

Request for Proposals (RFP) for ID/IQ Technical Assistance on Facility Operations, Maintenance, and Engineering Consulting Services

The Judicial Council of California seeks proposals from firms qualified to provide technical assistance on Facility Operations, Maintenance, and Engineering Consulting Services for various projects to be initiated between approximately March 1, 2023, and February 28, 2028, with possible extensions to February 28, 2032.

Regarding:

RFP NUMBER: RFP-FS-2022-08-XC

Proposals Due:

FRIDAY, DECEMBER 16, 2022

NO LATER THAN 3:00 PM PACIFIC STANDARD TIME (PT)



**JUDICIAL COUNCIL
OF CALIFORNIA**

ADMINISTRATIVE DIVISION
FACILITIES SERVICES

RFP Number: RFP-FS-2022-08-XC
Facility Operations, Maintenance, and Engineering Consulting Services

Date
October 24, 2022

Action Requested
Submit Proposals

To
Facility Operations, Maintenance, and
Engineering Consulting Firms

Deadline
December 16, 2022 by 3:00 pm PST

From
Judicial Council of California

Contact
Solicitations@jud.ca.gov

Project Title
RFP Number: RFP-FS-2022-08-XC
ID/IQ Facility Operations, Maintenance, and
Engineering Consulting

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1. INTRODUCTION

- 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 Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California has shifted from the counties to the state. The Judicial Council’s Facilities Services office oversees a comprehensive infrastructure program for court facilities. Through this program, the Judicial Council is responsible for the operations and maintenance of the Judicial Council’s portfolio, which includes over 500 courthouse facilities. Currently, the Judicial Council is under contract with two on-site service providers to provide operations and preventive maintenance services at approximately 250 courthouse facilities. The on-site providers are Enovity for the San Francisco Bay and northern coast area, Pride Industries for the north, central, and southern California area. The contracts are set-price, and time/material, and include a schedule of preventive maintenance service work orders (SWOs) issued annually to each service providers.

2. PURPOSE OF THIS RFP

- 2.1 **Consultants.** The Judicial Council seeks proposals from firms to provide technical and consulting assistance on all aspects of the Judicial Council’s facility operations, maintenance, and engineering program. Prospective firms for the purpose of this RFP will be referred to as “Consultants.” Consultants will be evaluated and selected to provide services throughout the State.
- 2.2 **ID/IQ Contracts.** Multiple Consultants will be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the Judicial Council for the facility operations, maintenance, and engineering consulting services for existing and new facilities, or for the provision of the services they propose upon. Those Consultants may be assigned various projects and tasks, as may arise, based on the location and nature of the services required and the qualifications and resources of the Consultants (each a “Project(s)”). 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. It is anticipated that ID/IQ contracts will be issued for up to three (3) well-qualified Consultants.
 - 2.2.1 Posted with this RFP is the Judicial Council’s form of Standard Agreement (Attachment E), including the indemnification provision that the Judicial Council will include in that agreement, which the Judicial Council will utilize on the individual projects. In accordance with the Judicial Council’s Administrative

Rules Governing this RFP, 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 does not intend to consider any substantive changes to the form of agreement if they are not 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 the Standard Agreement without its requested changes or modifications thereto, the Judicial Council may revoke said award to the Consultant of the Services under this RFP. See section 6.1.16, Acceptance of Terms and Conditions, for further information and direction.

