



Request for Qualifications (RFQ) for Master Retail Electricity Sales Agreement(s)

The Judicial Council of California seeks to identify a number of firms qualified to provide direct access retail electricity service for various electricity accounts to be initiated between 03/2022 and 03/2028 with possible extensions to 03/2034.

RFQ Number: RFQ-FS-2021-06-BD

Project Title: Master Retail Electricity Sales Agreement

PROPOSALS DUE:

February **10**, 2022, NO LATER THAN 5:00 P.M.
PACIFIC TIME (PT) [**REVISED 02/01/2022**]

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1. INTRODUCTION

- 1.1 The judicial branch of California is a part of California government, independent from the executive and legislative branches, and includes the Superior and Appellate Courts of California, including the Supreme Court. A part of the judicial branch is the Judicial Council, chaired by the Chief Justice of California. The Judicial Council is the primary policy making body of the California judicial system. The Judicial Council of California (“Judicial Council or Buyer”) is the staff agency of the Judicial Council. The Facilities Services office (“FSO”) is the division of the Judicial Council responsible for the planning, design, construction, and real estate and asset management of facilities for the court system of California.

- 1.2 Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California has shifted from the counties to the state. Approximately 150 out of 455 existing facilities may become eligible to acquire electric services from Electrical Service Providers (“ESP(s),” or “Seller(s)”) through the California Direct Access Program (“Direct Access”). This RFQ is a means to develop a pool of pre-qualified Sellers. As Judicial Council facilities are authorized to participate in the Direct Access program, the Judicial Council anticipates soliciting subsequent project proposals from the pool of pre-qualified Sellers to provide electric service to those authorized facilities. Thereafter, the Judicial Council may award Sales Confirmation(s) to the selected Sellers, to procure electric services on an as needed basis for upcoming account transfers to Direct Access (see RFQ Sections 8.6, and 8.7). Electric services for the Judicial Council are currently provided at various metered locations, throughout the State of California and the Judicial Council is currently registered in the Direct Access Lotteries with Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric Company (SDG&E). Historical load and billing information for any accounts that become available for transition to Direct Access will be included in the Direct Access Electricity Purchase Request that the Judicial Council will provide the Seller to initiate a service request (see Attachment D, Judicial Council’s Standard Form of Agreement, Appendix B, Section 3, Sales Confirmation Authorization Process for further details).

2. PURPOSE OF THIS RFQ

- 2.1 **Electrical Service Providers.** Judicial Council seeks proposals from Sellers to provide the services of qualified, properly licensed ESPs with expertise in the provision of services under the California Direct Access Program, including provision of electric service for public buildings (“Proposals”). It is anticipated that selected Sellers, may provide retail electric services to eligible Judicial Council properties within the distribution service territory or territories of a Transmission and Distribution Service Provider (“DSP”). The electricity that may be purchased by the Judicial Council as a result of this solicitation will be delivered by the DSP to the Judicial Council’s corresponding ESA (the “Delivery Point”). The DSP is the Investor Owned Utility that operates the transmission and distribution infrastructure, in the case of this solicitation, will be one of the three California DSPs: PG&E, SCE or SDGE.
- 2.2 Direct Access service is a retail electric service where customers purchase electricity from a competitive provider called an ESP, instead of from a DSP. In most cases it is anticipated that the DSP would continue to deliver the electricity that the customer purchases from the ESP to the relevant customer facilities over its distribution system.
- 2.3 An ESP offers electric service to customers within the service territory of a DSP. ESPs will be evaluated and may be invited to bid on services throughout the State, or only in one or more specific DSP territories.
- 2.4 **Master Retail Electricity Sales Agreement(s).** Multiple Sellers will be selected to enter into Master Retail Electricity Sales Agreement(s) (“Master Agreement(s)”) with the Judicial Council for the provision of retail electric services as defined in the California Direct Access Program. See following link to the PG&E website with further information regarding the Direct Access Program: [PG&E Direct Access \(DA\) Lottery Process](#). Those Sellers may be assigned various projects and tasks, as may arise, based on the location and nature of the services required (each a “Project(s)”). Because the scope and number of Projects and tasks are unknown at the time of contract execution, the contracts are known as Master Agreements.
- 2.4.1 Posted with this RFQ 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 RFQ, attached hereto and incorporated herein as Attachment A, please indicate in Seller’s Proposal if it has any comments or objections to the form of agreement; **PLEASE NOTE:** The Judicial Council does not intend to consider any substantive changes to the form of agreement if they are not submitted with the

Seller's proposal package. See RFQ section 4.13.1, Acceptance of Terms and Conditions, for further information and direction.

