



# Request for Proposals

## Environmental Health and Safety Compliance Training Services

**PROPOSALS DUE:**

September 20, 2022, NO LATER THAN 5:00 P.M.  
(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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<b>Date</b>	<b>Action Requested</b>
August 22, 2022	Submit Proposals:
<b>To</b>	Non-Cost Proposal email to:
Qualified Firms	<a href="mailto:fs202121bt.proposal@jud.ca.gov">fs202121bt.proposal@jud.ca.gov</a>
<b>From</b>	Cost Proposal email to:
Judicial Council of California, Facilities Services	<a href="mailto:fs202121bt.cost@jud.ca.gov">fs202121bt.cost@jud.ca.gov</a>
<b>Project Title</b>	<b>Deadline</b>
RFP number: RFP-FS-2021-21-KO	September 20, 2022, by 05:00 PM Pacific Time
Environmental Health and Safety Compliance	<b>Contact</b>
Training Services	<a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>

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### RFP TABLE OF CONTENTS:

- 1.0 Background Information
- 2.0 Description of Services and Deliverables
- 3.0 Timeline for this RFP
- 4.0 RFP Attachments
- 5.0 Pre-Proposal Conference
- 6.0 Submissions of Proposals
- 7.0 Proposal Contents
- 8.0 Evaluation of Proposals
- 9.0 Interviews
- 10.0 Contract Terms and Administrative Rules
- 11.0 Disabled Veteran Business Enterprise Incentive
- 12.0 Protests
- 13.0 Administrative Rules Governing RFPs

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### RFP ATTACHMENTS:

- Attachment A. Administrative Rules Governing RFPs
- Attachment B. Scope of Work
- Attachment C. Cost Proposal
- Attachment D. Standard Agreement (Sample)
- Attachment E. Proposer's Acceptance of Terms and Conditions
- Attachment F. General Certifications Form
- Attachment G. Darfur Contracting Act Certification
- Attachment H. Payee Data Record Form (STD 204)
- Attachment I. Payee Data Record Supplement (STD 205)
- Attachment J. Iran Contracting Act Certification
- Attachment K. DVBE Declaration
- Attachment K. DVBE Bidder Declaration Form
- Attachment L. Submission of Questions
- Attachment M. Unruh Civil Rights Act Certification

## **1.0 BACKGROUND INFORMATION**

### **1.1 The Judicial Council of California**

The Judicial Council of California (Judicial Council), chaired by the Chief Justice of California, is the chief policy making body for the California Judicial Branch. The Judicial Council Facilities Services Office is responsible for the management of operations in all State-owned and-managed court facilities throughout California. Judicial Council employees and contracted service providers work together to provide a broad range of services to the courts from facility planning, design and construction, renovation, facility operations management, and environmental compliance. The Judicial Council's portfolio includes over 470 courthouses throughout the State of California. A number of the Judicial Council's facilities have underground storage tanks (UST(s)) and aboveground storage tanks (AST(s)) (collectively U/AST(s)), as well as on-site hazardous materials (HAZMAT) and, at times, hazardous waste (HW) most often as a result of equipment maintenance activities or renovation projects.

### **1.2 Under/Aboveground Storage Tanks**

1.2.1 As stated above, the Judicial Council has a number of U/ASTs at courthouse facilities throughout the State of California. Information regarding the U/ASTs includes:

- a. The U/ASTs store diesel for backup generators and fire pumps. There is no fuel dispensing at any of the facilities;
- b. Three (3) facilities have USTs, and are slated for removal; they are currently maintained by a third-party vendor and the Judicial Council is fully responsible for the removal and closeout;
- c. 36 facilities have ASTs that are currently maintained by a third-party vendor;
- d. Nineteen (19) of the facilities with ASTs are subject to a Spill Prevention and Countermeasure Control (SPCC) Plan;

### **1.3 Hazardous Materials**

1.3.1 On-site hazardous materials typically include:

- a. Asbestos;
- b. Lead;
- c. Polychlorinated Biphenyls (PCBs);
- d. Mold contaminants;
- e. Diesel;
- f. Hydraulic oil;
- g. Refrigerants; and

- h. Maintenance-related materials, such as bleach, WD40, and other cleaning products.

1.3.2 The Judicial Council has approximately 92 Hazardous Material Business Plans (HMBPs) registered in the California Environmental Reporting System (CERS).

