

REQUEST FOR PROPOSALS FOR DESIGN BUILD ENTITY – STIPULATED SUM



Courts of Appeal, New Sixth Appellate District Courthouse, Sunnyvale, California

The Judicial Council of California (Judicial Council) seeks proposals from Design Build Entities qualified to provide services for the design and construction of the New Sixth Appellate District Courthouse, in Sunnyvale, California.

Regarding:
RFP NUMBER: RFP-FS-2024-03-MB



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE DIVISION
FACILITIES SERVICES



JUDICIAL COUNCIL OF CALIFORNIA
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Telephone 415-865-4200 . Fax 415-865-4205 . TDD 415-865-4272

REQUEST FOR PROPOSALS

Date

March 12, 2025

To

Shortlisted Design Build Entities
(Shortlisted pursuant to RFP-FS-2024-03-MB)

From

Judicial Council of California, Facilities Services

Action Requested

Send To:

Via email as described in Item 8 of RFP Schedule of
Events:

Technical Proposal email to:

fs202403mb.soq@jud.ca.gov

Price Proposal email to:

(Price Proposal **must** be submitted in a separate email
from that of the Technical Proposal):

fs202403mb.fec@jud.ca.gov

Subject

DBE Services for the New Sixth Appellate District
Courthouse
RFP number: RFP-FS-2024-03-MB

Deadline

May 8, 2025

Contact

solicitations@jud.ca.gov

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1. INTRODUCTION

1.1. The Judicial Council of California (“Council”), chaired by the Chief Justice of California, is the primary policy making body of the California judicial system. The Council is supported by an administrative agency also called the Judicial Council of California (“Judicial Council”). Pursuant to Government Code section 70398, et seq., the Judicial Council has prequalified and shortlisted design build entities (“Design Build Entity(ies)”) for the Courts of Appeal, New Sixth Appellate District Courthouse Project (“Project”) consistent with the Request for Qualifications for Design Build Entity dated November 20, 2024 (“RFQ”). This Request for Proposals (“RFP”) establishes the requirements for the submittal of Proposals (defined below) from shortlisted Design Build Entities. **Proposals will only be accepted from Design Build Entities who were shortlisted pursuant to the RFQ process.**

1.2. The Judicial Council will make the Proposal Documents (defined below) available to shortlisted Design Build Entities by posting to **the Judicial Council website (<https://courts.ca.gov/policy-administration/bidders-solicitations>)**. All shortlisted Design Build Entities will be notified of the posting via email simultaneously and immediately after the RFP has been posted to the website.

All capitalized terms not defined in this RFP have the same meaning as given in the Contract Documents, which are part of the Proposal Documents.

1.3. **Design Build Entities are required to review the Proposal Documents prior to submitting a Proposal.**

1.4. This RFP includes and is based on the following “Proposal Documents,” as may be supplemented or modified by way of addenda. Design Build Entity shall review all documents provided prior to submitting Proposals:

1.4.1. Price Proposal Forms & Instructions attached hereto as **Attachment 1** (composed of the “Fee Proposal Form”, “Professional Billing Rate Sheet”, and Certification);

1.4.2. Stipulated Sum Preparation Form & Instructions attached hereto as **Attachment 2** (“Stipulated Sum Preparation Form”)

1.4.3. RFP Questions Submittal Form attached hereto as **Attachment 3** (“Questions Form”);

1.4.4. RFP Proposal Scoring attached hereto as **Attachment 4** (“Proposal Scoring”);

1.4.5. RFP List of Designated Subcontractors and Qualifications as **Attachment 5** (“List of Designated Subcontractors”);

1.4.6. RFP Certifications attached hereto as **Attachment 6** (“Certifications”);

1.4.6.1 Proposer’s Acceptance of Terms & Conditions

1.4.6.2 General Certifications Form

1.4.6.3 California Air Resources Board In-Use Off-Road Diesel-Fueled Fleets Certification

1.4.7. The Sample Agreement for Design Build Services and other Contract Documents attached hereto as **Attachment 7** (“Agreement”);

1.4.8. Design Build Project Documents as **Attachment 8** (“Project Documents”); and

1.4.9. Performance Criteria Documents as **Attachment 9** (“Criteria Documents”).

- 1.5. The Proposal Documents are made available for the sole purpose of obtaining Proposals for the Project and the Judicial Council does not confer a license or grant permission for any other use of the Proposal Documents.
- 1.6. Only Design Build Entities who were shortlisted as a result of the Judicial Council’s RFQ process are invited to submit a proposal, which must include the following (“Proposal”): (i) the technical component of the Proposal as set forth below (“Technical Proposal”); and (ii) the Price Proposal (“Price Proposal”), as further outlined in Section 7.4 of this RFP, submitted **separately** from the Technical Proposal.

2. **PROJECT DESCRIPTION**

2.1. **Project.**

- 2.1.1. **Overview.** The Project includes the design and construction of the New Sixth Appellate District Courthouse at a 2-acre Judicial Council-owned site 605 W. El Camino Real, Sunnyvale, California 94087 (“Courthouse” or “Court”) formerly operated as the Sunnyvale Courthouse by the Santa Clara County Superior Court. The Project requires the demolition of the vacant single story Sunnyvale Courthouse, including its partial basement, and the design and construction of a new two (2) story appellate courthouse of approximately 50,000 square feet. The Project includes a single courtroom for oral arguments, justice chambers, attorney offices, mediation conference rooms, clerk’s office, a law library, court administration, and building support. The Project site includes secure parking for justices and surface parking for the public and staff.
- 2.1.2. **LEED.** The Courthouse shall be designed for sustainability as defined by the Criteria Documents and consistent with the standards of LEED Silver rating including full participation in the formal LEED certification process. The pricing in the Fee Proposal Form and Stipulated Sum must include all work required, and costs incurred, to achieve a minimum LEED Silver level certification.

- 2.2. **Required Licenses.** All architectural and engineering services to be provided by Design Build Entity must be provided in accordance with the professional registration requirements of the State of California’s Business and Professions Code including, without limitation: (i) an architect pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code; (ii) a landscape architect pursuant to Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code; (iii) a professional engineer pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code; and (iv) a professional land surveyor pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code). Any Design Professional or consultant identified by Design Build Entity must meet state licensing requirements. The Construction Work requires a Class B license from the Contractor’s State Licensing Board.

2.3. **Stipulated Sum.**

- 2.3.1. The Judicial Council’s Stipulated Sum for the Work for the Project is **\$73,690,200 (Seventy-Three Million, Six Hundred Ninety Thousand, Two Hundred dollars)**.
- 2.3.2. **Fixed Components of the Total Contract Amount & Stipulated Sum.**
 - 2.3.2.1. As of the Effective Date of the Agreement between the Judicial Council and selected Design Build Entity, the Total Contract Amount will be the Stipulated Sum and include: (1) Design Build Entity’s cost to perform the Design Work; and (2) the cost of Construction Work.

2.3.2.2. Design Build Entity must design and construct the Project consistent with the Criteria Documents and the Stipulated Sum, including the Judicial Council allowance(s) and proposed enhancements included by the Design Build Entity in their Proposal.

2.4. **Contract Time.** The selected Design Build Entity will perform all Work within the Contract Time.

