



# Request for Proposals (RFP)

## ID/IQ Real Estate Relocation Consulting Services

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The Judicial Council of California’s Facilities Services seeks to identify a number of firms qualified to provide real estate relocation consulting services for various projects to be initiated between July 01, 2024, and June 30, 2027, with possible extensions to June 30, 2029.

**RFP number:** RFP-FS-2023-08-KO

PROPOSALS DUE:

**Monday, April 15, 2024**

**NO LATER THAN 2:00 PM PACIFIC TIME (PT)**



# Judicial Council of California

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## REQUEST FOR PROPOSALS

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### LINKS

PAYEE DATA RECORD FORM (STD 204)

<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>

RELOCATION ASSISTANCE ACT

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=16.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=16.&article=)

RELOCATION ASSISTANCE REGULATIONS

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=15CB3AB104C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=15CB3AB104C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

## 1. INTRODUCTION

- 1.1 The judicial branch of California is a part of California government—independent from the executive and legislative branches—and includes the Superior, Appellate, and Supreme Courts of California. A part of the judicial branch is the Judicial Council, which is chaired by the Chief Justice of California. The Judicial Council is the primary policy making body of the California judicial system.
- 1.2 The Judicial Council of California (“**Judicial Council**”) is the staff agency of the Judicial Council. Facilities Services is the division of the Judicial Council responsible for the planning, design, construction, and real estate and asset management of judicial branch facilities for the court system of California. Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California shifted from the counties to the state. Many of these approximately 450 existing facilities require repairs or modifications, and approximately 600 facility modifications are completed per year.
- 1.3 Judicial Council’s Facilities Services is issuing this Request for Proposals (“**RFP**”) to identify qualified consultants to provide the services described below for existing or new judicial branch facilities throughout California. Over the next 5 years, approximately 5 to 15 capital construction projects for new court facilities (“**Capital Projects**”) are anticipated to require the services being requested by this RFP.
- 1.4 Under the Judicial Council’s *Site Selection and Acquisition Policy for Court Facilities*, the Judicial Council's Administrative Director is given authority to approve the selection of, negotiate terms for, and acquire sites for Capital Projects. At the time of acquisition, some of those sites may include existing businesses, farm operations, or residences that would necessarily be displaced as a result of the Judicial Council’s planned use of the sites for construction and operation of new court facilities. State law generally requires public entities such as the Judicial Council to provide relocation assistance and financial payments to persons and businesses that are displaced as a direct result of the acquisition of property for a public project. The minimum requirements for such relocation assistance and benefits are set forth in the California Relocation Assistance Act (the “**Relocation Assistance Act**”; Gov. Code, § 7260 et seq.<sup>1</sup>) and the Relocation Assistance and Real Property Acquisition Guidelines (the “**Relocation Assistance Guidelines**”; Cal. Code Regs., tit. 25, § 6000 et seq.<sup>2</sup>). The Judicial Council’s procedures for complying with the Relocation Assistance Act and Relocation Assistance Guidelines are set forth in the Judicial Council’s *Rules and Regulations for Relocation Payments and Assistance on Judicial Branch Capital-Outlay Projects*.

## 2. PURPOSE OF THIS RFP

- 2.1 **Consultants.** The Judicial Council seeks proposals from firms to provide the services of qualified, properly licensed consultants with expertise in all phases of providing relocation assistance and benefits in compliance with the Relocation Assistance Act and Relocation Assistance Guidelines (“**Proposals**”). It is anticipated that selected firms will assist in developing and finalizing relocation plans; preparing and providing informational

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<sup>1</sup> The Relocation Assistance Act is available in full at the following link:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=16.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=7.&title=1.&part=&chapter=16.&article=)

<sup>2</sup> The Relocation Assistance Guidelines are available in full at the following link:  
[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I5CB3AB104C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I5CB3AB104C8611ECB533000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

programming; investigating and calculating the amount of applicable relocation benefits; managing claims for relocation benefits; finalizing required notices and documentation; providing interim property management services; and administering any grievances. Prospective firms for the purpose of this RFP will be referred to as “**Consultants.**”

2.2 **Statewide Areas.** Consultants will be evaluated and selected to provide services throughout the State. A map of the Judicial Council Facilities Services regions is included in this RFP for information only as **Attachment B**.

2.3 **ID/IQ Contracts.** Multiple Consultants may be selected to enter into Indefinite Delivery/Indefinite Quantity (“**ID/IQ**”) contracts with the Judicial Council for the real estate relocation services related to the acquisition of sites with existing businesses, farm operations, and/or residences, or for the provision of the services they propose upon. Those Consultants may be assigned various projects and tasks, as may arise, based on the location and nature of the services required and the qualifications and resources of the Consultants (each a “**Project(s)**”). Because the scope and number of Projects and tasks are unknown at the time of contract execution, the contracts are known as ID/IQ contracts. Approximately 1 to 5 acquisitions for capital construction projects and the corresponding real estate relocation Projects are anticipated per year. The initial term of these ID/IQ contracts in support of the Projects will be for three (3) years, with two subsequent one (1)-year options to extend at the discretion of the Judicial Council. It is anticipated that ID/IQ contracts will be issued for multiple Consultants.

2.3.1 Posted with this RFP as **Attachment C** is the Judicial Council’s form of master agreement (“**Master Agreement**”), including the indemnification provision that the Judicial Council will include in that agreement. In accordance with the Judicial Council’s Administrative Rules Governing Requests for Proposals, attached hereto and incorporated herein as **Attachment A**, each Consultant must indicate in their Proposals that the Consultant accepts the terms and conditions of the Master Agreement as-is.

**PLEASE NOTE:** The Judicial Council will not entertain any proposed changes or requested modifications to the Master Agreement. See section 6.1.16, *Acceptance of Terms and Conditions*, for further information and direction. In the event that a Consultant is awarded a contract under this RFP and refuses to execute the Master Agreement unless or without requested changes or modifications thereto, the Judicial Council may revoke said award to the Consultant.

2.4 **Subsequent Project Proposals.**

2.4.1 Consultants may be asked to provide individual proposals on some Projects (“**Project Proposal(s)**”), but may not be asked to provide Project Proposals on other Projects or none at all. Multiple Consultants will typically be asked to provide Project Proposals for the same Project.

2.4.2 The Judicial Council will solicit services for Projects from and assign Projects to Consultants awarded a Master Agreement under this RFP with the intent, but no obligation, to issue Projects equally based on all relevant factors including on an objective round-robin basis .

2.4.3 Selection of a Consultant for a specific Project is at the sole discretion of the Judicial Council. The Judicial Council will make efforts to award a fair share of the services to each of the Consultants based on, without limitation, each Consultant’s qualifications, specific expertise, proposed costs for the Project, knowledge of and

involvement with specific systems and/or facilities for the Project, prior performance on other Projects, and those other factors that the Judicial Council may deem pertinent for the Project.

- 2.4.4 Any Project with an estimated, proposed, or actual cost greater than One Hundred Twenty-Five Thousand Dollars (\$125,000) may, in the sole discretion of the Judicial Council, be assigned to the Qualified Firm that proposes the lowest cost for that Project. The Judicial Council will evaluate all other relevant factors of the Qualified Firms submitting Consultant Proposals in the event Projects receive multiple proposals at the same price.
- 2.5 **Consultant Performance Management.** The Judicial Council may choose to conduct periodic Business Performance Reviews on completed Projects to evaluate the Consultant's performance for quality assurance, safety, duration of the Project, Judicial Council satisfaction, and other relevant factors. The Judicial Council, at its sole discretion, may not offer subsequent Projects to and/or may terminate an agreement with any Consultants who do not meet minimum performance benchmarks specified in their Business Performance Review.
- 2.6 **No Follow-On Contracting.** For any Project that a Consultant is providing consulting services pursuant to a Master Agreement awarded by this RFP, the Consultant is prohibited from also providing construction or other subsequent services on that same Project under any separate contract or agreement the Consultant may have with the Judicial Council.
- 2.7 **Sole Means.** This RFP is the sole means for prospective Consultants to submit Proposals to the Judicial Council to be awarded a Master Agreement for the performance of services, as described above.

