

ANSWERS TO SUBMITTED QUESTIONS – PACKAGE 02

Q #	Questions	RFP Reference (Document & Page-Section-Item)	Answers
1	For a small firm is a self-certified bookkeeper's FY 2022 Quickbooks profit & loss statement an acceptable statement of financial resources? If not, is a 2022 IRS 1040 Schedule C acceptable?	RFP, Page 10, Section 6.1.8.4	Yes, the Judicial Council will accept self-certified QuickBooks profit and loss statements from small firms as financial resources. Per Attachment D, Page D-1, Consultant Information, submit a financial statement for the <i>past two (2) full fiscal years</i> .
2	Given the State of California goals to achieve Carbon Neutrality by 2045, what level of experience would you require demonstrating projects that achieve Net Zero Operational Carbon (Energy) and address a 30% or better reduction of Embodied Carbon?	Attachment D, Page D-3, Questions	Section 6.1.9.1 of the RFP requests Consultants to describe experience with the Uniform Building Code ("UBC"), Title 24 of the California Code of Regulations, the State Fire Marshall ("SFM"), and the Division of the State Architect ("DSA"). Under Section 6.1.13 of the RFP, Additional Data, the Consultant can provide any additional information that may assist the Judicial Council in understanding the Consultant's experiences and qualifications. The majority of the work includes working on smaller parts of existing buildings.
3	Do you want us to list subconsultant information after the prime architect too under the Consultant Information?	RFP, Page 10, Section 6.1.8	No. Do not list Subconsultant information in the Consultant Information section of your proposal.
4	Can these public works projects be listed in the resume so we are not being redundant in the information that we show.	RFP, Page 9, Section 6.1.5.1	No. Do not list the public works projects separately in the resume. Section 6.1.5.1. is intended to identify each key personnel's experience with public works projects.
5	Are we allowed to show any of our subconsultant's projects in Attachment D?	RFP, Page 9, Section 6.1.4. Attachment D, Page D-5, Firm's Project References	No. Do not list Subconsultant Project References in the Firm's Project References section of your firm's Attachment D.
6	Under Reference Checks, do all of these projects have to be completed? Can they be a feasibility study or a project that has not gone into construction?	RFP, Page 10, Section 6.1.7.	Section 6.1.7 of the RFP has been revised. See Addendum 03. Per Attachment D, Page D-5, Firm's Project References section, bullet 1: "Consultant may limit its response to the ten (10) most-recently <i>completed projects</i> , but Consultant must include at least the five (5) most recent California public works projects with a contract value of more than \$25,000.00 performed by Consultant providing Architectural and Engineering Consultant services."
7	Under Reference Checks. Is there a year limitation for these projects? Can they be more than 5 years old?	RFP, Page 10, Section 6.1.7.	Section 6.1.7 of the RFP has been revised. See Addendum 03. Per Attachment D, Page D-5, Firm's Project References section, paragraph 1: "List ALL new construction or renovation projects in which Consultant has participated as the Architectural and Engineering Consultant <i>during the past five (5) years</i> with a Consultant contract value of more than \$25,000.00."

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8	I am still unsure if we can show resumes of our key subconsultants. We have done so in the past. I realize that you mainly want to just see the prime architect's information. Would it be more appropriate to just show a brief overview of our subconsultant's without showing their respective resumes?	RFP, Page 10, Section 6.1.8.1	See answer to Question 3.
9	I understand that we are not allowed to show school districts or federal projects where requested, but one of our clients is a federal client. So are you saying that we can't show any federal projects at all? We can't list them in Attachment D, under reference checks or under 6.1.9. Relevant Experience? Can we show federal projects under additional data, 6.1.13?	Attachment D, Page D-5, Firm's Project References RFP, Page 10, Section 6.1.9. RFP, Page 11, Section 6.1.13.	The California Judicial Branch Contract Law is designated under the California Public Contract Code (PCC). A. California PCC §1100 defines "public entity" as the state, county, city, city and county, district, public authority, public agency, municipal corporation, or any other political subdivision or public corporation in the state. B. California Labor Code §1720 defines "public works". C. Under the Additional Data section of your firm's proposal, your firm may provide any additional information as it may relate to your Proposal. Also see answer to Question 13.
10	I am trying to work in the Addendum 1, Attachment D. Number 1 is greyed out. I can't edit the greyed out Yes or No and add an X.	Attachment D, Page D-3, Question 1	Attachment D has been revised. See Addendum 02.