Work	Contract Time
Completion of all Work	1,140 Calendar Days

2.5. **General Requirements of the Work.**

2.5.1. Design Build Entity’s Work. The successful Design Build Entity will enter into the Agreement for the performance of the Work.

2.5.1.1. The Work generally includes Design Work and Construction Work as set forth in the General Conditions (**Exhibit A** to the Agreement), which includes, without limitation:

2.5.1.1.1. Preparing Design Development Documents and Working Drawing Documents.

2.5.1.1.2. Submission and approval of Abatement & Demolition, Phase I, Phase II, and Phase III Design Packages in accordance with Office of the State Fire Marshal (OFSM) Partial Permitting Guidelines (May 2024).

2.5.1.1.3. Performance of Construction Work to Complete the Project.

2.6. **Liquidated Damages.**

2.6.1. Liquidated Damages. The Agreement sets forth the Liquidated Damages for failure to complete Work within the Contract Time. Liquidated Damages shall be calculated cumulatively, and consistent with the Contract Documents. The Liquidated Damages amount for each day of delay shall be **\$16,500.**

2.7. **Indemnity & Insurance.**

2.7.1. Indemnity. The Design Build Entity will be required to agree to defend and indemnify the Judicial Council as set forth in the General Conditions. Since this is a design build procurement, the general limitations on a Design Professional’s defense obligation do not apply to a Design Professional member of the Design Build Entity pursuant to Civil Code section 2782.8(e).

2.7.2. Insurance. The insurance requirements of the Design Build Entity are set forth in the General Conditions. The Judicial Council will maintain an Owner Controlled Insurance Program (“OCIP”) for this Project. Design Build Entity will only be required to carry certain insurance as set forth in the General Conditions. The OCIP Manual and OCIP Safety Requirements Manual which includes a separate Builders’ Risk Insurance policy is included in the Criteria Documents and is incorporated by reference.

2.7.3. Bonds.

2.7.3.1. The Design Build Entity will be required to provide a Payment Bond and Performance Bond on the forms identical to those in **Exhibit T** of the Agreement at the award of the contract.

2.8. Prevailing Wage & Skilled and Trained Workforce Requirements.

- 2.8.1. The Design Build Entity and all Subcontractors under the Agreement shall pay all workers on Work performed pursuant to the Agreement 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. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Agreement, as determined by Director of the State of California Department of Industrial Relations, are on file with the Judicial Council. Prevailing wage rates are also available on the internet at (<http://www.dir.ca.gov>).
- 2.8.2. The Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. Design Build Entity shall post job site notices, as prescribed by regulation. Design Build Entity shall comply with all requirements of Labor Code section 1771.4, except the requirements that are exempted by the Labor Commissioner for the Project.
- 2.8.3. Design Build Entity shall comply with the registration and compliance monitoring provisions of Labor Code section 1771.4, including furnishing its certified payroll records (“CPR(s)”) to the Labor Commissioner of California and complying with any applicable enforcement by the Department of Industrial Relations (“DIR”). Labor Code section 1771.1(a) states the following:

“A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.”

- 2.8.4. The successful Design Build Entity and its Subcontractors at every tier shall use a skilled and trained workforce at minimum percentages, as defined in Public Contract Code section 2601, and required by Government Code section 70398.3(c)(1), to perform all work on the Project that falls within an apprenticeable occupation. The selected Design Build Entity shall provide Monthly Compliance Reports demonstrating compliance by itself and its subcontractors at every tier with the skilled and trained workforce requirements as prescribed by Public Contract Code sections 2601 and 2602) and Government Code section 70398.3(c)(1) (collectively, “SWF Statutes”), as well as the General Conditions to the Contract. The Judicial Council recommends that Design Build Entity’s review the SWF Statutes and the “Skilled and Trained Workforce Requirements” section of the General Conditions. **NOTE: The Judicial Council reserves the right to enter into a project labor agreement (“PLA”) for the Project and to require that the selected Design Build Entity agree to be bound by the PLA. Any such PLA will require that the Design Build Entity provide a “skilled and trained workforce” for the Project. In that event, the Design Build Entity will not be subject to the reporting requirements of the SWF Statutes, but will be subject to the requirement to provide a “skilled and trained workforce” as defined in the SWF Statutes.**

2.9. Substitution of Securities for Retention. The successful Design Build Entity may substitute securities for any monies withheld by Judicial Council to ensure performance under the Agreement, in accordance with the provisions of section 10263 of the Public Contract Code.

3. DESIGN BUILD ENTITY SELECTION PROCESS

3.1. This RFP is Step 2 in the Judicial Council’s solicitation process to select a Design Build Entity. **This RFP does not include a design competition, nor shall the Judicial Council provide any stipend or compensation for the preparation of a Proposal.**

3.2. Confidential Meetings Prior to Proposals. Judicial Council will hold a confidential meeting with Design Build Entities prior to the submittal of Proposals.

3.3. Two-Step Process for Scoring Proposals. Judicial Council technical review team and an interview panel will evaluate and score the Technical Proposals. Scoring of Proposals shall be done in a two (2) step process. First, the Judicial Council will review and score the Technical Proposal. Second, the Judicial Council will review and score the Price Proposal. Proposals will be scored consistent with the criteria in **Attachment 4**, Proposal Scoring.

3.4. Negotiations. The Judicial Council may elect to engage in negotiations as set forth herein.

3.5. Selection. Based on the scoring, Judicial Council staff will provide a recommendation to the Facilities Director for consideration and final selection.

4. SCHEDULE OF EVENTS

No.	Scheduled Activities	Dates
1	RFP issued to Prequalified Design Build Entities	Monday, March 12, 2025
2	Pre-Proposal Conference (Mandatory) via Microsoft Teams Mandatory pre-registration form: https://events.gcc.teams.microsoft.com/event/04b876c0-8710-4f46-bf8a-48d852f8e665@10cfa08a-5b17-4e8f-a245-139062e839dc (Registered parties will receive an email confirmation which contains the Pre-Proposal Conference meeting link)	11:00 am on Tuesday, March 18, 2025
3	Mandatory Job Walk Address: 605 W. El Camino Real Sunnyvale, California 94087	11:00 am on Wednesday, March 19, 2025
4	Confidential Meeting (<i>estimate only</i>)	Wednesday, April 9, 2025
5	Deadline to submit written RFP questions	3:00 pm on Wednesday, April 23, 2025
6	Deadline for Judicial Council to provide clarifications, modifications and answers to written RFP questions.	Week of April 28, 2025
7	Last RFP Addenda issued (if required)	Week of April 28, 2025
8	Deadline for Submission of Proposals	5:00 pm on Thursday, May 8, 2025
9	Design Build Entities interviewed (<i>estimate only</i>)	Week of May 26, 2025
10	Announcement of Ranking Sent to Design Build Entities (<i>estimate only</i>)	Week of June 2, 2025
11	Negotiate and Finalize Contract (<i>estimate only</i>)	Week of June 16, 2025
12	Notice of Intent to Award / Successful Design Build Entity announced (<i>estimate only</i>)	Week of June 23, 2025

The above schedule reflects the Judicial Council’s **anticipated** Schedule of Events for this RFP. The Judicial Council reserves the right, in its sole discretion, to modify this Schedule of Events. The Judicial Council will not send notifications of changes to the Schedule of Events to prospective Design Build Entities. **Design Build Entities are advised to visit the Judicial Council website (<https://courts.ca.gov/policy-administration/bidders-solicitations>) frequently to check for changes and updates to the Schedule of Events.** The Judicial Council is not responsible for failure of any Design Build Entity to receive notification of changes in a timely manner.