#### **1.4 Hazardous Waste**

1.4.1 Hazardous waste typically includes asbestos containing material (ACM) and lead-based paint related to facility modification projects, and oily water/rags related to operations. There is some universal waste generated as part of normal operations and maintenance, including:

- a. Batteries;
- b. Fluorescent lamps; and
- c. Mercury containing materials.

#### **1.5 Environmental Compliance Training**

1.5.1 The Judicial Council may need training or technical expertise for other environmental compliance and regulatory compliance, such as conducting inspections and investigations, assessing and documenting compliance with permits and regulations, supporting the enforcement process through evidence collection, monitoring compliance with regulatory standards, and providing feedback on implementation challenges, providing expertise on obligations arising from permits, regulations, consent decrees and settlement agreements, and other such sources. The selected Proposers should have a wide breadth of knowledge of environmental, health, and safety issues and regulations, and be able to support the Judicial Council in its efforts to develop programs and training.

#### **1.6 Safety-Related Training**

1.6.1 The Judicial Council may need training and expertise to identify workplace hazards and controls to provide a safe working environment and provide workers with a greater understanding of safety awareness. This may include conducting safety inspections and investigations, assisting with developing training to contribute to the knowledge and skills required for workers to do their work safely and avoid creating hazards that could place themselves or others at risk, awareness and understanding of workplace hazards and how to identify, report, and control them, and specialized training when their work involves unique hazards, such as electrical safety, confined space training, construction site safety plans, and hazardous materials handling.

## **1.7 Primary Objective of Request for Proposal (RFP)**

1.7.1 To identify qualified firms, entities, or individuals (“Proposer”) with the technical expertise to provide training resources for all of the following:

- a. Underground/aboveground storage tank compliance training;
- b. Hazardous material management training;
- c. Hazardous waste management and disposal training;
- d. Ad-hoc environmental compliance training; and
- e. Safety-related training as needed.

1.7.2 The selected Contractor will provide training services to JCC staff to support multiple initiatives. The training services include, but not limited to:

1. Plan, design, develop and administer training in Section 1.7.1 above
2. Delivery of training will be in-person and/or through instructor led webinars
3. Multiple sessions will be arranged to accommodate attendee availabilities
4. Sessions may be recorded for future viewing by other members of the judicial branch
5. Creation of training materials such as presentations, learning aids or videos for later reference

1.7.3 Through this RFP, the Judicial Council intends to award one (1) or more Agreements, each expected to have an initial term of five (5) years, followed by two (2) one-year options to extend the term at the Judicial Council’s discretion.

## **2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

The Judicial Council seeks one or more qualified and experienced Proposers to plan, design, develop, and administer training services as described in this RFP. The number of Work Orders (WO) and specific Scope of Work for each WO is unknown at this time, and there is no guarantee by the Judicial Council that the Proposers will, if awarded a contract, be requested to provide services. Accordingly, the specific Scope of Work on the project, including any one or more of the deliverables, may be changed or terminated without affecting the remaining deliverable(s) or the overall project.

Selected Proposers will provide training services and technical expertise to Judicial Council personnel and contracted building maintenance service provider staff for the subject areas described in the provisions of Sections 2. Trainings must be made available to the Judicial Council in both an online and in-person format. Prior to work authorization, the Judicial Council will indicate the needed format for each training. The Judicial Council’s preferred online training delivery platforms include Microsoft Teams, WebEx, Zoom, and BlueJeans. In-person trainings may be required to be delivered to judicial branch locations or court facilities located throughout the state of California, but are typically held in Sacramento, San Francisco, Los Angeles, or San Diego. Within 24 hours after delivery of a training session, selected proposers must submit to the Judicial Council’s EHS Supervisor a report of all training session attendees.

Selected Proposer personnel assigned to provide trainings must have suitable training and skills to provide the Services including a minimum of 3 years of experience in providing trainings similar to those described in this RFP.

In addition to training, the Judicial Council may request expertise and assistance in reviewing and developing standardized environmental compliance reporting documents and processes for the below-described program areas:

## **2.1 Underground/Aboveground Storage Tank Compliance Training**

This includes developing and delivering compliance training for Underground Storage Tank and Aboveground Storage Tank ownership and ongoing responsibilities, including SPCC Training for oil handling personnel. Training is anticipated to be delivered annually to Judicial Council and contracted staff.