2.3 Licensing.

- 2.3.1 Consultant shall ensure that Consultant, its Subconsultant(s) and all their employees or agents providing Work under this Agreement shall have and shall at all times maintain throughout the duration of their performance of the Work all appropriate license(s) required under law to provide the Work being performed. Consultant shall regularly monitor and ensure that its Subconsultant(s) monitor to ensure compliance with this provision of the Agreement.
- 2.3.2 If the possession of a license(s) is required under law for the performance of any Work, Consultant shall ensure that the Work will either be performed by an appropriately licensed individual or under the direct supervision and with the review and approval of an appropriately licensed individual.
- 2.3.3 If the possession of a license(s), including without limitation a valid California Contractor's license, is required under law for the performance of any Public Work, Consultant shall ensure that the Public Work will either be performed by an appropriately licensed entity "General Building Contractor-B License" or "Specialty Contractor - C License" as applicable to the specific Service Work Order.
- 2.3.4 Consultant shall provide immediate Notice to the Judicial Council in the event that any license required to be held by Consultant or any of its Subconsultant(s) or any of their employees or agents is suspended, cancelled, or expires during a period in which they are performing Work requiring a license.
- 2.3.5 Consultants and individuals required by law to be licensed are licensed and regulated by the California Consultants Board which has jurisdiction to investigate complaints if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. Any questions concerning licensed individuals or organizations may be referred to the California Consultants Board.
- 2.3.6 If no license is required of an individual performing Services, Consultant shall ensure that such individuals possess the skills, training, and background reasonably commensurate with the responsibility assigned, so as to be able to perform in a competent and professional manner in accordance with generally accepted industry standards.

2.4 **Prevailing Wages.**

2.4.1 The Consultant and all Subconsultants under the Consultant 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 Judicial Council's principal office. Prevailing wage rates are also available from the Court or on the internet at (<http://www.dir.ca.gov>).

2.4.2 The Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Consultant shall post job site notices, as prescribed by regulation. Consultant shall comply with all requirements of Labor Code section 1771.4, except the requirements that are exempted by the Labor Commissioner for the Project.

2.5 **Registration.**

2.5.1 Consultant 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 consultant or subconsultant 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 consultant 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 consultant is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded."

2.6 **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 none at all. The Judicial Council, at its sole discretion, may choose to issue Work in a round-robin rotation assigning Projects according to each Consultant's qualifications with the intent to issue Projects equally based on prior Project performance. In some cases, more than one Consultant will be asked to provide Project Proposals for the same Project. Selection of a Consultant for a specific Project is at the sole discretion of the Judicial Council. The Judicial Council will make efforts to award a fair share of the work to each of the Consultants 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.

- 2.7 **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.
- 2.8 **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 services on that same Project under any separate contract or agreement the Consultant may have with the Judicial Council. This prohibition shall extend to Consultants' subconsultants whose services amount to more than ten percent (10%) of the monetary value of the Consultant's agreement awarded under this RFP.
- 2.9 **Sole Means.** This RFP is the sole means for prospective Consultants to submit their qualifications to the Judicial Council for the ID/IQ services for existing and new facilities Projects, as described above.

3. SCOPE OF SERVICES

- 3.1 **Consultant Services.** The scope of services requested under agreements awarded under this RFP include to provide technical and consulting assistance on all aspects of the Judicial Council's existing facility preventive maintenance service contracts which include operations, maintenance, and engineering programs. Preventive Maintenance (PM) programs are on-going tasks provided for Judicial Council facilities to maintain systems and equipment, provide required testing and certification, and prolong the life of the system or equipment. Generally, the Judicial Council issues service work orders for PMs on a monthly basis under its existing facilities maintenance contracts.
- 3.2 **Additional Services.** Additional Services as required may include the following:
 - 3.2.1 Evaluate the Judicial Council's existing service provider contracts and identify opportunities to reduce cost.
 - 3.2.2 Review the historic repairs of major equipment and recommend replacement options that might eliminate/reduce high repair costs. Include analysis of more energy efficient options (if appropriate) versus like for like replacement.
 - 3.2.3 Review the Judicial Council's existing Preventive Maintenance (PM) program for the purposes of reducing costs and prioritizing PMs by current industry standards
 - 3.2.4 Utilize the Judicial Council's facilities management software for work engagement, status, and closeout.
 - 3.2.5 Document Judicial Council project-specific processes, best practices, or areas of improvements and meet with Judicial Council Facilities Operations Management staff to review.

4. PROCUREMENT SCHEDULE

4.1 The Judicial Council has developed the following list of key events from RFP issuance through performance start date (“Procurement Schedule”). All deadlines are subject to change at the Judicial Council’s discretion. 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.