### 3. SCOPE OF SERVICES

- 3.1 **Licensing.** All Consultants, and their sub-consultant(s), employees, or agents thereof, performing work on Projects awarded under this RFP 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 law to provide the work being performed. If the possession of any license(s) including, without limitation, a valid California real estate license, is required under law for the performance of the work, the Consultant must ensure that the work will be performed either by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual.
- 3.2 **Consultant Services.** The scope of services requested under Master Agreements awarded pursuant to this RFP include professional real estate relocation consultant services as well as incidental services that members of those professions and those in their employ may logically or justifiably perform, such as the development and finalization of relocation plans; the preparation and provision of informational programming; the investigation and calculation of the amount of applicable relocation benefits; the management of claims for relocation benefits; the finalization of required notices and documentation; the provision of interim property management services; and the administration of any grievances ("**Services**").
- 3.3 **Additional Services.** Additional Services as required may include the following:
- 3.3.1 **Relocation Assistance Laws and Guidelines.** Assist the Judicial Council in complying with the Relocation Assistance Act and the Relocation Assistance Guidelines, and with the implementation of the Judicial Council's procedures for so complying with the Relocation Assistance Act and Relocation Assistance Guidelines

as set forth in the Judicial Council’s *Rules and Regulations for Relocation Payments and Assistance on Judicial Branch Capital-Outlay Projects*.

- 3.3.2 **Pre-Planning Services.** Provide initial, pre-planning services to the Judicial Council with respect to the relocation services and assistance that may be needed with the Judicial Council’s acquisition of a particular parcel of real property as part of a Capital Project. The Consultant’s pre-planning services include providing costs estimates for use in developing construction and other budgets including, but not limited to, a Capital Project’s total relocation costs, required relocation payments, costs associated with providing relocation assistance services, and any other necessary services in conformance with the Relocation Assistance Law and Relocation Assistance Guidelines.
- 3.3.3 **Technical and Advisory Assistance.** Provide, as a function of the Judicial Council’s relocation program, technical and advisory assistance to any person (“**Displaced Person**”) or business or farm operation (“**Displaced Business or Farm Operation**”) that may be displaced as the result of the Judicial Council’s acquisition of a particular parcel of real property as part of a Capital Project.
- 3.3.4 **Relocation Plans.** As soon as possible following the initiation of negotiations and prior to proceeding with any phase of a Capital Project or other activity that will result in displacement, prepare a relocation plan for the Capital Project (“**Relocation Plan**”) in accordance with and pursuant to section 6038 of the Relocation Assistance Guidelines. Following the Judicial Council’s approval of a Relocation Plan prepared by the Consultant, the Consultant shall proceed with implementing and diligently prosecuting the approved Relocation Plan.
- 3.3.5 **Informational Programming**
  - 3.3.5.1 **Information.** Provide information to all eligible Displaced Persons or Displaced Businesses or Farm Operations, as determined by the Relocation Assistance Act and Relocation Assistance Guidelines, about the displacement.
  - 3.3.5.2 **Assistance.** Provide all Displaced Persons and Displaced Businesses or Farm Operations assistance in completing applications for replacement housing or business premises, requesting relocation benefits, and obtaining services from other public agencies, if applicable.
  - 3.3.5.3 **Notices.** Prepare and serve any and all notices required by the Relocation Assistance Act and Relocation Assistance Guidelines to applicable Displaced Persons and Displaced Businesses or Farm Operations.
  - 3.3.5.4 **Community Outreach.** Conduct and/or participate in community meetings and workshops related to a Capital Project and associated relocation assistance.
  - 3.3.5.5 **Authorities Having Jurisdiction.** Conduct and/or participate in meetings and discussions with authorities having jurisdiction applicable to the Capital Project and its associated relocation assistance including, but not limited to, the Department of Finance and the Department of General Services.

**3.3.6 Survey and Analysis.** With respect to each Displaced Persons and Displaced Businesses or Farm Operations:

**3.3.6.1 Locate and Contact.** As soon as feasible and not more than 60 days following initiation of negotiations, locate and contact each potential Displaced Person and Displaced Business or Farm Operation to explain the relocation process as well as other assistance for which the Displaced Person or Displaced Business or Farm Operation may be eligible, the related eligibility requirements therefor, and the procedures for obtaining such assistance. Displaced Persons and Displaced Business or Farm Operation representatives who are unable to understand the information shall be provided appropriate translation services where necessary.

**3.3.6.2 Survey of Relocation Needs.** By direct, personal interview (or, if not possible/productive, by other means with reasonable efforts), survey the representatives from each household, business, or farm operation affected by a Capital Project in order to gather relevant information to assess their needs and preferences with regard to the replacement of existing accommodations. Consultant's inquiries, which shall be updated annually, must cover the following areas: income; whether a person is elderly or handicapped; size of family; age of children; location of job and factors limiting accessibility; area of preferred relocation; type of unit preferred; ownership or tenant preference; need for social and public services, special schools and other services; eligibility for publicly assisted housing; with reference to the present dwelling, the rent, the type and quality of construction, the number of rooms and bedrooms, the amount of habitable living space, and locational factors including public utilities, public and commercial facilities (including transportation and schools) and neighborhood conditions (including municipal services); and other matters that concern a household as its members contemplate relocation.

**3.3.6.3 Analysis of Relocation Needs.** From the survey(s) of relocation needs, prepare a written analysis of relocation housing needs in sufficient detail to enable a determination of the availability for all potential displacees of housing. The information concerning home ownership and rental units shall be provided separately. The number of units needed shall be identified by cost for each size category. The needs of elderly and handicapped households shall be shown separately as well and shall include information on the number of such households requiring special facilities and the nature of such facilities. The statement of relocation housing needs shall include a description of the locational characteristics of the displacement area neighborhoods corresponding to the requirements of comparable replacement housing. Information shall be provided concerning proximity to present employment sources, medical and recreational facilities, parks, community centers, shopping, transportation, and schools.

**3.3.6.4 Survey and Analysis of Relocation Resources.** Within 60 days of the initiation of negotiations, conduct and update annually a survey and analysis of available comparable relocation resources. If a recent survey that provides such information is not available, a survey and analysis of the housing market shall be conducted. The survey area shall be reasonably related to the displacement area and to the needs and

preferences of the persons to be displaced, as indicated in the written analysis of relocation needs described above. A written analysis of relocation housing resources shall be prepared in sufficient detail to enable a determination of the availability for all potential displacees of housing. The analysis of available relocation resources shall comply with the provisions of subdivisions (d) and (e) of section 6052 of the Relocation Assistance Guidelines.

3.3.6.5 **Informational Brochure.** Prepare and provide a residential or business informational brochure to all potential Displaced Persons and Displaced Businesses or Farm Operations. Obtain signed acknowledgments to verify receipt of this material.

3.3.6.6 **Transportation.** Provide transportation, if necessary, for Displaced Persons or Displaced Business or Farm Operation members to inspect replacement sites within their local areas. Specific assistance may also need to be provided to senior citizens in finding housing near friends, relatives, medical facilities, and convenient transportation.

3.3.6.7 **Referrals.** Provide referrals to governmental and social service agencies, if needed.

### 3.3.7 Relocation Benefits (Financial Assistance)

3.3.7.1 **Relocation Benefits Generally.** Relocation assistance and benefits (“Relocation Benefits”) shall be available to any person:

3.3.7.1.1 Who occupies property from which he or she will be displaced;

3.3.7.1.2 Who will move from real property, or will move his or her personal property therefrom, because he or she will be displaced from other property on which he or she conducts a business or farm operation;

3.3.7.1.3 Who voluntarily or involuntarily moves from real property as a result of the Judicial Council’s acquisition;

3.3.7.1.4 Who, following the initiation of negotiations by the Judicial Council, moves as a result of the pending acquisition; or

3.3.7.1.5 Who moves as the result of the Judicial Council’s pending acquisition, rehabilitation, or demolition following receipt of a Notice of Intent to Displace under section 6086 of the Relocation Assistance Guidelines or as a result of inducement or encouragement by the Judicial Council.