11	Adding more references to the referenced projects in Addendum 1, Attachment D. Because this is a protected document, we can't copy and paste the reference area, so we have to re-create it in another MS Word document. My question is, where it says certification under Firm's Project References, do we have to include this certification for each project that we show, or is one sufficient, with signature?	Attachment D, Page D-5, Certification	The Firm's Project References section and the Certification section of Attachment D are <i>separate sections</i> . Only one (1) certification is required per Attachment D.
12	Do the projects have to be completed and in the last five years for the 6.1.9. Prior Relevant experience, or can we show projects within 10 years?	RFP, Page 10, Section 6.1.9	Per section 6.1.9.2 of the RFP: "Provide a list of ALL California public entities the Consultant has provided the same or similar Services to in the <i>past seven (7) years</i> ."
13	Under 6.1.5 Proposed Personnel/Project Team, Can We show Federal projects.	RFP, Page 9, Section 6.1.5	Yes, federal projects may be included in the Proposed Personnel/Project Team section of your proposal providing all of the requested information.
14	Under Reference checks, can we show federal projects?	RFP, Page 10, Section 6.1.7	See answers to Question 9.
15	Would it be possible to get a copy of the attendees list for today's pre-bid meeting? Hilliard Architects is a small business looking to team with the Prime firms on this solicitation.	N/A	Yes. The Pre-Proposal Conference's Attendee List has been published on the RFP's web page.
16	Are there small business contracting goals for this opportunity?	N/A	There are no small business incentives or contracting goals for this solicitation.
17	Does a successful proposer need to provide a team capable of delivering the complete scope of services, or would the Council be open to selecting a team that, for example, specializes solely in CASp (Certified Accessibility Specialist) Consulting/Code Analysis?	RFP, Page 4, Section 3	The Judicial Council seeks proposals from firms to provide the services of qualified, properly licensed consultants with expertise in all phases of the design, construction, and renovations of public buildings. The selection of Consultants for individual Projects will be based on the specific project and its required services which can vary substantially on a project-by-project basis. The Consultant should be able to handle the project in-house or by subcontracting the specific expertise.

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18	Following the pre-proposal conference we are formally submitting this question, and understand a new form N, or additional guidance will be provided. "Form N has generic titles for 'engineer'. Can you confirm if you are expecting specialist engineers eg M, E, P, FP, Structural etc? It would be helpful to understand so that all respondents submit on an equal footing."	Attachment N, Page N-2, Table A (Required) Consultant Personnel Hourly Billing Rates	Attachment N has been revised. See Addendum 02.
19	Can Public Entities be within the last 10 years instead of 7?	RFP, Pages 10 and 11, Section 6.1.9.2	See answer to Question 12.
20	Is Federal or GSA work in the State of California acceptable?	RFP, Pages 10 and 11, Section 6.1.9.2	See answers to Question 9.
21	What type of license is the JCC looking for where it says "License Classifications, numbers"?	Attachment D, Page D-1, Consultant Information	Refer to Section 3.1 of the RFP, and Attachment C, Master Agreement (Sample Document), Section 2 of Exhibit B, for information regarding license requirements.
22	Is the JCC looking for at least 5 projects with contract value or construction value of more than \$100,000?	Attachment D, Page D-5, Firm's Project References	Attachment D has been revised. See Addendum 02. Per Attachment D, Page D-5, Firm's Project References section, bullet 1: "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 with a <i>contract value</i> of more than \$25,000.00 performed by Consultant providing Architectural and Engineering Consultant services."
23	Is it acceptable to leave the reference section blank on the form as it only has space for 1 reference and include the requested information under 6.1.7 Reference Checks in our submission?	Attachment D, Page D-5, Firm's Project References	Per Attachment D, Page D-5, Firm's Project References section, bullet 2: "Include all information indicated below <i>on separate</i> signed sheets as necessary and explain or clarify any response as necessary."
24	Does the JCC want to see only architecturally led projects in the experience/reference section? Or MEP projects as well?	RFP, Pages 10 and 11, sections 6.1.7 and 6.1.9.2	Section 6.1.7 of the RFP has been revised. See Addendum 03. The references are not restricted so architecturally-led projects and MEP projects can be listed.
25	Please confirm if K-12 and Community College projects will be acceptable as CA Public Entity projects.	RFP, Pages 10 and 11, Sections 6.1.9.2	See answers to Question 9.