5. RESPONSES TO THIS RFP

5.1. Complete & Timely Proposals. Design Build Entity’s Proposal must conform to the requirements of this RFP. Design Build Entity must address **all** components of the “Proposal Requirements” section below. Proposals must be submitted to the Judicial Council no later than the time and date indicated in “Deadline for Submission of Proposals” in the Schedule of Events. Design Build Entity must ensure compliance with the dates, times and processes set forth in the Schedule of Events. Design Build Entity assumes all risk for ensuring receipt of Proposals no later than the date and time specified in the Schedule of Events. The Judicial Council is not responsible for the failure of a Design Build Entity’s choice of delivery service or method. The Judicial Council will not open and may return any Proposal received after the date and time specified in the Schedule of Events. Late Proposals shall be deemed nonresponsive.

5.2. Method of Submission. Proposals must be emailed to the following email addresses:

Email Technical Proposal to: fs202403mb.soq@jud.ca.gov

Email Price Proposal to: fs202403mb.fee@jud.ca.gov

Judicial Council will NOT accept hardcopy Proposals. File size shall not exceed 20 mb (split proposal and submit in multiple emails if file cannot be reduced to under 20 mb). Proposals may be emailed no more than three (3) Days in advance of the Proposal due date. Judicial Council will provide either an electronic receipt for all proposals submitted showing the date and time of receipt or the Proposer will be able to self-verify in a central repository. However, proposals will not be opened by the Judicial Council prior to the submission deadline.

5.3. Conflict of Interest. Consistent with the Judicial Council’s obligation pursuant to Government Code section 70398.1(b), the Judicial Council has adopted a conflict of interest policy. That policy is available at: <https://www.courts.ca.gov/documents/design-build-conflict-of-interest-policy.pdf>. Design Build Entities shall review this policy. **By submitting the Proposal, Design Build Entity certifies that it has reviewed this policy, and that it has no conflict of interest.**

5.4. Review of Proposal Documents and Examination of Project Site. Consistent with the requirements of the General Conditions (**Exhibit A** to the Agreement), Design Build Entity shall, before submitting its Proposal, carefully study and compare the components of the Proposal Documents, examine the Site, the conditions under which the Work is to be performed, and the local conditions and shall report errors, inconsistencies, or ambiguities immediately upon discovery. If Design Build Entity is awarded the Project, Design Build Entity waives any claim arising from any errors, inconsistencies or ambiguities that Design Build Entity, its Design Professionals, Subcontractors, suppliers, or any person or entity under Design Build Entity on the Project became aware of, or reasonably should have become aware of, prior to Design Build Entity’s submission of its Proposal.

5.5. No Stipulations on Cost. The Price Proposal shall be submitted on the Proposer Information, Addenda Acknowledgement, Fee Proposal Form, Professional Billing Rate Sheet, and Certification included in the RFP as **Attachment 1**. Price Proposals not

submitted on the Judicial Council's Forms shall be rejected and the Proposal disqualified. Design Build Entity shall make no stipulations on the Judicial Council's Fee Proposal Form, Professional Billing Rate Sheet, or Certification nor qualify the Fee Proposal Form or Professional Billing Rate Sheet in any manner.

- 5.6. **Signature Authority.** Design Build Entity's Proposal, including the Price Proposal Form, shall be signed by a person legally authorized to bind Design Build Entity to a contract. Failure to sign and date the certification in the Price Proposal Form will cause Design Build Entity's Proposal to be deemed nonresponsive.
- 5.7. **Review & Agreement to Contract Documents.** By submitting its Proposal, Design Build Entity certifies that it has read, understands, and prepared its Proposal in accordance with the provisions of this RFP and the Proposal Documents, including, without limitation, the Contract Documents. **By submitting its Proposal, the Design Build Entity agrees to all terms and conditions contained in the Contract Documents and further agrees to execute, if selected for award, an agreement that includes all Contract Documents DESIGN BUILD ENTITIES' PROPOSALS SHALL NOT INDICATE ANY PROPOSED REVISIONS, RESERVATIONS, OR EXCEPTIONS TO THE CONTRACT DOCUMENTS.**
- 5.8. **Questions.** If there is any need for communication with the Judicial Council with regards to any aspect of this RFP, communication must be in writing, and submitted via e-mail to solicitations@jud.ca.gov. Design Build Entities and their Subcontractors must not communicate on the subject matter of this RFP with Judicial Council personnel or other Judicial Council Representatives, or consultants associated with this RFP. Violation of this restriction shall disqualify any Design Build Entity from consideration.

6. **PRE-SUBMITTAL ACTIONS AND EVENTS**

6.1. **OPTIONAL: Submit Questions.**

- 6.1.1. Design Build Entities are encouraged to submit questions. Questions must be submitted utilizing the Question Form (**Attachment 3**). The Question Form must be emailed to: solicitations@jud.ca.gov and include the following e-mail subject line: "Design Build Entity: RFP Questions + (Design Build Entity Name)".
- 6.1.2. Design Build Entities must complete all sections of the Question Form and specifically identify and cite the particular section(s) of the RFP, or the Proposal Documents, about which the Design Build Entity has questions.
- 6.1.3. Written questions may be submitted as defined above, but must be submitted no later than **April 23, 2025**. The Judicial Council will not respond to questions received after this date.
- 6.1.4. Please take notice that the Design Build Entity's name may appear on the Judicial Council website when answers to questions submitted are posted. The Judicial Council will post answers to questions submitted as indicated in the Schedule of Events.

6.2. **MANDATORY: Participate in the Pre-Proposal Conference and Site Walk.**

- 6.2.1. **Pre-Proposal Conference (Mandatory)**. A Pre-Proposal Conference will be held to generally discuss this RFP. All Design-Build Entities who were shortlisted through the RFQ process to participate in this RFP are required to attend in order to submit a Proposal. Although questions may be responded to verbally during the Pre-Proposal Conference, only the Judicial Council's written responses to properly submitted questions via the Questions Submittal Form (Attachment 3)

will be official and binding. The Pre-Proposal Conference will be held on the date identified in the Schedule of Events and can be attended using the video platform meeting link provided after pre-registration.

Mandatory Pre-Proposal Conference requirements:

- 6.2.1.1. Design Build Entities must click on the Pre-Proposal Conference pre-registration link identified in the Schedule of Events to enter their contact information on the registration form. Registered parties will then receive an email confirmation which contains the Pre-Proposal Conference meeting link. It is recommended that Design Build Entities register no less than 30 minutes prior to the Pre-Proposal Conference start time.
- 6.2.1.2. Design Build Entities should log in to the meeting on time and may not be admitted if late. Design Build Entities shall attend the entire duration of the mandatory Pre-Proposal Conference.
- 6.2.2. Site Walk (Mandatory). The Judicial Council and Design Build Entities shall participate in a Site Walk to discuss the Project. This is an opportunity for Design Build Entities to review the Site. Design Build Entities should timely arrive at the address identified in the Schedule of Events for the Site Walk. If time allows, other questions may be asked and answered.
- 6.2.3. Design Build Entities may submit questions after the Pre-Proposal Conference and Site Walk, prior to submission of Proposals, within the time period in the Schedule of Events and pursuant to the question process identified above. Judicial Council's response to questions will be posted to the Judicial Council website at: <https://courts.ca.gov/policy-administration/bidders-solicitations>.
- 6.2.4. Oral responses provided during Pre-Proposal Conference or Site Walk shall not be binding on the Judicial Council. Only responses to questions replied to the DBE in writing and/or posted on the Judicial Council's website shall be binding.