- 2.5 **Licensing.** All Sellers, employees, or agents thereof, performing the provision of retail electric services per agreements awarded under this RFQ must have, at all times throughout the duration of their performance of the delivery of retail electricity, all appropriate, valid license(s) required under law to provide the services being performed, including a valid California Public Utility Commission ("CPUC") ESP Number. Sellers must be registered with the CPUC as set forth in the registration requirements as indicated on their website: [CPUC ESP Registration](#). If the possession of any license(s) including, without limitation, a valid California ESP Number, is required under law for the delivery of the of retail electricity, the Seller must ensure that the delivery of retail electricity will be performed either by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual. Sellers who cease to maintain a valid ESP Number with the CPUC must immediately notify the Judicial Council. To be eligible to provide Direct Access services, Sellers must maintain a valid ESP Number with the CPUC at all times during the term of the agreement. If the Judicial Council becomes aware that a Seller contracted to provide electric services no longer holds a valid ESP number, the Judicial Council will have the right to terminate the Judicial Council's Form of Standard Agreement ("Master Agreement").
- 2.6 **Subsequent Project Proposals.** Sellers may be asked to provide proposals on some Projects ("Project Proposal(s)") but may not be asked to provide Project Proposals on other Projects or none at all. In some cases, more than one Seller will be asked to provide Project Proposals for the same Project. Selection of a Seller for a specific Project is at the sole discretion of the Judicial Council. The Judicial Council will award the Projects based on Sellers' Project Proposals, price, prior performance on this contract, and those other factors that the Judicial Council may deem pertinent for the delivery of retail electricity, such as source and type of Electricity generation, and anticipated carbon intensity of the Electricity services.
- 2.7 **Seller Performance Management.** The Judicial Council may choose to conduct periodic Business Performance Reviews on completed Projects to evaluate the Seller's performance for quality assurance, safety, duration of the Project, Judicial Council satisfaction, and other relevant factors. The Judicial Council, at its sole discretion, may not offer subsequent Projects to and/or may terminate an agreement with any Sellers who do not meet minimum performance benchmarks specified in their Business Performance Review.
- 2.8 **No Follow-On Contracting.** For any Project that a Seller is providing retail electric services pursuant to an agreement awarded by this RFQ, the Seller is prohibited from also providing related services on that same Project under any separate contract or agreement the Seller may have with the Judicial Council. For further detail regarding follow-on contracting, see Attachment D, Appendix C, Section 11.10.

- 2.9 **Sole Means.** This RFQ is the sole means for prospective Sellers to submit their qualifications to the Judicial Council for retail electric service projects, as described above.

3. SCOPE OF SERVICES

- 3.1 **Retail Electric Services.** The scope of services requested under agreements awarded under this RFQ include professional Direct Access services for the delivery of retail electricity, from competitive, CPUC registered Sellers, as well as incidental services that members of those professions and those in their employ may logically or justifiably perform in furtherance thereof (“Services”).

4. RESPONDING TO THIS RFQ

- 4.1 Responsive Proposals will provide straightforward, concise information that satisfies all requirements specified. Please only submit documentation which has been specified in this RFQ. Materials sent which fall outside of that specified within this RFQ may not be considered in proposal scoring.
- 4.2 Sellers who intend to respond to this RFQ are requested to notify Branch Accounting and Procurement by sending an email to Solicitations@jud.ca.gov with the RFQ title and number in the subject line (“Master Retail Electricity Sales Agreement / RFQ-FS-2021-06-BD”). Please include the name, address, telephone, fax number, and email address of the Seller (firm) and contact person. Note, however, that interested parties must check the Judicial Council’s Bidders/Solicitations website: <http://www.courts.ca.gov/rfps.htm> for subsequent notices and announcements; the Judicial Council will not address individual parties directly during this RFQ’s solicitation period.
- 4.3 A pre-proposal call in conference will be held to answer questions with regards to this RFQ. This conference is not mandatory to submit a Proposal. The pre-proposal conference can be attended by calling in to the phone number below and entering the participant passcode. The date, and time, of the call in conference are indicated in RFQ, Section 7.6, Procurement Schedule and General Instructions.