No.	Event	Key Date / Time (PT)
1	RFP Issued	Monday, October 24, 2022
2	Pre-Proposal Conference: Microsoft Teams	Tuesday, November 8, 2022 at 1:30 PM PT
3	Deadline for Consultants’ Requests for Clarifications, Modifications, or Questions sent to: Solicitations@jud.ca.gov	Wednesday, November 23, 2022 by 3:00 PM PT
4	Clarifications, Modifications, and/or Answers to Questions posted on the Judicial Council Website	Friday, December 9, 2022
5	Proposal Due Date and Time	Friday, December 16, 2022 by 3:00 PM PT
6	Oral Interviews (Optional)	Wednesday, January 11, 2023
7	Notice of Intent to Award (<i>Estimated</i>)	Monday, January 30, 2023
8	Executed Contract (<i>Estimated</i>)	Wednesday, March 1, 2023
9	Full Performance Start Date (<i>Estimated</i>)	Wednesday, March 1, 2023
10	Contract End Date	Tuesday, February 29, 2028

4.2 **Pre-Proposal Conference.** A pre-proposal conference will be held to answer questions with regards to this RFP. This conference is not mandatory to submit a Proposal, however Proposers are strongly encouraged to attend. The pre-proposal conference will be held on the date identified in the Procurement Schedule of this RFP via video platform (Microsoft Teams) and can be attended using the information below:

- **Join on your computer, mobile app or room device**
Meeting ID: 286 556 792 824
Passcode: oGMkVh
- **Join with a video conferencing device**
178332609@teams.bjn.vc
Video Conference ID: 111 356 269 7
- **Or call in (audio only)**
[+1 415-906-0569,,285998881#](tel:+14159060569285998881) United States, San Francisco
Phone Conference ID: 285 998 881#

- 4.3 **Written Questions.** Proposers may submit written questions using Attachment F. Such questions must be submitted on or before the due date specified for submission of questions listed in the Procurement Schedule 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 Solicitations@jud.ca.gov with the RFP number and title in the subject line.

5. RESPONDING TO THIS RFP

- 5.1 Responsive Proposals will provide straightforward, concise information that satisfies the requirements specified. Please only submit documentation which has been specified in this RFP. Materials sent which fall outside of that specified within this RFP may not be considered in proposal scoring.
- 5.2 **Proposal Format.** The Judicial Council will only accept proposals in an electronic format. See section 5.3 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.
- 5.2.1 **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 'SOQ' in the name of the electronic file. If applicable, a second electronic file in Word format may be submitted for a redlined version of the Standard Agreement. See section 6.1.16.
- 5.2.2 **COST PROPOSAL:** The Proposer must submit one (1) electronic file of the cost proposal using Word 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.
- 5.3 **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 e-mail addresses:

For Non-Cost Proposal e-mail to: fs202208xc.SOQ@jud.ca.gov

For Cost Proposal e-mail to: fs202208xc.COST@jud.ca.gov

Note: Indicate the RFP number and name of Proposer's organization in the subject line of the e-mails.

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

- 5.4 **Submission Timelines.** Late proposals will not be accepted.

6. PROPOSAL CONTENTS

6.1 **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. Proposals shall be inclusive of résumés, forms, and pictures, and organized according to the numbering system reflected below.

6.1.1 **Cover Letter:** A cover letter, signed by an authorized representative of Proposer's organization, that provides the exact business name under which you propose to conduct business with the Judicial Council, and Proposer's address, telephone, fax number, e-mail address, and federal tax identification number. The cover letter must state that the Standard Agreement posted with this RFP is completely acceptable to the Consultant as posted except as otherwise specifically indicated, pursuant to section 6.1.16, Acceptance of the Terms and Conditions, of this RFP.

6.1.2 **Table of Contents:** A table of contents of the material contained in the Proposal should follow the cover letter.

6.1.3 **Executive Summary:** The executive summary should contain a brief summary of Consultant's qualifications.

6.1.4 **Prequalification 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.

i. Consultants must update their Qualification Questionnaire if Consultant's status or information changes.

ii. A Consultant's Qualification Questionnaire shall 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.).

6.1.5 **Proposed Personnel/Project Team:**

i. 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 ten (10) most recent of those projects. List license numbers and dates issued. Include an organizational chart indicating all personnel and their positions.

ii. Include resumes of key personnel who may be performing Services for the Judicial Council. Specifically, define the role of each person and outline his or her 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.