3.3.7.2 **Counseling.** During the survey of relocation needs and follow-up visits, counsel each Displaced Person and Displaced Business or Farm Operation on available options and the consequences of any choice with respect to financial assistance.

3.3.7.3 **Relocation Benefits Determinations.** Determine the Relocation Benefits for which a Displaced Person or Displaced Business or Farm Operation is eligible in accordance with the category of occupancy in



which the Displaced Person or Displaced Business or Farm Operation falls including, but not limited to and as applicable, the following Relocation Benefits:

3.3.7.3.1 Moving Expenses – Owner Occupants and Tenants: Fixed payments and/or actual costs.

3.3.7.3.2 Replacement Housing Payments – Owner-Occupants: Housing differential payments, interest differential payments; incidental expenses; and/or rehabilitation costs.

3.3.7.3.3 Replacement Housing Payments – Tenants: Rental and/or downpayment costs.

3.3.7.3.4 Business and Farm Operation Relocation Costs: Moving expenses; payments related to personal property not moved; replacement-location search costs; reestablishment-of-business costs; and/or fixed payments in lieu of actual moving and related expenses.

3.3.7.4 **Limits; Last Resort Housing.** Advise the Judicial Council accordingly on (i) the Judicial Council’s exercise of other authority or obligation to make relocation assistance payments including any payments in excess of the maximum amount authorized under the Relocation Assistance Act and Relocation Assistance Guidelines; and (ii) the unavailability of comparable replacement housing for a Displaced Person or Displaced Business or Farm Operation and the provision of additional or alternative assistance in accordance with section 6139 of the Relocation Assistance Guidelines.

### 3.3.8 Relocation Benefits Procedures

3.3.8.1 **Receipt of Claims.** Timely receive all claims and supporting documentation for Relocation Benefits including, without limitation, a Displaced Person's or Displaced Business or Farm Operation's substantiation of eligibility for assistance.

3.3.8.2 **Claim Review.** Review each claim for relocation assistance to determine, without limitation:

3.3.8.2.1 Whether the claim is in compliance with the Relocation Assistance Act, the Relocation Assistance Guidelines, and the Judicial Council’s rules and regulations;

3.3.8.2.2 The adequacy of documentation supporting the claim; and

3.3.8.2.3 Whether the claim is within the Capital Project’s budget for relocation costs.

3.3.8.3 **Capital Project-Wide Claim Review.** Once all claims for a Capital Project are complete, review the Capital Project-wide claim package and confirm that the total amount of claims is within the budgeted amount for relocation costs for the Capital Project to then advise Judicial Council staff accordingly.

- 3.3.8.4 **Payment Processing and Distribution.** Assist as needed in the processing and distribution by the Judicial Council, State Controller's Office, and other involved entities of all duly approved claims for Relocation Benefits and claimants' certification of the subject property's abandonment. Distributions of benefits checks shall be made in two equal payments with the first payment issued directly to the claimant and the second payment issued by the Judicial Council only following receipt of the claimant's written confirmation certifying the property's abandonment. Assistance shall include, but not be limited to, advising on, negotiating, and/or drafting any agreements with a Displaced Person or Displaced Business or Farm Operation for the payment of Relocation Benefits and/or negotiated settlements along with memorializing and confirming the receipt and provision of relocation payments and services to any Displaced Person or Displaced Business or Farm Operation.
- 3.3.8.5 **Relocation Documentation.** Assist as needed with the maintaining of all relocation documentation in electronic and paper forms including, without limitation, Consultant's estimated cost summary, notices of eligibility, notices to vacate, invoices, executed certificates of abandonment, and other pertinent relocation documentation for the Capital Project as applicable and appropriate.

### 3.3.9 Grievances

- 3.3.9.1 **Grievance Reviews and Reconsiderations.** As needed or requested, assist in the oversight, management, and administration of all grievance reviews and reconsiderations from any person who believes to be aggrieved by a determination as to relocation assistance eligibility, the amount of relocation payment, the failure of the Judicial Council to provide comparable permanent or adequate temporary replacement housing as applicable, or the Judicial Council's property management practices. Assistance with grievances shall include any petitions to the Department of Housing and Community Development by a person or organization directly affected by a Relocation Plan for a Capital Project to determine if the plan is in compliance with state laws and guidelines and/or review the implementation of a Relocation Plan to determine if the Judicial Council is acting in compliance with its Relocation Plan as well as any subsequent or corresponding judicial review thereof.
- 3.3.9.2 **Grievance Notices.** Prepare, issue, and assist with all notices to a claimant regarding their grievance including, but not limited to, the reasons for any denial of or refusal to review a grievance as well as the applicable procedures for obtaining review of the decision.
- 3.3.9.3 **Grievance Process.** Assist with and participate in all stages of the process for grievances including requests for further written information; requests for informal oral presentation; and requests for formal review and reconsideration.
- 3.3.9.4 **Grievance Determinations.** As needed or requested, assist with, prepare, and/or issue within the required timeframes the final determination of the Judicial Council on a grievance which must be in writing and include, without limitation, the following:

- 3.3.9.4.1 The Judicial Council’s decision on reconsideration of the claim;
- 3.3.9.4.2 The factual and legal basis upon which the decision rests including any pertinent explanation or rationale; and
- 3.3.9.4.3 A statement to the claimant that the administrative remedies have been exhausted and judicial review may be sought.

### 3.4 Labor Code Provisions

#### 3.4.1 Prevailing Wages

- 3.4.1.1 As applicable, Consultants and their subconsultants shall pay all workers on services performed pursuant to a Master Agreement awarded under this RFP 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 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 section 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 a Master Agreement, as determined by the Director of DIR, are on file at the Judicial Council’s principal office and available on the internet at <https://www.dir.ca.gov>.
- 3.4.1.2 Each Project may be subject to compliance monitoring and enforcement by DIR. Consultants shall post job site notices, as prescribed by regulation. Consultants shall comply with all applicable requirements of Labor Code section 1771.4.

#### 3.4.2 Registration

- 3.4.2.1 As applicable for the services being performed, Consultants 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 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.*

- 3.4.2.2 Consultants required to so comply with said registration and compliance monitoring provisions must provide proof of registration (i.e., the Consultant’s DIR Registration Number) with its Proposal.

#### 4. SCHEDULE OF EVENTS AND GENERAL INSTRUCTIONS

- 4.1 **General.** Consultants are advised to visit the posting for this RFP on the Judicial Council’s website (<http://www.courts.ca.gov/rfps.htm>) frequently to check for changes and updates to this RFP including the Schedule of Events. Consultants must ensure compliance with the dates and times set forth in the Schedule of Events and processes set forth in this RFP in order to participate in this process.
- 4.2 **Schedule of Events.** The Judicial Council has developed the following list of key events and dates from RFP issuance through performance start date (“**Schedule of Events**”). All deadlines are subject to change at the Judicial Council’s discretion.

| <i>No.</i> | <i>Key Events</i>  | <i>Key Date / Time (PT)</i>               |
|------------|--|---|
| 1.         | RFP Issued   | Wednesday, March 13, 2024                 |
| 2.         | Deadline for Consultant’s Submission of Questions Form (Attachment E)<br>Email to: <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>  | Wednesday, March 27, 2024, by 5:00 PM     |
| 3.         | Responses to Consultant’s Submission of Questions Posted Deadline for Consultant’s Submission of Questions Form (Attachment E)<br>Email to: <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>                                   | Friday, April 05, 2024                    |
| 4.         | <b>Deadline for Submission of Proposals</b><br>Email SOQ Proposal to: <a href="mailto:FS202308KO.SOQ@jud.ca.gov">FS202308KO.SOQ@jud.ca.gov</a><br>Email Cost Proposal to: <a href="mailto:FS202308KO.COST@jud.ca.gov">FS202308KO.COST@jud.ca.gov</a> | <b>Monday, April 15, 2024, by 2:00 PM</b> |
| 5.         | Notice of Intent to Award ( <i>estimate only</i> )   | Tuesday, May 21, 2024PM                   |
| 6.         | Performance Start Date ( <i>estimate only</i> )  | Monday, July 01, 2024                     |

