



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-7960 • Fax 415-865-4325 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CHRISTINE M. HANSEN
Director
Finance Division

TO: Real Estate Professionals and Real Property Services Companies

FROM: Administrative Office of the Courts
Office of Capital Planning, Design, and Construction

DATE: April 22, 2003

SUBJECT/ PURPOSE OF MEMO: REQUEST FOR PROPOSALS
Real Estate Services Regarding Implementation of the Trial Court Facilities Act of 2002 – Senate Bill 1732

ACTION REQUESTED: You are invited to review and respond to the attached Request for Proposal -- RFP Number: OCPDC-04-03

DEADLINE: Although there is no single deadline to respond to this RFP, service providers are asked to submit proposals by May 15, 2003. The need for services is present and ongoing, and the Administrative Office of the Court (AOC) will review other proposals as submitted.

SUBMISSION OF PROPOSALS Proposals should be sent to:
Judicial Council of California
Administrative Office of the Courts
Office of Capital Planning, Design, and Construction
Attn: Ms. Connie Delago
455 Golden Gate Avenue
San Francisco, CA 94102

CONTACT FOR FURTHER INFORMATION:

NAME:
Robert Emerson

TEL:
415-865-7981

FAX:
415-865-7524

EMAIL:
robert.emerson
@jud.ca.gov



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

FINANCE DIVISION

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-7960 • Fax 415-865-4325 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CHRISTINE M. HANSEN
Director
Finance Division

REQUEST FOR PROPOSAL – OCPDC – 04 - 03

Commencement of Performance: Real estate professionals or real property service companies (“real estate service providers” or “service providers”) may perform services after the AOC approves the service provider’s proposal, the parties enter into an agreement, and the service provider is assigned to a specific matter.

1.0 GENERAL INFORMATION

1.1 Background

The Judicial Council of California, chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The AOC is the staff agency for the council and assists both the council and its chair in performing their duties.

1.2 The Trial Court Facilities Act of 2002

Effective January 1, 2003, the Trial Court Facilities Act of 2002 (Stats. 2002, ch. 1082) (SB1732) is landmark legislation that will shift the governance of California’s more than 450 courthouse facilities from the counties to the State. SB 1732 implements the key recommendation of the statewide Task Force on Court Facilities – that the State assume full responsibility for court facilities. The real property legal titles to many court buildings are expected to transfer to the

State. In other buildings, generally which are shared with county agencies, responsibility for the court-occupied spaces will transfer and agreements with the counties regarding administration, operation, and maintenance of the buildings need to be established. Specific task force recommendations implemented by SB 1732 include: establishment of a process to effectuate the transfer of responsibility for court facilities from counties to the State over a three-year period; establishment of a process for calculating county facility payments to the State for transferred buildings; establishment of a Court Facilities Construction Fund. The full text of SB 1732 is available at www.leginfo.ca.gov. The task force reports are available at www.courtinfo.ca.gov/reference/specialreports.

1.3 SB 1732 Implementation Program

Under SB 1732, the Judicial Council and the AOC have new duties to acquire, manage, and operate court facilities for the State of California. The Trial Court Facilities Act of 2002 Implementation Program (Program) supported by this RFP will provide the AOC with competent, qualified real property advice and services including, but not limited to, the following areas: (1) the development of real property transfer strategies, which take into account long-term facility master plans which are being developed for the superior court of each county, and procedures for implementing the strategies; development of Memoranda of Understanding (MOU) templates between the Judicial Council and a county which shall address all aspects of transfer of responsibility and/or title, and administrative aspects of shared use buildings; (2) recommendations for the modification of standardized MOUs for specific transactions; (3) the performance of due diligence related to specific transactions, including review of leases, encumbrances and other title documents; (4) recommendation for and review of appropriate environmental investigation and reports; (5) facility management operations policies and procedures; (6) and related services. Service providers will, in conjunction with legal staff, review and draft contracts and other procurement documents, negotiate the terms of transactions, and provide advice about contract and procurement matters.

