

Request for Proposal

CONSTRUCTION MANAGEMENT SERVICES

FACILITY MODIFICIATIONS PROJECTS

REVISION NO. 2
REVISED MAY 10, 2017

The Judicial Council of California seeks Proposals from qualified firms to provide professional construction management services for the Facility Modifications Projects



Date: April 21, 2017

To:
Construction Management Firms

Project Title
Construction Management Services-
Facility Modifications Projects

RFP Number: REFM-2016-26-SM

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

Contact
Capitalprogramsolicitations@jud.ca.gov

RFP SCHEDULE OF EVENTS (Subject to change at the Judicial Council's discretion)		DATES / TIMES (PDT)
1	Posting of RFP.	4/21/17
2	Pre-Proposal Teleconference Call: 1-877-820-7831, Passcode: 678586	4/25/17, 10:30 AM (PDT)
3	Deadline for submittal of Firm's requests for clarifications, modifications or questions regarding the RFP, may be sent to CapitalProgramSolicitations@jud.ca.gov Refer to Attachment 8.	4/28/17, 5:00 PM (PDT)
4	Modifications and/or responses to questions posted on the Judicial Council website http://www.courts.ca.gov/rfps.htm	<u>5/5/17, 5:00 PM (PDT)</u>
5	[Revised] Submittal Deadline for Request for Proposal Judicial Council of California Attn.: Lenore Fraga-Roberts – REFM-2016-26-SM 455 Golden Gate Avenue, 6th Floor San Francisco, CA 94102	<u>5/18/17 by 3 p.m. (PDT)</u>
6	[Revised] Notification of Interviews date and time – Interviews will be in San Francisco	<u>5/25/17</u>
7	[Revised] Interviews of Firms - Times to be determined	<u>5/31/17</u>
8	[Revised] Final Evaluation of Interviewer Bids	<u>6/2/17</u>
9	[Revised] Notice of Selected Firm (Estimated)	<u>6/5/17 by 3 p.m. (PDT)</u>

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1. INTRODUCTION

- 1.1. **Introduction.** The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Judicial Branch Real Estate and Facilities Management Office is responsible for the facility maintenance and operation of court facilities for the Superior and Appellate Courts of California (“REFM”).
- 1.2. **Purpose of Request for Proposal.** The Judicial Council, through this Request for Proposal (“RFP”) is soliciting proposals from Firms, (“Proposer(s)”/“Firm(s)”) to provide construction management services utilizing Project Manager personnel (“Project Manager(s)”) necessary to oversee, manage and administer the planning, design, construction, and turnover for various statewide facility modifications (“Project”) as determined by the Judicial Council. The responsible party shall be an architect, a registered professional engineer or a general contractor licensed to practice in California. All work shall be performed under and approved by a licensed professional. Firm team shall be comprised of all disciplines necessary to effectively conduct the project. Team shall be experienced with facility renovation or modernization projects that range typically from \$50,000 to \$5,000,000 with complexity of the projects ranging from single trade projects like roof replacements, plumbing leaks, to multiple trade projects including Courtroom buildouts. Firms should have the capacity to provide staff who are located throughout the State of California. Most of the facility modification work is in Southern California region. Judicial Council expects that the Firms will have multiple available Project Managers in Southern California region.
- 1.3. **Evaluation Method:** The Request for Proposal (RFP) consists of a two-step evaluation. Step 1 is an evaluation of the Firm’s qualifications based on the Firm’s written Statement of Qualifications (SOQ) and Qualifications Interview. Step 1 scores will be finalized prior to commencement of the Step 2. Step 2 Fee Proposal evaluation, is the scoring of the Firm’s Fee Proposal. Step 1 and Step 2 scores will be added together to establish the Firm’s “total score”. The Firms will then be ranked in numerical order from the most points to least points received. The Firm receiving the highest combined “total score” will be ranked the number one Firm. In the event of ties within the ranking list, the Firm with the higher Step 1 score will be advanced one place holding in the ranking list. The Judicial Council reserves the right to reject any Firm’s submission to the RFP due to non-responsiveness to the selection criteria or that fails to demonstrate the Firm has direct expertise in services of similar size, complexity and nature.