6.3. MANDATORY: Confidential Meeting.

- 6.3.1. Prior to the submission of Proposals, Design Build Entities shall be assigned time slots for a confidential meeting to meet with the Judicial Council technical review team.
- 6.3.2. The purpose of the meetings is for the Design Build Entities to present their design perspective and relevant experience and examples of work that may translate into the design of this courthouse and discuss the Court's desired aesthetic (Refer to Critical Success Factors and Criteria Documents, specifically Chapter 3, Section 3.0 and Chapter 7, Sections 7.1.3 and 7.1.4) and exchange information on the Proposal Documents and any design enhancements considered to be provided in the Project. Design Build Entity shall also provide details regarding issues or concerns with the feasibility of completing the design and constructing the building within the Stipulated Sum. Information provided during the meeting relative to any significant conflicts or omissions in the Request for Proposal and/or Criteria Documents will be clarified in an addendum and issued to all proposers. Information provided in these meetings that relate to the business affairs, developments, trade secrets, know-how, Design Build Entity's personnel and suppliers will be kept confidential.
- 6.3.3. Information from these meetings may result in changes to be issued as addenda to all Design Build Entities.

6.3.4. Minutes of the Confidential Meeting shall be prepared by the Judicial Council for the Design Build Entity's review. If the Design Build Entity is awarded the Project, the Minutes of the Confidential Meeting shall be included in Exhibit Y to the Agreement. These minutes will not be considered confidential and will be subject to disclosure pursuant to Section 9.2 following contract award.

6.4. Limitation on Clarifications. Questions and requests for clarification or interpretation of the Proposal Documents shall be addressed only as identified herein. Clarifications, interpretations, corrections, and changes to the Proposal Documents will be made by addenda or in the Confidential Meeting minutes or interview notes. Clarifications, interpretations, corrections, and changes to the Proposal Documents made in any other manner shall not be binding and Design Build Entities shall not rely upon them.

7. PROPOSAL REQUIREMENTS

7.1. Proposal Structure. Design Build Entity shall submit a Proposal that includes the following:

7.1.1. Technical Proposal. The technical portion of the Proposal shall include the following:

7.1.1.1. Tab 1: Cover Letter

7.1.1.2. Tab 2: Project Team Organization / Key Personnel

7.1.1.3. Tab 3: Substantive Responses

7.1.1.4. Tab 4: Stipulated Sum Analysis / Life Cycle Analysis

7.1.1.5. Tab 5: Enhancements

7.1.1.6. Tab 6: Certifications (All certifications in Attachment 6 must be included):

7.1.1.6.1. Proposer's Acceptance of Terms & Conditions

7.1.1.6.2. General Certifications Form

7.1.1.6.3. California Air Resources Board In-Use Off-Road Diesel-Fueled Fleets Certification

7.1.2. Price Proposal. Design Build Entity shall submit the Proposer Information, Addenda Acknowledgement, Fee Proposal Form, Professional Billing Rate Sheet, as well as the accompanying Certification, separately from the Technical Proposal.

7.2. Format of Technical Proposal. Design Build Entity shall submit its Technical Proposal in .pdf format, 8-1/2" x 11" pages, not exceeding seventy-five (75) pages, and have sections tabbed as identified below.

7.3. Technical Proposal Contents. The Technical Proposal shall be emailed separately from the Price Proposal on the same date and time the Price Proposal is submitted by the Design Build Entity to the following email address: fs202403mb.soq@jud.ca.gov.

Design Build Entity's Proposal shall be responsive to the requirements set forth herein and the following:

Critical Success Factors: Critical Success Factors (CSF) are those that the Sixth District Court of Appeal and the Judicial Council have agreed represent the objectives and vision

of the project, are essential to the success of the Project, and are the core essence of the Design Build Entity's responsibility. It is essential that the Design Build Entity be responsive to the CSF and use the CSF as a guide in both the development of the response to the Request for Proposal, and in the design and construction of the new courthouse.

Project Objectives:

- i. Provide a permanent location on state-owned property for the Courts of Appeal, Sixth Appellate District.
- ii. Provide for the construction, occupancy, and operation of a new facility prior to the Sixth Appellate District's current lease expiration in January 2029.
- iii. Provide a state-owned appellate courthouse, constructed to Judicial Council standards, that is modern, safe, secure and accessible to the benefit of all court users and staff, enhancing the public's access to justice.

Vision for the Courthouse:

- i. Reflection of the dignity of the law and the stability of the judiciary.
- ii. Responsiveness to local context, geography, climate, and setting.
- iii. Reflection of the importance of the activities within the Courthouse; with adequate spaces that are planned and designed to be adaptable to change.
- iv. Consideration of the economics of operation and maintenance, including controlling long-term ownership costs.
- v. Provide a sustainable, healthy, safe and accessible environment.
- vi. Designed and constructed utilizing technical excellence in building systems.

Design Build Entity's Technical Proposal shall include the following information, organized and tabbed as follows:

7.3.1. Tab 1: Cover Letter.

7.3.1.1. Identify whether there has been a change to any of the information submitted in Section I of the Prequalification Questionnaire submitted with the Design Build Entity's SOQ, including, without limitation, corporate form/structure of the Design Build Entity, members of Design Build Entity, and/or bonding capacity.

7.3.1.2. Describe the Proposer's general approach to the design and construction. Place special emphasis on the Critical Success Factors (CSF) listed above and the unique design and construction strategies or ideas your team will bring to ensure a successful delivery of the Project and Court satisfaction of the courthouse.

7.3.1.3. Provide name, phone number and email address for the person who has the legal authority to bind the Design Build Entity to a contract. This person shall also be the person that signs the Cover Letter on behalf of the Design Build Entity.

7.3.2. Tab 2: Project Team Organization / Key Personnel.

7.3.2.1. Project Team. Identify at a **minimum** the following design consultants: Architect, Civil Engineer, Geotechnical Engineer, Electrical Engineer, Fire Protection Engineer, Landscape Architect, Low-Voltage and Security Electrical Engineer, Mechanical Engineer, Structural Engineer, and Title 24/Code Consultant.

7.3.2.2. Organizational Chart. Provide a Team Organizational Chart identifying all of the proposed Key Personnel within each team component (e.g., design consultants, preconstruction consultants, construction

individuals, design-assist subcontractors, etc.) and how the team will be organized and managed during design and construction. Clearly define the duties of each Key Personnel for the Project.