- 4.3 **Intent to Respond.** Consultants who intend to respond to this RFP Choose one option to notify the Judicial Council prior to the date of the Pre-Proposal Conference of the Consultant’s intent to submit a Proposal (“**Intent to Respond**”). A Consultant’s Intent to Respond must be sent via email to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov) with the RFP number and title in the subject line. Consultant’s Intent to Respond must include the following in the email: (i) Consultant’s name, address, telephone, email address, and contact person and (ii) current copies of any licenses required of the Consultant to perform the Services and of Consultant’s DIR Public Works Registration as applicable. The Judicial Council will not address any questions asked, or evaluate in its selection any additional information included, in the Consultant’s Intent to Respond.
- 4.4 **Written Questions.** Consultants may submit written questions and requests for information with respect to this RFP. All questions and requests must be submitted using the Consultant’s Submission of Questions form in **Attachment E** and must be submitted by the deadline indicated in this RFP’s Schedule of Events. The Consultant’s Submission of Questions form must be submitted by email to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) with the RFP number and title in the subject line. **The Judicial Council will post any answers to Consultants’ properly submitted questions and requests for information as indicated in the Schedule of Events.** The Judicial Council may make updates or other changes to this RFP in response to submitted questions if the Judicial Council deems such necessary in its discretion and will post updated documents or other addendum to this RFP on the Judicial Council website publishing this RFP prior to the due date for Proposals.

## 5. RESPONDING TO THIS RFP

- 5.1 **Responsiveness.** Responsive Proposals will provide straightforward, concise information that fully satisfies this RFP’s specified requirements. Consultants should only submit documentation required and requested by this RFP. In responding to this RFP, Consultants should place emphasis on brevity, conformity to instructions, specified requirements, and clarity of content. Any materials submitted with Proposals that are outside of this RFP’s specifications will not be considered.
- 5.2 **Proposal Format.** The Judicial Council will only accept Proposals in an electronic format. Consultants must submit their Proposals with all required contents in two parts: the Consultant’s Statement of Qualifications (“**SOQ**”) and the Consultant’s Cost Proposal (“**Cost Proposal**”).
- 5.3 **Proposal Submission Requirements.**
- 5.3.1 **Electronic Submission.** The Judicial Council will only accept electronically submitted Proposals. SOQ and Cost Proposal files must be emailed to the separate email addresses indicated in the Schedule of Events. Consultants must not combine the SOQ and Cost Proposal at any time during the solicitation and evaluation process.
- 5.3.2 **Statement of Qualifications Submission.**
- 5.3.2.1 Consultants must submit one (1) electronic file of the SOQ using PDF or Word format. The SOQ must be submitted to the Judicial Council separate from the Cost Proposal.
- 5.3.2.2 Consultants must include the RFP number and the name of the Consultant’s firm in the subject line of the email for the SOQ. Consultants must include the RFP number and ‘SOQ’ in the name of the electronic file of the SOQ.
- 5.3.3 **Cost Proposal Submission.**
- 5.3.3.1 Consultants must submit one (1) electronic file of the Cost Proposal using Word format (not in a PDF format). The Cost Proposal must be submitted to the Judicial Council separate from the SOQ; the Cost Proposal must not be combined or incorporated in any way with the SOQ.
- 5.3.3.2 Consultants must include the RFP number and the name of the Consultant’s firm in the subject line of the email for the Cost Proposal. Consultants must include the RFP number and ‘COST’ in the name of the electronic file of the Cost Proposal.
- 5.3.4 **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). Consultants 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 Consultants must divide the file into increments of less than 30MB sent via multiple emails. If multiple emails with incremental documents are required, Consultants must also reference the portion of the Proposal 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.

#### 5.4 **Submission Timelines.**

- 5.4.1 Proposals must be delivered by the date and time listed in the Schedule of Events, but Consultants must not submit Proposals more than three (3) business days in advance of the Proposal due date.
- 5.4.2 Consultant(s) assume all risk for ensuring the Judicial Council's receipt of Proposals no later than the date and time specified in the Schedule of Events and no earlier than is permitted.
- 5.4.3 Late proposals will not be accepted.

### 6. PROPOSAL CONTENTS

- 6.1 **Statement of Qualifications.** The following information must be included in the SOQ. Any SOQ lacking any of the following information may be deemed non-responsive. The SOQ is to be inclusive of resumes, forms, and pictures, and organized according to the numbering system reflected below.
  - 6.1.1 **Cover Letter.** A cover letter, signed by an authorized representative of Consultant's organization, that provides the exact business name under which the Consultant proposes to conduct business with the Judicial Council. The cover letter must also indicate Consultant's address, telephone, fax number, email address, and federal tax identification number.
  - 6.1.2 **Table of Contents.** A table of contents of the material contained in the SOQ should follow the cover letter.
  - 6.1.3 **Executive Summary.** The executive summary should contain a brief summary of the Consultant's qualifications.
  - 6.1.4 **Qualifications Questionnaire.** All Consultants submitting a Proposal must submit a completed Qualifications Questionnaire with its SOQ, the form of which is attached hereto as **Attachment D**.
    - 6.1.4.1 All Consultants must update their Qualifications Questionnaire if the Consultant's status or information provided in the Qualifications Questionnaire subsequently changes.
    - 6.1.4.2 A Consultant's Qualifications Questionnaire will be deemed nonresponsive if, without limitation, the Consultant's Qualifications Questionnaire is not submitted with its SOQ, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Consultant, is not updated as required, or is misleading or inaccurate in any material manner (e.g., financial resources are overstated, previous violations of law are not accurately reported, etc.).

**6.1.5 Proposed Personnel/Project Team.**

6.1.5.1 Identify the key personnel including their roles that the Consultant will assign to the Project(s). For each, describe each of the key personnel's experience with public works projects, including identifying the ten (10) most recent public works projects. List license numbers with issuance and expiration dates.

6.1.5.2 Include an organizational chart indicating all personnel and their positions.

6.1.5.3 Include resumes of key personnel being proposed to perform the Services for the Judicial Council. Specifically, define the role of each person and outline the person's individual experience and responsibilities. Indicate the personnel who will serve as primary contact(s) for the Judicial Council.

6.1.5.4 Indicate the Consultant's and key personnel's availability to provide the Services.

**6.1.6 Statement of Services.** Provide a detailed Statement of Services for which the Consultant is submitting its Proposal, which demonstrates in brief the Consultant's understanding of the Services and work required for the Projects (for reference, see section 3, Scope of Services). The Consultant must specifically identify any Services or work which are **not** provided by the Consultant or which the Consultant is **excluding** from its Statement of Services and Proposal.

**6.1.7 Reference Checks.** Provide five (5) client references as directed in Attachment D from recently completed projects. The Judicial Council will contact the references provided to conduct a customer satisfaction survey. Responding clients will be asked to score the following: the Consultant's quality of work, scheduling practices, project and subcontractor management, working relationships, and paperwork processing. Reference responses will be scored from one (1) – unsatisfactory to five (5) – excellent. Reference evaluation forms will be totaled and be applied in the Judicial Council's Proposal Evaluation, as indicated below.

**6.1.8 Consultant Information.**

6.1.8.1 Provide a brief history of the Consultant and, if a joint venture, of each participating entity. Identify the Consultant's legal form, ownership, and senior officials of its company(ies). Describe the number of years in business and all types of business conducted.

6.1.8.2 Provide the Consultant's current contact information and email address to send the Consultant notifications hereunder.

6.1.8.3 Describe the Consultant's philosophy and how the Consultant will work with Judicial Council staff in performing the Services and successfully completing the Projects.

6.1.8.4 Provide a statement of the Consultant's financial resources and insurance coverage. Include a certification of correctness of the Consultant's statement of financial resources.