Call in number: 1-877-820-7831

Participant Passcode: 109630

4.4 **List of RFQ Attachments.** The following attachments are included as part of this RFP:

Attachment A , Administrative Rules Governing this RFQ	These rules govern this solicitation.
Attachment B , Technical Proposal and Qualifications Questionnaire Form	The Proposer must submit Attachment B, that reflects the Seller’s technical qualifications and other business details.
Attachment C , Proposed Price Quotation Form	The Proposer must submit Attachment C. The information contained in the proposed price quotation form is for the Judicial Council’s information only. Final pricing details will be confirmed with the issuance of a duly authorized Sales Confirmation.
Attachment D , Judicial Council’s Standard Form of Agreement	If selected, the Seller submitting a proposal must sign Attachment D, containing these terms and conditions.
Attachment E , Acceptance of the Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions indicated in Attachment D or identify exceptions to the terms and conditions.
Attachment F , General Certifications Form	The Proposer must complete Attachment F and submit the completed form with its proposal.
Attachment G , Darfur Certification Form	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment H , Payee Data Record	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment I , Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment J , Iran Contracting Act Certification	The Proposer must complete this Certification Form and submit the completed form with its proposal.
Attachment K , Sample Historical Electricity Usage	Provides sample DSP bundled historical electricity service load data.
Attachment L , Form for Submission of Questions	Proposer shall submit questions by completing and submitting this form to solicitations@jud.ca.gov

4.5 **Form for Submission of Questions (Attachment L):** Sellers shall submit Requests for clarifications, modifications, or questions by the deadline indicated in the Procurement Schedule, Section 7.0 of the RFQ. Sellers who intend to submit questions are requested to notify Branch Accounting and Procurement by sending an email to

Solicitations@jud.ca.gov with the RFQ title, number, and Questions in the subject line (“Master Retail Electricity Sales Agreement / RFQ-FS-2021-06-BD”).

- 4.6 **Proposal Submissions.** In light of the COVID-19 public health crisis, Sellers may submit Proposals electronically or in hard copy, with electronic submissions being preferred by the Judicial Council. Regardless of the method used, incomplete proposals may be rejected without review, and Proposals received after the applicable deadline date and time will be rejected without review.
- 4.7 For electronic submissions, all documentation required by this RFQ must be submitted in both Adobe PDF format and editable formats where applicable. All files must be named clearly, and include the Seller’s name and the title and number of this RFQ (“Master Retail Electricity Sales Agreement, RFQ-FS-2021-06-BD”). Proposals being submitted electronically must be sent to the following email addresses; provided, however, that electronic submissions should not be emailed more than three (3) business days in advance of the applicable deadline date:

Email the Technical Proposal to: fs202106bd.proposal@jud.ca.gov

Email the Cost Proposal to: fs202106bd.cost@jud.ca.gov

Indicate the RFQ number and name of Seller’s organization in the subject line of the email.

- 4.8 Proposals being submitted in hard copy may be sent by registered mail, certified mail, using the overnight courier of your choice, or by hand delivery. Hard-copy Proposal submissions must be delivered by the date and time listed on the coversheet of this RFQ to:

Judicial Council of California
Branch Accounting and Procurement
Attn: Ashley Kim, Administrative Specialist
RFQ Title: Master Retail Electricity Sales Agreement
RFQ No.: RFQ-FS-2021-06-BD
455 Golden Gate Avenue, 6th Floor

- 4.7.1 If a hard-copy 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). Sellers are advised to obtain a handwritten receipt from the Judicial Council receptionist when submitting.
- 4.8 The Seller must submit its electronic or hard-copy proposal in two (2) parts, the Attachment B, Technical Proposal and Qualification Questionnaire Form, and the Attachment C, Proposed Price Quotation Form. The complete package for the Technical Proposal response, sections 1(1.1 through 1.15) shall be no longer than twenty (20) pages double sided, or 40 pages single sided, 8½” x 11” paper, inclusive of

résumés, forms, and pictures. All page limits listed below refer to a single printed side (except where specifically stated below). However, Sellers' Qualification Questionnaire Form (included in Attachment B), Attachment Forms, and Proposed Price Quotation Form are **not** counted in this page limit.