7.3.2.3. Qualifications of Key Personnel.

7.3.2.3.1. Provide resumes of **all** Key Personnel who would be performing Services for the Judicial Council. The Key Personnel must include, at minimum, the following individuals:

- 7.3.2.3.1.1. Project Executive
- 7.3.2.3.1.2. Architect's Project Manager
- 7.3.2.3.1.3. Project Architect
- 7.3.2.3.1.4. Project Design Engineer(s) and consultants
- 7.3.2.3.1.5. Structural Engineer
- 7.3.2.3.1.6. Construction Work Project Manager
- 7.3.2.3.1.7. Construction Work Superintendent.
- 7.3.2.3.1.8. Quality Manager
- 7.3.2.3.1.9. Design Manager

7.3.2.3.2. Resumes shall include:

- 7.3.2.3.2.1. A description of training and experience of the Key Personnel in their respective areas of expertise.
- 7.3.2.3.2.2. Current position/title proposed position/title, education, professional licensing, and work experience over the last ten (10) years.
- 7.3.2.3.2.3. Experience on institutional Design Build projects of similar size, scope, complexity and budget, including experience with the Office of the State Fire Marshal.
- 7.3.2.3.2.4. Experience with project delivery methods where collaboration during the design phase is demonstrated.
- 7.3.2.3.2.5. Professional certifications, training, and technical expertise.

7.3.2.3.3. Provide a matrix of proposed staffing and completed projects to illustrate where the Key Personnel have worked together on previous projects. Provide basic project information including owner contact information.

7.3.2.3.4. **NOTE: If any of the Key Personnel identified in the SOQ are no longer employed with Design Build Entity, Design Build Entity must: (i) identify that Key Personnel; (ii) identify a replacement; and (iii) and provide all information required in the RFQ and hereunder for that replacement. The Judicial Council reserves the right to DEDUCT points from the scoring of the "Project Team Organization / Key Personnel" section of the Proposal Scoring if the Judicial Council disapproves of any replacement Key Personnel; the deduction shall not exceed 15% of the maximum possible total points for the scoring of that section.**

7.3.2.4. Designated Subcontractors.

7.3.2.4.1. Proposer must identify the design-assist or design build construction subcontractors for mechanical, electrical, and plumbing using the List of Designated Subcontractors provided in **Attachment 5** to this RFP. Proposer shall also provide the qualifications and experience of these three subcontractors utilizing the subcontractor qualifications form included in **Attachment 5** to this RFP.

7.3.2.4.2. In addition, Proposers may list additional subcontractors of the Proposer's choice using the List of Designated Subcontractors provided in **Attachment 5** to this RFP. If the Proposer intends to self-perform work, they must list themselves and the respective portion of work intended to be self-performed. Listed design build construction subcontractors shall be afforded the protections of Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code. Subcontractors not designated by the Proposer's team shall be selected post-award as set forth in Government Code section 70398.5 and the General Conditions (**Exhibit A** to the Agreement).

7.3.3. Tab 3: Substantive Responses. Design Build Entity's Proposal shall respond to and provide information regarding the following substantive areas.

7.3.3.1. Approach to the Project.

7.3.3.1.1. Approach to Design. Describe the Design Build Entity's approach to designing the facility consistent with the Judicial Council's vision and objectives and the Criteria Documents. Include any information that demonstrates the Design Build Entity's understanding of the project scope, the aesthetic desired by the Court to be further developed in the courthouse design, and how the Design Build Entity is uniquely qualified to perform the Work on the Project within the Stipulated Sum.

7.3.3.1.2. Workplan. Describe Design Build Entity's approach and workplan for the Project. The approach shall include a narrative that addresses, at a minimum, the following:

7.3.3.1.2.1. How Design Build Entity will monitor design target values utilizing a Target Value Design (defined in **Exhibit A** to the Agreement, "General Conditions") approach to achieve the Stipulated Sum in conformance with the Criteria Documents and the project's objectives and vision.

7.3.3.1.2.2. Describe how the Design Build Entity's team will work together to undertake the following tasks, and maximize the Stipulated Sum to benefit the project: design, design review, constructability review, estimating, value engineering, scheduling and phasing, construction methods, materials, equipment

and systems, and the recommendation of specific building systems and materials and/or methods.

7.3.3.1.3. Project Management and Coordination with Judicial Council.

7.3.3.1.3.1. Describe how the Design Build Entity's team will communicate with the Judicial Council and proactively manage design and design review in conjunction with Judicial Council staff and Court staff. Address how the Design Build Entity's team will coordinate with Court staff for functionality.

7.3.3.1.3.2. Identify how the Design Build team will facilitate and document the decision-making process, building consensus, maintaining the Contract Schedule, identifying risks, and managing expectations.

7.3.3.1.4. Centralized Office. The Design Build Entity is required to establish and maintain a centralized office for the duration of the design process. Identify where the office will be, and the proposed format and locations of meetings (i.e., virtual conferences, in-person, big room concept, etc.). Please indicate if Design Build Entity will request to utilize a virtual office.

7.3.3.1.5. Use of Lean Principles. Identify how the Design Build Entity's team intends to use lean principles and techniques as developed or defined by the Lean Construction Institute in its design, including its approach, or tools (such as collaboration, open communications, commitment-based pull planning/scheduling, target value design elimination of waste, planned percent complete metrics, etc.) in its efforts to manage the Project.

7.3.3.1.6. Quality Control Plan. Provide a Project-specific quality control plan that includes, without limitation:

7.3.3.1.6.1. Processes to ensure design conforms with Criteria Documents.

7.3.3.1.6.2. Processes to proactively identify constructability issues.

7.3.3.1.6.3. Processes for reviewing the coordination of building system design.

7.3.3.1.6.4. Processes to coordinate with Authorities Having Jurisdiction, including the OSFM and DSA. Identify if the Design Build Entity intends to use a third-party reviewer prior to submittal to OSFM.

- 7.3.3.1.6.5. Review and coordination of all submittals/shop drawings prior to submitting to the Judicial Council for review.
- 7.3.3.1.6.6. The process and Key Personnel that will be tasked with assessing the craftsmanship and workmanship by all trades and verify that all materials installed are per the approved construction documents, submittals and shop drawings.
- 7.3.3.1.6.7. How mock-ups will be used to determine the level of craftsmanship and workmanship required to meet the Judicial Council requirements for quality.
- 7.3.3.1.6.8. Preconstruction Services conferences to verify that the Subcontractors are familiar with the scope of work and process required for the coordination of inspections, field testing, shop drawing approval, and submittal approval as related to their scope of work. Provide documented examples from previous projects.
- 7.3.3.1.6.9. Processes to perform quality control prior to requesting inspections, material testing and special inspections.
- 7.3.3.1.7. Project Innovation. Identify how innovation will be used on this Project to achieve the Judicial Council's objectives and vision outlined in the CSF and Criteria Documents. This may also address, without limitations, streamline processes for faster design and construction, improved quality, cost-effective construction processes, improved performance, and overall results for the Project. This includes the use and incorporation of advanced technology and methods such as, without limitation:
 - 7.3.3.1.7.1. Incorporation of artificial intelligence into the construction process or final product.
 - 7.3.3.1.7.2. The use of off-Site construction production measures to enhance project schedule, budget and/or building quality.
 - 7.3.3.1.7.3. Use of virtual design and construction services. These services include digital tools that create virtual models of buildings including visual scheduling/4D, drone flights, trade contractor clash detection, Site logistics and safety, virtual reality, and reality capture.
- 7.3.3.1.8. Project Risks. Identify Project risks, which are conditions or events that could negatively affect the Project scope, quality, schedule or cost. Design Build Entity shall evaluate the risk to include severity of impact, probability of occurrence and other factors as Design Build Entity deems appropriate and

recommend ways to manage or mitigate each risk. Design Build Entity shall present the risk analysis in a risk matrix format.