6.1.8.5 Provide a statement of ALL claims filed against the Consultant in the past five (5) years. Briefly indicate the nature of each claim and the resolution, if any.

**6.1.9 Prior Relevant Experience.**

6.1.9.1 Describe Consultant's experience with the requirements for relocation assistance and benefits set forth in the California Relocation Assistance Act (Gov. Code, § 7260 et seq.) and the Relocation Assistance and Real Property Acquisition Guidelines (Cal. Code Regs., tit. 25, § 6000 et seq.).

6.1.9.2 Provide a list of ALL California public entities (e.g., state, county, city, district, public authority, public agency, University of California, California State University, and any other political subdivision or public corporation in California) the Consultant has provided the same or similar Services to in the past seven (7) years. Limit the response to no more than the five (5) most recent public entities. Include the names of the entity, a description of services the Consultant provided, and the name of the contact person and telephone number at the entity. Also, indicate the Consultant's personnel that performed services for each entity.

**6.1.10 Approach to Project Management.** Provide Consultant's philosophy and approach to project management.

**6.1.11 Consultant's Current Work Commitments.** Specify the current and projected workload of the Consultant and describe the Consultant's ability to complete the expected Services as anticipated herein.

**6.1.12 Conflicts of Interest.** If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to similar work, the Services, or the Judicial Council that may have a potential to conflict with the Consultant's ability to provide the Services described herein to the Judicial Council. Consultants cannot have any pre-existing or obtain any new economic interests (e.g., submit, propose, bid, contract, sub-contract, consult, etc. on any work that would or have potential to be a conflict) in the Projects on which the Consultant may be requested to provide Services under a Master Agreement awarded pursuant to this RFP. Any Consultant selected to provide the Services, along with any subsidiary, parent, holding company, or affiliate of a selected Consultant, may not perform any construction work or bid/propose to perform any projects resulting from any Services provided under a Master Agreement awarded by this RFP.

**6.1.13 Additional Data.** Provide any additional information about the Consultant as it may relate to the Consultant's Proposal. Indicate the Consultant's ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the Judicial Council in understanding the Consultant's qualifications and expertise to provide the Services for the Judicial Council.

**6.1.14 Delinquent Taxpayer Status.** Provide a written and certified document identifying whether or not the primary Consultant (or primary Consultants if a joint venture) organization(s) is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.



- 6.1.14.1 State of California Franchise Tax Board’s “Top 500 Delinquent Taxpayers” (available at <https://www.ftb.ca.gov/about-ftb/newsroom/top-500-past-due-balances/>); and/or
  - 6.1.14.2 California Department of Tax and Fee Administration’s “Top 500 Sales & Use Tax Delinquencies in California” (available at <https://www.cdtfa.ca.gov/taxes-and-fees/top500.htm>).
- 6.1.15 **DVBE Certification.** If the Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 10 of this RFP, the Consultant must provide with its SOQ proof of its DVBE Certification including, without limitation, the Bidder Declaration form in **Attachment L**, a copy of the Consultant’s DVBE certification approval letter, Department of General Services (DGS) Supplier ID Number, active dates of the DVBE Certification, and the DVBE Declaration form in **Attachment M**.
- 6.1.16 **Acceptance of the Terms and Conditions.** On the Consultant’s Acceptance of Terms and Conditions form in **Attachment F**, the Consultant must indicate that the Consultant accepts the terms and conditions of the Master Agreement as-is. The Judicial Council will not entertain any exception to the Master Agreement including, without limitation, any addition, deletion, or other modification thereto. If a Consultant believes in good faith that an addition, deletion, or other modification to the terms and conditions of the Master Agreement is absolutely critical for the performance of the Services, the Consultant must raise such to the Judicial Council’s attention via the Consultant’s Submission of Questions form (**Attachment E**) as a written question or requests for information with respect to this RFP.
- 6.1.17 **Certifications, Attachments, and Other Required Materials.** Complete, sign, and submit each of the following Certifications and attachments with the Consultant’s SOQ:
- 6.1.17.1 General Certifications Form (**Attachment G**)
  - 6.1.17.2 Darfur Contracting Act Certification (**Attachment H**)
  - 6.1.17.3 Iran Contracting Act Certification (**Attachment I**)
  - 6.1.17.4 Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment J**)
  - 6.1.17.5 Prevailing Wage and Related Labor Requirements Certification (**Attachment K**)
  - 6.1.17.6 **Payee Data Record (STD 204)**, which must be completed in the exact name of the business entity under which the Consultant 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 Consultant’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>.

- 6.1.17.7 If the Consultant is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that the Consultant is in good standing in California. If the Consultant is a foreign corporation, LLC, LP, or LLP, and the Consultant conducts or will conduct (if awarded a Master Agreement) intrastate business in California, proof that the Consultant is qualified to do business and in good standing in California. If the Consultant is a foreign corporation, LLC, LP, or LLP, and the Consultant does not (and will not if awarded a Master Agreement) conduct intrastate business in California, proof that the Consultant is in good standing in its home jurisdiction.

## 6.2 Cost Proposal.

- 6.2.1 **Hourly Rates.** For the Consultant’s Cost Proposal, the Consultant is required to complete the Hourly Rates form in **Attachment N**, as follows:

- 6.2.1.1 Provide the billable hourly rates Consultant proposes to charge for all Services to be performed under the Master Agreement.
- 6.2.1.2 Rates must be fully loaded and include Overhead and Profit.
- 6.2.1.3 Do not change or edit the form of **Attachment N**.
- 6.2.1.4 **Attachment N** must be signed by an authorized representative of the Consultant’s organization.

## 7. SELECTION PROCESS

- 7.1 **Shortlist.** An evaluation panel composed of Judicial Council staff will review and score the Proposals based on the selection criteria given in this RFP. The Judicial Council intends to establish a shortlist of at least three (3) of the highest scoring Proposals. The Judicial Council will post the shortlist on the website publishing this RFP.
- 7.2 **Interviews.** The Judicial Council may, at its discretion, hold interviews of the Consultants that have been shortlisted. The Consultants on the shortlist will be notified of their interview date and time. Notifications will be sent to the email addressed provided as the Consultant’s contact information. Interviews will be held remotely via video conference. In the event that the Judicial Council chooses not to hold interviews and a Master Agreement is to be awarded under this RFP, the Judicial Council will post on the website publishing this RFP a Notice of Intent to Award that lists the names of the selected Consultant(s), if any.
- 7.3 **Award.** After the interviews, if any, the ranking of the Consultants according to the selection criteria will be adjusted and the highest-scoring Consultants will be contacted regarding contract award and execution. If a Master Agreement will be awarded under this RFP, the Judicial Council will post a Notice of Intent to Award on the website publishing this RFP that lists the names of the selected Consultant(s).

- 7.4 **Verification.** At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant, their key personnel, and their sub-consultants.

**8. EVALUATION OF PROPOSALS**

- 8.1 **Required Contents.** At the time Proposals are opened, each Proposal will be reviewed for minimum requirements and the presence or absence of all required contents.
- 8.2 **Proposal Evaluation.** Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score submitted Proposals according to the following criteria with the following weights (“**Proposal Evaluation**”):

| Points                             | Criteria   | 100 points maximum |
|------------------------------------|--|--------------------|
| <b>STATEMENT OF QUALIFICATIONS</b> |  |                    |
| 10                                 | <b>Project Team Expertise with Public Projects</b><br>Key personnel’s demonstrated experience with public works projects including roles, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff in performing the Services. |                    |
| 10                                 | <b>Statement of Services</b><br>Consultant’s demonstrated understanding of what is required to complete the Services described in this RFP (see section 3, Scope of Services).   |                    |
| 10                                 | <b>References Evaluation</b><br>Consultant’s previous client satisfaction based on the Judicial Council contacting references provided by the Consultant (see section 6.1.7, Reference Checks).  |                    |
| 5                                  | <b>Consultant Information</b><br>Consultant’s history including number of years in business and types of business conducted.   |                    |
| 10                                 | <b>Consultant’s Prior Relevant Experience</b><br>Past five years of the Consultant’s relevant experience to provide the Services and successfully complete the Projects.   |                    |
| 10                                 | <b>Approach</b><br>Consultant’s approach towards project management and the performance of the Services.   |                    |
| 5                                  | <b>DVBE Incentive</b><br>Consultant will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to section 10; note that the DVBE incentive will only be awarded if the Consultant itself is a DVBE.  |                    |
| <b>COST PROPOSAL</b>               |  |                    |
| 40                                 | <b>Hourly Rates</b><br>Consultant’s hourly rates for the Services provided in Table A of <b>Attachment N</b> pursuant to the indicated instructions and scoring methodology.   |                    |

**9. CONTRACT TERMS AND ADMINISTRATIVE RULES**

- 9.1 **Irrevocable Offer.** All submitted Proposals shall constitute and be an irrevocable offer by the Consultant that is valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Consultants. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.