- 4.9 For hard-copy submissions, the original Technical Proposal and Qualifications Questionnaire Form, and Attachments must be submitted to the Judicial Council in a single sealed envelope, separate from the Proposed Price Quotation Form. The Seller must write the RFQ title and number on the outside of the sealed envelope. For electronic submissions, the Proposed Price Quotation Form shall be submitted in a separate file from the Technical Proposal and Qualifications Questionnaire Form. For hard copy Proposals, the Seller must submit an electronic version of the Technical Proposal and Qualifications Questionnaire Form and Proposed Price Quotation Form on a separate USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats.
- 4.10 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.
- 4.11 The due date and time for submission of your proposals can be found in the most recent version of the RFQ schedule posted to the California Courts' website (<http://www.courts.ca.gov/rfps.htm>) at which this RFQ is posted. Please keep abreast of changes to the RFQ schedule by monitoring the website throughout the duration of the proposal, evaluation, and award processes.
- 4.12 **Technical Proposal and Qualifications Questionnaire Form, Attachment B.**
The Technical Proposal shall be submitted by completing the Attachment B, Part 1. The Qualifications Questionnaire shall be submitted by completing the Attachment B, Part 2. Sellers must provide all of the requested information within the form, Parts 1 and 2. Failure to do so completely and accurately may cause the Seller's Proposal to be deemed non-responsive.
- 4.12.1. All Sellers submitting a Proposal must complete the Qualification Questionnaire. If the Seller's status or information changes after the initial submission of their proposal then an updated Attachment B, Part 2 shall be emailed to the address above in Section 4.6.
- 4.12.2 A Seller's Qualification Questionnaire shall be deemed nonresponsive if, without limitation, the Seller's Qualification Questionnaire is not submit with its Proposal, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Seller is not updated as required or is misleading or inaccurate in any material manner (e.g., financial resources are overstated, previous violations of law are not accurately reported, etc.).

4.12.3 **Reference Checks.** The Qualification Questionnaire, Part 2 of Attachment B, includes reference check details, Part IV (2), Client References. The Seller shall provide five (5) client references that must be from recently Direct Access Electric projects in which Seller has participated as the ESP during the past two (2) years where the annual contract value was more than \$100,000.00.

Please include the following with each client reference: name of entity/firm, contact person, their phone number/email, project title, location, and start/end dates, and all other information requested in the Attachment. The Judicial Council will contact the references provided to conduct a customer satisfaction survey. Responding clients will be asked to score the following: Seller's quality of delivery of retail electricity, scheduling practices, project and subcontractor management, working relationships, and paperwork processing. Reference responses will be scored from one (1) – unsatisfactory to five (5) – excellent. Reference evaluation forms will be totaled and be applied as indicated in Section 6.1.

4.13 **Proposed Price Quotation Form, Attachment C:** Seller to provide pricing information as requested by completing Attachment C to this RFQ. The proposed pricing indicated in Attachment C will not be held binding in a Master Retail Electric Agreement that may be awarded as a result of the RFQ. The proposed rate structures and billing protocol provided in Attachment C, will be evaluated by the Judicial Council and scored as set forth in the RFQ at Section 6.1, Evaluation of Proposals, under the Criteria No. 6 (Proposed Rate Structure and Billing Protocol). The information contained in the proposed price quotation form is for the Judicial Council's information only. The Judicial Council will review Seller's standard pricing structures, and the detailed formulae for and elements of the Seller's pricing calculation. See Attachment D, Judicial Council's Form of Standard Agreement, Appendix B, Sales Confirmation Process, and Invoicing and Payment Provisions, for further detail regarding the process for issuing services under Master Retail Electric Agreement(s) that may be issued as a result of this RFQ. Do not change or edit this form. Rates must be fully loaded and include Overhead and Profit.

4.14 **Attachment Forms.** Sellers shall complete and provide the following forms. Failure to do so completely and accurately may cause the Seller's Proposal to be deemed non-responsive.

4.14.1 **Acceptance of the Terms and Conditions:** On Attachment E, the Seller must check the appropriate box and sign the form. If the Seller marks the second box, it must provide the required additional materials. An "exception" includes any addition, deletion, or other modification. If exceptions are identified, the Seller must also submit (i) a redlined version of the Standard Agreement that

implements all proposed changes, and (ii) a written explanation and rationale for each exception and/or proposed change explaining why the change is necessary.