26	Please confirm we can we modify the Job Titles for clarity?	Attachment N, Page N-2, Table A (Required) Consultant Personnel Hourly Billing Rates	Attachment N has been revised. See Addendum 02. Do not modify the Job Titles in Table A (Required) of Attachment N. Per the Instructions on Page N-1, Item 3: "Do not change or edit this form." If Consultant utilizes a different job title than listed in Table A, include the rate for the closest-aligned job title that would perform the work. Consultants may, however, add Job Titles and Proposed Hourly Rates for Additional services that can be provided in Table B (Optional) on Page N-3.
27	Please confirm if you consider the Key Personnel: Architect Project Manager, Architect Project Designer, Architect of Record, main point of contact for major disciplines: Structure, MEP, and Civil.	RFP, Page 9, Section 6.1.5.1	Section 6.1.5.1 of the RFP requests Consultant to identify the key personnel including their roles that the Consultant will assign to the Project(s).

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28	Could you revise the criteria to be ten years of experience with public works projects, instead of ten projects? Our public works projects are many years long, and individuals working solely in the public sector for two decades would not have ten projects.	RFP, Page 9, Section 6.1.5.1	The Judicial Council will not revise section 6.1.5.1. of the RFP.
29	We understand that the JCC does not intend to modify its Agreement. A number of terms could be uninsurable for a design professional. Uninsurable terms are detrimental to both our clients and us. If successful we would invite a discussion about these specific terms to see if the parties could come to an agreement to maximize the insurability of the Agreement. What is the best mechanism to discuss the specific clauses? Should we include comments in our submission?	RFP, Page 12, Section 6.1.16	Suggestions for revisions to Attachment C, Master Agreement (sample document) should be submitted as written questions per section 6.1.16 of the RFP: "The Judicial Council will not entertain any exception to the Master Agreement including, without limitation, any addition, deletion, or other modification thereto. If a Consultant believes in good faith that an addition, deletion, or other modification to the terms and conditions of the Master Agreement is absolutely critical for the performance of the Services, the Consultant must raise such to the Judicial Council's attention via the Consultant's Submission of Questions form (Attachment E) as a written question or requests for information with respect to this RFP."
30	Per 1.3, will the tasks issued for this contract be for projects identified in the capital projects list?	RFP, Page 2, Section 1.3	Judicial Council uses the Design Build delivery method for Capital Projects. Solicitations for those Design Build projects are solicited separately.
31	Please expand upon the anticipated tasks that may be performed through this contract.	RFP, Pages 4 and 5, Section 3	The scope of this RFP is very broad and the anticipated tasks can range from a feasibility study for water intrusion into the building to projects like tenant improvements.
32	<p>Please clarify the intent of the following provision listed in the Agreement: "The insurance obligations under this Agreement shall be: (1) all the insurance coverage and/or limits carried by or available to Consultant; or (2) the minimum insurance coverage requirements and/or limits shown in this Agreement, whichever is greater." in Exhibit B section 1.1.2.</p> <p>Our understanding of this statement is that this requires us to commit the entire limits of our insurance policies to Judicial Council of California, which our legal team has deemed particularly unreasonable to large firms like ours with a high insurance limit. While we can agree to meet the minimum coverage amounts listed in Exhibit B section 1.2 with the understanding that these amounts are not a limit and that we may be required to pay more in certain circumstances, we can't agree to commit our entire policy limit to Judicial Council of California. We understand that no changes to the contract terms will be accepted, so please clarify if our understanding is correct or if this statement is currently incorrectly written and can be modified; as it is stated, many large firms would not be able to agree to this.</p>	Attachment C, Master Agreement (sample document), Exhibit B, Page B-1, Section 1.1.2.	The statement is not incorrectly written and as indicated in RFP §§ 2.3.1 and 6.1.16, the Judicial Council will not modify the Master Agreement.