2. PROJECT DESCRIPTION

- 2.1. Firm will provide Construction Management Services as required by the Council and the Project Managers should have the experience and capability to handle 10-15 facility renovation or modernization projects at a time. Multiple Project Managers could be requested by Council depending on the backlog and workload of current project managers. Estimating and Scheduling services may be required at the discretion of the Council.
- 2.2. The projects for Facility Modifications range from courtroom buildouts, roof replacements (partial tear offs, full tear offs), elevator replacements, tenant improvements, fire life safety upgrades, HVAC upgrades, generator replacements, building automation system replacement, energy efficiency upgrades, water efficiency projects, plumbing leaks, finishes replacement, exterior wall finish replacement and other similar project types. The project budget ranges typically from \$50,000 to \$5,000,000. Projects may include hazardous mitigation component.

3. RESPONSE TO THE RFP.

- 3.1. **Pre-Proposal Actions and Event.** All Firms interested in submitting a Proposal are requested to attend a Pre-Proposal meeting at the date and time indicated in the RFP schedule above. Firms may ask questions at the Pre-Proposal meeting, The questions and answers will be posted on the website at www.courts.ca.gov/rfps.htm .
- 3.2. **Questions.** Firms may also request clarifications, modifications or ask questions of the Judicial Council via e-mail to Capitalprogramsolicitations@jud.ca.gov no later than the date specified in the RFP Schedule. Please indicate the RFP number and title in the subject line. Contact with the Judicial Council shall be made only through email; telephone calls will not be accepted.

3.3. Each Firm shall provide the following in its written Statement of Qualifications (SOQ):

- 3.3.1. Letter of Interest** - A dated Letter of Interest must be submitted, including the legal name of the Firm, address, telephone and fax numbers, and the name, title, and signature of the person(s) authorized to submit the RFP on behalf of the Firm
- 3.3.2. Table of Contents** - A table of contents of the material contained in the RFP should follow the letter of interest.
- 3.3.3. Executive Summary** - The executive summary should contain an outline of Firm's construction management approach, along with a brief summary of Firm's qualifications and experience.
- 3.3.4. Firm Information** - Provide a comprehensive description of the construction management services offered by Firm. The description should include the following:
 - 3.3.4.1 Firm History.** Provide a brief history of Firm, and, if a joint venture, of each participating Firm, each participating Firm's role(s) and responsibility(ies) and the history of the joint venture. Identify legal form, ownership, and senior officials of company(ies). Describe number of years in business and types of business conducted.
 - 3.3.4.2 Licensure.** Provide documentation demonstrating that Firm is a currently licensed architect, a registered professional engineer or a licensed contractor.
 - 3.3.4.3 Firm Philosophy.** Describe Firm's philosophy and how Firm intends to work with the Judicial Council's administration officials to perform the Services, including Project Managers and Court staff, to develop construction management techniques and responses related to the unique challenges of Judicial Council's requirements.
 - 3.3.4.4 Key Personnel Key Personnel/Team:** Firm's Proposal should clearly and accurately provide the qualifications and experience of Key Personnel, team members and any Subconsultants being proposed to perform the day-to-day Services. Key personal and team member location should be provided. It is the proposing Firm's responsibility to demonstrate specialized knowledge and experience required for team members, particularly on Projects of similar size and complexity.
 - 3.3.4.5 Claims.** Provide a statement of ALL contract related or professional misfeasance claim(s) filed against Firm in the past five (5) years, not including claim(s) that are strictly personnel claim(s). Include claims filed against the Firm's parent organization, if applicable. Briefly indicate the nature of the claim(s) and the resolution, if any, of the claim(s). If the Firm has more than twenty (20) claims to report, please state how many claims there are, but limit providing statements to only the twenty (20) MOST RECENT claims.
- 3.3.5 References.** Include letters of reference or testimonials, if available. Firm should limit letters of references or testimonials to no more than five (5).
- 3.3.6 Narrative Regarding Capacity.** Provide a narrative that sets forth the Firm's capacity to provide the resources necessary to perform all of the Services with respect to the Project within a reasonable timeframe. These would include, but not be limited to, estimating, scheduling, claims analysis, code review, and administrative support.
- 3.3.7 Prior Relevant Professional Construction Management Experience.**
 - 3.3.7.2** Describe Firm's experience managing construction programs and individual construction projects within political environments including facilitation of community involvement in the project planning and construction process.