- 4.14.2 **General Certifications Form (Attachment F):** If Seller agrees to the stated clauses in form it will check the box and sign this attachment. Please note that the Judicial Council will reject a proposal from a Seller that does not indicate acceptance of these clauses.
- 4.14.3 **Darfur Certification Form (Attachment G):** Pursuant to Public Contract Code (PCC) section 10478, if a Seller currently or within the previous three years has had business activities or other operations outside of the United States, it must either (i) certify that it is not a “scrutinized company” as defined in PCC 10476, or (ii) receive written permission from the Judicial Council to submit a proposal. To submit a proposal to the Judicial Council, the Seller must insert its company name and Federal ID Number in the form and complete ONLY ONE of the three paragraphs indicated.
- 4.14.4 **Payee Data Record (Attachment H):** Include 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 RFQ.
- 4.14.5 **Unruh Civil Rights Act & CA Fair Employment & Housing Act Certification (Attachment I):** Pursuant to Public Contract Code (PCC) section 2010, the Unruh certification must be provided when (i) submitting a bid or proposal to the Judicial Council for a solicitation of retail electric services of \$100,000 or more, or (ii) entering into or renewing a contract with the Judicial Council for the purchase of goods or services of \$100,000 or more. If Seller agrees to the stated clauses in form it will sign this attachment.
- 4.14.6 **Iran Contracting Act Certification (Attachment J):** Pursuant to Public Contract Code (PCC) section 2204, an Iran Contracting Act certification is required for solicitations of goods or services of \$1,000,000 or more. To submit a proposal to the Judicial Council, Seller must complete ONLY ONE of the two paragraphs listed, and sign the form.
- 4.14.7 **DVBE Certification:** If Seller intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 9 of this RFQ, Seller must provide with its Proposal proof of its DVBE Certification including, without limitation, a copy of Seller’s DVBE certification approval letter, Seller’s Department of General Services (DGS) Supplier ID Number, active dates of Seller’s DVBE Certification, and a signed certification of its status by Seller’s disabled veteran owners and managers.

4.14.8 **Delinquent Taxpayer Status (2-page limit):** Provide a written and certified document identifying whether or not the Prime Seller (or Prime Sellers if a joint venture) organization is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.

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

5. SELECTION PROCESS

- 5.1. An evaluation panel composed of Judicial Council staff will review and score the Proposals, based on the selection criteria given in this RFQ, and establish a shortlist of at least five (5) of the highest scoring Proposals. Judicial Council will post the shortlist on the website publishing this RFQ.
- 5.2. The Judicial Council may, at its discretion, hold interviews of the Sellers that have been shortlisted. Interviews are expected to be held via video teleconference. Sellers on the shortlist will be notified of their interview time and will be provided with directions for connecting to the teleconference. If the Judicial Council chooses not to hold interviews, the names of the selected Sellers will be posted on the website posting for this RFQ.
- 5.3. After the interviews, if any, the ranking of the Sellers according to the selection criteria will be adjusted and the highest-scoring Sellers will be contacted regarding contract execution. The names of the selected Sellers will be posted on the website posting for this RFQ.
- 5.4. At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Sellers, their key personnel, and their sub-consultants.

6. EVALUATION OF PROPOSALS

- 6.1 Proposals will be evaluated on the basis of qualifications and the Sellers proposed billing and rates structure. The Judicial Council will evaluate and score the submitted Proposal according to the following criteria and with the following weights:

Points	Criteria	100 points maximum
10	<p>1. Project Team Expertise Project team’s demonstrated experience with providing retail electric services to public facilities, including scope of service provided, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff to deliver retail electricity.</p>	
10	<p>2. Statement of Services Seller’s demonstrated understanding of the retail electricity services required to complete the Projects described in this RFQ (See Section 3.0, Scope of Services), and the services that it may <u>exclude</u> from its Statement of Services.</p>	
10	<p>3. Reference Evaluation The Judicial Council will contact five (5) references provided by the Seller to evaluate previous client satisfaction. See RFQ Section 4.11.3, Reference Checks, and Qualifications Questionnaire Attachment B, Part 2 for additional details.</p>	
5	<p>4. Seller Information Seller’s history, including number of years in business and types of business conducted.</p>	
10	<p>5. Seller’s Prior Relevant Experience Past seven (7) years of relevant experience of the prospective Seller in the development of quality retail electricity solutions for court buildings or similar program-intensive, public agency buildings; and/or for relevant non-project specific services.</p>	
20	<p>6. Proposed Rate Structure and Billing Protocol Proposed rate structure and billing protocol will be evaluated for the consultant services requested by this RFQ, as provided in Attachment C, Proposed Price Quotation Form.</p>	
20	<p>7. Seller Generating Portfolio fuel mix. Full points will be awarded to 100% renewable energy sources with back-up information regarding full year time-based carbon emissions. For the purposes of this solicitation renewable energy is defined as: solar, wind, geothermal, biogas, and small scale hydroelectric dams (>40MW).</p>	
10	<p>8. Approach Seller’s approach towards project management.</p>	

Points	Criteria	100 points maximum
5	9. DVBE Incentive Seller will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to Section 9; note that the DVBE incentive will only be awarded if the Seller itself is a DVBE.	