33	Section 2.4.4 states: "Any Project with an estimated, proposed, or actual cost greater than One Hundred Twenty-Five Thousand Dollars (\$125,000) may, in the sole discretion of the Judicial Council, be assigned to the Qualified Firm that proposes the lowest cost for that Project." We have multiple questions about this item: 1) Does the above amount refer to estimated construction cost, A/E fees, or both? 2) Does "Qualified Firm that proposes the lowest cost" imply that firms will first be ranked on qualifications first, then cost?	RFP, Page 3, Section 2.4.4	<p>1) The cost amount of \$125,000 refers to the Consultant's proposed fee for a Project Proposal under section 2.4.1 of the RFP.</p> <p>2) Subsequent Project Proposals may be selected as noted in section 2.4 of the RFP on a project-by-project basis.</p>

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34	Sections 6.1.51 & 6.1.5.3 will both require response items for each key personnel member. Would the JCC prefer these response items to remain segregated and include redundant information under each section, or can/should these items be consolidated, and noted with both section references in the heading of that response section.	RFP, Pages 9 and 10, Sections 6.1.5.1 and 6.1.5.3	See answer to Question 4.
35	Do references need to be for the same entities provided in section 6.1.9.2?	RFP, Pages 10 and 11, Sections 6.1.7 and 6.1.9.2 Attachment D, Page D-5, Firm's Project References	Section 6.1.7 of the RFP has been revised. See Addendum 03. The California public works projects listed under Firm's Project References for Attachment D do not need to be the same California public entities listed under the Prior Relevant Experience section of your firm's proposal.
36	During the pre-proposal conference, there was a certain amount of confusion over what constituted a "California public entity." The California Department of General Services website defines a public agency as "Any state agency, city, county, special district, school district, community college district, county superintendent of schools, or federal agency." Can we rely on this definition when selecting prior experience in the State of California.	RFP, Pages 10 and 11, Section 6.1.9.2	See answers to Question 9.
37	Language under section 6.1.8.43 (page 3) states that Consultant shall include a certification of correctness of Consultant's statement of financial resources. Can audited financial statements be submitted in lieu of the certification of correctness. If so, how many years would the Judicial Council like to review, can they be submitted separately to reduce the risk of disclosure and would the Judicial Council omit these documents from the maximum page limit as they are lengthy due to multi-year?	RFP, Page 10, Section 6.1.8.4	Consultant must include a certification of correctness of Consultant's statement of financial resources. Submit a financial statement for the past two (2) full fiscal years. See Attachment A, Section C, for information regarding public records and confidentiality.
38	If audited financial statements are not a suitable replacement for the certification of correctness, can the Judicial Council provide further clarification of what is contained in this document/certification so that we provide the required information?	RFP, Page 10, Section 6.1.8.4	The certification of correctness can be a statement from Consultant certifying that Consultant's statement of financial resources is true and correct.
39	Would JCC like to see a full list of our firm's hourly rates in addition to the rates of the services outlined in Attachment N. Hourly rates?	RFP, Page 13, Section 6.2.1 Attachment N, Pages N-2 and N-3, Table A (Required) and Table B (Optional) Consultant Personnel Hourly Billing Rates	Attachment N has been revised. See Addendum 02. Provide the hourly billing rate to be charged through the initial term of the resulting Agreement, if any, for each job title listed in Table A (Required). If Consultant utilizes a different job title than listed in Table A, include the rate for the closest-aligned job title that would perform the work. List any additional services, if any, in Table B (Optional).
40	On Attachment N, under all other services there is a line item for engineer. Given that several different engineering disciplines will be required to service your projects (i.e. mechanical, electrical, structural), what engineering service rate would you like us to include here?	RFP, Page 13, Section 6.2.1 Attachment N, Page N-2, Table A (Required) Consultant Personnel Hourly Billing Rates	See answer to Question 39.
41	Can a subconsultant be listed on multiple primes in the same RFP? or do they have to commit to just one prime for this response?	RFP, Page 4, Section 3.2	Subconsultants may team with more than one Consultant.

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42	Can we expand to the past 7 years instead of 5 years? We ask because COVID put a halt on a lot of work for a 2-year period for our firm.	RFP, Pages 10 and 11, Section 6.1.9.2. Attachment D, Page D-5, Firm's Project References	For Prior Relevant Experience, Consultants may list California public entities the Consultant has provided the same or similar Services to in the past seven (7) years. For the Firm's Project References section of Attachment D, Consultants must list projects from the past five (5) years.
43	Do you want just the fee that the architectural consultants provide or do you want the combined fee of Architectural and Engineering for the full project?	Attachment D, Page D-5, Firm's Project References	Provide the total fee for services in which your firm performed services under a Consultant contract with a contract value of more than \$25,000.