3.3.7.3 Identify no more than TEN (10) public projects performed by Firm in the past five (5) years. Limit response to MOST RELEVANT projects. Projects should be of similar size, complexity, and nature. If Firm has provided its services to single entities at multiple project sites as part of an overall construction program, please indicate that and Firm may adjust its response as the Firm wishes with up to 10 “programs,” up to 10 “projects,” or a combination of these. Include the following information for each project (or program, as applicable):

3.3.7.3.1 Name of program/project and public entity,

3.3.7.3.2 Name of project architect,

3.3.7.3.3 Scope of program/projects, description of services provided,

3.3.7.3.4 Contact person and telephone number at public entity,

3.3.7.3.5 Firm person in charge of each project,

3.3.7.3.6 Dollar value of program or each project,

3.3.7.3.7 Original construction budget and final construction cost, and

3.3.7.3.8 All litigation arising from the program/project, if any. Provide information related to the issues in the litigation, the status of litigation, names of parties, and the outcome. This includes any litigation between a contractor and a public entity and/or an architect in which Firm was or was not named.

3.4 Qualifications Interview:

3.4.1 Firms shall prepare a presentation of no more than 45 minutes that communicates the Firm’s and key personnel’s qualifications and relevant experience in construction management of projects of similar size, complexity, and nature. The presentation will be followed by a question and answer session of approximately 20 twenty minutes. The interview panel will consist of three (3) to five (5) persons.

3.4.2 Presentation shall demonstrate communication skills and explain how the individual team members will interact with the Judicial Council, the local court and the Contractor on the Project.

3.5 Fee Proposal-Hourly Rates:

3.5.1 The hourly rates shall be provided for the categories of key personnel described below. The Firm’s Hourly Rates shall be fully burdened and inclusive of all costs, benefits, expenses, fees, overhead, and profits payable for services. The submitted rates will be held in confidence until such time as a contract is executed.

3.5.2 Expenses, specifically travel expenses, are reimbursable at the sole discretion of the Judicial Council, and in accordance with the Form of Agreement for Construction Management Services (“Agreement”) and the Judicial Council’s Travel Expense Policy. All Travel Expenses are subject to written approval by the Judicial Council. **Please note:** the Judicial Council does not reimburse labor costs or time related to travel.

3.5.3 The Judicial Council will reimburse non-travel expenses based on paid invoices. Proposers shall obtain the required approval from Judicial Council’s Project Manager before the expenses are incurred. Non-travel expenses include but are not limited to filing fees of regulatory agencies.

3.5.4 The hourly rates will be used for evaluation purposes as set forth in “Selection and Evaluation Process” section below. The basis of the evaluation and subsequent award of points for the “Total Proposed Fee” criteria shall be the average of the weighted hourly rate of the key personnel positions listed. The average weighted hourly rate will be determined by multiplying the proposed hourly rate for each position, multiplied by the designated weight factor and then divided by the number of positions listed on the next page.

Position	Weight
Project Director	1.20
Project Manager	1.00
Construction Manager	1.00
Estimator	.75
Scheduler	.75
Administrator	.65

3.5.5 The hourly rates set forth in the Fee Proposal shall be the rates charged for Services performed under the Agreement, including any work defined as Extra Services. The contract Fee shall be based upon the hourly rates set forth in the Fee Proposal for the various positions listed. The Judicial Council may add positions to those listed above based on project requirements. The Scope and Schedule of Services requested by the Judicial Council shall be subject to negotiation.