The AOC may select, from the responses to this Request for Proposals and from other sources, service providers qualified to provide assistance to the AOC. Service providers may be selected from different geographical areas of the State. The AOC will contract with service providers using a single agreement for a specific project or under a master agreement that sets out the overall scope of the services to be provided, the obligations of the parties, and the general fee agreement. If a master agreement is utilized, each assignment will be reflected in

a separate order under the master agreement. Each single agreement or order will include details about the nature of the assignment the service provider will perform for the AOC, the timeline for completion of the assignment, a budget, reporting guidelines, and other information.

The AOC cannot guarantee the amount or duration of work or number of assignments that may be given to a service provider.

2.0 PURPOSE OF THIS REQUEST FOR PROPOSALS

The AOC seeks to identify and retain qualified service providers to assist the AOC's Office of Capital Planning, Design, and Construction and the Office of General Counsel in developing and implementing standardized methodologies for real property transfers of court facilities from the counties to the State; negotiating terms of transfer and operating agreements; establishing procedures and standardized documents for the future operations and maintenance and management of court facilities; and, once under State control, assisting trial courts with specific facility-related matters on an as-needed basis. This RFP is a means for prospective service providers to submit their qualifications to the AOC and request selection as a service provider.

3.0 SCOPE OF SERVICES

Services may be provided to the AOC on a nonexclusive and as-needed basis, from the period from execution of the contract to the end of the fiscal year, which ends on June 30th. Agreements may have options for renewal for additional fiscal years. The services to be provided may include:

- 3.1 Work collaboratively with legal counsel in drafting facilities-related contracts, standardized MOU templates, specific facility MOUs, and other procurement documents by providing advice regarding real property matters.
- 3.2 Work collaboratively with legal counsel in preparing standardized forms and associated procedures for all customary real estate transactions and for the administration, operation, and maintenance of shared-use buildings, in conjunction with the AOC's program development for asset management.
- 3.3 Prepare standardized forms and associated procedures for the AOC's program development for acquisition and capital improvement activities.

- 3.4 Review and make recommendations regarding best practices for facilities management and for acquisition and capital improvement programs.
- 3.5 Review and propose terms and participate in negotiations, assist legal counsel in drafting revisions to and review of agreements for transfer of responsibility of facilities from counties to the State, including conditions for shared use facilities, historical buildings, lease transfers, and buildings encumbered by debt.
- 3.6 Work collaboratively with legal counsel in performing due diligence and drafting and reviewing documents for transfer of title for real property from counties to the State.
- 3.7 Review and make recommendations regarding the applicability of various health and safety standards which should be considered in the potential transfer of responsibility for a facility. The health and safety issues may include mold, asbestos, hazardous materials, fire protection, indoor air quality, and other similar issues.
- 3.8 Review and critically analyze statements of operating and maintenance expenses in buildings. In cases where costs do not appear reasonable, provide estimates based on similar buildings or industry standards of realistic operations and maintenance costs.

4.0 SPECIFICS OF RESPONSIVE PROPOSAL

The following information must be included in the response:

- 4.1 Name, address, telephone and fax numbers, and social security number or tax identification number.
- 4.2 Five copies of the proposal signed by an authorized representative of the service provider, including name, title, address, and telephone and fax number of one individual who is the provider's designated representative.
- 4.3 Resumes describing the background and experience of primary persons who would provide the real estate services and including any professional certifications or licenses related to the requested services. For any subcontracted services or joint ventures, include same information for the project assigned

individuals, indicate nature of firm relationship, and prior experience with the subconsultants or partners.

- 4.4 The proposal should indicate which services listed in Section 3.0 the service provider proposes to perform and, if the service provider's proposal has geographic or other limitations on some or all of the services offered, these limitations should be clearly described. Note: the service provider's proposal must indicate whether potential conflicts of interest would arise with specific counties. Indicate mandatory licenses or certificates held by firm or individuals for the relevant services; you may also include voluntary or industry certifications.
- 4.5 Names, addresses, and telephone numbers of clients for whom the service provider has provided similar services. The AOC may check references listed by the service provider.
- 4.6 Responsive proposals should provide straightforward, concise information that satisfies the requirements noted above. Expensive bindings, color displays, and the like are neither necessary nor desired. Emphasis should be placed on skills and experience that respond to the needs of the AOC, the requirements of this RFP, and completeness and clarity of content.