44	Is there a formal page limit on the RFP response or any of its sections? Thanks.	N/A	There is not a formal page limit for Proposal Contents, however, the Judicial Council may not be able to receive electronic submissions with files equal to or greater than 30MB in size (individually or in total). Refer to Section 5.3.4 of the RFP, for information regarding file size limitations.
45	Would the JCC consider revising the contractual indemnity so it is insurable? This would require limiting the indemnity to the extent of negligence.	Attachment C, Master Agreement (sample document), Exhibit A, Page A-5, sections 11.1.3. and 11.1.4.	As indicated in RFP §§ 2.3.1 and 6.1.16, the Judicial Council will not modify the Master Agreement. Where and as applicable, certain services provided under an authorized Service Work Order may be subject to the provisions of Civil Code § 2782.8.
46	Would the JCC consider adding a mutual waiver of consequential damages to the contract? This would make a competitive fee more balanced.	Attachment C, Master Agreement (sample document), Exhibit A, Page A-4, Section 4.	As indicated in RFP §§ 2.3.1 and 6.1.16, the Judicial Council will not modify the Master Agreement.
47	Would the JCC consider modifying the standard of care in the contract to align with California law governing architects? Refer to California Code of Regulations Title 16, Section 160(b).	Attachment C, Master Agreement (sample document), Exhibit A, Page A-5, Section 10.1	As indicated in RFP §§ 2.3.1 and 6.1.16, the Judicial Council will not modify the Master Agreement. As applicable, and in the Judicial Council's sole discretion, alternative specific standards and criteria may be specified in authorized Service Work Orders subject to the requirement that in no event shall the Work be performed in a manner that is less than the standard of care generally accepted in the industry pertaining to the applicable Service Type.
48	Would the JCC consider removing the warranties from the contract? These render the contract uninsurable.	Attachment C, Master Agreement (sample document), Exhibit A, Page A-6, sections 12.1., 12.2., 12.3.	See answer to Question 47.
49	Would the JCC consider adding a requirement to the contract that it will continue to pay for properly performed services pending resolution of a dispute?	Attachment C, Master Agreement (sample document), Exhibit A, Page A-7, Section 14.2.	See answer to Question 46.
50	Would the JCC consider a contract change allowing the Consultant to retain its copyright in data? This will allow us to continue to develop our toolkit and our practice.	Attachment C, Master Agreement (sample document), Exhibit A, Page A-9, sections 18 and sections 19.1. through 19.4.	See answer to Question 46.

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51	Would the JCC consider modifying the contractual obligation to redesign to meet the budget to add an exception for market conditions that could not be anticipated?	Attachment C, Master Agreement (sample document), Exhibit B, Page B-4, Section 3.1.3.4.	See answer to Question 46.
52	Would the JCC consider adding to the contract a notice period and opportunity to cure before payment is withheld?	Attachment C, Master Agreement (sample document), Exhibit C, Page C-8, Section 9.3.	See answer to Question 46.
53	Can you clarify how to list rates for civil, structural, and electrical engineering disciplines? Currently Table A, allows us to input one senior engineer and one engineer.	Attachment N, Page N-2, Table A (Required) Consultant Personnel Hourly Billing Rates	See answer to Question 39.
54	Can you clarify the role of a historian and their qualifications required?	Attachment N, Page N-2, Table A (Required) Consultant Personnel Hourly Billing Rates	Attachment N has been revised. See Addendum 02. “Historical Architect” prepares plans for appropriate work on historic buildings and directs the work to preserve important features and avoid damage. This work can include restoring a building to its original appearance or rehabilitating it to serve a new use while keeping its historic look. Such Consultant is a subject matter expert with expertise in historic buildings and also has worked with the State Historic Preservation Office to obtain approval.
55	If the design is complete, through agency review, and starting construction, can the project qualify as a recently completed project?	Attachment D, Page D-5, Firm's Project References	See answer to Question 6.
56	Small sole proprietor firms such as ours do not have the resources for certified yearly audits which is a very costly forensic processes, but rather simple bookkeeping and tax filings. Please confirm if a statement such as a company’s financial statement along with a letter from the principal certifying the accuracy would be sufficient as approved in the call in.	Attachment D, Page D-1, Consultant Information RFP, Page 10, Section 6.1.8.4	Yes, the Judicial Council will accept financial statements and a self-certification from private owners of small firms.