### **2.1.1 Training must include:**

- a. What underground and aboveground storage tanks are, including their components;
- b. How to identify tank information on-site and how to verify it in the Judicial Council's Computer Aided Facilities Management (CAFM) database;
- c. Tank regulations and regulatory oversight authorities;
- d. SPCC plan requirements;
- e. Tank safety measures, including signage/labels, barriers, enclosures, etc.;
- f. Roles of tank owners and operators in achieving regulatory compliance and inspections;
- g. Best practices for reducing citations from regulators;
- h. Identifying opportunities to increase coordination between tank owners and operators; and
- i. Tank replacement considerations.

## **2.2 Hazardous Materials Management Training**

This includes developing and delivering awareness and compliance training of hazardous materials management. Training is anticipated to be delivered annually to Judicial Council and contracted staff.

### **Training must include:**

- a. Hazardous Materials awareness and management for asbestos, lead, PCBs, and mold contaminants;
- b. Hazardous materials descriptions and identification;
- c. Regulations and regulatory oversight authorities;
- d. Testing and abatement;
- e. Safety measures, such as containment, labeling, and notifications;
- f. Development of Standard Operating Procedures as applicable;
- g. Roles of project/building managers, contractors, abatement contractors, and environmental professionals;

- h. Project considerations, such as scope changes and unintentional releases; and
- i. Best practices for managing projects that have hazardous materials.
- j. Hazardous Materials Business Plans (HMBPs):
  - i. Components of HMBPs, to include chemical inventories, contingency plans, and employee training plans;
  - ii. HMBP requirements and regulating authorities;
  - iii. Safety measures;
  - iv. Roles of building managers, JCC Environmental Health & Safety, and service provider staff; and
  - v. Best practices for maintaining and updating HMBPs.
- k. Refrigerant Management Plans (RMPs):
  - i. Components of RMPs;
  - ii. RMP requirements and regulating authorities;
  - iii. Safety measures;
  - iv. Roles of building managers, JCC Environmental Health & Safety, and service provider staff; and
  - v. Best practices for maintaining and updating RMPs.

## **2.3 Hazardous Waste Management and Disposal Training**

This includes developing and delivering compliance training of hazardous waste management and disposal to satisfy requirements for small and large quantity hazardous waste generators and universal waste generators. Training is anticipated to be delivered annually to Judicial Council and contracted staff.

- 2.3.1 Training must include:
- a. Hazardous Waste classification;
  - b. Regulations and regulating authorities;
  - c. Manifest preparation and completion;
  - d. Distribution and retention;
  - e. Hazardous Waste transportation;
  - f. E-manifesting requirements;
  - g. Roles of Generators (including those signing on behalf of JCC), waste haulers, and destination facilities.

## **2.4 Environmental Compliance Training**

This includes developing and delivering training, technical expertise, and periodic review of programs for environmental compliance and regulatory compliance, such as conducting inspections and investigations, assessing and documenting compliance with permits and regulations, supporting the enforcement process through evidence collection, monitoring compliance with regulatory standards, and providing feedback on implementation challenges, providing expertise on obligations arising from permits, regulations, consent decrees and settlement agreements, and other such sources. The specific training needs identified in the scope of work template in Attachment B can be expected to include similar components as the training requirements identified above. All additional training needs will be discussed and coordinated with the selected

Proposers prior to work authorization.

## 2.5 Safety-Related Training

This includes developing and delivering training and expertise to identify workplace hazards and controls to provide a safe working environment and provide workers with a greater understanding of safety awareness. This may include conducting safety inspections and investigations, assisting with developing training to contribute to the knowledge and skills required for workers to do their work safely and avoid creating hazards that could place themselves or others at risk, awareness and understanding of workplace hazards and how to identify, report, and control them, and specialized training when their work involves unique hazards, such as electrical safety, confined space training, construction site safety plans, hazardous materials handling, respiratory protection, and other Occupational Safety and Health Administration (OSHA)-required training for job-related hazards. The specific training needs identified in the scope of work can be expected to include similar components as the training requirements identified above. All safety training needs will be discussed and coordinated with the selected Proposers prior to work authorization.