7.3.3.2. Design and Construction Schedule.

7.3.3.2.1. Provide a design and construction CPM schedule for the Project consistent with the Preliminary Schedule (**Exhibit C** to the Agreement), showing proposed progress from the Notices to Proceed through the Completion of the Project. Include all Phases and, components thereof from Design Development to Final Completion. The schedule must include specific time for review and/or approval from Authorities Having Jurisdiction and identify adequate time for the Judicial Council to review submittals at all intervals, consistent with review durations identified in the General Conditions (**Exhibit A** to the Agreement).

7.3.3.2.2. Discuss the Design Build Entity's ability to prepare and meet achievable design and construction schedules for design build projects, Design Build Entity's schedule development and involvement of trades, schedule management procedures, and how the Design Build Entity has successfully handled potential delays. Include a specific example or resolution of delay with a subcontractor. Specifically describe Design Build Entity's experience coordinating and obtaining approvals from Authorities Having Jurisdiction, including but not limited to the Office of the State Fire Marshal, and describe how Design Build Entity will minimize delays to the Project arising from agency reviews.

7.3.3.3. Work Commitments. Specify the current and projected workload of Design Build Entity. Demonstrate that existing commitments will not conflict with the performance of the Work on the Project if awarded consistent with the Preliminary Schedule (**Exhibit C** of the Agreement).

7.3.4. Tab 4: Stipulated Sum Analysis / Life Cycle Analysis.

7.3.4.1. Stipulated Sum Cost Analysis.

7.3.4.1.1. The Stipulated Sum is the sum the Judicial Council has identified to complete the Design and Construction Work, which may be adjusted as set forth in the Contract Documents. The Design Build Entity shall identify a value for each Unifomat system and submit in a form identical to the Stipulated Sum Preparation Form (Refer to **Attachment 2**).

7.3.4.1.2. Describe how the Design Build Entity plans to utilize value engineering and alternate construction methods to maximize the Stipulated Sum in the completion of the Project and to what extent substitutions may be considered and at what stage in the design process will these items be proposed.

7.3.4.2. Life Cycle Cost Analysis.

7.3.4.2.1. Identify how the Design Build Entity will incorporate results from the Life Cycle Cost Analysis into the Project. This

narrative should include systems/components to be studied and costing approach.

7.3.4.2.2. Provide a sample Life Cycle Cost Analysis developed for another public procurement.

7.3.5. Tab 5: Enhancements.

7.3.5.1. The Criteria Documents identified in the Request For Proposal documents are derived from minimum functional and operational requirements. To obtain the **best value** for the Project, the Proposers are encouraged to include enhancements to be delivered within the Stipulated Sum. The Judicial Council has identified 13 enhancements to the base project scope in this section and has ranked and scored them to identify stakeholder priorities. The Judicial Council also encourages Proposers to develop their own enhancement suggestions for consideration as Design Build Entity Enhancements. All enhancements shall be of high quality, sustainable, durable and of low or no maintenance.

7.3.5.2. For each enhancement, submit the following:

7.3.5.2.1. A unique enhancement identification number.

7.3.5.2.2. A narrative description of the enhancement.

7.3.5.2.3. A list of benefits to the Judicial Council.

7.3.5.2.4. Affected Request For Proposal section references and changes (if applicable).

7.3.5.2.5. New performance criteria (if applicable).

7.3.5.2.6. New concept drawings (if applicable).

7.3.5.2.7. A comparative analysis between the requirements of this RFP (including but not limited to the Criteria Documents) and the proposed enhancement.

7.3.5.2.8. A life cycle cost (LCC) benefits analysis to the Judicial Council in terms of operation and maintenance (as applicable) for the proposed enhanced design, systems, and components. The initial cost of installation shall not be considered. Life-cycle benefit analyses shall be shown as present value amounts using a 3.8% discount rate, 30-year life cycle period, 4% energy costs escalation rate, 3% personnel/staff escalation rate and 2% maintenance cost escalation rate.

7.3.5.2.9. An indication of the timing of the benefit(s) both long-term and short term.

7.3.5.2.10. Estimated cost of the enhancement.

7.3.5.3. The Judicial Council retains the right to refuse any enhancements or upgrades, proposed as well as to exercise the option to use any or all of the proposed enhancements. In no case will the Enhancements come at a

cost premium to the Judicial Council – all combinations of proposed Enhancements are to be within the Stipulated Sum. In no case will proposed enhancements be considered “enhancements” when they are utilized to meet criteria already within the requirements of this RFP (including but not limited to the Criteria Documents).

7.3.5.4. An enhancement is a demonstrated benefit to the Project and may include the general properties of:

7.3.5.4.1. Increased safety and security

7.3.5.4.2. Increased energy efficiency and/or sustainability.

7.3.5.4.3. Increased equipment and material longevity and durability.

7.3.5.5. Project enhancements may include but are not limited to:

7.3.5.5.1. Judicial Council suggested Enhancements (EH). The importance of an item to the Judicial Council is indicated in parentheses following the item description with (1) being the most important and (3) being the least important. Scoring values have additionally been established for each Judicial Council Enhancement and have been defined in **Attachment 4**, Proposal Scoring.

EH-1 Upgrade the exterior window grouping articulation from painted cement plaster to an alternative expression that may include tile, stone, a contiguous window panel assembly, or other architectural materials. (1) [*Refer additionally to Criteria Documents, Chapter 7, Sections 7.1.3 and 7.1.4*]

EH-2 Provide enhanced aesthetics and/or materials for the building exterior (1) [*Refer additionally to Criteria Documents, Chapter 7, Sections 7.1.3 and 7.1.4*]

EH-3 Upgrade the colonnade and entablature materiality to GFRC, pre-cast polished concrete, or similar in lieu of metal panels. (1) [*Refer additionally to Criteria Documents, Chapter 7, Sections 7.1.3 and 7.1.4*]

EH-4 Upgrade the Entrance Sign material and surround for consistency with the colonnade and entablature materials. (1)

EH-5 Provide additional security cameras and coverage at the second floor private corridors. (2)

EH-6 Upgrade Feature Wall at Public Lobby. (1)

EH-7 Upgrade Service area painted metal fencing with cement plaster over reinforced CMU to match adjacent Secure Parking enclosure wall. (1)

EH-8 Complete the Project earlier than the “Contract Time.” (2)

- EH-9 Provide Basement Secure Parking in lieu of Surface Secure Parking Area. (3) *[Refer to the following Enhancement Details in EH-9 included at the end of this RFP.]*
- EH-10 Upgrade decomposed granite (DG) pathways to an alternative upgraded permeable surface at Plaza of the building. (3) *[Note. The West and North DG pathways shall remain DG; do not suggest upgrade]*
- EH-11 Increase LEED certification level from Silver to Gold. (3)
- EH-12 Increase improvement to better than Title 24 energy standards by 20% minimum. (3)
- EH-13 Furnish extended warranties and guarantees for major equipment beyond that required by the RFP (including but not limited to the Criteria Documents). (3)

7.3.5.5.2. Enhancements proposed by Design Build Entity. A maximum of five (5) additional enhancements may be included for consideration. Design Build Entity enhancements may not be credits that would either reduce the overall quality defined in the Criteria Documents or that would affect the Stipulated Sum amount if not accepted by the Judicial Council.

