

Request for Qualifications (RFQ) for Design Build Entity

New Fort Ord Courthouse Superior Court of California, County of Monterey

The Judicial Council of California's Facilities Services seeks qualifications from Design Build Entities qualified to provide services for the design and construction of the New Fort Ord Courthouse for the Superior Court of California, County of Monterey.

RFQ number: RFQ-FS-2025-02-MB



Judicial Council of California



Judicial Council of California

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REQUEST FOR QUALIFICATIONS

Date

June 16, 2025

Action Requested

Send To:

Email SOQ to:

fs202502mb.soq@jud.ca.gov

To

Interested Design Build Entities

From

Judicial Council of California, Facilities Services

Subject

DBE Services for New Fort Ord Courthouse
RFQ number: RFQ- FS-2025-02-MB

Deadline

July 17, 2025, NO LATER THAN 3:00 PM PACIFIC
TIME (PT)

Contact

solicitations@jud.ca.gov

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RFQ – Links

[PAYEE DATA RECORD FORM \(STD 204\)](https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf)

(<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>)

[PAYEE DATA RECORD SUPPLEMENT \(STD 205\)](https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf)

(<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf>)

1. **Introduction.**

- 1.1. **The Judicial Council.** 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., Judicial Council issues this Request for Qualifications for Design Build Entity (“RFQ”) to solicit design build services for the New Fort Ord Courthouse as further described in the “Project Description” section below (“Project”).
- 1.2. **Purpose/Eligibility.** Through this RFQ, Judicial Council invites the submission of Statements of Qualifications (“SOQ(s)”) from corporations, limited liability companies, partnerships, joint ventures, and other legal entities capable of providing appropriately licensed contracting, architectural, and engineering services to construct the Project pursuant to the design build delivery method (“Design Build Entity(ies)”). (Gov. Code § 70398(d).) The selected Design Build Entity will deliver the Project with its design build team, which includes the Design Build Entity itself and the individuals and other entities identified by the Design Build Entity as members of its team (“Design Build Team”). Members of the Design Build Team shall include the general contractor and, if utilized in the design of the Project, all electrical, mechanical, and plumbing contractors. (Gov. Code § 70398(e).)
- 1.3. **Licensing and Labor Compliance.** Interested Design Build Entities and/or their Design Build Teams, and their subcontractors (“Subcontractor(s)”), employees, or agents thereof, performing work awarded under the RFP (request for proposals) for this Project must have, when submitting a proposal as well as at the commencement of and all times throughout the duration of their performance of any work, all appropriate, valid license(s) required under applicable Federal, State, and local laws, codes and regulations, including but not limited to maintaining all business and professional licenses, to provide the work being performed. If the possession of any license(s) is required under applicable Federal, State and local laws, codes and regulations for the performance of the work, the Design Build Entity and/or their Design Build Team must ensure that the work will be performed either by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual, as applicable.
- 1.3.1. Interested Design Build Entities and/or their Design Build Teams must hold and maintain a valid Class B General Contractor license and license of architecture, and be able to hold and maintain all other required contracting, design, and engineering licenses from the State of California pursuant to a design build contract. To the extent applicable, the Design Build Entity and all Subcontractors under the Design Build Entity shall pay all workers for work performed on this Project 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 State of California Department of Industrial Relations (“DIR”) for the type of work performed and the locality in which the work is to be performed, pursuant to Labor Code section 1770 et seq. Copies of the general prevailing rates of per diem wages for each craft, classification, and type of worker needed to undertake the Project, as determined by the Director of the DIR, are on file at the Judicial Council’s principal office. Prevailing wage rates are also available from Judicial Council or on the internet at <http://www.dir.ca.gov>).
- 1.3.2. The Project is subject to compliance monitoring and enforcement by the DIR. Design Build Entity shall post jobsite notices, as prescribed by regulation. 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 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.