57	We have a DIR registration, but no prevailing wage workers on staff, we are architects, not contractors and have no field surveyors or field engineers on staff. Please confirm the license information requested under DIR are N/A to us.	Attachment D, Page D-1, Consultant Information	All Consultants doing business with the Judicial Council must be registered at both the time of bid and at the time of award. The only exceptions applicable to public work are identified in RFP Section 35.2.1, second paragraph: Business and Professions Code Section 7029.1 (applicable to joint venture entities), or Public Contract Code Sections 10164 or 20103.5 (when federal funds are involved).
58	Please confirm the 5 most recent Public Works projects with contract value > \$100,000 is for ‘construction cost’ and not AE fees. Many of the past JCC IDIQ projects have AE fees less than \$100K. Also, some Criteria document projects have fees <\$100k for \$3M+ construction cost.	Attachment D, Page D-5, Firm's Project References	Attachment D has been revised. See Addendum 02. List projects with a <i>Consultant</i> contract value of more than \$25,000.00.

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59	<p>Hourly rates for various subconsultants we use for JCC projects can vary widely, and specific engineering consultants may be preferred for different projects depending on the bid or relevant experience. Some subs get bought out or decide they don't want to bid due to availability.</p> <p>a) If we commit to engineer rates for the SOQ and we do not get the best value bid from them on an RFP, are we then limited to the rates in the RFP which may not be acceptable to the best value engineer?</p> <p>b) Can we eliminate the hourly rates for 'All other services' if they are not direct employees of the proposing firm? How would that affect our scoring?</p> <p>c) If we must provide 'All other services' rates, it is not clear which 'engineer' you are asking for, S/M/E/P, Civil, Fire Protection, and whether the consultant would be acceptable to the JCC. Addendum 1 says all needed, but there is no delineation on the form for each type and we are not allowed to change Attachment N.</p>	Attachment N, Page N-2, Table A (Required) Consultant Personnel Hourly Billing Rates	<p>a) All Hourly Rates of a resulting Agreement shall remain firm and not subject to change throughout the Initial Term of the Agreement. Subsequent Project Proposals that include Subconsultants will be evaluated on a project-by-project basis as indicated in section 2.4 of the RFP.</p> <p>b) Attachment N has been revised. See Addendum 02. All job titles in Table A (Required) <i>must have</i> a corresponding rate to be considered a responsive proposal.</p> <p>c) See answer to Question 39.</p>
60	Is it acceptable to propose a partnership of two firms (architectural and engineering) as the single "Consultant" in lieu of an in-house inclusive team, sub-consultant arrangement, or a formal Joint Venture for completion of Attachment D to show combined qualifications?	RFP, Page 2, Section 2.1 Attachment D	Consultant cannot use proposed subconsultant qualifications in order to meet RFP requirements. A formal Partnership or Joint Venture is acceptable if the entity can provide proof that it is in good standing and able to do business in California.
61	Is it acceptable to engage a qualitative surveyor such as Cumming, G&T, RLB, etc. to provide cost estimating services? If not, are we, as bidders, expected to partner with a General Contractor for those services as this is not traditionally Architect's value add?	RFP, Page 5, Section 3.3.8	Yes, it is acceptable to engage a qualitative surveyor. Consultants may subcontract cost estimating services.

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62	<p>The RFP and the Master Agreement (Attachment C) Exhibit D require the Consultant to create a minimum of an LOD 300 Revit model and, in most cases, an LOD 500 Revit model for the JCC ID/IQ projects. Per the industry standard definitions found in the BIM Forum LOD Specification which is supported by the AIA, DBIA, and many other industry standards organizations, LOD 500 would be inappropriate for a design and construction model. The BIM Forum LOD Specification document can be referenced at the following link: https://bimforum.org/resource/lof-level-of-development-lob-specification/</p> <p>As an architectural design firm we do not model beyond LOD 300 during design as LOD 400 and above represent construction, as-built and operation conditions. Our presumed LOD by project phase would be:</p> <ul style="list-style-type: none"> •Schematic Design – LOD 200; •Design Development – LOD 300; •Construction Documents – LOD 300. <p>Anything beyond that is defined by the BIM Forum specifications as “as-built or field-verified representation of detail and accuracy for fabrication of the represented component with all elements being able to be accurately measured from the model with no need for additional notes or dimension call outs.” The BIM Forum Specification does not further define LOD 500 because it is related specifically to field verification.</p> <p>It would be inappropriate for an architectural design firm to commit to model to the LOD 500 level as required in the Master Agreement for our design and construction documentation as we are not owning the risk of that level of detail for the construction/ installation.</p> <p>Please confirm the LOD requirements for design and construction to be maximum LOD 300 as is more appropriate for design and construction documentation or confirm if we need to partner with a General Contractor as part of the Consultant team who would manage the higher LOD on the part of design/build contractors and/or installers to document as-built field conditions in coordination with the architect’s design model at the higher LOD level.</p>	<p>RFP, Page 5, Section 3.4</p> <p>Attachment C, Master Agreement (sample document), Exhibit D, Page D-1, Section 1.11</p>	<p>Reference the following sections of Attachment C, Master Agreement (Sample Document), Exhibit D:</p> <p>1.11.2. For each authorized Project requiring Design Materials on a Service Work Order-by-Service Work Order basis, the Building Information Model (“BIM”) for the Project will be provided by the Judicial Council and developed by the Consultant to the level of development (“LOD”) in accordance with one of the following methods in the Judicial Council’s discretion:</p> <p>1.11.2.1.If the Judicial Council provides Consultant with a BIM 500 level model for the Project, Consultant shall incorporate any new work into a Federated BIM LOD 500.</p> <p>1.11.2.2.If the Judicial Council provides Consultant with a BIM 300 level model for the Project, Consultant shall incorporate any new work into a Federated BIM LOD 500.</p> <p>1.11.2.3.If no BIM exists for the Project, Consultant shall develop a Federated BIM LOD 300. The consultant will work with the contractor to provide final record model BIM LOD 500 record based in accordance with the above contract sections 1.11.2.1 and 1.11.2.2. The consultant is responsible to comply with the above requirements. There may be some projects where BIM model is not required. For example, feasibility study, roof replacements, and site repairs.</p>
63	<p>Professional design services are governed by the AIA/common law definition of Standard of Care, and as such, design professionals don’t/can’t “guarantee” their work. We request that the word “guarantee” be removed from the agreement and reference the AIA definition of Standard of Care.</p> <p>For example, “Consultant will perform the work per the standards and criteria established in this Agreement and its authorized Service Work Order(s) per the AIA/common law definition of Standard of Care”.</p>	<p>Attachment C, Master Agreement (sample document), Exhibit A, Page A-6, Section 12.(12.1.)</p>	<p>See answer to Question 47.</p>
64	<p>Similar to #4 above, we request that the word “guarantee” be removed from the agreement and tied to the Standard of Care.</p> <p>For example, “Consultant will perform/provide the Work in accordance with the schedule or within the dates specified in Service Work Orders per the Standard of Care.”</p>	<p>Attachment C, Master Agreement (sample document), Exhibit A, Page A-6, Section 12.(12.2.)</p>	<p>See answer to Question 47.</p>

Q #	Questions	RFP Reference (Document & Page-Section-Item)	Answers
65	Similar to #4 and #5 above, we request that the word “guarantee” be removed from the agreement and tied to the Standard of Care. For example, “Consultant will perform the Work in accordance with all applicable laws, codes, and rules as set forth by Authorities Having Jurisdiction and per the Standard of Care. If a permit is to be procured for the Project, Consultant shall submit all required documentation to the satisfaction of the permitting agency per the Standard of Care.”	Attachment C, Master Agreement (sample document), Exhibit A, Page A-6, Section 12.(12.3.)	See answer to Question 47.
66	The language in this section permits the JCC to unilaterally withhold payment and impose damages. This is not insurable, and at a minimum, we request that the agreement require the dispute to be resolved in a binding dispute resolution proceeding before any damages are imposed.	Attachment C, Master Agreement (sample document), Exhibit A, Page A-9, Sections 17.1.1., 17.1.2., and 17.1.3.	See answer to Question 46.
67	Does the scope of services for this contract include CASp certifications or CASp reports?	RFP, Pages 4 and 5, Section 3.3	The scope of services does not solely include CASp certifications or CASp reports. CASp reports are usually part of the IDIQ Architect’s tasks involved in a Subsequent Project Proposal such as path of travel issues for permitting requirements.
68	Could you please clarify what constitutes a California public entity? Would a City, County, Public School District, City College, or State University located in California be considered a public entity? Or, is this requirement referring specifically to State of California departments only (such as California Department of General Services, California Department of Education, etc.)?	RFP, Pages 10 and 11, Section 6.1.9.2	See answers to Question 9.