3.5.6 Submit Fee Proposal per Attachment 1 Hourly Rate Proposal Form.

3.6 Submission Requirements

3.6.4 Proposals should provide straightforward and concise information that fulfill the requirements of the RFP. Emphasis should be placed on brevity, conformity to the Judicial Council’s instructions, RFP selection criteria, and completeness and clarity of content.

3.6.5 Firm(s) shall submit the Firm(s)’s Proposal in a sealed package clearly marked, “RFP PROPOSAL & HOURLY RATES– Firm(s) Name, Project Name, RFP Number”. Organize submission per the following:

- 3.6.5.1 Three (3) copies, in paper form, of the Firm(s)’s written Statement of Qualifications (SOQ) Proposal;
- 3.6.5.2 Two (2) copies, in paper form, of Firm(s)’s Fee Proposal - Hourly Rate in a separately sealed smaller envelope clearly marked “HOURLY RATE PROPOSAL – Firm name, Project Name, RFP Number”;
- 3.6.5.3 One (1) compact disk containing the Firm(s)’s complete Request for Proposal.

3.7 Submission Address

3.7.4 Firm’s RFP shall be submitted to the Judicial Council as follows:

Judicial Council of California
Branch Accounting and Procurement
Attn: Lenore Fraga-Roberts
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102

RFP’s submitted via email will NOT be considered.

3.8 Submission Timeliness: Firm(s) assume all risk for ensuring receipt no later than the date and time specified in the Schedule of Events. The Judicial Council is not responsible for the failure of a Firm(s)’s choice of delivery service/method. The Judicial Council will not open and will return any Proposal received after the date and time specified in the Schedule of Events.

3.9 Errors in the RFP: If Firm(s) discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, Firm(s) shall immediately provide the Judicial Council with written notice of it and request that the RFP be clarified or modified. Without disclosing the source of the request, the Judicial Council may modify the RFP prior to the date fixed for submission of Proposals by issuing an addendum.

If prior to the date fixed for submission of Proposals Firm(s) knows of or should have known of an error in the RFP, and fails to notify the Judicial Council of the error, Firm(s) shall submit its Proposal at its own risk, and if Firm(s) is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

3.10 California Rules of Court, Rule 10.500 – Public Access to Judicial Administrative Records

Records created as part of Firm(s)'s Proposal and selection process are generally subject to California Rules of Court, Rule 10.500 and may be available to the public absent an exemption. If a Firm(s)'s Proposal contains material noted or marked as confidential and/or proprietary that, in the Judicial Council's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for records. If the Judicial Council does not consider such material to be exempt from disclosure under Rule 10.500, the material will be made available to the public, regardless of the notation or markings. If Firm(s) is unsure if the information contained in its Proposal confidential and/or proprietary then it should not include the information in its Proposal. Firm(s) that indiscriminately identifies all or most of its Proposal as exempt from disclosure however may be deemed non-responsive.

3.11 The construction management services being sought do **not** include responsibility to be a construction manager at risk.

4 FORM OF AGREEMENT AND SCOPE OF SERVICES

4.1 Agreement. Attached hereto as Attachment 2 is the Judicial Council's form of Agreement for Construction Management Services, including the indemnification provision that the Judicial Council will include in that Agreement. The Judicial Council reserves the right to modify or update the Agreement at any time until an award and execution of the Agreement with the successful Firm. By submitting its Proposal, Firm(s) acknowledges that it has no objection to the form of Agreement.

4.2 Services. The labor, materials, supervision, services, tasks, and work ("Services") that the selected Firm will be required to perform are set forth in Exhibit B to the Agreement. Firm must be technically and financially capable of providing all of the Services identified for the Project. Firm shall be the Judicial Council's representative and shall work under the direction of a Judicial Council Project Manager.