6.1.6 **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, 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 projects of similar complexity. Include copies of the Consultant's (and any subconsultants') current and active professional certifications, licenses, or other credentials. Consultant must specifically identify work or services which Consultant is **excluding** from its Statement of Services or which are **not** included or provided by Consultant.

6.1.7 **Reference Checks.** The Consultant shall provide three (3) client references that must be from recently completed projects. Please include the following with each client reference: name of entity/firm, contact person, their phone number/e-mail, project title, location, and start/end dates. The Judicial Council will contact the references provided to conduct a customer satisfaction survey. Responding clients will be asked to score the following: Consultant's quality of work, scheduling practices, project and subcontractor management, working relationships, and paperwork processing. Reference responses will be scored from one (1) – unsatisfactory to five (5) – excellent. Reference evaluation forms will be totaled and be applied as indicated in section 8.2.

6.1.8 **Consultant Information:**

- i. 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.
- ii. Provide Consultant's current contact information and e-mail address to send Consultant notifications hereunder.
- iii. Describe Consultant's philosophy and how Consultant will work with the Judicial Council staff in performing the Services.
- iv. Provide a statement of Consultant's financial resources and insurance coverage. Include a certification of correctness of Consultant's statement of financial resources.
- v. 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).

6.1.9 **Prior Relevant Experience:**

- i. As requested in Attachment B, Consultant may limit its response to the ten (10) most-recently completed projects, but Consultant **must** include at least the five (5) most recent California public works projects.

6.1.10 **Consultant's Current Work Commitments:** Specify the current and projected workload of Consultant and describe Consultant's ability to complete the expected Services as anticipated herein.

6.1.11 **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, subcontract, 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.

6.1.12 **Delinquent Taxpayer Status:** Provide a written and certified document identifying whether or not the Prime Proposer (or Prime Proposers if a joint venture) organization is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.

- State of California Franchise Tax Board's "Top 500 Delinquent Taxpayers" (available at <https://www.ftb.ca.gov/aboutftb/delinquent-taxpayers.shtml>); and/or;
- California State Board of Equalization's "Top 500 Sales & Use Tax Delinquencies in California" (available at <http://www.boe.ca.gov/sutax/top500.htm>)

6.1.13 **DVBE Certification:** If Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 11 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.

6.1.14 **Acceptance of the Terms and Conditions:** On Attachment C, the Consultant must check the appropriate box and sign the form. If the Consultant marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification. If exceptions are identified, the Consultant must also submit (i) a redlined version of the Standard Agreement that implements all proposed changes in Word format with tracked changes, and (ii) a written explanation and rationale for each exception and/or proposed change explaining why the change is necessary. **PLEASE NOTE: The Judicial Council will not consider any changes to the Contract if they are not submitted at or before the time the Proposal is due.** By submitting its Proposal, the Consultant acknowledges that it has no objection to the form of Agreement unless exceptions are identified as required herein.

6.1.15 **Certifications, Attachments, and Other Required Materials:** 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 I)
- ii. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment L)
- iii. Darfur Contracting Act Certification (Attachment M)
- iv. Iran Contracting Act Certification (Attachment N)
- v. Payee Data Record (Attachment G). 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 H) 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).

- vi. 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.
- vii. 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.
- viii. Disabled Veteran Business Enterprise (DVBE) Bidder Declaration (Attachment J) only if the Proposer wishes to claim the DVBE incentive associated with this solicitation, and the DVBE Declaration Form (Attachment K) for each DVBE that will provide goods and/or services in connection with the contract.

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

6.2.1 Additional job titles utilized by the Consultant in the performance of the services of this RFP and associated hourly rates Consultant proposes to charge should be listed separately from the Attachment D and included with the submission of Consultant’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.

6.3 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.