5.0 FEE PROPOSAL

The proposal must include the service provider's proposed fee schedule. It is expected that all service providers responding to this proposal will offer the service provider's government or comparable favorable rates.

6.0 RIGHTS

The AOC reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future and to select and retain service providers from other than respondents to this RFP. This RFP is in no way an agreement, obligation, or contract and in no way is the AOC or the State of California responsible for the cost of preparing the proposal. One copy of a submitted proposal may be retained for official files and becomes a public record.

Only written responses will be accepted. Responses should be sent by registered or certified mail or by hand delivery. Service providers may send the AOC an advance copy by facsimile to Connie Delago at the fax number listed on page one and in Section 7.0

below. Sending an advance copy by fax, however, does not satisfy the submission requirements of paragraph 4.2.

7.0 PROJECT MANAGEMENT

The Project Director for this RFP process is:

Robert Emerson, Manager for Capital Planning, Design, and Construction
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
415-865-7981 phone
415-865-7524 fax
robert.emerson@jud.ca.gov

8.0 EVALUATION OF PROPOSALS

In evaluating the proposals, the AOC will use the following criteria: the responsiveness of the proposal; the prospective service providers' experience with similar matters; experience with government real property transactions (which is mandatory); the overall experience and expertise of the prospective service providers; the fee proposals; and responses to reference inquiries.

9.0 INTERVIEW

It may be necessary to interview prospective service providers to clarify aspects of their submittal. If conducted, interviews may be conducted in person or by telephone conference call. The AOC will notify prospective service providers regarding any interview arrangements.

10.0 PROPOSED CONTRACT TERMS AND APPLICABLE RULES

The contract with each selected service provider will include standard terms used in contracts with the State of California, as well as terms specific to the Program. Generally the terms of the contract will include, but will not be limited to: (1) completion of the project within the timeframe provided; (2) no additional work authorized without prior approval; (3) no payment without prior approval; (4) funding availability subject to the Legislature; (5) termination of contract under certain conditions; (6) indemnification of the State; (7) approval by the State of any subcontractors; (8) National Labor Relations Board, drug-free workplace, nondiscrimination, and FEHA/ADA requirements; and (9)

Real Estate Professionals and Real Estate Services Companies

April 22, 2003

Page 8

minimum appropriate insurance requirements. Incorporated in this RFP and attached as Attachment A is a document entitled “Administrative Rules Governing Requests for Proposals.”

ATTACHMENT A

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

A. General

1. This solicitation document, the evaluation of proposals, and the award of any contract shall conform with current competitive bidding procedures as they relate to the procurement of goods and services. A service provider's proposal is an irrevocable offer for 30 days following the deadline for its submission.
2. A nondiscrimination clause will be included in any contract with the trial courts that ensues from this Request for Proposal ("RFP").
3. In addition to explaining the AOC's requirements, the RFP includes instructions, which prescribe the format and content of proposals.

B. Errors in the solicitation document

1. If a service provider submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the service provider shall immediately provide the AOC with written notice of the problem and request that the solicitation document be clarified or modified. Without disclosing the source of the request, the AOC may modify the solicitation prior to the date fixed for submission of proposals by issuing an addendum to all service providers to whom the solicitation document was sent.
2. If prior to the date fixed for submission of proposals a service provider submitting a proposal knows of or should have know of an error in the solicitation document, but fails to notify the AOC of the error, the service provider shall respond at its own risk. If the service provider is awarded a contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

C. Questions regarding the solicitation document

1. If a service provider's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to other service

providers, the service provider may submit the question in writing, conspicuously marking it as "CONFIDENTIAL." With the question, the service provider must submit a statement explaining why the question is sensitive. If the AOC concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the AOC does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the service provider will be so notified.

2. If a service provider submitting a proposal believes that one or more of the solicitation document's requirements is onerous or unfair, or that it unnecessarily precludes less costly or alternative solutions, the service providers may submit a written request that the solicitation document be changed. The request must set forth the recommended change and service provider's reasons for proposing the change.

D. Addenda

The AOC may modify the solicitation document prior to the date fixed for submission by sending (by fax or otherwise) an addendum to the service providers to whom the solicitation document was sent. If any service provider determines that an addendum unnecessarily restricts its ability to submit a proposal, it must notify Bob Emerson at the Administrative Office of the Courts no later than one day following receipt of the addendum.