- 1.4. **Statement of Qualifications.** The SOQ is an opportunity for Design Build Entities to demonstrate their capability to design and construct the Project, and to show that their proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project consistent with the requirements of Government Code section 70398.3(b) and this RFQ. Interested Design Build Entities are invited to submit their SOQs, which shall include the following:
 - 1.4.1. Cover Letter. A cover letter, signed by an authorized representative of the Design Build Entity's organization, that provides the exact business name under which the Design Build Entity proposes to conduct business with the Judicial Council. The cover letter must also indicate the Design Build Entity's address, telephone, email address, and federal tax identification number;
 - 1.4.2. Prequalification Questionnaire. A completed prequalification questionnaire attached hereto as Attachment 1 ("Prequalification Questionnaire");
 - 1.4.3. Design Build Team Information and Key Personnel. Resumes for key personnel that are part of the Design Build Entity's proposed Design Build Team for the Project ("Design Build Team Information") and a completed Key Personnel Schedule attached hereto as Attachment 4. *NOTE:* The Criteria Architect and consultants that prepared the Performance Criteria Documents for the Project cannot be a member of the Design Build Team or key personnel for the Project. (See Attachment 6, "Conflict of Interest Policy"); and
 - 1.4.4. Project Experience and Certifications. A description of the Design Build Entity's recently completed design build projects and various certifications of the Design Build Entity required by the Judicial Council and/or statute.
- 1.5. **Documents.** The documents related to this RFQ, including all addenda thereto and responses to questions, are available in electronic form at www.courts.ca.gov/rfps.htm.
- 1.6. **RFQ Attachments.** The following are Attachments to this RFQ:
 - 1.6.1. **Attachment 1:** Prequalification Questionnaire
 - 1.6.2. **Attachment 2:** Statement of Qualifications Scoring Criteria
 - 1.6.3. **Attachment 3:** Questions Submittal Form
 - 1.6.4. **Attachment 4:** Key Personnel Schedule
 - 1.6.5. **Attachment 5:** Judicial Council Certifications Forms
 - 1.6.6. **Attachment 6:** Conflict of Interest Policy and Disclosure Form
 - 1.6.7. **Attachment 7:** Sample Agreement
 - 1.6.8. **Attachment 8:** Performance Criteria Documents
 - 1.6.9. **Links:** [Payee Data Record \(STD 204\)](#) and [Payee Data Record Supplement \(STD 205\)](#)

2. **Project Description.**

- 2.1. **Project Overview.** The Project includes the design and construction of the New Fort Ord Courthouse on an approximately five-acre parcel located in the City of Seaside, County of Monterey, California ("Courthouse"). The Courthouse shall be delivered using Judicial Council's design build delivery method. The Project will entail the design and construction of a new courthouse anticipated to be three (3) stories consisting of approximately 83,000 square feet.

The Project includes seven (7) courtrooms, chambers for judicial officers, a jury assembly area, jury deliberation rooms, administrative offices and staff/clerical areas, public areas, a secure in-custody sally port, central in-custody holding areas, and spaces for IT staff/equipment, building support, alternative dispute resolution services, and family law operations and self-help services. The Project also includes secured parking for judicial officers and will provide approximately 280 surface parking spaces for staff, jurors, and the public, with solar power generation over approximately 150 parking spaces.

The Project's site is approximately five (5) acres bounded by Divarty Street in the City of Marina to the north and Second Avenue in the City of Seaside to the east. Undeveloped land owned by the City of Seaside bounds the Site to the west and south. California State University Monterey Bay owns a small strip of land immediately to the east which includes Second Avenue.]

- 2.2. **Total Estimated Project Cost.** The total estimated cost to perform all Work, as defined below, on the Project is **\$130,885,500**.
- 2.3. **Work.** The work generally requires the selected Design Build Entity to perform all necessary tasks to complete the following (collectively, “Work”):
- 2.3.1. The design and construction of the Courthouse, including: (i) preparation of schematic design documents, design development documents, working drawings, technical specifications, and construction documents (“Design Work”); (ii) the performance of preconstruction services (e.g., cost estimating, value engineering, constructability reviews) (“Preconstruction Services”); (iii) Subcontractor procurement and preparation of a guaranteed maximum price (“GMP”); and (iv) the performance of all site development and construction work to fully complete the Project (“Construction Work”).
- 2.3.2. The Performance Criteria Documents prepared by Dreyfuss + Blackford, dated January 22, 2025, are attached to this RFQ as Attachment 8 for reference.
- 2.4. **Project Phases and Pricing.**

- 2.4.1. The selected Design Build Entity will perform Work in the two primary phases, as identified below (individually a “Phase,” and collectively the “Phases”). Work in connection with any Phase, and the portion of the total contract amount associated with that Phase, will be contingent on Judicial Council issuing a Notice to Proceed (“NTP”) for that Phase. Judicial Council anticipates that Work for the Project will commence on February 2, 2026, and the estimated completion dates for each Phase are as noted below, subject to change in Judicial Council’s sole discretion.

Phase	Estimated Completion Date
Pre-GMP Phase Work	
Schematic Design Work	07/20/2026
Design Development Work	02/12/2027
Post-GMP Phase Work	
Working Drawings Work	02/29/2028
Construction Work	08/17/2029

- 2.4.2. **Pre-GMP Phase Work.**
- 2.4.2.1. Judicial Council and the selected Design Build Entity will initially enter into a design build agreement (“Agreement”), identifying a total contract value (“Total Contract Amount”) that shall include the following components:
- 2.4.2.1.1. A not-to-exceed fixed fee for Pre-GMP Phase Work;
- 2.4.2.1.2. A not-to-exceed fixed fee for the Working Drawings Work (not authorized unless Judicial Council issues an NTP for Post-GMP Phase Work); and
- 2.4.2.1.3. A target GMP (“Target GMP”), which is an estimated value for the cost to complete the Construction Work (the Construction Work shall not be authorized unless Judicial Council issues an NTP for Post-GMP Phase Work).
- 2.4.2.2. During the Pre-GMP Phase Work, the Design Build Entity will perform Design Work and Preconstruction Services to design the Project within the Target GMP. After Judicial Council’s approval of design development documents and upon Judicial Council’s written authorization, Design Build Entity shall procure Subcontractors and present Judicial Council with a GMP for the Construction Work. If Judicial Council accepts the GMP, and the Department of Finance approves it, the parties will amend the Agreement to replace the Target GMP with the GMP.
- 2.4.3. **Post-GMP Phase Work.** The Post-GMP Phase Work will include Design Build Entity’s completion of the Working Drawings Work and the Construction Work for the Project.

3. **Design Build Entity Selection Process.**

- 3.1. Judicial Council's competitive process for the selection of a Design Build Entity for the Project will proceed in two steps. This two-step solicitation process shall not include a stipend and will not include any substantive design or a design competition.
- 3.2. **Step 1: RFQ/SOQs.**
- 3.2.1. **Overview.** Judicial Council issues this RFQ to prequalify and shortlist Design Build Entities that will be invited to submit proposals to perform the Work for the Project. (Gov. Code § 70398.3(b).) Judicial Council will evaluate and score SOQs utilizing an objective scoring methodology consistent with the Statement of Qualifications Scoring Criteria attached hereto as Attachment 2 ("SOQ Scoring").
- 3.2.2. **SOQ Evaluation/Shortlist.** A Design Build Entity that receives the minimum score for the SOQ, as identified in the SOQ Scoring, will be prequalified and eligible to be selected as a shortlisted Design Build Entity. Judicial Council will shortlist three (3) to five (5) Design Build Entities with the highest SOQ score and will invite those entities to submit proposals ("Shortlisted Design Build Entities").
- 3.3. **Step 2: Request for Proposal/Proposals.**
- 3.3.1. **Overview.** After Judicial Council notifies Shortlisted Design Build Entities of their status, Judicial Council will issue a request for proposals ("RFP") to the Shortlisted Design Build Entities. Judicial Council will only accept proposals from Shortlisted Design Build Entities in response to the RFP.
- 3.3.2. **Content of RFP.** The RFP will include a detailed description of the Work for the Project, the "Contract Documents," and the "Performance Criteria Documents," which will provide necessary information to the selected Design Build Entity for design and construction of the Project. The RFP will also identify submittal requirements for Design Build Entity's proposal. Please review the Schedule of Events (Section 3.4) for the anticipated issuance date of the RFP.
- 3.3.3. **RFP Process.** Before the submission of proposals, Judicial Council may conduct confidential meetings with Shortlisted Design Build Entities to review any major differences identified between the Target GMP provided by Judicial Council and the Design Build Entities' Target GMP cost analysis. After the submittal of proposals, the Judicial Council's technical review team ("Technical Review Team") will meet with Design Build Entities to discuss proposals. The Technical Review Team and an evaluation committee (which will primarily be comprised of Judicial Council Facilities Services staff) will evaluate and score the proposals submitted based on established best value scoring criteria (further described below). Design Build Entities will then be invited to participate in interviews. Judicial Council reserves the right to negotiate with Design Build Entities and to request revisions to any proposal submitted as part of the RFP process. Judicial Council will first negotiate with the Design Build Entity with the highest best value score, subject to the procedure outlined in the RFP. These negotiations will be conducted in good faith. Based on the scoring, interviews, and negotiations, Judicial Council staff will recommend a Design Build Entity to the Director of Facilities Services for final selection.
- 3.3.4. **Proposal Evaluation/Best Value Determination.** Judicial Council will evaluate proposals utilizing a best value method. Government Code section 70398(a) states that:

"Best value" means as a value determined by an evaluation of objective criteria that relate to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal that meets the interests of the judicial branch and the objectives of the project, selection of the best proposal for a stipulated sum established by the Judicial Council, or a tradeoff between price and other specified factors.

Judicial Council shall abide by this definition and consider the aforementioned criteria in determining whether a Design Build Entity's proposal provides the best value in addition to other criteria identified by Judicial Council. Judicial Council will also evaluate the Design Build

Entity's adherence to the Performance Criteria Documents. The criteria to be evaluated by Judicial Council when making the best value determination shall be included in the RFP.

3.4. Schedule of Events.

No	Scheduled Activities	Date / Time (PT)
1.	Request for Qualifications (RFQ)	
1(A)	Judicial Council Issues RFQ	June 16, 2025
1(B)	Pre-Submission Conference (mandatory) via Microsoft Teams Meeting Link: https://events.gcc.teams.microsoft.com/event/7c8d44c0-04f5-4e7b-9381-06fbb603530c@10cfa08a-5b17-4e8f-a245-139062e839dc	June 23, 2025, at 1:00 PM
1(C)	Deadline for Design Build Entity to Submit Questions	July 3, 2025, by 3:00 PM
1(D)	Judicial Council Posts Responses to Questions http://www.courts.ca.gov/rfps.htm	July 10, 2025
1E	Deadline for Submission of SOQs Email SOQ to: fs202502mb.soq@jud.ca.gov	July 17, 2025, by 3:00 PM
2	Evaluation of Statement of Qualifications (SOQ) (estimates only)	
2(A)	Judicial Council Reviews/Confirms Completeness of SOQs	July 18, 2025
2(B)	Judicial Council Completes Review and Scoring of SOQs	July 25, 2025
2(C)	Judicial Council Posts Shortlisted Design Build Entities	July 28, 2025
3	Request for Proposals (RFP) (estimates only)	
3(A)	Judicial Council Issues RFP	July 28, 2025
3(B)	Deadline for Design Build Entity to Submit Proposal	October 3, 2025
3(C)	Judicial Council Posts Notice of Intent to Award	November 7, 2025
3(D)	Performance Start Date	February 2, 2026

The above schedule reflects Judicial Council's estimated Schedule of Events for this RFQ. Judicial Council reserves the right, in its sole discretion, to modify this Schedule of Events. Judicial Council does not send notifications of changes to the Schedule of Events directly to prospective Design Build Entities. Design Build Entities are advised to visit the Judicial Council website (www.courts.ca.gov/rfps.htm) frequently to check for changes and updates to the Schedule of Events. Judicial Council is not responsible for the failure of any Design Build Entity to be aware or receive notification of changes to the Schedule of Events in a timely manner.

4. SOQ Submission Process.

4.1. Initial Prequalification; Mandatory Submittal of SOQ.

- 4.1.1. Prequalification/Shortlist Mandatory. In order to submit a proposal for the Project, the Design Build Entity first must submit an SOQ during this RFQ process to be prequalified and then must be selected as a Shortlisted Design Build Entity.
- 4.1.2. Consideration of Other Criteria in Proposals. A Design Build Entity's prequalification or shortlisting through the submittal of an SOQ will not preclude Judicial Council from considering whether a Design Build Entity has the quality, capacity, and experience to satisfactorily perform

the proposed Work during the RFP process, pursuant to the best value evaluation criteria in the RFP.

4.2. Communications & Questions for RFQ.

- 4.2.1. Pre-Submission Conference. All Design Build Entities interested in submitting a response to this RFQ are requested to attend a pre-submission meeting at the date and time indicated in the Schedule of Events. Attendance at the pre-submission meeting is mandatory to submit a response to the RFQ. The pre-submission meeting cannot be used as a substitute for written questions. Questions must be submitted in writing per the Schedule of Events. Any verbal responses provided during the pre-submission meeting are not binding.
- 4.2.2. Submitting Questions. All communications, or questions with Judicial Council in any way concerning this RFQ must be in writing and submitted via email to solicitations@jud.ca.gov. Questions must be received no later than the date and time identified as the “Deadline for Design Build Entity to Submit Questions” in the Schedule of Events. All questions must be submitted on the Questions Submittal Form attached hereto as Attachment 3.
- 4.2.3. Judicial Council Responses. Judicial Council will reply to questions regarding this RFQ no later than the date identified in the Schedule of Events in the section titled “Judicial Council Posts Responses to Questions.” Judicial Council will post responses to questions on the Judicial Council website (www.courts.ca.gov/rfps.htm). Design Build Entities are solely responsible for accessing the website and reviewing Judicial Council’s responses.
- 4.2.4. Restriction on Communications. Design Build Entities and their Subcontractors must not communicate on the subject matter of this RFQ with Judicial Council personnel, representatives, or consultants associated with this procurement. Violation of this restriction shall disqualify any Design Build Entity from consideration.
- 4.3. **SOQs Must Be Complete and Responsive.** SOQs must be complete and responsive, and conform with all requirements of this RFQ. Judicial Council will not consider any SOQ that fails to conform with the requirements of this RFQ. Design Build Entities must answer all questions contained in the Prequalification Questionnaire and submit the Design Build Team Information. Judicial Council reserves the right to check references and any other sources of information.
- 4.4. **Cost of SOQs.** Judicial Council is not responsible for any costs that Design Build Entity incurs to prepare its SOQ.
- 4.5. **Timely Submission of SOQs.** Design Build Entities must submit SOQs to Judicial Council no later than the time and date indicated in “Deadline for Submission of SOQs” in the Schedule of Events. Judicial Council is not responsible if a Design Build Entity’s delivery service or method results in an untimely submission of its SOQ. Judicial Council will not review, and may return, any SOQ received after the date and time specified in the Schedule of Events. Untimely SOQs shall be deemed nonresponsive.
- 4.6. **Method of Submission.**
 - 4.6.1. Electronic Submission. The Judicial Council will only accept electronically submitted SOQs. SOQ files must be emailed to the email address indicated in the Schedule of Events. SOQs must be emailed NO MORE than three (3) days in advance of the date fixed for submissions of SOQs; any SOQs submitted earlier than three (3) days in advance may not be received and/or deemed untimely.
 - 4.6.2. File Size Limitations. The Judicial Council may not be able to receive electronic submissions with files equal to or greater than 30MB in size (individually or in total). Design Build Entities must make an effort to compress all files so that submissions are less than 30MB in size. If a file cannot be reduced to below 30MB, then Design Build Entities must divide the file into increments of less than 30MB sent via multiple emails. If multiple emails with incremental documents are required, Design Build Entities must also reference the portion of the SOQ and file being submitted in the subject line of each email (e.g., “SOQ: Part 1 of 3,” etc.). The Judicial Council is not responsible for any submissions exceeding 30MB which are systematically rejected due to excessive file size or otherwise.

- 4.7. **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. Design Build Entities shall review this policy, attached hereto as Attachment 6, and complete the Disclosure of Potential Conflict of Interest included in Attachment 6.
- 4.8. **Withdrawal and Resubmission/Modification of SOQs.** A Design Build Entity may withdraw its SOQ at any time before the date fixed for submission of SOQs by notifying Judicial Council in writing of the withdrawal of the SOQ. The notice must be signed by an individual authorized to bind the Design Build Entity. Design Build Entity may thereafter submit a new or modified SOQ, provided the new or modified SOQ is received by Judicial Council no later than the date fixed for submission of SOQs. Modifications offered in any other manner, oral or written, will not be considered. SOQs cannot be changed or withdrawn after the date fixed for submission of SOQs.
- 4.9. **Change in Information.** If a Design Build Entity has already submitted its SOQ and a license for any of its proposed team members has expired, was (or may be) suspended, or has a change in signatory authority, then Design Build Entity shall notify Judicial Council of such in writing. If a Design Build Entity fails to comply with this requirement, Judicial Council reserves the right to disqualify a Design Build Entity from participating in the RFQ or RFP process, as applicable, or, if the Design Build Entity is selected for the Project, to terminate any resulting contract for cause.

5. **Organization and Content of SOQ.**

- 5.1. **SOQ Forms.** Design Build Entity shall submit the following forms with its SOQ:
- 5.1.1. Completed Prequalification Questionnaire (**Attachment 1**);
 - 5.1.2. Completed Key Personnel Schedule, including Design Build Team Information (**Attachment 4**);
 - 5.1.3. Judicial Council Certifications (**Attachment 5**);
 - 5.1.4. The completed Disclosure of Potential Conflict of Interest (**Attachment 6**); and
 - 5.1.5. Payee Data Record (**STD 204**), which must be completed in the exact name of the Design Build Entity’s business under which the Design Build Entity proposes to do business with the Judicial Council. The Payee Data Record (STD 204) is available at the following link:
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>.
- Additionally, if necessary, the Payee Data Record Supplement (**STD 205**) is required (i) if Design Build Entity’s remittance address information is different than the mailing address on the Payee Data Record (STD 204); (ii) for multiple remittance addresses, and (iii) for additional Authorized Representatives of the Payee not identified on the Payee Data Record (STD 204). The Payee Data Record Supplement (STD 205) is available at the following link:
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf>.
- 5.1.6. If the Design Build Entity is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that the Design Build Entity is in good standing in California. If the Design Build Entity is a foreign corporation, LLC, LP, or LLP, and the Design Build Entity conducts or will conduct (if awarded an Agreement) intrastate business in California, proof that the Design Build Entity is qualified to do business and in good standing in California.
 - 5.1.7. Copies of current business licenses.
- 5.2. **SOQ Content & Organization.** SOQs shall include the following information, organized and tabbed as follows:
- 5.2.1. **Tab 1: Cover Letter.** A cover letter, signed by an authorized representative of the Design Build Entity’s organization, that provides the exact business name under which Design Build Entity proposes to conduct business with the Judicial Council. The cover letter must also indicate the Design Build Entity’s address, telephone, email address, and federal tax identification number.

5.2.2. **Tab 2: Completed Prequalification Questionnaire; Statutory Certification & Declaration.**

- 5.2.2.1. Design Build Entity shall complete the Prequalification Questionnaire form attached hereto as Attachment 1, including the required certification and declaration included therein discussed below. The omission of any requested information may be grounds to disqualify a Design Build Entity.
- 5.2.2.2. Design Build Entity shall ensure that certification in a form **identical** to the one included with the Prequalification Questionnaire, Attachment 1, is executed by a person having authority to bind the Design Build Entity, and every individual Design Build Entity member. Failure to provide a complete certification and declaration as instructed in the Prequalification Questionnaire will result in the Design Build Entity's disqualification.

5.2.3. **Tab 3: Design Build Team Information.** Design Build Entity shall complete the Key Personnel Schedule attached hereto as Attachment 4 and shall include the following additional information:

- 5.2.3.1. Resumes of Design Build Team's key personnel listed below. Identify which key personnel are members of the Design Build Entity and which are consultants or Subcontractors (if applicable). Specifically define the role of each person and outline each person's individual experience and responsibilities, including experience with the design build delivery method for public works projects of similar size and complexity as the Project. Indicate personnel who will serve as the primary contact(s) for Judicial Council. The key personnel for the Project are to include, but are not limited to:
 - 5.2.3.1.1. Contractor Project Executive
 - 5.2.3.1.2. Architect Project Executive
 - 5.2.3.1.3. Contractor Project Manager
 - 5.2.3.1.4. Architect Project Manager
 - 5.2.3.1.5. Contractor Design Work Manager
 - 5.2.3.1.6. Project Architect
 - 5.2.3.1.7. Lead Cost Estimator
 - 5.2.3.1.8. Project Site Superintendent

NOTE: The RFP will require that Design Build Entity furnish additional information related to the above-referenced key personnel, and additional key personnel. Judicial Council expects that **ALL** key personnel identified in Design Build Entity's SOQ **SHALL** be included in Design Build Entity's proposal. However, if any key personnel are no longer employed/associated with the Design Built Entity or capable of performing Work on the Project, Design Build Entity will be required to submit the above information for any replacement key personnel in its proposal. The qualifications of a Design Build Entity are based, in part, on the key personnel, and Judicial Council shall review any proposed replacement to determine if the replacement key personnel are equivalent in experience and qualifications as those identified in the SOQ, subject to the evaluation criteria in the RFP.

5.2.4. **Tab 4: Prior Project Experience.** List ALL design build projects completed within the past seven (7) years individually for the (i) general contractor and (ii) architect of record. This may include projects included in Section III, Subpart C (Recent Project Completed Information Sheet), of the Prequalification Questionnaire. Include the following information:

- 5.2.4.1. Project Name
- 5.2.4.2. Location
- 5.2.4.3. Owner
- 5.2.4.4. Owner Contact Information (name and current phone number)
- 5.2.4.5. Architect or Engineering Firm (if the architect of record did not provide these services)
- 5.2.4.6. Architect or Engineering Firm Contact Information (name and current phone number, if the architect of record did not provide these services)
- 5.2.4.7. Construction Manager, if applicable (name and current phone number)
- 5.2.4.8. Inspector of Record, if applicable (name and current phone number)
- 5.2.4.9. Description of Project and Scope of Work Performed

- 5.2.4.10. Total Value of Construction (including change orders)
- 5.2.4.11. Date Construction Commenced
- 5.2.4.12. Original Contractual Completion Date
- 5.2.4.13. Adjusted Completion Deadline Based on Time Extensions Granted by Owner
- 5.2.4.14. Actual Date of Completion
- 5.2.4.15. General Contractor's Project Manager, if applicable (lead contact in office)
- 5.2.4.16. General Contractor's Superintendent, if applicable (lead contact on project site)

- 5.2.5. **Tab 5: Certifications.** In addition to and notwithstanding the required certification and declaration in the Prequalification Questionnaire (Attachment 1), Design Build Entity must provide the Judicial Council Certifications attached hereto as Attachment 5. Scanned copies of the signed original forms are sufficient. Design Build Entity's original hardcopies may be required upon request if selected as the successful Design Build Entity.

6. **SOQ Evaluation and Prequalification/Shortlist Process.**

- 6.1. **Evaluation.** An evaluation panel composed of predominantly Judicial Council Facilities Services staff will review and score SOQs based on the SOQ Scoring (Attachment 2) to prequalify and shortlist Design Build Entities. The SOQ Scoring is intended to evaluate whether a Design Build Entity has provided evidence that: (i) the members of the Design Build Team have completed, or demonstrated the experience, competency, capability, and capacity to complete, projects of similar size, scope, and complexity as the Project; (ii) the proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project; and (iii) the Design Build Entity has the financial health and stability to ensure it has the capacity to complete the Project. (Gov. Code § 70398.3(b)(3)(B).) Of the prequalified Design Build Entities, only Shortlisted Design Build Entities will be invited to submit proposals.
- 6.2. **Prequalified Design Build Entity.** A prequalified Design Build Entity shall be an entity that: (i) submits a responsive SOQ; (ii) receives a "Pass" for Section I (Information About the Design Build Entity) and Section II (Essential Requirements) of the Prequalification Questionnaire; and (iii) receives the minimum required scoring for all other scored portions of the SOQ.
- 6.3. **Shortlisted Design Build Entities.** Judicial Council will rank prequalified Design Build Entities from highest to lowest. Judicial Council will select the three (3) to five (5) highest scoring Design Build Entities as the Shortlisted Design Build Entities who will be eligible to submit a proposal. Judicial Council reserves the right to adjust the number of Shortlisted Design Build Entities in its sole discretion. Judicial Council will post a list of the Shortlisted Design Build Entities on the Judicial Council website (www.courts.ca.gov/rfps.htm). Design Build Entities that are not shortlisted pursuant to this RFQ will not be eligible to submit a proposal in response to the RFP.
- 6.4. **Reference Checks.** At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of a prospective Design Build Entity, key personnel, and their consultants or contractors.
- 6.5. **Disqualification.** Judicial Council reserves the right to disqualify any Design Build Entity based on a lack of proper licensure, a failure to maintain required registration with the DIR, a history of serious violations of law, a debarment, or any other factor that would interfere with Judicial Council's ability to enter into a contract with the Design Build Entity (including, without limitation, demonstrating that Design Build Entity does not possess the required competency and experience required by Government Code section 70398 et seq.), regardless of scoring and at Judicial Council's sole and absolute discretion.
- 6.6. **Nonresponsive SOQs.** In addition to the reasons for disqualification identified above, Judicial Council reserves the right to reject any SOQ for being nonresponsive to any part of this RFQ.
- 6.7. **Rejection of SOQ.**
- 6.7.1. Judicial Council reserves the right to waive non-substantial irregularities and omissions contained in Design Build Entity's SOQ and to make all final determinations regarding the qualifications of a Design Build Entity and the responsiveness of any SOQ.

- 6.7.2. Judicial Council may refuse to accept an SOQ if the requested information and materials are not provided or are not provided by the date and time identified in the Schedule of Events. The date fixed for submission of SOQs will not be changed in order to permit a Design Build Entity to supplement an incomplete or late SOQ. Failure to timely submit SOQs or any information required by this RFQ shall not provide a basis for appeal.
- 6.8. **Qualification/Shortlist Status.** Judicial Council reserves the right to adjust, increase, limit, suspend, or rescind Design Build Entity's prequalification or shortlist status based on subsequently learned information.

7. Administrative Requirements.

7.1. Disabled Veteran Participation Goals.

- 7.1.1. Judicial Council requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises ("DVBE(s)"). Judicial Council will require the selected Design Build Entity to demonstrate DVBE compliance.
- 7.1.1.1. The selected Design Build Entity may complete a DVBE Participation Form that will be provided with the Contract Documents at any time to reflect any DVBEs that take part in any Phase of the Project.
- 7.1.1.2. In addition, the selected Design Build Entity is required to complete a DVBE Participation Form that will be provided with the Contract Documents when bidding the Project for Construction Work.
- 7.1.2. Information about DVBE resources can be found on the Executive Branch's internal website at <https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/OSDS/OSDS> or by calling the Office of Small Business and DVBE Certification at 916-375-4940.

- 7.2. **California Rules of Court, Rule 10.500 – Public Access to Judicial Administrative Records.** Records created as part of Design Build Entity's SOQ and selection process are generally subject to rule 10.500 of the California Rules of Court ("Rule 10.500") and may be available to the public absent an exemption. Information required in the SOQ that is not otherwise subject to disclosure under Government Code section 68106.2 and Rule 10.500 shall not be open to public inspection. If a Design Build Entity's SOQ contains material noted or marked as confidential and/or proprietary that, in 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 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. A Design Build Entity that indiscriminately identifies all or most of its SOQ as exempt from disclosure may be deemed nonresponsive.

- 7.3. **Errors in the RFQ.** If Design Build Entity discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFQ, Design Build Entity shall immediately provide Judicial Council with written notice of the issue and request that the RFQ be clarified or modified. Without disclosing the source of the request, Judicial Council may modify the RFQ prior to the date fixed for submission of SOQs by issuing an addendum. Failure of Design Build Entity to inform Judicial Council of any ambiguity, conflict, discrepancy, omission, or other error in this RFQ shall be deemed a waiver thereof and shall not be grounds for a protest or appeal; a Design Build Entity also shall not gain or realize any benefit from so failing to inform Judicial Council of any ambiguity, conflict, discrepancy, omission, or other error in this RFQ.

- 7.4. **Addenda.** Judicial Council may modify the RFQ prior to the date fixed for submission of SOQs by posting an addendum on the Judicial Council website (www.courts.ca.gov/rfps.htm). If Design Build Entity determines that an addendum unnecessarily restricts its ability to submit its SOQ, it must notify Judicial Council no later than one (1) day following the posting of the addendum.

8. Protest Procedure.

- 8.1. **General.** Failure of Design Build Entity to comply with the protest procedures set forth in this section will automatically render a protest inadequate and nonresponsive, and will result in rejection of the protest.

8.2. After Posting of Shortlisted Design Build Entities.

- 8.2.1. Design Build Entity may protest Judicial Council's prequalification or shortlist determination after the list of Shortlisted Design Build Entities is posted only if the protest satisfies both of the following conditions:
 - 8.2.1.1. Design Build Entity has submitted an SOQ that it believes to be responsive to this RFQ; and
 - 8.2.1.2. Design Build Entity believes that Judicial Council should have prequalified and/or shortlisted the Design Build Entity.
- 8.2.2. The protest must be received no later than five (5) business days after Judicial Council posts the list of Shortlisted Design Build Entities on its website.
- 8.2.3. Upon satisfactory submission of a timely protest, Judicial Council will issue a written decision on the protest.

8.3. Form of Protest.

- 8.3.1. Design Build Entity's protest must be submitted by email to the email address established for the submission of questions in the RFQ.
- 8.3.2. Design Build Entity's protest must include:
 - 8.3.2.1. The name, address, email address, and telephone number for the Design Build Entity or its official representative.
 - 8.3.2.2. The title of the RFQ under which the protest is submitted.
 - 8.3.2.3. A detailed description of both the specific legal and factual grounds of protest.
 - 8.3.2.4. Any and all supporting documentation to justify the grounds of the protest.
 - 8.3.2.5. The specific ruling or relief being requested by the protest.
- 8.3.3. Judicial Council, at its sole discretion, may make a decision regarding the protest without requesting further information or documents from the protestor. Therefore, the protest must include all grounds for the protest and all evidence available at the time the protest is initially submitted. If Design Build Entity later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, Judicial Council will not consider such new grounds or new evidence.

8.4. Appeals Process.

- 8.4.1. Judicial Council's decision on a protest shall be considered the final action by Judicial Council unless Design Build Entity thereafter seeks an appeal of the decision by filing a request for appeal within five (5) calendar days of the issuance of Judicial Council's decision in compliance herewith.
- 8.4.2. Grounds for appeal are specifically limited to:
 - 8.4.2.1. Facts and/or information related to the protest, as previously submitted, that were not available at the time the protest was originally submitted;
 - 8.4.2.2. Judicial Council's decision having contained errors of fact, and such errors of fact were significant and material factors in Judicial Council's decision; or
 - 8.4.2.3. Judicial Council's decision was in error of law or regulation.

8.4.3. Design Build Entity's request for appeal must include:

8.4.3.1. The name, address, email address, and telephone number for the Design Build Entity filing the appeal or their official representative;

8.4.3.2. A copy of Judicial Council's decision on the protest;

8.4.3.3. The legal and factual basis for the appeal; and

8.4.3.4. The specific ruling or relief being requested by the appeal.

8.4.4. Upon receipt of a compliant and timely request for appeal, Judicial Council will review the request and shall issue a final determination. The final determination shall constitute the final action of Judicial Council. If the appeal is granted, then Judicial Council shall review the original protest in light thereof or otherwise proceed accordingly; and, if the appeal is denied, then Judicial Council's original decision on the protest shall stand and no further recourse shall be available.

8.5. **Protest Remedies.**

8.5.1. If the protest is granted and not rejected, Judicial Council will consider all circumstances surrounding the RFQ in its decision for a fair and reasonable remedy including the seriousness of the RFQ deficiency, the degree of prejudice to Design Build Entity or to the integrity of the competitive process, the good faith efforts of the parties, the extent of performance, the cost to Judicial Council, the urgency of the procurement, and the impact of the recommendation(s) on Judicial Council. Judicial Council's actions following a protest may include, but are not limited to, any of the following:

8.5.1.1. Revise the list of prequalified Design Build Entities and/or Shortlisted Design Build Entities;

8.5.1.2. Reissue the RFQ or issue a new RFQ at a later date; and/or

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

8.6. **Disposition of SOQ Materials.** All materials submitted in response to this RFQ will become the property of the State of California and will be returned only at Judicial Council's option and at the expense of the Design Build Entity submitting the SOQ. The SOQ will be retained for official files and become a Judicial Administrative Record subject to public disclosure pursuant to Rule 10.500.