7. SELECTION PROCESS

7.1 Evaluation Process Overview. The basis for selection of a Firm to provide Services in response to this RFP consists of a two-step evaluation. For Step 1, Step 1a – Evaluation of Qualifications is an evaluation of the Firm’s qualifications based on the Written Proposal and check of References as set forth in Section 6.1.7.; and Step 1b – Qualifications Interviews is the conducting of interviews which may impact and adjust the final score awarded to the Firm’s SOQ. Step 1 scores will be finalized prior to commencement of Step 2. Step 2 – Evaluation of Cost Proposal is the scoring of the

Firm's Attachment D, Consultant Personnel Billing Rates. Step 1 and Step 2 scores will be added together to establish the Firm's total score.

- 7.2 The Firms will then be ranked in numerical order from the highest to lowest combined total score. In the event of ties within the ranking list, the Firm with the higher Step 1 score will be advanced one place in the ranking list. The Judicial Council reserves the right to reject any Firm's Proposal due to non-responsiveness to this RFP.
- 7.3 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.
- 7.4 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 subconsultants.

8. EVALUATION OF PROPOSALS

- 8.1 At the time proposals are opened, each proposal will be reviewed for minimum requirements and the presence or absence of the required proposal contents.
- 8.2 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:

Criteria	Points
NON-COST PROPOSAL:	
1. Qualifications and experience on similar assignments	15
2. Statement of Services Consultant's demonstrated understanding of what is required to complete the Services described in this RFP (See Section 3.2, Additional Services).	15
3. Reference Evaluation The Judicial Council will contact three (3) references provided by the Consultant to evaluate previous client satisfaction. See section 6.1.7, Reference Checks, for additional details.	10
4. Consultant Information Consultant's history, including number of years in business and types of business conducted.	5
5. DVBE Incentive	5
COST PROPOSAL:	
Hourly rates for the consultant services requested by this RFP, as provided in Attachment D. The basis of the evaluation and subsequent award of points for the billing rates which shall serve as the Cost Proposal shall be a blended hourly rate of the job titles listed in Attachment D. The blended hourly rate will be determined by multiplying the proposed hourly rate for each job title by the designated weight factor and summing the resulting weighted hourly rates. The lowest Cost Proposal (blended hourly rate) submitted will receive the maximum points available. The points awarded	50

Criteria	Points
for the remaining cost proposals will be calculated by identifying the ratio of the lowest cost proposal to the cost proposal being evaluated and multiplying that ratio by the maximum number of points available.	
Total Maximum Points Available	100

- 8.3 Before the Proposal due date and time listed in the Procurement Schedule 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 Procurement Schedule 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.
- 8.4 A Proposer may be disqualified at any time for failure to meeting minimum requirements, including, but not limited to, required licenses, certifications, current registration with Department of Industrial Relations, etc., regardless of overall scoring.

9. ADDITIONAL REQUIREMENTS

- 9.1 Incomplete proposals will be rejected without review. Proposals received after the deadline date and time set forth in the schedule below will be rejected without review.
- 9.2 The Judicial Council does not issue communications confirming its receipt of Proposals and participants are asked to refrain from such requests. If you require a confirmation, please utilize your e-mail provider’s delivery receipt and/or read receipt options.
- 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 throughout the duration of the proposal, evaluation, and award processes 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.

10. CONTRACT TERMS AND ADMINISTRATIVE RULES

- 10.1 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.
- 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 this contract will be for five (5) years, estimated to begin March 1, 2023. 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.

- 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 The Consultant 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 Service 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 Service Work Orders with regard to schedule, key personnel, and subcontractors.
- 10.6 **Compensation.** The method of compensation will vary on a Service Work Order-by-Service Work Order basis. See the Standard Agreement (Attachment E) posted with this RFP for details.

11. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 11.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%).
- 11.2 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive.
- 11.3 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 8.2 above.
- 11.4 If Proposer wishes to seek the DVBE incentive:
 - 11.4.1 Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment J**). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.
 - 11.4.2 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 BUP on file with DGS.
- 11.5 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.

- 11.6 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.

12. ADMINISTRATIVE RULES GOVERNING RFPs

- 12.1 The Judicial Council's Administrative Rules governing 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 becomes a public record.

13. 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.

14. PROTESTS

- 14.1 Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a

protest inadequate and non-responsive and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is three (3) days prior to the Proposal Due Date and Time noted in the Procurement Schedule of this RFP. Protests must be sent to: Solicitations@jud.ca.gov.