- 9.2 **Rate Increases.** Consultants may request, in writing no less than sixty (60) days prior to the start of any extension of the term of an awarded Master Agreement, if exercised by the Judicial Council, that the Consultant's hourly rates be adjusted based on the California Bureau of Labor Statistics' Consumer Price Index increase for the preceding twelve (12) months prior to the increase becoming effective. A Consultant may not be entitled to an increase of its hourly rates if the Consultant fails to properly make such a request under the terms of its Master Agreement.
- 9.3 **Affirmation of Agreement.** In submitting a Proposal under this RFP, the Consultant must affirm that it has no objections to the use of the Master Agreement as provided, pursuant to this RFP.
- 9.4 **Execution.** If a satisfactory Master Agreement has not been signed within thirty (30) calendar days of the Judicial Council's request for the Consultant to execute a Master Agreement, the Judicial Council reserves the right to terminate the award.
- 9.5 **Future Requests.** The Consultant(s) selected under this RFP will not be precluded from consideration nor given special status in any future solicitations issued by the Judicial Council.
- 9.6 **No Guarantee.** The Judicial Council does not guarantee any amount or duration of work under a Master Agreement, nor does the Judicial Council guarantee that any Projects will be assigned to the Consultant regardless of being awarded a Master Agreement.
- 9.7 **Provision of the Work.** Consultants will provide all Services in accordance with the Service Work Orders to be issued by the Judicial Council under the Master Agreement. Consultants will provide all Services in compliance with the provisions of the Master Agreement along with any additional provisions specified in a Service Work Order such as schedule, key personnel, and sub-consultant requirements.
- 9.8 **Compensation.** The method of compensation will vary on a Service Work Order-by-Service Work Order basis. See the Master Agreement for further details.

## 10. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 10.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%). Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Consultant's Proposal non-responsive.
- 10.2 To receive the DVBE incentive, the Consultant itself must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal per the requirements set forth in this RFP above. Please note that the DVBE incentive will only be awarded to Consultants that can be verified as a certified DVBE. A non-DVBE Consultant, regardless of whether it intends to utilize DVBE subcontractors, are not eligible for the DVBE incentive.
- 10.3 If a Consultant wishes to seek the DVBE incentive, the Consultant must complete and submit with its SOQ the Bidder Declaration (**Attachment L**) and the DVBE Declaration (**Attachment M**). Consultant must also submit all other materials required in the Bidder and DVBE Declarations.
- 10.4 The Judicial Council may request additional written clarifying information on the Consultant's DVBE status. Failure to complete and submit the documentation as required or

provide any additional information requested will result in the Consultant not receiving the DVBE incentive.

- 10.5 A Consultant will receive the DVBE incentive if, in the Judicial Council's sole determination, the Consultant has met all applicable requirements. If the Consultant receives the DVBE incentive, the number of points specified in the Proposal Evaluation criteria will be added to the score assigned to the Consultant's Proposal.

## **11. ADMINISTRATIVE RULES GOVERNING RFPs**

- 11.1 The Judicial Council's Administrative Rules Governing Requests for Proposals can be found in **Attachment A**. By virtue of submission of a Proposal, the Consultant agrees to be bound by said Administrative Rules for this RFP.
- 11.2 The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar requests for proposals in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. A Consultant's submitted Proposal will be retained for official files and be subject to public disclosure under rule 10.500 of the California Rules of Court.

## ATTACHMENT A

### JUDICIAL COUNCIL OF CALIFORNIA

#### ADMINISTRATIVE RULES GOVERNING REQUESTS FOR PROPOSALS

##### A. General

1. This solicitation (the “RFP”) (including, without limitation, any modification made thereto in the course of the solicitation), the evaluation of materials to be submitted in response to this solicitation (the “Proposal(s)”), the award of any contract, and any issues to be raised with regards to this solicitation or to these Administrative Rules Governing Requests for Proposals themselves (the “Administrative Rules”) shall be governed by these Administrative Rules. By the act of submission of a Proposal, prospective Consultants agree to be bound by these Administrative Rules. If a prospective Consultant has objections to the Administrative Rules, they must be dealt with in accordance with the provisions of Section B of these Administrative Rules.
2. In addition to explaining the Judicial Council of California’s (“Judicial Council”) requirements and needs for goods and/or services, the RFP includes instructions which prescribe the format, content, and the date and time due of Proposals that are being solicited. Prospective Consultants must adhere to all instructions provided in the RFP when submitting Proposals.
3. An RFP, as published to the California Courts “Request for Proposals” page of the California Courts website, constitutes the entire statement of the Judicial Council’s solicitation with regard to the subject matter of the solicitation, and is not subject to any modification not posted in writing to said website. Any and all other communications, whether prior to or during the course of a solicitation, and whether given in writing, verbally, or published to other Judicial Council, California Courts, State of California, or other websites are hereby disclaimed.

##### B. Errors in the RFP or Administrative Rules

1. If a prospective Consultant who desires to submit a Proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP; is of the opinion that the structure of the RFP does not provide a correct or optimal methodology for the solicitation of the goods and/or services sought; believes that one or more of the RFP’s requirements is onerous or unfair; believes that the RFP unnecessarily precludes less costly or alternative solutions; or has objections to these Administrative Rules, the prospective Consultant must, at least two (2) full Judicial Council business days before the due date of the Proposals, provide the Judicial Council with written notice of the same. The written notice shall be accompanied by a written explanation of why the prospective Consultant is of the opinion that the RFP or the Administrative Rules should be changed, as well as a written description of the modification sought. Said written notice must be in the form of an email submitted to the email address established for the submission of questions in the RFP. Failure to provide the Judicial Council with such written notice as specified above on or before the time specified above forfeits the prospective Consultant’s right to raise such issues later in the solicitation process or at any other time.
2. Without disclosing the source of the request, the Judicial Council will evaluate the request and will, prior to the date established for submission of Proposals, at its sole discretion determine if it chooses to modify the RFP. Any modification made will be published by the Judicial Council to the Judicial Council’s website advertising the solicitation.

3. If a prospective Consultant submitting a Proposal knows of (or, if it can be reasonably demonstrated, that it should have known of) an error in the RFP but fails to notify the Judicial Council of the error as prescribed above, the prospective Consultant is submitting a Proposal at its own risk and, if awarded the work, shall not be entitled to additional compensation or time for performance by reason of such error later identified, or by reason of its later correction by the Judicial Council.