5 EVALUATION AND SELECTION PROCESS

5.1 The basis for Selection of a firm to provide services in response to this Request for Proposal (RFP) consists of a two-step evaluation. Step 1 – Qualifications, is an evaluation of the Firm's qualifications based on the Firm's written Statement of Qualifications (SOQ) Proposal and Interview. Step 1 scores will be finalized prior to commencement of Step 2 - Fee Proposal evaluation. Step 2 - Fee Proposal is the scoring of the Firm's Attachment 1 Fee Proposal – Hourly Rates Form. Step 1 and Step 2 scores will be added together to establish the Firm's "total score".

The Firms will then be ranked in numerical order from the most points to least points received. The Firm receiving the highest combined "total score" will be ranked the number one Firm. In the event of ties within the ranking list, the Firm with the higher Step 1 score will be advanced one place holding in the ranking list. The Judicial Council reserves the right to reject any Firm's submission to the RFP due to non-responsiveness to the selection criteria or that fails to demonstrate the Firm has qualifications and expertise in services of similar size, complexity and nature.

5.1.1 Step 1 - Qualifications (75 points maximum): The evaluation of the Firm's qualifications will consist of a combination of scores of the written Statement of Qualifications and the Qualifications Interview. The Qualifications score will be finalized prior to commencement of Step 2 Fee Proposal.

The Judicial Council will evaluate the Firm's qualifications based on the following scoring criteria:

5.1.1.1 Experience of the Firm (25 points maximum): Qualifications and experience of the Firm’s proposed key personnel and subcontractors or programs over the last 5 years.

- a. Proposed Project Manager and team (20 points)
 - i. Types of Projects
 - ii. Size of Projects
 - iii. Experience in management of Construction Management of different project delivery methods
 - iv. Experience in pre-construction activities such as constructability reviews, estimating, and scheduling.
- b. Proposed Other Key Personnel/Subcontractor(s) (5 points)
 - i. Experience of proposed other key personnel/subcontractor in performing the required work on similar projects.

5.1.1.2 Demonstrated Record (20 points maximum): Capacity to provide resources necessary to perform the proposed services.

- i. Location of Resources. Are the proposed resources located within a reasonable distance of the job site? (10 points).
- ii. Proposed Estimating Resources. Are there resources identified to provide estimating support to the project? (5 points).
- iii. Proposed Scheduling Resources. Are there resources identified to provide scheduling support to the project? (5 points).

5.1.1.3 Communication Skills (30 points maximum)

- i. Demonstrated ability of the proposed PM and CM to communicate and resolve issues and present information clearly and concisely, both in written and verbal format. (15 points).
- ii. Aptitude of the proposed PM and CM to communicate with the various members of a project team, which for this project may include the Judicial Council, Local Court, Architect, General Contractor, Project Inspector, and Regulatory Agencies. (15 points)

5.1.2 Step 2 - Fee Proposal (25 points maximum)

5.1.2.1 The basis of the evaluation and subsequent awards of points for the “Total Proposed Fee” criteria shall be the average weighted hourly rate of the key personnel positions listed. The average weighted hourly rate will be determined by multiplying the proposed hourly rate for each position, multiplied by the designated weight factor and then divided by the number of positions listed in section 3.5.2.

5.1.2.2 The calculation of the points awarded for each Firm will be in accordance with the Judicial Council Contracting Manual, Chapter 4C.

5.1.3 Maximum Combined Qualification and Fee Proposal Score is 100 points.

5.2 References. The Judicial Council may contact any reference listed by Firm to verify the experience and performance of the Firm, key personnel and sub-consultants.

5.3 Interview. Firms will be notified of their interview date, time and location per the RFP Schedule of Events. Interviews will be held at the Judicial Council offices in San Francisco.