**2.6 Deliverables.** Proposers are required to complete Attachment B – Scope of Work Template, describing a *high-level* overview of the required services, tasks and deliverables to comply with training development of under-and aboveground storage tanks, hazardous materials management, hazardous waste and disposal, environmental training, and safety-related training as needed. *Please add lines if additional tasks and services are needed and/or required to accomplish the requested scope of work.*

**The Judicial Council expects Proposers to identify all the necessary services, tasks, and deliverables for compliance and regulatory purposes.** Please be brief and use bullet formatting on Attachment B to describe the services, tasks, and deliverables required for each.

## 3.0 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	August 22, 2022
Pre-proposal Conference (See Section 5.2 of this RFP for details)	August 26 <sup>th</sup> , 2022, at 10:00 A.M.
Deadline to Submit Questions	September 2 <sup>nd</sup> , 2022
Questions and Answers posted	September 13 <sup>th</sup> , 2022



EVENT	DATE
Latest date and time proposal may be submitted	September 20 <sup>th</sup> , 2022, by 5:00 PM
Anticipated interview dates (estimate only)	Week of October 3 <sup>rd</sup> , 2022
Evaluation of proposals (estimate only)	October 10 <sup>th</sup> , 2022
Notice of Intent to Award (estimate only)	October 14 <sup>th</sup> , 2022
Contract start date (estimate only)	November, 2022

#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
<b>Attachment A:</b> Administrative Rules Governing RFPs	These rules govern this solicitation.
<b>Attachment B:</b> Scope of Work	Proposers to identify all the necessary services, tasks, and deliverables for compliance and regulatory purposes.
<b>Attachment C:</b> Cost Proposal	Proposers must complete the description and price for each deliverable listed.
<b>Attachment D:</b> Standard Agreement	If selected, the firm submitting a proposal (the “Proposer”) must sign this Judicial Council Standard Form agreement.
<b>Attachment E:</b> 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.
<b>Attachment F:</b> General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
<b>Attachment G:</b> Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
<b>Attachment H:</b> Payee Data Record Form (STD 204)	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.

ATTACHMENT	DESCRIPTION
<b>Attachment I:</b> Payee Data Record Supplement (STD 205)	This form is <i>optional</i> 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.
<b>Attachment J:</b> Iran Contracting Act Certification	The Proposer must complete the Iran Contracting Act Certification and submit the completed certification with its proposal.
<b>Attachment K.1:</b> DVBE Declaration <b>Attachment K.2:</b> DVBE Bidder Declaration Form	Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.  Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation.
<b>Attachment L:</b> Submission of Questions	Proposer shall submit questions by completing and submitting this form to <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>
<b>Attachment M:</b> Unruh Certificate	The Proposer must complete the Unruh Certification and submit the completed certification with its proposal.

## 5.0 PROPOSER’S QUESTIONS

- 5.1** Proposer questions regarding this RFP must be documented in the Proposer Submission Questions Form (Attachment L) and sent to the Judicial Council Solicitations by email to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov) by the date and time listed in Section 3.0 of this RFP.

Proposer must indicate the document title, section, and page number to which each of Proposer’s questions refer. All questions and answers will be posted on the Courts’ website at [www.courts.ca.gov](http://www.courts.ca.gov) on the date indicated in Section 3.0.

- 5.2 Pre-Proposal Conference.** A pre-proposal conference will be held to provide more information regarding the scope and deliverables of this RFP. This conference is **not mandatory** to submit a Proposal. The pre-proposal conference will be held on the date identified in the Procurement Schedule of this RFP via conference call (Lumen Conferencing) and can be attended using the information below:

Call In Number: 1-877-820-7831  
Meeting passcode: 4922965  
Participant Passcode: 109630

- 5.3** Except as provided in Section 5.2 of this RFP, Proposers are specifically directed NOT to contact any Judicial Council personnel or consultants for meetings or conferences in connection with the RFP at any time between the release of the RFP and any award and execution of a contract. Unauthorized contact with any

Judicial Council personnel or consultants may be cause for rejection of the Proposer's submitted proposal.

- 5.4** If Proposer believes that (a) Proposer's question relates to Proposer's confidential information and (b) disclosing such question would expose Proposer's confidential information to its competitors, Proposer may submit the question in writing, clearly marking it as "Confidential." Accompanying the question must be a statement explaining why the question is confidential. If the Judicial Council determines that the disclosure of the question or answer would expose confidential information, the question will be answered, and both the question and answer will be kept in confidence. Any material that a Proposer considers as confidential but does not meet the disclosure exemption requirements of the California Public Records Act, should not be included in the Proposer's Proposal, as it may be made available to the public. If the Judicial Council determines that a question is of a confidential nature, then a question may not be answered, and the Proposer will be notified of the decision.

