</u> : Demonstrated record that the firm has delivered high quality services and documentation to its clients and has in place an effective continuous quality improvement process and quality control plan  | 10                       |
| Acceptance of the Terms and Conditions  | 5                        |
| Disabled Veteran Business Enterprise (DVBE) Incentive   | 3                        |
| <b><i>Cost Proposal</i></b>   |                          |
| Price Proposal Worksheet Billing Rates: Weighted average rates based on the proposed quantities of hourly rates and fixed-price rates, and shift premiums   | 15                       |
| Not-To-Exceed Cost Proposal: Estimated quantities demonstrated to be realistic for the work to be performed, reflect a clear understanding of the requirements, and are consistent with the unique project approach described in the Proposer’s non-cost proposal | 15                       |

12.3 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 cost is not reasonable; (iii) the cost exceeds the amount expected; or (iv) awarding the contract is not in the best interest of the Judicial Council.

12.4 If a contract will be awarded, the Judicial Council will post an intent to award notice at <https://www.courts.ca.gov/rfps.htm>.

12.7 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.

### 13.0 INTERVIEWS

The Judicial Council will 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 be



conducted via a meeting collaboration platform such as Cisco Webex or Microsoft Teams. The Judicial Council will notify eligible Proposers regarding interview arrangements.

#### **14.0 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 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.

#### **15.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

- 15.1 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
- 15.2 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 8 above.
- 15.3 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”).
- 15.4 If Proposer wishes to seek the DVBE incentive:
  - 15.4.1 Proposer must complete and submit with its proposal the Bidder Declaration (Attachment 8). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
  - 15.4.2 Proposer must submit with its proposal a DVBE Declaration (Attachment 9) 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.

- 15.5 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.
- 15.6 If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.
- 15.7 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 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 MISREPRESENTATION 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.**

## **16.0 CONTRACT TERMS AND ADMINISTRATIVE REQUIREMENTS**

- 16.1 All submitted Proposals shall constitute and be an irrevocable offer by the Contractor that is valid for (90) days following the Proposal due date. In the event a final contract has not been awarded within this (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Contractors. The Judicial Council may release all offers not selected under this RFP upon issuance of Notice of Intent to Award.
- 16.2 A contract with the successful firm will be formed according to the Standard Agreement form included in Attachment 2, which has been provided on the website posting of this RFP. The term of this contract will begin approximately October 18, 2021.
- 16.3 If a satisfactory contractual agreement has not been signed within 30 calendar days of provision of a contract draft, the Judicial Council reserves the right to terminate the award.
- 16.4 The Contractor 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.
- 16.5 **Prevailing Wages.**
  - 16.5.1 The Contractor and all Subcontractors under the Contractor shall pay all workers on work performed pursuant to this Contract 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 Contract, as determined by Director of the State of California Department of Industrial Relations, are on file

at the Court's principal office. Prevailing wage rates are also available from the Court or on the internet at (<http://www.dir.ca.gov>).

- 16.5.2 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.
- 16.5.3 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."

## **17.0 ADMINISTRATIVE RULES GOVERNING RFPS**

- 1.1.1 The Judicial Council's Administrative Rules Governing the RFP are located in Attachment 1. By virtue of submission of a Proposal, the Contractor agrees to be bound by said Administrative Rules.
- 1.1.2 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 for official files and becomes public record.

## **18.0 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](http://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 August 25, 2021, by 5:00 PM Pacific Time. Protests must be sent to: [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov).