



Request for Proposals – *Revised* RFP-FSO-IDIQ- Struc-Engin-Peer-Rev- Services-2017-03-JP for

ID/IQ Structural Engineering Peer Review Services

The Judicial Council of California seeks to identify a number of firms qualified to provide structural engineering peer review services for various projects to be initiated between January 1, 2018, and December 31, 2020, with possible extensions to December 31, 2022.



**JUDICIAL COUNCIL
OF CALIFORNIA**

**OPERATIONS AND PROGRAMS DIVISION
FACILITIES SERVICES**



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

REQUEST FOR PROPOSALS

Date
October 3, 2017

To
Structural Engineering Firms

From
Judicial Council of California

Project Title
ID/IQ Structural Engineering
Peer Review Services

Action Requested:
Firms are invited to review this RFP and
submit a Proposal in response.

RFP Number
RFP-FSO-IDIQ-Struc-Engin-Peer-Rev-
Services-2017-03-JP

Proposals must be received on or before
November 2 at 2:00 PM, as specified in
the RFP Schedule.

Send Proposals to:
Judicial Council of California
Attn: Lenore Fraga-Roberts
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

(Indicate RFP Number and the name of
your firm on lower-left corner of the
outer packaging.)

Contact:
CapitalProgramSolicitations@jud.ca.gov

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1. INTRODUCTION

- 1.1 The judicial branch of California is a part of the 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, 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. Many of these approximately 532 existing facilities require repairs or modifications.

2. PURPOSE OF THIS RFP

- 2.1 **Service Providers.** Judicial Council seeks proposals from structural engineering firms to provide the services of qualified, California licensed structural engineers with expertise in various phases of the design and construction of public buildings (“Proposals”). It is anticipated that selected firms will participate in periodic structural peer and plan review and assessments for assigned projects. Consultants for the purpose of this RFP will be referred to as “Service Providers.” Service Providers will be evaluated and selected to provide services primarily on a State-wide basis.
- 2.2 **ID/IQ Contracts.** Multiple Service Providers will be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the Judicial Council for structural engineering peer review services for new capital projects and other court facility projects as necessary, or for the provision of the services for which they propose. Those Service Providers 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 Service Providers. 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 three years with the possibility of two subsequent one-year extensions. It is anticipated that multiple ID/IQ contracts will be issued to Service Providers on a State-wide basis.
 - 2.2.1 Posted with this RFP is the Judicial Council’s form of Standard Agreement, 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 Service Provider'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 at or before this time. Please indicate in Service Provider's response if Service Provider has any comments or objections to the form of agreement. Reference and submit Attachment E, Proposers Acceptance of Terms and Conditions.

- 2.3 **Licensing.** All Service Providers, and sub-consultant(s), employees or agents thereof, performing work per agreements awarded under this RFP must have, at all times throughout the duration of their performance of the work, all appropriate, valid license(s) required under law to provide the work being performed. If the possession of any license(s) including, without limitation, a valid California Structural Engineer's license, is required under law for the performance of the work, the Service Provider must ensure that the work will either be performed by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual.
- 2.4 **Prevailing Wages.** All Service Providers and sub-consultant(s) shall comply with any applicable laws requiring it to pay all workers 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. Prevailing wage rates are available online at: <http://www.dir.ca.gov>. All Service Providers and sub-consultant(s) thereof shall comply with the applicable registration and qualification requirements pursuant to sections 1725.5 and 1771.1 of the California Labor Code.
- 2.5 **Subsequent Project Proposals.** Service Providers may be asked to propose on some projects ("Project Proposal(s)") but not on others or none at all. In some cases, more than one Service Provider will be asked to provide Project Proposals for the same project. Selection of a Service Provider 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 Service Providers 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.
- 2.6 This RFP is the sole means for prospective Service Providers to submit their qualifications to the Judicial Council for the ID/IQ services for new capital projects and other court facility projects, as described above.

3. SCOPE OF SERVICES

- 3.1 **Consultant Services.** The scope of services requested under agreements awarded under this RFP include professional consultant services of a structural engineering nature as well as incidental services that members of those professions and those in their employ may logically or justifiably perform, such as peer and plan review and assessment services for assigned projects.
- 3.2 **Additional Services.** Additional services as required may include the following:
- 3.2.1 Structural Peer Review.
- 3.2.1.1 Validate the Structural Engineer of Record's (SEOR) stated criteria, analysis methods, and design concepts in particular as they relate to seismic issues;
 - 3.2.1.2 Assist in achieving consistency of design and design approach among different Judicial Council projects including, but not limited to, new building and/or renovation projects;
 - 3.2.1.3 Suggest alternative analytical and design approaches as appropriate to enhance the quality of the end product;
 - 3.2.1.4 Provide constructive feedback regarding constructability and efficiency of the design;
 - 3.2.1.5 Recommendations of geotechnical report including measures to mitigate unsuitable site conditions and geological hazards;
 - 3.2.1.6 Design seismic ground motion and exposure to other environmental effects such as wind and snow;
 - 3.2.1.7 Design floor and roof dead and live loads;
 - 3.2.1.8 Serviceability criteria for floor deflection and vibration;
 - 3.2.1.9 Structural system(s) selection;
 - 3.2.1.10 Analysis methodologies;
 - 3.2.1.11 Continuity of the load path of structural elements and connections to carry all loads to the foundations and from the foundations into the ground;
 - 3.2.1.12 Measures to mitigate the adverse effects of irregularities in the lateral force resisting system;
 - 3.2.1.13 Redundancy of lateral load resisting elements;
 - 3.2.1.14 Behavior of structural elements and connections under reversing lateral loads including elements of the gravity load system, considering the post-yielding behavior (ductility) of the element;
 - 3.2.1.15 Compatibility of the proposed cladding system to sustain deformation;
 - 3.2.1.16 Compatibility of the egress systems to sustain deformation;

- 3.2.1.17 Anticipated seismic performance of significant non-structural architectural elements and equipment;
 - 3.2.1.18 Basic constructability of the structural elements and their connections;
 - 3.2.1.19 In the case of existing structures, results of existing conditions survey, seismic hazard assessment, and seismic rehabilitation criteria;
 - 3.2.1.20 Compliance with acceptable professional practice standards including completeness of submittals, and
 - 3.2.1.21 When required to evaluate alternative design solutions a calculation of expected cost of seismic related property damage and personal injury resulting from each alternative design solution.
- 3.2.2 Structural Plan Check.
- 3.2.2.1 Review the Structural Peer Reviewer's Design Development Phase report and resolve any disagreements therewith;
 - 3.2.2.2 Verify for substantial completion and compliance with the California Building Code without duplicating the efforts of the Division of the State Architect (for Access Compliance), the State Fire Marshal (for Fire and Life Safety), or the Board of State and Community Corrections (for Holding Cells);
 - 3.2.2.3 Verify for proper incorporation all requirements imposed by the Judicial Council through the indicated version of the California Trial Court Facilities Standards and through project-specific communications, including provisions for a Nonstructural Seismic Coordinator and enhanced seismic performance and/or blast resistance where required;
 - 3.2.2.4 Validate that the SEOR's finalized criteria, analysis methods, and design approach are consistent with that documented through the Design Development Phase as previously reviewed and approved by the Structural Plan Reviewer; and
 - 3.2.2.5 Identify key issues that are not complete because of, for example and without limitation, deferred submittals or undiscovered conditions that must be followed up during the Construction Phase.
- 3.2.3 Structural Engineering Services.
- 3.2.3.1 Structural engineering required for tenant improvements and life cycle equipment replacement in existing facilities.
- 3.2.4 Field Investigation and Reporting.
- 3.2.4.1 Investigate structural field conditions, perform analysis, and write reports to document findings. The details for the content of the deliverable work product will be provided on a project-by-project basis. Conditions to be investigated may include, but are not limited to, the following:

- 3.2.4.1.1 Failure of finish materials such as floor or wall coverings to determine possibility of underlying failure of the building's structural system;
- 3.2.4.1.2 Spalling of concrete slabs or beams in parking structures; and
- 3.2.4.1.3 Movement of any building element in relation to adjacent elements to determine possibility of structural failure.

4. RESPONDING TO THIS RFP

- 4.1 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.
- 4.2 Service providers who intend to respond to this RFP are requested to notify Facilities Services by sending an email to CapitalProgramSolications@jud.ca.gov with the RFP number and name in the subject line. Please include the name, address, telephone, fax number, and email address of the Service Provider (firm) and contact person. Note, however, that interested parties must check the Judicial Council's website for subsequent notices and announcements; the Judicial Council will not address individual parties directly during this RFP's solicitation period.
- 4.3 A pre-proposal conference will be held to answer questions with regards to this RFP. See the RFP Schedule, set forth in Table 2 below, for further details on the pre-proposal conference. The information regarding the pre-proposal conference also will be posted on the Judicial Council website at: <http://www.courts.ca.gov/rfps.htm>.
- 4.4 **Proposal Format.** Proposals must be submitted in three-ring binders or three-hole soft report covers. Service Providers are encouraged to print double-sided to save paper. All page limits listed below refer to a single printed side on an 8.5" x 11" sheet of paper (except where specifically stated below).

Four (4) complete copies are required for consideration. As well, provide copies of Proposals on one (1) compact disk or USB flash drive containing all documentation required below in both Adobe PDF format and editable formats; label the CD or drive clearly with the name of your organization and with "RFP-FSO-IDIQ-Struc-Engin-Peer-Rev-Services-2017-03-JP for ID/IQ Structural Engineering Peer Review Services".

Proposals should be tabbed according to and include the following sections:

- 4.4.1 **Cover Letter (1-page limit):** A cover letter, signed by an authorized representative of your organization, that provides the exact business name under

which you propose to conduct business with the Judicial Council, and your address, telephone, 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 Proposer as posted except as otherwise specifically indicated pursuant to this RFP.

4.4.2 **Statement of Qualifications (SOQ):** Standard Form 330 (U.S. General Services Administration, Rev. 8/2016) and additional instructions, which can be found at <https://www.gsa.gov/portal/forms/download/116486>, with the following parts, per specific instructions, included in their entirety:

4.4.2.1 *Proposed Team*, Part I, Section C (4-page limit if additional pages needed);

4.4.2.2 *Organizational Chart*, Part I, Section D (2-page limit, may be printed on 11" x 17", landscape orientation if preferred);

4.4.2.3 *Resumes of Key Personnel*, Part I, Section E (10-page limit): this form must be utilized for all key personnel resumes.

4.4.2.4 *Example Projects*, Part I, Section F (10-page limit): provide Service Provider's 5 most recent projects related to the scopes of services requested in section 3 of this RFP.

4.4.2.5 *Additional Information*, Part I, Section H (10-page limit): prospective Service Provider shall provide specific responses to items 1-6 of the selection Criteria, below in section 6 of this RFP, *Evaluation of Proposals*, numbered and titled to correspond therewith;

4.4.2.6 *General Qualifications*, Part II: to be completed by only the Prime Proposer (or Prime Proposers if a joint venture). For Box 11 in Part II, *Annual Average Professional Services Revenues of Firm for Last 3 Years*, please consider the word "Federal" to be replaced with "Government" so that field (a) is deemed to be "Government Work" and field (b) is deemed to be "Non-Government."

4.4.3 **Attachment C, Hourly Rates:** Provide the hourly rates you propose to charge for all services utilizing Attachment C to this RFP. Do not change or edit this form. Rates must be fully loaded and include Overhead and Profit.

4.4.4 **Payee Data Record (no page limit):** A separately printed and signed original Payee Data Record, completed in the exact name of the business entity under

which you propose to do business with the Judicial Council. A separately printable copy of this form has been posted with this RFP as Attachment D.

4.4.5 **Delinquent Taxpayer Status (2-page limit):** 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 list 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>)

4.5 **DVBE.** Note that the Disabled Veteran Business Enterprise (DVBE) Participation Form is provided as Attachment B to this RFP for reference; however, this documentation is not to be submitted with Proposals, but must be submitted by Service Providers upon award of a contract, if a contract is awarded at all.

5. SELECTION PROCESS

- 5.1. An evaluation panel composed of predominantly Judicial Council staff will review and score the Proposals, based on the selection criteria given in this RFP, and establish a shortlist of Service Providers for further consideration.
- 5.2. Judicial Council will post the shortlist on the website publishing this RFP. Service Providers on the shortlist will be notified of their interview time and place. Interviews will be held at the Judicial Council offices in San Francisco and Sacramento.
- 5.3. At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Service Provider, their key personnel, and their sub-consultants.
- 5.4. After the interviews the ranking of the firms according to the selection criteria will be adjusted and the highest-scoring firms will be contacted regarding contract execution. The names of the selected firms will be posted on the website posting for this RFP.

6. EVALUATION OF PROPOSALS

6.1 Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score the Statements of Qualifications (SOQ) submitted in the Proposal according to the following criteria and with the following weights:

Table 1. Criteria for Evaluation of Proposals

Points	Criteria	100 points maximum
20	<p>1. Relevant Experience Past seven years of relevant experience of the prospective Service Provider team and its key personnel-consultants in the development of quality solutions for court buildings, or similar program-intensive, public agency, institutional buildings; for non-project specific work, relevant experience in the evaluation of existing infrastructure, code compliance, design and/or planning solutions.</p>	
10	<p>2. Quality Improvement Documentation that the Service Provider has delivered high quality consulting services and contract documents to its clients, and has in place an effective continuous quality improvement process.</p>	
30	<p>3. Hourly Rates Hourly rates for the consultant services requested by this RFP, as provided in Attachment C.</p>	
10	<p>4. Budget / Schedule Demonstrated ability of Service Provider to perform the services requested by this RFP within budget and on schedule, and to meet client program requirements and goals.</p>	
15	<p>5. Problem Solving Demonstrate creative problem solving and solutions in dealing with identifying, prioritizing, and selecting alternatives for a solution and implementing that solution.</p>	
15	<p>6. Capacity Capacity to provide resources necessary to develop and manage work within the geographic area(s) in which the services are required.</p>	

7. ADDITIONAL REQUIREMENTS

7.1 Proposals may be sent by registered mail, certified mail, using the overnight courier of your choice, or by hand delivery. 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.

7.2 Proposal submissions must be sent to:

Judicial Council of California
 Attn: Ms. Lenore Fraga-Roberts
 455 Golden Gate Avenue, 6th Floor
 San Francisco, CA 94102-3688

(Indicate the RFP Number and name of your organization, in the lower-left corner of the outer packaging.)

7.3 If a Proposal is to be submitted by hand, it will only be considered a valid submission if it is received at the reception desk of the Judicial Council on the **6th floor of 455 Golden Gate Avenue, San Francisco, CA 94102** (Hours: 9:00 A.M. to 5:00 P.M., Judicial Council Business Days). Service Providers are advised to obtain a handwritten receipt from the Judicial Council receptionist when submitting.

7.4 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 contact your delivery service.

7.5 The due date and time for submission of your 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.

7.6 Procurement Schedule and General Instructions.

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

Table 2. RFP Schedule - *Revised*

<i>No.</i>	<i>Event</i>	<i>Key Date</i>
1	Issue RFP	October 3, 2017
2	Pre Proposal Conference Teleconference Number: 877-820-7831 Participant Code: 514893	October 12, 2017 @ 1:30 pm

<i>No.</i>	<i>Event</i>	<i>Key Date</i>
3	Deadline for Vendor Requests for Clarifications, Modifications, or Questions	October 19, 2017
4	Clarifications, Modifications, and/or Answers to Questions posted on the Judicial Council Website	October 26, 2017
5	Proposal Due Date and Time	November 2, 2017 @ 2:00pm
6	Shortlist of Potential Service Providers Posted	November 9, 2017
7	Oral Presentations / Interviews (Estimated)	<i>DECEMBER 4, 2017</i>
8	Notice of Intent to Award (Estimated)	<i>DECEMBER 8, 2017</i>
9	Full Performance Start Date (Estimated)	January 2018

8. CONTRACT TERMS AND ADMINISTRATIVE RULES

- 8.1 All submitted Proposals shall constitute and be an irrevocable offer valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) days, the Judicial Council reserves the right to negotiate extensions to this period with Service Providers. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.
- 8.2 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 three (3) years, beginning January 1, 2018. 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 shall 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.
- 8.3 In submitting a Proposal under this RFP, the prospective Service Provider must affirm that it has no objections to the use of the Standard Agreement as provided pursuant to this RFP.
- 8.4 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.
- 8.5 The Service Provider 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.

- 8.6 **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.
- 8.7 **Compensation.** The method of compensation will vary on a Work Order-by-Work Order basis. See the Standard Agreement posted with this RFP for details.

9. DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

- 9.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a participation goal of three percent (3%) of the total amount of the contract, or demonstration of a good faith effort to comply with such a program.
- 9.2 The Judicial Council does not require that your DVBE participation be developed, or that your DVBE compliance forms be submitted with your Proposal, nor will an early submission influence the evaluation of your Proposal. A copy of this form is incorporated as Attachment B to this RFP and a separately printable copy of this form has been posted to the website posting for this RFP for your later use if awarded the contract.
- 9.3 Submission of your DVBE commitment and the forms documenting it, or your good faith effort to comply with such a program, will be required following notification of selection and prior to the signing of the agreement by the Judicial Council. Forms are provided here to familiarize you with this requirement and enable you to prepare for this effort if you are awarded the work. Information about DVBE resources can be found on the Executive Branch's internal website at <http://www.dgs.ca.gov/default.htm>, or by calling the Office of Small Business and DVBE Services (OSDS) at 916-375-4940.

10. ADMINISTRATIVE RULES GOVERNING RFP

- 10.1 The Judicial Council's Administrative Rules governing this RFP can be found in Attachment A. By virtue of submission of a Proposal, the Service Provider agrees to be bound by said Administrative Rules.
- 10.2 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

Request For Proposals
ID/IQ Structural Engineering Peer Review Services

responding to this RFP. One copy of a submitted Proposal will be retained for official files and becomes a public record.

Attachment A

JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

A. General

1. This solicitation (the “RFP”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “Proposal(s)”), the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of a Proposal, prospective Service Providers agree to be bound by these Administrative Rules. If a prospective Service Provider has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B of these Administrative Rules.
2. In addition to explaining the Judicial Council of California’s (“Judicial Council”) requirements and needs for goods and/or services, the RFP includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Prospective Service Providers must adhere to all instructions provided in the RFP when submitting Proposals.
3. An RFP, as published to the California Courts “Request for Proposals” page of the California Courts website, constitutes the entire statement of the Judicial Council’s solicitation with regard to the subject matter of the solicitation, and is not subject to any modification not posted in writing to said website. Any and all other communications, whether prior to or during the course of a solicitation, and whether given in writing, verbally, or published to other Judicial Council, California Courts, State of California, or other websites are hereby disclaimed.

B. Errors in the RFP or Administrative Rules

1. If a prospective Service Provider who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP; is of the opinion that the structure of the RFP does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought; believes that one or more of the RFP’s requirements is onerous or unfair; believes that the RFP unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective Service Provider must, at least two (2) full Judicial Council business days before the due date of the Proposals, provide the Judicial Council with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective Service Provider is of the opinion that the RFP or the Administrative

Rules should be changed, as well as a written description of the modification sought. Said written notice must be in the form of an e-mail submitted to the e-mail address established for the submission of questions in the RFP. Failure to provide the Judicial Council with such written notice as specified above on or before the time specified above forfeits the prospective Service Provider's right to raise such issues later in the solicitation process or at any other time.

2. Without disclosing the source of the request, the Judicial Council will evaluate the request and will, prior to the date established for submission of Proposals, at its sole discretion determine if it chooses to modify the RFP. Any modification made will be published by the Judicial Council to the Judicial Council's website advertising the solicitation.
3. If a prospective Service Provider submitting a Proposal knows of (or, if it can be reasonably demonstrated, that it should have known of) an error in the RFP but fails to notify the Judicial Council of the error as prescribed above, the prospective Service Provider is submitting a Proposal at its own risk and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the Judicial Council.

C. Questions; Requests for Access to Public Records; Confidentiality

1. Prospective Service Providers are entitled to ask questions about the RFP and the nature of the goods and/or services being solicited in accordance with the procedure for the submission of such questions specified in the RFP. Except as otherwise specified below, the Judicial Council's responses to questions submitted shall be published to the public website for the procurement.
2. The Judicial Council of California is bound by California Rule of Court 10.500 with regards to disclosure of public records.
3. If the Judicial Council receives a request for public access to documents submitted in response to this RFP or other documents related to this RFP, the Judicial Council will determine whether such documents, in whole or part, are subject to disclosure under Rule 10.500 or other applicable law and inform the inquiring party. If subject to disclosure under Rule 10.500, the Judicial Council will proceed to disclose the documents as public records.
4. Prospective Service Providers may note or mark portions of the information submitted on their Proposal in response to this RFP indicating that certain information is confidential and/or proprietary.
5. If the Judicial Council finds or reasonably believes that any portions of the documents requested are exempt from disclosure for reasons of confidentiality, those portions of the documents will not be disclosed.

6. If the documents requested are marked confidential and the Judicial Council reasonably believes that the material so marked is not confidential, the Judicial Council will contact the prospective Service Providers with a request to substantiate its claim for confidential treatment; however, if the Judicial Council disagrees with the substantiation provided, the Judicial Council will proceed to disclose the documents as public records pursuant to Rule 10.500 and other applicable law regardless of the marking or notation seeking confidential treatment.

D. Addenda

1. In response to questions raised, or at its sole discretion, the Judicial Council may modify the RFP website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of Proposals. Such modification shall be made via a posting of such change(s) to the Judicial Council's website.

E. Withdrawal and Resubmission of Proposals

1. A prospective Service Provider may withdraw its Proposal, but only in its entirety, at any time prior to the deadline for submitting Proposals by notifying the Judicial Council in writing of its withdrawal. Any such notice of withdrawal must bear the signature of an individual and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by e-mail to the e-mail address established for the submission of questions in the RFP document.
2. A prospective Service Provider who has withdrawn a Proposal may thereafter submit a new Proposal, provided that it is received at the Judicial Council no later than the Proposal due date and time specified in the RFP.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered and, if received, will not be accepted as valid.
4. Proposals cannot be withdrawn after the Proposal due date and time specified in the RFP.

F. Evaluation Process

1. In accordance with the provisions of the RFP, an evaluation will be made of all Proposals rightfully received to determine if they are complete with regard to the materials required for submission by the RFP and to determine if they otherwise comply with the requirements established in the RFP.

2. If a Proposal submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFP, the Proposal will be rejected. A requirement will be judged to be material to the extent that it is not responsive to or is not in substantial accord with requirements of the RFP. Material deviations cannot be waived.
3. The Judicial Council, at its sole discretion shall have the right to waive immaterial deviations of Proposals with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFP.
4. The Judicial Council's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse that prospective Service Provider from material compliance with any other RFP requirement. The Judicial Council's waiver of an immaterial deviation for one prospective Service Provider shall in no way act to excuse other prospective Service Provider(s) from material compliance with that same requirement.
5. Proposals that make false or misleading statements or contain false or misleading information may be rejected if, in the Judicial Council's sole opinion, the Judicial Council concludes that said statements and/or information were intended to mislead the Judicial Council.
6. During the evaluation of the Proposal's, the Judicial Council has the right to require a prospective Service Provider's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective Service Provider to demonstrate that the claims made in its Proposal are in fact true may be sufficient cause for deeming a Proposal to be materially in non-compliance with the requirements of the RFP.

G. Proposals: Rejection, Negotiation, Selection Rights

1. In accordance with the provisions of the RFP, the Judicial Council may reject any or all Proposals.
2. The Judicial Council reserves the right to negotiate the content of the Proposal proposed with individual prospective Service Providers if it is deemed in the Judicial Council's best interest.
3. The Judicial Council reserves the right to make no selection if, at the Judicial Council's sole discretion, Proposals are deemed to be outside the fiscal constraints of, or against the best interest of, the State of California.

H. Award of Contract

1. Award of contract, if made, will be in accordance with the provisions of the RFP except to the degree that any immaterial deviation(s) have been waived by the

Judicial Council.

2. The actual execution of contracts is subject to availability of the funds necessary to pay for the goods and services by the State of California through its budgeting and appropriations methods. The Judicial Council makes no guarantee of funding through its solicitation for goods and/or services via this RFP.

I. Execution of Contracts

1. The Judicial Council will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFP within the time specified in the RFP or, if no time has been specified in the RFP, within thirty (30) calendar days following the date of publication of award. Exceptions to the contract documents posted with the RFP that are properly raised by a prospective Service Provider may delay the execution of contracts. If the negotiation of exceptions raised results in a delay of the planned time of execution past the time period allowed for as specified above (unless otherwise extended in writing by the Judicial Council), the Judicial Council, at its sole discretion, shall have the right to disqualify the award made.
2. By submitting a Proposal, a prospective Service Provider consents to the use of the form of agreement posted with the RFP rather than its own contract form. If a Service Provider has any comments or objections to the form of agreement, it should include those in its Proposal; **PLEASE NOTE**: The Judicial Council does not intend to consider any substantive changes to the form of agreement if they are not submitted at or before this time. Questions about and major exceptions to the contract form should be submitted as questions in accordance with the provisions for the raising and answering of questions as given in the RFP, and **not** following notification of an award. The Judicial Council will make reasonable attempts to answer such questions; however, the contract will not be negotiated, if at all, until after the award is made, and prospective Service Providers shall not construe the Judicial Council's responses to questions as the Judicial Council's final position on a question raised nor rely on the Judicial Council's answers as a guarantee of a later successful negotiation of terms.

J. Protest Procedure

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Service Provider to comply with any of the requirements of the protest procedures set forth herein will render a protest inadequate and will result in rejection of the protest by the Judicial Council. Such failure and subsequent rejection shall act to further forfeit the right of the prospective Service Provider to continue the protest, and is not appealable under this protest procedure.

3. A protest may only be based upon alleged restrictive requirements in the RFP or upon alleged improprieties in regard to the Judicial Council's execution of its responsibilities with respect to receipt and evaluation of the Proposals or grant of award(s), but only as such responsibilities are specified in the RFP document.
4. For protests based on allegedly restrictive requirements: Protests alleging restrictive requirements in the RFP must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFP raised later than as specified in Section C will not be considered a valid protest, will be rejected by the Judicial Council, and the prospective Service Provider shall have no further recourse under this procedure, including no further right of appeal.
5. For protests based on alleged improprieties in regard to the Judicial Council's execution of its responsibilities: A prospective Service Provider who has actually submitted a Proposal may protest the Judicial Council's rejection of its Proposal for failure to comply with the requirements of the RFP, or upon the basis of an allegation of improprieties with regard to the Judicial Council's responsibility to fairly and impartially evaluate the Proposals and make awards, but only insofar as such responsibilities are specified in the RFP document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:
 - a. If a Proposal is rejected because of an alleged failure to provide the Proposal to the Judicial Council on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a correct submission as specified by the RFP, the prospective Service Provider may file a protest. Said Service Provider must provide verifiable documentation that it has submitted a Proposal in compliance with all the RFP's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within five (5) Judicial Council business days following the date of dispatch of the notice of rejection.
 - b. If a Proposal is rejected because the Proposal submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFP, the prospective Service Provider may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the Proposal submitted was in fact complete and/or was in fact in compliance with the RFP requirement(s) in question. Such protests must be filed within five (5) Judicial Council business days following the date of dispatch of the notice of rejection.
 - c. If a Proposal fails to win an award or qualify the prospective Service Provider for a short listing for further evaluation and the prospective Service Provider alleges that said failure was due to a failure of the Judicial Council to fairly and impartially execute its responsibilities with regard to evaluation and

award of the work as such responsibilities were specified in the RFP, the prospective Service Provider may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the Judicial Council has failed to fairly and impartially execute said responsibilities. Such protests must be filed within (5) Judicial Council business days following the date of posting of award notices to the Judicial Council website for the RFP.

4. In order to be considered valid, all protests to be submitted:
 - a. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document. PDF documents may accompany the e-mail as further detailed below.
 - b. Must include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
 - c. Must provide the title of the solicitation document under which the protest is submitted.
 - d. Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.
 - e. Must provide a detailed description of the specific ruling or relief requested.
 - f. Must cite all protests that the prospective Service Provider intends to make. Failure to raise a protest in the initial protest submittal in accordance with the requirements of the Administrative Rules shall act to disqualify the raising of that protest at a later date.
5. Any protest failing to meet or provide the appropriate requirements as noted above shall not be considered valid and will be rejected as non-compliant by the Judicial Council and the protestor shall have no further recourse under this procedure, including any right of appeal.
6. If the course of investigation of a protest deems doing so necessary, the Judicial Council may request, and the protestor shall make best efforts to provide, further evidence or documentation when and as requested by the Judicial Council.
7. The existence of a protest will in no way act to restrict the right of the Judicial Council to proceed with the procurement. The Judicial Council, at its sole discretion, may elect to withhold the contract award(s) until the protest is

resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

K. Protest Decisions

1. The protest will be forwarded to the appropriate Contracting Officer at the Judicial Council, who will assess the protest submission for compliance with the requirements of these Administrative Rules and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.
2. If the protest submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.
3. The Contracting Officer will endeavor to provide the protestor with a written judgment within ten (10) Judicial Council business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.
4. If awarding a remedy, the Judicial Council shall, at its sole discretion, choose to employ any or a combination of the following remedies:
 - a. Award the contract consistent with the RFP;
 - b. Extend an additional award to the protesting prospective Service Provider;
 - c. Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective Service Provider;
 - d. Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP;
 - e. Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned;
 - f. Other such remedies as the Judicial Council may deem necessary and appropriate.
5. While the Judicial Council will endeavor to investigate the protest and provide a written response to the prospective Service Provider within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the protest and is not able to provide a response within said period of time, the Judicial Council will notify the prospective protesting Service Provider of the expected time within which it shall provide a response.

L. Appeals Submission

1. The Contracting Officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting Service Provider thereafter seeks an appeal of the ruling or relief

prescribed.

2. All appeals are subject to, and shall follow, the process provided below.
3. The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the Judicial Council's Senior Manager, Business Services, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the Judicial Council within five (5) Judicial Council business days following the date of issuance of the Judicial Council Contracting Officer's decision.
4. The justification for an appeal is specifically limited to the following:
 - a. Facts and/or information related to the protest, as previously submitted, that were not reasonably available at the time the protest was originally submitted; or
 - b. Allegation(s) that the Contracting Officer's decision regarding the protest contained errors of fact, and that such errors of fact were significant and material factors in the Contracting Officer's decision; or
 - c. Allegation(s) that the decision of the Contracting Officer with regards to the protest was in error of law or regulation.
5. Appeals raising other justifications for appeal shall be rejected as non-compliant and the protesting prospective Service Provider shall have no further recourse under this procedure, including any further right of appeal.
6. In order to be considered valid, all requests for appeal must be:
 - a. Must be submitted by e-mail to the e-mail address established for the submission of questions in the RFP document and addressed to the Judicial Council's Senior Manager, Business Services. PDF documents may accompany the e-mail as further detailed below.
 - b. Must include the name, address, telephone and facsimile numbers, and email address of the appealing party or their representative.
 - c. Must provide the title of the solicitation document under which the appeal is submitted.
 - d. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.

- e. Must provide a detailed description of the specific ruling or relief requested.
- f. Must cite **all** appeals that the protesting prospective Service Provider intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

M. Appeals Decisions

- 1. The Judicial Council's Senior Manager, Business Services, will assess the appeal submission for compliance with the requirements of these Administrative Rules and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply with the Administrative Rules.
- 2. If the appeal submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy.
- 3. The Judicial Council Senior Manager Business Services will endeavor to provide the appealing prospective Service Provider with a written judgment within ten (10) Judicial Council business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.
- 4. While the Judicial Council will endeavor to investigate the appeal and provide a written response to the prospective Service Provider within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the appeal and is not able to provide a response within said period of time, the Judicial Council will notify the appealing prospective Service Provider of the expected time within which it shall provide a response.
- 5. The judgment of the Judicial Council Senior Manager, Business Services, and any relief or remedy specified shall be final and are not subject to further appeal.

N. News Releases

- 1. News releases pertaining to the existence or disposition of a protest or appeal may not be made without prior written approval of the Judicial Council Senior Manager, Business Services.

O. Disposition of Proposal Materials Submitted

- 1. All materials submitted in response to the RFP will become the property of the State of California and will be returned only at the Judicial Council's option and

at the expense of the prospective Service Provider submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

P. Payment and Withholding

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP; however, prospective Service Providers are hereby advised that Judicial Council payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the Judicial Council and the selected Service Provider.
2. The Judicial Council may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount withheld may depend upon the length of the project and the payment schedule provided in the agreement between the Judicial Council and the awarded Service Provider.

Attachment B

DVBE PARTICIPATION FORM

Proposer Name: _____

SOQ Project Title: _____

SOQ Number: _____

The State of California Judicial Branch’s goal of awarding of at least three percent (3%) of the total dollar contract amount to Disabled Veterans Business Enterprises (DVBE) has been achieved for this Project. *Check one:*

Yes_____ (*Complete Parts A & C only*)

No_____ (*Complete Parts B & C only*)

“Contractor’s Tier” is referred to several times below; use the following definitions for tier:

0 = Prime or Joint Contractor;

1 = Prime subcontractor/supplier;

2 = Subcontractor/supplier of level 1 subcontractor/supplier

PART A – COMPLIANCE WITH DVBE GOALS

Fill out this Part ONLY if DVBE goal has been met; otherwise fill out Part B.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION.

PRIME CONTRACTOR

Company Name: _____
 Nature of Work _____
 Claimed Value: _____ DVBE \$ _____
 Percentage of Total Contract Cost: DVBE _____%

SUBCONTRACTORS/SERVICE PROVIDERS/SUPPLIERS

1. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: _____ DVBE \$ _____
 Percentage of Total Contract Cost: DVBE _____%

 2. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: _____ DVBE \$ _____
 Percentage of Total Contract Cost DVBE _____%

 3. Company Name: _____
 Nature of Work: _____ Tier: _____
 Claimed Value: _____ DVBE \$ _____
 Percentage of Total Contract Cost DVBE _____%
- GRAND TOTAL: DVBE _____%

I hereby certify that the “Contract Amount,” as defined herein, is the amount of \$_____.
 I understand that the “Contract Amount” is the total dollar figure against which the DVBE participation requirements will be evaluated.

<i>Firm Name of Proposer</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

PART B – ESTABLISHMENT OF GOOD FAITH EFFORT

Fill out this Part ONLY if DVBE goal will not be met but you have made a good faith effort to meet such goal.

INCOMPLETE DOCUMENTATION MAY RESULT IN DISQUALIFICATION FROM FURTHER PARTICIPATION IN SELECTION PROCESS FOR THIS SOLICITATION

1. List contacts made with personnel from state or federal agencies and with personnel from DVBEs to identify DVBEs.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

2. List the names of DVBEs identified from contacts made with other state, federal, and local agencies.

<i>Source</i>	<i>Person Contacted</i>	<i>Date</i>

3. If an advertisement was published in trade papers and/or papers focusing on DVBEs, attach proof of publication.

<i>Publication</i>	<i>Date(s) Advertised</i>

4. Solicitations were submitted to potential DVBE contractors (list the company name, person contacted, and date) to be subcontractors. Solicitation must be job specific to plan and/or contract.

<i>Company</i>	<i>Person Contacted</i>	<i>Date Sent</i>

5. List the available DVBEs that were considered as subcontractors or suppliers or both.
 (Complete each subject line.)

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

<i>Company Name:</i>	
<i>Contact Name & Title:</i>	
<i>Telephone Number:</i>	
<i>Nature of Work:</i>	
<i>Reason Why Rejected:</i>	

PART C – CERTIFICATION (to be completed by **ALL** Service Providers)

I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief, each firm set forth in this bid as a Disabled Veterans Business Enterprise complies with the relevant definition set forth in section 1896.61 of Title 2, and section 999 of the Military and Veterans Code, California Code of Regulations. In making this certification, I am aware of section 10115 *et seq.* of the Public Contract Code that establishes the following penalties for State Contracts:

Penalties for a person guilty of a first offense are a misdemeanor, civil penalty of \$5,000, and suspension from contracting with the State for a period of not less than thirty (30) days or more than one (1) year. Penalties for second and subsequent offenses are a misdemeanor, a civil penalty of \$20,000 and suspension from contracting with the State for up to three (3) years.

**IT IS MANDATORY THAT THE FOLLOWING BE COMPLETED ENTIRELY;
FAILURE TO DO SO WILL RESULT IN IMMEDIATE REJECTION.**

<i>Firm Name of Proposer:</i>	
<i>Signature of Person Signing for Proposer</i>	
<i>Name (printed) of Person Signing for Proposer</i>	
<i>Title of Above-Named Person</i>	
<i>Date</i>	

Attachment C

HOURLY RATES

Instructions:

1. Check the box to denote whether services are to be performed in-house, by a sub-consultant, or both. This information is for reference only and will not affect scoring.
2. Provide the hourly rate to be charged through the initial term of the contract for the corresponding job title. All rates must be a single rate, expressed in dollar values with no more than two decimals, and not in a range (example: \$80.00).
3. All job titles must have a corresponding rate or “N/A” indicated for the proposal to be considered complete. Do not edit this form.

In-House	Sub-Consultant	Service Type	Job Title	Hourly Rate
		General Engineering Services	Senior Principal	
			Principal	
			Project Manager	
			Senior Engineer	
			Structural Engineer	
			Structural Designer	
			Drafter / CAD Staff	