## **6.0 SUBMISSIONS OF PROPOSALS**

- 6.1** Proposal. Proposer should respond to every section of this RFP, all attachments, and exhibits. 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, as well as completeness and clarity of content.

**6.1.1** In light of the COVID-19 public health crisis, Proposers may only submit Proposals electronically. See Section 6.3 below for instructions on submitting proposals electronically. The Proposer must still submit its proposal in two parts, the non-cost (technical) portion and the cost portion.

**6.1.2 Non-Cost Portion of the Proposal:** The Proposer must submit one (1) electronic file of the non-cost portion of the proposal, including Scope of Work Form (Attachment B to this RFP) and inclusive of résumés, forms, and pictures. The non-cost proposal must be signed by an authorized representative of the Proposer. 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 'NON-COST-PROPOSAL' in the name of the electronic file. Bidders must not include any pricing information at all in their Non-Cost Proposal.

**6.1.3 Cost Portion of the Proposal:** The Proposer must submit one (1) electronic file of the cost portion of the proposal, including the Proposed Cost Proposal Form (Attachment C to this RFP). The cost portion must be signed by an authorized representative of the Proposer. 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-PROPOSAL’ in the name of the electronic file.

- 6.2** All documentation required by this RFP must be submitted in PDF or Word format. Please use the following naming convention for the electronic files:

“Proposer Name\_Non-Cost-Proposal\_RFP-FS-2021-21-KO”

“Proposer Name\_Cost-Proposal\_RFP-FS-2021-21-KO”

- 6.3** Only electronic proposals will be accepted as noted above. For electronic submission of proposals, email your proposal no more than five (5) days in advance of the proposal due date to the following email addresses:

Email the Technical Proposal to: [fs202121bt.proposal@jud.ca.gov](mailto:fs202121bt.proposal@jud.ca.gov)

Email the Cost Proposal to: [fs202121bt.cost@jud.ca.gov](mailto:fs202121bt.cost@jud.ca.gov)

- 6.4** Late Proposals or incomplete Proposals will not be accepted.

- 6.5** **The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from submitting such requests.**

- 6.6** 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.

- 6.7** **Submission Timelines.** Firm(s) assume all risk for ensuring receipt no later than the date and time specified in the Timeline for this RFP. Late proposals will not be accepted. All times in the Timeline for this RFP are Pacific Time. Delivery time stamps of email messages used for delivery will be referenced upon submission of proposal.

## **7.0 PROPOSAL CONTENTS**

- 7.1** **Technical Proposal.** The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

- a. The Proposer’s name, address, email address, and telephone number, 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.

- b. 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.
- c. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- d. Names, addresses, and telephone numbers of a minimum of 3 clients for whom the Proposer has conducted similar services in the past 5 years. The Judicial Council may check references listed by the Proposer.
- e. Proposed method to complete the work.
  - i. Provide Proposer's philosophy and approach to training, as well as ongoing commitment to professional education of staff. Provide typical training delivery platform(s), software or programs used to develop training materials or documents, and method(s) of sharing documents. Provide Proposer's approach to communicating with and developing a training with the client, as well as how information is collected and shared. Provide typical timeframes to develop and deliver trainings. Provide information on how trainings are measured for success and how the Proposer incorporates feedback from attendees and the client.
  - ii. As set forth in Attachment D, Appendix A, Section 8, and subject to the Judicial Council's prior approval, the Proposer may utilize Subcontractors for the Work of any Agreement resulting from this RFP. If Proposer intends to use Subcontractors or service providers, Proposer must identify the Subcontractor and/or service provider to be utilized and the respective responsibilities of each entity in its Proposal.
- f. Acceptance of the Terms and Conditions.
  - i. On Attachment E, 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 that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change. Any exceptions or proposed changes that are not submitted in accordance with this subsection will not be accepted.
- g. The Proposer must complete the General Certifications Form (Attachment F) and submit the completed form with its proposal.
  - i. The Proposer must provide copies of the Proposer's (and any subcontractors') current business licenses, professional certifications, or other credentials.