7.3.6. Tab 6: Certifications. Include a signed electronic copy of all Certifications in **Attachment 6.**

7.4. Price Proposal.

7.4.1. The Price Proposal shall be the submittal of the Proposer Information, Addenda Acknowledgement, Fee Proposal Form, Professional Billing Rate Sheet, as well as the accompanying Certification. The Design Build Entity shall submit the Price Proposal separately from the Technical Proposal. Design Build Entity shall submit a completed and signed Price Proposal in the form included in **Attachment 1.** Design Build Entity shall complete the forms consistent with all instructions therein.

7.4.2. The Price Proposal shall be emailed separately from the Technical proposal on the same date and time the Technical Proposal is submitted by the Design Build Entity to the following: fs202403mb.fee@jud.ca.gov.

8. BEST VALUE SELECTION PROCESS

8.1. The Judicial Council will select the Design Build Entity based on the best value selection method set forth in Proposal Scoring (**Attachment 4**) and as further described below. Judicial Council will also evaluate the Design Build Entity’s adherence to and demonstrated understanding of the Performance Criteria Documents.

8.2. Confidential Meetings. Prior to the submittal of Proposals, the Judicial Council will conduct a confidential meeting as set forth above. This meeting is not scored.

8.3. Evaluation of Technical Proposals. After the submittal of Proposals, the Judicial Council’s technical review team shall review the proposer’s Proposal and meet with the evaluation team to brief them on the technical aspects of Proposals. The Judicial Council’s evaluation team will then review all timely submitted Technical Proposals. Factors that will be used by the Judicial Council to evaluate Technical Proposals are identified in the Proposal Scoring (**Attachment 4**).

8.3.1. Interviews.

8.3.1.1. After the evaluation of the Technical Proposals, the Judicial Council will assemble an interview team that will interview all Design Build Entities. The structure for these interviews will be as follows:

8.3.1.1.1. Design Build Entities shall be assigned time slots for interviews, which shall be held on, or around, the date(s) indicated in the Schedule of Events. The Judicial Council will notify each Design Build Entity in writing, advising the date, time and location for the interview or video conference.

8.3.1.1.2. Presenters at the interview are required to be those members of the Design Build Entity identified as Key Personnel in the Design Build Entity’s Statement of Qualifications. These individuals are the Project Executive, Project Manager, Design Work Manager, Project Architect, and Project Site Superintendent.

8.3.1.1.3. Design Build Entity shall receive forty (40) minutes to make their presentations and thirty-five (35) minutes for questions and answers from the panel. Introductions of five (5) minutes and a ten (10) minute exercise will proceed the Design Build Entity’s presentation time for a total of a ninety (90) minute Interview.

8.3.1.1.4. Design Build Entity may arrive ten (10) minutes before their interview time for set up of equipment and materials used for presentation purposes.

8.3.1.1.5. Design Build Entity should feel free to use any form of electronic media or otherwise to make their presentations within the allotted time.

8.3.1.1.6. Design Build Entities are requested to present their approach to the design and construction of the Project.

8.3.1.2. Notes will be taken during the interview documenting any commitments or clarifications to the proposal. The Design Build Entity will be provided a copy of these interview meeting minutes after the interview to confirm accuracy. The interview meeting minutes for the selected Design Build Entity will become an Exhibit to the Agreement.

8.4. Evaluation of Price Proposals. Once the Technical Proposal scoring is complete, the Judicial Council’s evaluation team will then review all timely submitted Price Proposals. Factors that will be used by the Judicial Council to evaluate Price Proposals are identified in the Proposal Scoring (**Attachment 4**).

8.5. Proposal Validity Period. Proposals shall remain valid for one hundred twenty (120) days after the date of submission.

- 8.6. Proposal Scoring.** The Proposal with the highest combined score for its Technical Proposal and Price Proposal as determined by the evaluation team using Proposal Scoring (**Attachment 4**) shall be the highest ranked proposer.
- 8.7. Negotiations.**
- 8.7.1. The Judicial Council may, in its sole discretion, engage in negotiations. Negotiations will first be conducted with the Design Build Entity who received the highest best value score. If the Judicial Council does not reach an agreement with that Design Build Entity, then the Judicial Council may negotiate with the next highest scoring Design Build Entity. This process shall continue until: (i) the Judicial Council reaches an agreement with a Design Build Entity; (ii) there are no remaining Design Build Entities that submitted a Proposal; or (iii) the Judicial Council elects, in its sole discretion, to terminate the solicitation process without selecting a Design Build Entity.
- 8.7.2. The Judicial Council reserves the right to award the Project without negotiations. If Judicial Council elects to conduct negotiations, the information contained in the Proposals will not be announced publicly until after completing negotiations. The Judicial Council shall ensure that any negotiations are conducted at arms-length and in good faith and subject to the requirements of this “Negotiations” section of the RFP.
- 8.7.3. Negotiations will be formally scheduled, including a date, time, and location. Design Build Entities will be informed as to the representatives and Key Personnel that are required to attend.
- 8.7.4. Negotiations are tailored to each Design Build Entity and will be conducted separately. Negotiations may include persuasion, alteration of assumptions and positions, give-and-take, and may apply to schedule, enhancements, or technical requirements.
- 8.7.5. The primary objective of negotiations is to maximize the Judicial Council’s ability to obtain the best value, based on the requirements and the evaluation factors set forth in the Proposal Scoring. Design Build Entity’s Proposal should contain its best terms from proposed enhancements included and technical standpoint.
- 8.7.6. During the course of negotiations, Judicial Council personnel involved in negotiations shall not engage in conduct that:
- 8.7.6.1. Favors one Design Build Entity over another;
- 8.7.6.2. Reveals a Design Build Entity’s technical solution, including unique technology, innovative and unique uses of commercial items to another Design Build Entity; or
- 8.7.6.3. Reveals the names of individuals providing reference information about a Design Build Entity’s past performance.
- 8.7.7. Judicial Council personnel who participate in the negotiations must refrain from contact with any Design Build Entity submitting a Proposal outside the scheduled discussions and shall report any contact outside of scheduled discussions to the Facilities Director.
- 8.7.8. Unless and until the Judicial Council announces that it will award without negotiations, information concerning the Proposals, including prices proposed, will not be announced publicly.

8.8. Selection.

- 8.8.1. The Judicial Council will select the Design Build Entity that presents the best value.
 - 8.8.2. The Judicial Council shall notify the successful Design Build Entity. Within **SEVEN (7) Days** after receipt of notice of selection as the successful Design Build Entity, Design Build Entity shall submit to Judicial Council all of the following items:
 - 8.8.2.1. **Three (3)** originals of the Agreement signed by Design Build Entity; and
 - 8.8.2.2. Certificates of Insurance required by the General Conditions.
 - 8.8.2.3. Performance Bonds and Payment Bonds.
 - 8.8.3. If Judicial Council consents to the withdrawal of the Proposal from the selected Design Build Entity, or the selected Design Build Entity fails or refuses to sign the Agreement or submit to Judicial Council all of the items required by the Proposal Documents, within **SEVEN (7) Days** after receipt of notice of selection, Judicial Council may reject that Design Build Entity's Proposal and select the next best value Proposal or reject all Proposals.
- 8.9. Nonresponsive Proposals.** The Judicial Council reserves the right to reject any Design Build Entity's Proposal that are non-responsive to the RFP or the evaluation criteria.