69	Could you please clarify what documentation we must submit in order to meet the financial statement requirement in Attachment D? During the pre-proposal conference it was stated that this means audited financial statements, however, later in the meeting it was suggested that a letter from the company’s CEO/CFO would suffice.	Attachment-D, Page D-1, Consultant Information	Per Attachment D, Page D-1, Consultant Information section: "Submit a financial statement for the past two (2) full fiscal years. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and <i>is not a substitute for the financial statement.</i> "
70	The terms Responsible Managing Officer (RMO) or Employee (RME) seem to be related to the Contractors State License Board and are not necessarily applicable to architecture and engineering firms. Would it be acceptable to complete these rows by saying “Not Applicable” or would we be deemed nonresponsive?	Attachment-D, Page D-1, Consultant Information RFP, Page 9, Section 6.1.4.2	Consultant does not need to provide a Responsible Managing Officer (RMO) or Responsible Managing Employee (RME) and may complete those sections stating "Not Applicable".
71	Our research would define a City or County government within California as a “Public Entity”. Does the JCC accept, for example, Yolo County or City of Sacramento as Public Entities?	RFP, Page 10, Section 6.1.9.2	See answers to Question 9.
72	Does the “Qualifications Questionnaire - Attachment D” need to be completed for each proposed subconsultant engineer or is this form exclusively for the Prime Architect?	RFP, Page 9, Section 6.1.4 Attachment D	Submit one Attachment D per Consultant. Do not submit additional Attachment Ds for Subconsultants.
73	Please confirm if resumes are to be shown for the key staff of each engineering subconsultant or if you exclusively want to see the key staff of just the Prime Architect.	RFP, Page 9, Section 6.1.5	Include resumes of Consultant's in-house key personnel proposed to perform the services.
74	Please confirm that UC and CSU clients qualify as California public entities.	RFP, Pages 10 and 11, Section 6.1.9.2	See answers to Question 9.

Q #	Questions	RFP Reference (Document & Page-Section-Item)	Answers
75	Each engineering subconsultant will have various rates at different levels. Is it appropriate to expand "Attachment N – Hourly Rates" to include all the various rates for each subconsultant? Or do you only want one hourly rate line item per subconsultant?	RFP, Page 13, Section 6.2.1 Attachment N	Attachment N has been revised. See Addendum 02. Provide the hourly billing rate to be charged through the initial term of the resulting Agreement, if any, for <i>each</i> job title listed in Table A (Required) and for additional services, if any, in Table B (Optional).
76	Regarding RFP section 10, Is there incentive to include DVBE team members (excluding prime)?	RFP, Page 15, Section 10	To receive the DVBE incentive, the Consultant <i>itself</i> must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal—Bidder Declaration (Attachment L) and the DVBE Declaration (Attachment M). The DVBE incentive will only be awarded to Consultants that can be verified as a certified DVBE. A non-DVBE Consultant, regardless of whether it intends to utilize DVBE subcontractors, are not eligible for the DVBE incentive.
77	Please clarify your definition of a public entity or specify qualifying public entities (for example, are California Public School Districts or Community College Districts and their associated schools considered public entities?)	RFP, Pages 10 and 11, Section 6.1.9.2	See answers to Question 9.
78	Regarding the resumes to be provided for section 6.1.5, would you like these to be our firm's standard resumes or SF 330 forms?	RFP, Pages 9 and 10, Section 6.1.5.3	There is no preferred format for resumes of key personnel. Consultant may use the format of their choosing.
79	Regarding references to be provided for section 6.1.7, are the 5 references only required for the prime? Should we also submit references for sub-consultants?	RFP, Page 10, Section 6.1.7	References for Subconsultants should not be provided.
80	Should a court programmer be included on the team?	"Section 6.3.2-6.3.3"	If the scope of the assigned project requires programming, it would be included in the service work order as part of the Architect's services. The majority of the projects will not require a court programmer.
81	Should sub-consultants' information be included? Resumes, projects, etc.	RFP, Pages 9 and 10, Section 6.1.5.3	Include resumes of Consultant's in-house key personnel proposed to perform the services.
82	Please confirm if projects design for federal government agencies are sufficient for experience requirement or if they need to be specifically with the department of public works.	RFP, Pages 10 and 11, Section 6.1.9.2	See answers to Question 9.
END OF QUESTIONS AND ANSWERS – PACKAGE 02			