**C. Questions; Requests for Access to Public Records; Confidentiality**

1. Prospective Consultants are entitled to ask questions about the RFP and the nature of the goods and/or services being solicited in accordance with the procedure for the submission of such questions specified in the RFP. Except as otherwise specified below, the Judicial Council's responses to questions submitted shall be published to the public website for the procurement.
2. The Judicial Council of California is bound by California Rule of Court 10.500 with regards to disclosure of public records.
3. If the Judicial Council receives a request for public access to documents submitted in response to this RFP or other documents related to this RFP, the Judicial Council will determine whether such documents, in whole or part, are subject to disclosure under Rule 10.500 or other applicable law and inform the inquiring party. If subject to disclosure under Rule 10.500, the Judicial Council will proceed to disclose the documents as public records.
4. Prospective Consultants may note or mark portions of the information submitted on their Proposal in response to this RFP indicating that certain information is confidential and/or proprietary.
5. If the Judicial Council finds or reasonably believes that any portions of the documents requested are exempt from disclosure for reasons of confidentiality, those portions of the documents will not be disclosed.
6. If the documents requested are marked confidential and the Judicial Council reasonably believes that the material so marked is not confidential, the Judicial Council will contact the prospective Consultants with a request to substantiate its claim for confidential treatment; however, if the Judicial Council disagrees with the substantiation provided, the Judicial Council will proceed to disclose the documents as public records pursuant to Rule 10.500 and other applicable law regardless of the marking or notation seeking confidential treatment.

**D. Addenda**

1. In response to questions raised, or at its sole discretion, the Judicial Council may modify the RFP website posting or any of any document(s) provided therein at any time prior to the date and time fixed for submission of Proposals. Such modification shall be made via a posting of such change(s) to the Judicial Council's website.

**E. Withdrawal and Resubmission of Proposals**

1. A prospective Consultant may withdraw its Proposal, but only in its entirety, at any time prior to the deadline for submitting Proposals by notifying the Judicial Council in writing of its withdrawal. Any such notice of withdrawal must bear the signature of an individual

and assert that that individual has the requisite authority from their organization to make such a withdrawal. Withdrawals must be made in writing, and must be submitted as a PDF document by email to the email address established for the submission of questions in the RFP document.

2. A prospective Consultant who has withdrawn a Proposal may thereafter submit a new Proposal, provided that it is received at the Judicial Council no later than the Proposal due date and time specified in the RFP.
3. Withdrawals made in any other manner, regardless of whether oral or written, will not be considered and, if received, will not be accepted as valid.
4. Proposals cannot be withdrawn after the Proposal due date and time specified in the RFP.

**F. Evaluation Process**

1. In accordance with the provisions of the RFP, an evaluation will be made of all Proposals rightfully received to determine if they are complete with regard to the materials required for submission by the RFP and to determine if they otherwise comply with the requirements established in the RFP.
2. If a Proposal submitted is incomplete with regards to the materials required for submission or fails to meet any other material requirement of the RFP, the Proposal will be rejected. A requirement will be judged to be material to the extent that it is not responsive to or is not in substantial accord with requirements of the RFP. Material deviations cannot be waived.
3. The Judicial Council, at its sole discretion shall have the right to waive immaterial deviations of Proposals with regards to the materials submitted as well as other immaterial deviations from the requirements of the RFP.
4. The Judicial Council's waiver of an immaterial deviation for one prospective Consultant shall in no way act to excuse that prospective Consultant from material compliance with any other RFP requirement. The Judicial Council's waiver of an immaterial deviation for one prospective Consultant shall in no way act to excuse other prospective Consultant(s) from material compliance with that same requirement.
5. Proposals that make false or misleading statements or contain false or misleading information may be rejected if, in the Judicial Council's sole opinion, the Judicial Council concludes that said statements and/or information were intended to mislead the Judicial Council.
6. During the evaluation of the Proposals, the Judicial Council has the right to require a prospective Consultant's representatives to answer questions with regard to the Proposal submitted. Failure of a prospective Consultant to demonstrate that the claims made in its Proposal are factually accurate may be sufficient cause for deeming a Proposal to be materially in non-compliance with the requirements of the RFP.

**G. Proposals: Rejection, Negotiation, Selection Rights**

1. In accordance with the provisions of the RFP, the Judicial Council may reject any or all Proposals.



2. The Judicial Council reserves the right to negotiate the content of the Proposal proposed with individual prospective Consultants if it is deemed in the Judicial Council's best interest.
3. The Judicial Council reserves the right to make no selection if, at the Judicial Council's sole discretion, Proposals are deemed to be outside the fiscal constraints of, or against the best interest of, the State of California.

#### **H. Award of Contract**

1. Award of contract, if made, will be in accordance with the provisions of the RFP except to the degree that any immaterial deviation(s) have been waived by the Judicial Council.
2. The actual execution of contracts is subject to availability of the funds necessary to pay for the goods and services by the State of California through its budgeting and appropriations methods. The Judicial Council makes no guarantee of funding through its solicitation for goods and/or services via this RFP.

#### **I. Execution of Contracts**

1. The Judicial Council will make a reasonable effort to execute a contract for the goods and/or services solicited in the RFP within the time specified in the RFP or, if no time has been specified in the RFP, within thirty (30) calendar days following the date of publication of award.
2. By submitting a Proposal, a prospective Consultant consents to the use of the form of agreement posted with the RFP rather than its own contract form. **PLEASE NOTE:** The Judicial Council will **not** entertain any proposed changes or requested modifications to the Master Agreement. In the event that a Consultant is awarded a contract under this RFP and refuses to execute the Master Agreement unless or without requested changes or modifications thereto, the Judicial Council may revoke said award to the Consultant. The Judicial Council makes no promises or guarantees that any changes to the form of agreement posted with this RFP will be accepted or that any negotiations thereof will be entertained. Questions about and major exceptions to the form of agreement posted with this RFP should be raised to the Judicial Council's attention and submitted as written questions in accordance with the provisions for the raising and answering of questions as given in the RFP, not following notification of an award. The Judicial Council will make reasonable attempts to answer such questions; however, Consultants shall not construe the Judicial Council's responses to questions as the Judicial Council's final position on a question raised, nor rely on the Judicial Council's answers as a guarantee of a later successful negotiation of terms.

#### **J. Protest Procedure**

1. All protests are subject to, and shall follow, the process provided below.
2. Failure of a prospective Consultant to comply with any of the requirements of the protest procedures set forth herein will render a protest inadequate and will result in rejection of the protest by the Judicial Council. Such failure and subsequent rejection shall act to further forfeit the right of the prospective Consultant to continue the protest, and is not appealable under this protest procedure.

3. A protest may only be based upon alleged restrictive requirements in the RFP or upon alleged improprieties in regard to the Judicial Council's execution of its responsibilities with respect to receipt and evaluation of the Proposals or grant of award(s), but only as such responsibilities are specified in the RFP document.
4. For protests based on allegedly restrictive requirements: Protests alleging restrictive requirements in the RFP must be submitted and will be subject exclusively to the provisions of Section B of these Administrative Rules. Any protest alleging restrictive requirements in the RFP raised later than as specified in Section C will not be considered a valid protest, will be rejected by the Judicial Council, and the prospective Consultant shall have no further recourse under this procedure, including no further right of appeal.
5. For protests based on alleged improprieties in regard to the Judicial Council's execution of its responsibilities: A prospective Consultant who has actually submitted a Proposal may protest the Judicial Council's rejection of its Proposal for failure to comply with the requirements of the RFP, or upon the basis of an allegation of improprieties with regard to the Judicial Council's responsibility to fairly and impartially evaluate the Proposals and make awards, but only insofar as such responsibilities are specified in the RFP document. In order to be accepted as valid, such protests must meet at least one of the following conditions and must be submitted in writing with the required documentation specified below:
  - a. If a Proposal is rejected because of an alleged failure to provide the Proposal to the Judicial Council on or before the date and time due, and/or to the place required, and/or to otherwise properly provide the Proposal with regard to any other requirement necessary to make a correct submission as specified by the RFP, the prospective Consultant may file a protest. Said Consultant must provide verifiable documentation that it has submitted a Proposal in compliance with all the RFP's directives regarding timeliness, place of delivery and/or other required aspects necessary to make a submission. Such protests must be filed within five (5) Judicial Council business days following the date of dispatch of the notice of rejection.
  - b. If a Proposal is rejected because the Proposal submitted is incomplete with regards to the materials required to make a submission, or fails to meet any other material requirement of the RFP, the prospective Consultant may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate that the Proposal submitted was in fact complete and/or was in fact in compliance with the RFP requirement(s) in question. Such protests must be filed within five (5) Judicial Council business days following the date of dispatch of the notice of rejection.
  - c. If a Proposal fails to win an award or qualify the prospective Consultant for a short listing for further evaluation and the prospective Consultant alleges that said failure was due to a failure of the Judicial Council to fairly and impartially execute its responsibilities with regard to evaluation and award of the work as such responsibilities were specified in the RFP, the prospective Consultant may file a protest. Said protest must provide a written explanation which alleges to reasonably demonstrate in what manner the Judicial Council has failed to fairly and impartially execute said responsibilities. Such protests must be filed within (5) Judicial Council business days following the date of posting of award notices to the Judicial Council website for the RFP.
4. In order to be considered valid, all protests to be submitted:
  - a. Must be submitted by email to the email address established for the submission of questions in the RFP document. PDF documents may accompany the email as further detailed below.