9. ADMINISTRATIVE REQUIREMENTS

9.1. Disabled Veteran Participation Goals.

Judicial Council has a contract participation goal of a minimum of three percent (3%) for disabled veteran business enterprises ("DVBES"). Information about DVBE resources can be found on the California Department of General Services' website at <http://www.dgs.ca.gov>, or by emailing OSDShelp@dgs.ca.gov or calling the Office of Small Business and DVBE Services at 916-375-4940. Please note that DVBE documentation is not required to be submitted with the Firm's Proposal and is to be submitted only by the Firm selected to perform the Services.

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

Records created as part of Design Build Entity's Proposal and solicitation process are generally subject to California Rules of Court, Rule 10.500 and may be available to the public following contract award absent an exemption. Information required in the Proposal that is not otherwise subject to disclosure under Section 68106.2 and Rule 10.500 of the California Rules of Court shall not be open to public inspection. If a Design Build Entity'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 a Design Build Entity is unsure if the information contained in its Proposal is confidential and/or proprietary, then it should not include the information in its Proposal. A Design Build Entity that indiscriminately identifies all or most of its Proposal as exempt from disclosure may be deemed non-responsive.

9.3. Errors in the RFP. If Design Build Entity discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, Design Build Entity 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.

- 9.4. Addenda.** The Judicial Council may modify the RFP prior to the date fixed for submission of Proposals by posting an addendum on the Judicial Council website. If Design Build Entity determines that an addendum unnecessarily restricts its ability to submit its Proposal, it must notify the Judicial Council no later than one (1) business day following the posting of the addendum.
- 9.5. Withdrawal and Resubmission or Modification of Proposal.** Design Build Entity may withdraw its Proposal at any time prior to the date fixed for submission of Proposal by notifying the Judicial Council in writing of its withdrawal. The notice must be signed by Design Build Entity. Design Build Entity may thereafter submit a new or modified Proposal, provided it is received at the Judicial Council no later than the date fixed for submission of Proposal in the Schedule of Events. Proposals cannot be changed or withdrawn after the date fixed for submission of Proposal in the Schedule of Events.
- 9.6. Rejection of Proposal.**
- 9.6.1. The Judicial Council reserves the right to waive non-substantial irregularities and omissions contained in the submitted Proposals, to make all final determinations, and to reject any or all Proposals.
- 9.6.2. The Judicial Council may refuse to accept a response to this RFP where the requested information and materials are not provided or not provided by the date specified in the Schedule of Events. The date fixed for submission of Proposals will not be changed in order to accommodate supplementation of incomplete or late Proposals. Failure to timely submit Proposals or any information required by this RFP shall not provide a basis for appeal.
- 9.6.3. The Judicial Council reserves the right to adjust, increase, limit, suspend, or rescind a prequalification status provided during the RFQ process based on subsequently learned information during the RFP process.
- 9.6.4. The Judicial Council reserves the right to terminate the solicitation process and reject all Proposals in its sole and absolute discretion.

10. PROTEST PROCEDURE

- 10.1. General.** Failure of Design Build Entity to comply with the protest procedures set forth in this section, will render a protest inadequate and non-responsive, and will result in rejection of the protest. A Design Build Entity's strict compliance with this protest and appeals procedure shall be construed as an administrative remedy required to be exhausted as a condition precedent to initiating a lawsuit in any way concerning this RFP or the selection of a Design Build Entity.
- 10.2.** Design Build Entity submitting a Proposal may protest the Judicial Council's selection of another Design Build Entity or the Design Build Entity's disqualification based on allegations of improprieties occurring during Proposal evaluation if the protest satisfies all of the following conditions:
- 10.2.1. The Design Build Entity has submitted a Proposal that it believes to be responsive to this RFP;
- 10.2.2. The Design Build Entity believes that the Judicial Council did not select the Design Build Entity that presents the best value, or otherwise did not comply with the proposal scoring process.
- 10.3.** The protest must be received no later than **five (5) business days** after: (i) the Judicial Council notifies a Design Build Entity that its Proposal is nonresponsive or is disqualified; or (ii) the Judicial Council posts the selected Design Build Entity on its website.

10.4. Form of Protest.

- 10.4.1. The protest must be in writing and sent by certified, or registered mail, or overnight delivery service (with proof of delivery), or by email to the following address: solicitations@jud.ca.gov. If the protest is hand-delivered, a receipt must be requested.
- 10.4.2. The protest shall include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
- 10.4.3. The title of this RFP document under which the protest is submitted shall be included.
- 10.4.4. A detailed description of the specific legal and factual grounds of protest and any supporting documentation shall be included.
- 10.4.5. The specific ruling or relief requested must be stated.
- 10.4.6. The Judicial Council, at its sole discretion, may make a decision regarding the protest without requesting further information or documents from the protestor. Therefore, the initial protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If the protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, the Judicial Council will not consider such new grounds or new evidence.

10.5. Appeals Process.

- 10.5.1. The Judicial Council’s decision shall be considered the final action by the Judicial Council unless the protesting party thereafter seeks an appeal of the decision by filing a request for appeal, within five (5) business days of the issuance of the Judicial Council’s decision.
- 10.5.2. The justification for appeal is specifically limited to:
 - 10.5.2.1. Facts and/or information related to the protest, as previously submitted, that were not available at the time the protest was originally submitted;
 - 10.5.2.2. The Judicial Council’s decision contained errors of fact, and such errors of fact were significant and material factors in the Judicial Council’s decision; or
 - 10.5.2.3. The Judicial Council’s decision was in error of law or regulation.
- 10.5.3. Design Build Entity’s request for appeal shall include:
 - 10.5.3.1. The name, address telephone and facsimile numbers, and email address of the Design Build Entity filing the appeal or their representative;
 - 10.5.3.2. A copy of the Judicial Council’s decision; and
 - 10.5.3.3. The legal and factual basis for the appeal; and the ruling or relief requested.
- 10.5.4. Upon receipt of a request for appeal, the Judicial Council will review the request and the decision and shall issue a final determination. The decision shall constitute the final action of the Judicial Council.

10.6. Protest Remedies

- 10.6.1. If the protest is upheld, the Judicial Council will consider all circumstances surrounding the RFP in its decision for a fair and reasonable remedy, including the seriousness of the RFP deficiency, the degree of prejudice to the protesting party or to the integrity of the solicitation process, the good faith efforts of the parties, the extent of performance, the cost

to the Judicial Council, the urgency of the procurement, and the impact of the recommendation(s) on the Judicial Council. The Judicial Council may recommend, but is not limited to any of the following:

10.6.1.1. Revise the best value ranking of the Design Build Entity(ies);

10.6.1.2. Reject all Proposals and reissue the RFP, or issue a new RFP at a later date; and/or

10.6.1.3. Any other remedies as may be required to promote compliance.

10.7. Disposition of Proposal Materials. All materials submitted in response to this 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 Design Build Entity submitting the Proposal. Proposals will be retained for official files and become a Judicial Administrative Record subject to public disclosure pursuant to California Rules of Court, Rule 10.500.

END OF REQUEST FOR PROPOSALS