7. PROCUREMENT SCHEDULE

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

<i>No.</i>	<i>Event</i>	<i>Key Date/ Time (PT)</i>
1	Issue RFQ	Monday, December 20, 2021
2	Pre-Proposal Conference. See RFQ Section 4.3 for details regarding call in conference phone number.	Thursday, January 06, 2022 at 10 AM
3	Deadline for Seller's Requests for Clarifications, Modifications, or Questions	Thursday, January 20, 2022 at 5:00 PM
4	Clarifications, Modifications, and/or Answers to Questions posted on the Judicial Council Website	Thursday, January 27, 2022
5	Proposal Due Date and Time.	<i>Thursday, February 10, 2022 at 5:00 PM [Revised on 02/01/2022]</i>
6	Oral Presentations / Interviews (Optional) (Estimated)	<i>Week of February 21 – February 25, 2022 [Revised on 02/01/2022]</i>
7	Notice of Intent to Award (Estimated)	<i>Week of March 7 – March 11, 2022 [Revised on 02/01/2022]</i>
8	Full Performance Start Date (Estimated)	March 31, 2022

8. CONTRACT TERMS AND ADMINISTRATIVE RULES

8.1 All submitted Proposals shall constitute and be an irrevocable offer by the Seller that is valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Seller. The Judicial Council may

release all offers not selected under this RFQ 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 RFQ. The initial term of this contract will be for six (6) years, beginning Thursday, March 31st of 2022 (Estimated). Two (2) subsequent three (3) - year extensions may be offered at the discretion of the Judicial Council.
- 8.3 In submitting a Proposal under this RFQ, the prospective Seller must affirm any objections to the use of the Standard Agreement as provided, by completing Attachment E, Acceptance of Terms and Conditions, as indicated in 4.13.1 above.
- 8.4 If a satisfactory contractual agreement has not been signed within thirty (30) calendar days of provision of a contract draft, the Judicial Council reserves the right to terminate the award.
- 8.5 The Seller(s) selected under this RFQ 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 Delivery of Retail Electricity.** Delivery of retail electricity shall be subject to the provisions of the Judicial Council's Form of Standard Agreement, Attachment D accompanying this RFQ, and shall be provided in accordance with Sales Confirmation(s) to be issued by the Judicial Council under the Master Retail Electricity Sales Agreement, including any additional provisions specified in the Sales Confirmation(s) with regard to schedule, key personnel, and subcontractors. See Attachment D, Appendix B, Sales Confirmation Process, and Invoicing and Payment Provisions for additional information regarding the issuance of retail electric services under Agreements that may be awarded as a result of this RFQ.
- 8.7 **Compensation.** The method of compensation will vary on a Sales Confirmation by Sales Confirmation basis. See the Attachment D, Judicial Council's Form of Standard Agreement posted with this RFQ for details.

9. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 9.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%).
- 9.2 Qualification for the DVBE incentive is **not** mandatory. Failure to qualify for the DVBE incentive will not render a Proposal non-responsive.
- 9.3 Seller's will receive a DVBE incentive if, in the Judicial Council's sole determination, Seller has met all applicable requirements. If Seller receives the DVBE incentive, a

number of points will be added to the score assigned to the Seller's Proposal. The number of points that will be added is specified in Section 6 above.

- 9.4 To receive the DVBE incentive, the Seller itself must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal (i.e., by submission of a copy of the Seller's valid DVBE certification approval letter, etc.). Please note that the DVBE incentive will only be awarded to Sellers that can be verified as a certified DVBE. A non-DVBE Seller, regardless of whether it intends to utilize DVBE sub-consultants, are not eligible for the DVBE incentive.

10. ADMINISTRATIVE RULES GOVERNING RFQ

- 10.1 The Judicial Council's Administrative Rules governing this RFQ can be found in Attachment A. By virtue of submission of a Proposal, the Seller 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 RFQ is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFQ. One copy of a submitted Proposal will be retained for official files and becomes a public record.

11. PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is two days before the proposal due date. Protests must be sent to: Solicitations@jud.ca.gov

END OF RFQ