5.4 Rejection of RFPs: The Judicial Council may reject any or all RFPs and may or may not waive an immaterial deviation or defect in a RFP. The Judicial Council's waiver of an immaterial deviation or defect shall in no way modify the RFP or excuse Firm from full compliance with the RFP specifications. The Judicial Council reserves the right to accept or reject any or all of the items in the RFP, to cease negotiations with one Firm if mutually-agreed terms cannot be reached and begin negotiations with another Firm, to award the contract in whole or in part and/or negotiate any or all items with individual Firm if it is deemed in the Judicial Council's best interest. Moreover, the Judicial Council reserves the right to make no selection.

5.5 Preclusion.

5.5.1 A Firm and any sub-consultants selected as the Construction Manager on this Project are precluded from being the Contractor, Construction Manager-at-Risk or Designer/Builder.

5.5.2 Successful Firm(s) will not, based on this selection, be precluded from consideration nor given special status in any future Judicial Council solicitations. Successful Firm(s) on a specific Project may still propose to be a Contractor, Construction Manager-at-Risk or Designer/Builder on a different Project.

6 PROTEST

6.1 Who May Submit a Protest? A Firm may submit a protest if the Firm submitted a Proposal that the Firm believes to be responsive to the RFP and the Firm believes that the Judicial Council has incorrectly not selected the Firm as a potential vendor.

6.1.1 A person or entity who did not submit a Proposal may not submit a protest.

6.1.2 In no event will the Judicial Council consider a protest if the Judicial Council rejected all Proposals or the RFP was canceled for any reason.

6.2 Deadline for Receipt of Protest

6.2.1 A Firm's protest must be received within seven (7) calendar days of the Judicial Council's notification to Firm that it has not been selected.

6.2.2 The Firm is solely responsible for ensuring that a protest is received by the Judicial Council by the applicable due date. The failure of a Firm to submit a timely protest constitutes a waiver of the Firm's right to protest the award.

6.3 Required Information. A protest must include the following information:

6.3.1 Contact information of the protesting Firm or its representative (this must include name, address, and telephone number, e-mail address and fax number);

6.3.2 The title of the RFP to which the protest is related;

6.3.3 A detailed description of the specific legal and factual grounds of protest and any supporting documentation; and

6.3.4 The specific relief requested. ("Protest")

6.4 Submission of the Protest. The Firm must send the Protest to the individual identified in the RFP to receive Proposals. The Firm must send the Protest by overnight courier or by personal delivery.

If a Protest is late or missing any of this information, the Judicial Council will reject the Protest.

6.5 Written Determination. The Judicial Council shall respond to a protest with a written determination. The Judicial Council may issue a written determination regarding the Protest without requesting further information from the Firm. Therefore, the Protest must include all grounds and all evidence available at the time the Protest is submitted. If the Firm later raises new grounds or evidence that was not included in the initial Protest submittal but which could have been raised at that time, the Judicial Council shall not consider that new grounds or new evidence. The Judicial Council's written determination shall be the final action by the Judicial Council unless the Firm submits an appeal to that written decision within seven (7) calendar days of the issuance of the Judicial Council's written determination.

6.6 Appeal of Judicial Council's Written Determination

6.6.1 If the protesting Firm decides to appeal the Judicial Council's Written Determination, the protesting Firm must send the appeal to the Judicial Council's Manager, Business Services, at the same address noted for the submission of questions in the RFP by overnight courier or by personal delivery.

6.6.2 The appeal must include:

6.6.2.1 Contact information of the protesting Firm or its representative (this must include name, address, and telephone number, e-mail address and fax number);

6.6.2.2 The title of the RFP to which the protest is related;

6.6.2.3 A copy of the Judicial Council's written determination;

6.6.2.4 A detailed description of the specific legal and factual grounds for the appeal and any supporting documentation, including information related to the Protest that was not available at the time the Protest was originally submitted with a detailed explanation of that information's unavailability; and the specific ruling or relief requested. ("Appeal").

6.6.3 If an Appeal is late or missing any of this information, the Judicial Council will reject the Appeal.

The Judicial Council's Manager, Business Services shall respond to an appeal with a written determination. The Judicial Council's Manager, Business Services written determination shall be the final action by the Judicial Council and are not subject to further appeal.