- ii. The Proposer must complete the Darfur Contracting Act Certification (Attachment G) and submit the completed certification with its proposal.
- iii. 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.
- iv. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment M) and submit the completed certification with its bid.
- v. Proposer must complete the Iran Contracting Act Certification (Attachment J) and submit the completed certification with its proposal.

7.2 **Cost Proposal.** The Proposer is required to complete and include Attachment C, Cost Proposal. Provide the hourly rates Proposer proposes to charge for all services. Rates must be fully loaded and include Overhead and Profit. Do not change or edit this form.

7.2.1 Additional job titles utilized by the Proposer in the performance of the services of this RFP and associated hourly rates Proposer intends to charge should be listed separately from the Attachment C and included with the submission of Proposer’s Cost Proposal. Additional job titles and hourly rates will not be used for evaluation purposes however they will be included in any resulting Agreement.

**NOTE: It is unlawful for any person engaged in business within the state of California to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.**

## **8.0 EVALUATION OF PROPOSALS**

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

proposals on a 100-point scale using the criteria set forth in the table below. Awards, if made, will be to the highest-scored proposals.

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

<b>CRITERION</b>	<b>MAXIMUM NUMBER OF POINTS</b>
Experience of Similar Assignments	<b>10</b>
Quality and completeness of proposed Scope of Work	<b>40</b>
Credentials of staff to be assigned to the project	<b>10</b>
Acceptance of the Terms and Conditions	<b>7</b>
DVBE Incentive	<b>3</b>
Cost	<b>30</b>

## **9.0 PROPOSER PRESENTATIONS**

The Judicial Council may invite qualified Proposers for presentation of their proposal. Presentations are to summarize and clarify information in the Bidder's proposal. The presentations will most likely be conducted via WebEx or Microsoft Teams. The Judicial Council will notify qualified Proposers regarding interview arrangements.

## **10.0 CONTRACT TERMS**

10.1 All submitted Proposals shall constitute and be an irrevocable offer by the Proposer that are 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 Proposers. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.

10.2 Contracts with successful firms will be formed according to the Judicial Council Standard Agreement form posted with this RFP. The initial term of any contract resulting from this RFP will be for five (5) years, estimated to begin November 2022. Two (2) subsequent one (1)-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.

10.3 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.

- 10.4 Any Proposer 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.
- 10.5 Provision of the Work. Work shall be provided in accordance with Work Orders to be issued by the Judicial Council under the Standard Agreement resulting from this procurement and shall be subject to the provisions of the Standard Agreement accompanying this RFP, including any additional provisions specified in the Work Orders with regard to schedule, key personnel, and Subcontractors.
- 10.6 Compensation. The method of compensation will vary on a Work Order-by-Work Order basis. See the Standard Agreement (Attachment D) posted with this RFP for details.

## 11.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 11.1 Qualification for the Disabled Veterans Business Enterprise (DVBE) incentive is not mandatory. Failure to qualify for the DVBE incentive will *not* render a Proposal non-responsive.

Eligibility for and application of the DVBE incentive is governed by the Judicial Council's DVBE Rules and Procedures. Proposer s 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 the Proposer's Proposal. The number of points that will be added is specified in Section 8.0 of this RFP.

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").

- 11.2 If Proposer wishes to seek the DVBE incentive:
- 11.2.1 Proposer must complete and submit with its proposal the Bidder Declaration (Attachment K). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- 11.2.2 Proposer must submit with its proposal a DVBE Declaration (Attachment K) 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 Business Utilization Plan (BUP) on file with DGS.

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.

11.3 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 MILITARY & VETERANS CODE SECTION 999.9.**

**12.0 PROTESTS**

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)). However, in light of COVID-19, electronic submissions will be permitted. 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 two days before the proposal due date. The deadline for the Judicial Council to receive an award protest is within five (5) Court Days after the Notice of Intent to Award is posted on the Court website.

Protests must be sent electronically to: [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov).

**13.0 ADMINISTRATIVE RULES GOVERNING RFPs**

13.1 The Judicial Council's Administrative Rules governing this RFP can be found in Attachment A. By virtue of submission of a Proposal, the Proposer agrees to be bound by said Administrative Rules.

13.2 The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar requests for proposals in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. One copy of a submitted Proposal will be retained for official files and becomes a public record.

**END OF RFP**