E. Withdrawal and resubmission/modification of proposals

A service provider may withdraw its proposal at any time by notifying the AOC in writing of its withdrawal. The service provider must sign the notice. The service provider may thereafter submit a new or modified proposal. Modification offered in any other manner, oral or written, will not be considered.

F. Evaluation Process

1. An evaluation team will review in detail all proposals that are received to determine the extent to which they comply with the solicitation document requirements.
2. If a proposal fails to meet a material solicitation document requirement, the proposal may be rejected. A deviation is material to the extent that a response is

not in substantial accord with RFP requirement. Material deviations cannot be waived. Immaterial deviations may cause the AOC to reject a proposal.

3. Proposal that contain false or misleading statements may be rejected if in the AOC's opinion the information was intended to mislead the AOC regarding a requirement of the solicitation document.
4. During the evaluation process, the AOC may require a service provider's representative to answer questions with regard to the service provider's proposal. Failure of a service provider to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive.

G. Rejection of proposals

The AOC may reject any or all proposals and may or may not waive an immaterial deviation or defect in a proposal. The AOC's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a service provider from full compliance with solicitation document specifications. The AOC reserves the right to accept or reject any or all of the items in the proposal, to award the contract in whole or in part and/or negotiate any or all times with individual respondents if it is deemed in the AOC's best interest. Moreover, the AOC reserves the right to make no selection from among respondents to this solicitation and to select and retain service providers from other than respondents to this solicitation.

H. Selection of service provider

1. Selection of service providers who respond to this solicitation document, if made, will be to a responsible service provider submitting a proposal compliant with all the requirements of the solicitation document and any addenda thereto, except for such immaterial defects as may be waived by the AOC.
2. The AOC reserves the right to determine the suitability of proposed service providers, based upon the AOC's evaluation of the service provider's: (a) ability to meet administrative and technical requirements; (b) ability to provide the quality of service and performance of items proposed; and (c) cost.

I. Questions

Questions regarding this RFP, or any related matter, should be addressed to Robert Emerson, Judicial Council of California, 455 Golden Gate Avenue, 5th Floor, San Francisco, California, 94102.

J. Protest procedure

1. The Administrative Office of the Courts intends to be completely fair to all service providers in this solicitation process. In applying evaluation criteria and making selection decisions, members of the evaluation team will exercise their best judgment.
2. A service provider submitting a proposal may protest the AOC's decision not to select the service provider if the service provider's protest meets all the following conditions:
 - a. The service provider has submitted a proposal, which it believes to be responsive to the RFP;
 - b. The service provider believes that its proposal meets the AOC's administrative and technical requirements, and that it has supplied sufficient evidence of its proven quality and performance as a service provider;
 - c. The service provider believes that its proposal offers services at a competitive costs to the AOC; and
 - d. The service provider believes that the AOC has unfairly declined to select the provider.
3. A respondent submitting a proposal who is qualified to protest should contact the Contract Officer at the Administrative Office of the Courts at the address given below or call him at 415-865-7991.

George Santore
Contract Officer
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

4. If the protest is denied, the respondent may appeal determination. The written appeal must state the facts surrounding the issue and the reasons the respondent believes the award to be invalid. The appeal must be sent by certified or registered mail or deliver personally to:

Grant Walker
Business Services Manager
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

A receipt should be requested for hand-delivered material.

K. New releases

News releases pertaining to the selection of any service provider may not be made without prior written approval of the Administrative Office of the Courts.

L. Disposition of materials

All materials submitted in response to this solicitation document will become the property of the AOC and the State of California and will be returned only at the AOC's option and at the expense of the service provider submitting the proposal. One copy of a submitted proposal will be retained for official files and becomes public record. However, any confidential material submitted by a service provider that was clearly marked as such will be returned upon request.

M. Payment

1. Payment terms will be specified in any agreement that may ensue as a result of this solicitation document.
2. **THE STATE DOES NOT MAKE ANY ADVANCE PAYMENT FOR SERVICES.** Payment is normally made based upon completion of tasks as provided in the agreement between the State and the selected service provider.