- b. Must include the name, address, telephone number, and email address of the party protesting or their representative.
  - c. Must provide the title of the solicitation document under which the protest is submitted.
  - d. Must provide a detailed description of the specific legal and/or factual grounds for the protest and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the protestor fails to include documentation or evidence which could have reasonably been provided at the time the protest is made, such failure shall act to restrict the introduction of such evidence at a later date.
  - e. Must provide a detailed description of the specific ruling or relief requested.
  - f. Must cite all protests that the prospective Consultant intends to make. Failure to raise a protest in the initial protest submittal in accordance with the requirements of the Administrative Rules shall act to disqualify the raising of that protest at a later date.
5. Any protest failing to meet or provide the appropriate requirements as noted above shall not be considered valid and will be rejected as non-compliant by the Judicial Council and the protestor shall have no further recourse under this procedure, including any right of appeal.
  6. If the course of investigation of a protest deems doing so necessary, the Judicial Council may request, and the protestor shall make best efforts to provide, further evidence or documentation when and as requested by the Judicial Council.
  7. The existence of a protest will in no way act to restrict the right of the Judicial Council to proceed with the procurement. The Judicial Council, at its sole discretion, may elect to withhold the contract award(s) until the protest is resolved or denied or may proceed with the award as it deems in the best interests of the State of California.

**K. Protest Decisions**

1. The protest will be forwarded to the appropriate contracting officer at the Judicial Council, who will assess the protest submission for compliance with the requirements of these Administrative Rules and, if deemed a valid protest under said rules, shall examine the issues raised and materials provided. Invalid protests shall be returned accompanied with a statement detailing the aspects of the protest submitted that failed to comply with the Administrative Rules.
2. If the protest submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of a fair and reasonable remedy.
3. The contracting officer will endeavor to provide the protestor with a written judgment within ten (10) Judicial Council business days following the day of receipt of the protest. The judgment shall include a description of any relief or remedy that shall be provided.
4. If awarding a remedy, the Judicial Council shall, at its sole discretion, choose to employ any or a combination of the following remedies:
  - a. Award the contract consistent with the RFP;

- b. Extend an additional award to the protesting prospective Consultant;
  - c. Terminate the already existing contract that resulted from the RFP and award the contract to the protesting prospective Consultant;
  - d. Terminate the already existing contract that resulted from the RFP for convenience and re-solicit the RFP;
  - e. Refrain from exercising options to extend the term of the contract that resulted from the RFP and re-solicit sooner than originally planned;
  - f. Other such remedies as the Judicial Council may deem necessary and appropriate.
5. While the Judicial Council will endeavor to investigate the protest and provide a written response to the prospective Consultant within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the protest and is not able to provide a response within said period of time, the Judicial Council will notify the prospective protesting Consultant of the expected time within which it shall provide a response.

**L. Appeals Submission**

1. The contracting officer's ruling and any relief specified in the ruling shall be considered the final judgment and adequate relief regarding the protest unless the protesting Consultant thereafter seeks an appeal of the ruling or relief prescribed.
2. All appeals are subject to, and shall follow, the process provided below.
3. The protestor may seek an appeal of the ruling and/or relief by filing a request for appeal addressed to the Judicial Council's Manager, Contracts, at the same address noted for the submission of questions in the RFP. In order to be accepted as valid, any such appeal must be received by the Judicial Council within five (5) Judicial Council business days following the date of issuance of the Judicial Council contracting officer's decision.
4. The justification for an appeal is specifically limited to the following:
  - a. Facts and/or information related to the protest, as previously submitted, that were not reasonably available at the time the protest was originally submitted; or
  - b. Allegation(s) that the contracting officer's decision regarding the protest contained errors of fact, and that such errors of fact were significant and material factors in the contracting officer's decision; or
  - c. Allegation(s) that the decision of the contracting officer with regards to the protest was in error of law or regulation.
5. Appeals raising other justifications for appeal shall be rejected as non-compliant and the protesting prospective Consultant shall have no further recourse under this procedure, including any further right of appeal.
6. In order to be considered valid, all requests for appeal must be:
  - a. Must be submitted by email to the email address established for the submission of questions in the RFP document and addressed to the Judicial Council's Senior Manager, Business Services. PDF documents may accompany the email as further detailed below.

- b. Must include the name, address, telephone number, and email address of the appealing party or their representative.
- c. Must provide the title of the solicitation document under which the appeal is submitted.
- d. Must provide a detailed description of the specific legal and/or factual grounds for the appeal and all supporting documentation and evidence available to the protesting party. PDF files of documents are acceptable, but the Judicial Council reserves the right to require originals if it so deems necessary. If the appeal fails to include documentation or evidence which could have reasonably been provided at the time the appeal is made, such failure shall act to restrict the introduction of such evidence at a later date.
- e. Must provide a detailed description of the specific ruling or relief requested.
- f. Must cite **all** appeals that the protesting prospective Consultant intends to make. Failure to raise an appeal in the initial appeal submittal shall act to disqualify the raising of that appeal at a later date.

#### **M. Appeals Decisions**

- 1. The Judicial Council's Manager, Contracts, will assess the appeal submission for compliance with the requirements of these Administrative Rules and, if deemed a valid appeal under said rules, shall examine the issues raised and materials provided. Invalid appeals shall be returned accompanied with a statement detailing the aspects of the appeal submitted that failed to comply with the Administrative Rules.
- 2. If the appeal submission is deemed valid, the Judicial Council will consider the relevant circumstances surrounding the procurement in its prescription of fair and reasonable remedy.
- 3. The Judicial Council Manager, Contracts will endeavor to provide the appealing prospective Consultant with a written judgment within ten (10) Judicial Council business days following the day of receipt of the appeal. The judgment shall include a description of any relief or remedy that shall be provided.
- 4. While the Judicial Council will endeavor to investigate the appeal and provide a written response to the prospective Consultant within ten (10) Judicial Council business days, if the Judicial Council requires additional time to review the appeal and is not able to provide a response within said period of time, the Judicial Council will notify the appealing prospective Consultant of the expected time within which it shall provide a response.
- 5. The judgment of the Judicial Council Manager, Contracts, and any relief or remedy specified shall be final and are not subject to further appeal.

#### **N. News Releases**

- 1. News releases pertaining to the existence or disposition of a protest or appeal may not be made without prior written approval of Judicial Council Public Affairs.

**O. Disposition of Proposal Materials Submitted**

1. All materials submitted in response to the 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 prospective Consultant submitting the Proposal. One copy of a submitted Proposal will be retained for official files and become a public record.

**P. Payment and Withholding**

1. Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP; however, prospective Consultants are hereby advised that Judicial Council payments are made by the State of California, and the State does not make any advance payment for services. Payment by the State is normally made based upon completion of tasks as provided for in the agreement between the Judicial Council and the selected Consultant.
2. The Judicial Council may withhold ten percent of each invoice until receipt and acceptance of the final good or service procured. The amount withheld may depend upon the length of the project and the payment schedule provided in the agreement between the Judicial Council and the awarded Consultant.

**ATTACHMENT B**

**MAP OF JUDICIAL COUNCIL OF CALIFORNIA**

**FACILITIES SERVICES REGIONS**

