

ANSWERS TO SUBMITTED QUESTIONS

Q #	Questions	RFP Reference (Document & Page-Section-Item)	Answers
1	Are we still able to move forward with the submittal process since we missed yesterday's Pre-Proposal Conference?	RFP-FS-2023-22-MB, Page 7, Section 4.3	Per section 4.3 of the Request for Proposals (RFP): "A Consultant's attendance at the Pre-Proposal Conference IS mandatory in order to submit a Proposal." Per section 4.3.3 of the RFP: "Consultants that do not attend the mandatory Pre-Proposal Conference will not be allowed to submit a proposal."
2	Which firms are the incumbents for the preceding Structural Engineering Consulting Services IDIQ contract similar to RFP-FS-2023-22-MB?	RFP-FS-2023-22-MB, Page 2, Section 2.3	The Notice of Intent to Award for the previous solicitation is posted here: https://www.courts.ca.gov/41346.htm

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3	<p>RFP-FS-2023-22-MB appears to be in conflict with California statute that requires all government agencies—both state and local—to utilize Qualifications Based Selection (QBS) in Government Code §4525, and its following sections: “Notwithstanding any other provision of law, selection by a state and local agency head for professional services ... shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.”</p> <p>Pricing Our specific objection is that the RFQ asks for pricing information at the time of initial submission of qualifications. We specifically direct your attention to “Cost Proposal” requirements on page 14 of the RFQ, which include the requirement that submitters provide:</p> <ul style="list-style-type: none"> •Consultant’s hourly rates for the Services provided in Table A of Attachment N pursuant to the indicated instructions and scoring methodology. <p>In addition, we direct your attention to the language regarding scoring/evaluation in “8. Evaluation of Proposals” on page 14 of the RFQ:</p> <ul style="list-style-type: none"> •Proposals will be evaluated on the basis of qualifications and hourly rates. •40 points out of 100 points will be for the Cost Proposal <p>Requiring hourly rates as part of the evaluation/scoring seems to violate the QBS process. While pricing is clearly important, it is improper nonetheless at this phase of the procurement. We request the RFQ be modified.</p>	<p>RFP-FS-2023-22-MB, Page 14, Section 8</p> <p>Attachment N, Hourly Rates, Page 2, Table A, Consultant Personnel Hourly Billing Rates</p>	<p>The Judicial Council is part of the separate branch of California government for the judiciary. The Judicial Council is not a state agency. Neither California’s “Mini-Brooks Act,” <i>Government Code</i> section 4525 et seq., nor its usage of state agency head consequently applies to the Judicial Council. This RFP is properly in compliance with and pursuant to the applicable laws and policies for the Judicial Council’s procurement of the requested Services. Consultants must provide all required information with their Proposal as stated in the RFP.</p>
4	<p>In Section 1.3, the construction value seems to be way off?</p>	<p>RFP-FS-2023-22-MB, Page 2, Section 1.3</p>	<p>Tasks are vast and varied and this is just a general reference for purposes of the RFP. Individual projects could be much larger than stated in section 1.3 of the RFP, depending on the particular tasking.</p>
5	<p>Section 2.2. Do we need to submit a separate package for each region we are pursuing or is a single package for all regions acceptable?</p>	<p>RFP-FS-2023-22-MB, Page 2, Section 2.2</p>	<p>Do not submit separate proposals for each region—this RFP solicits for <i>statewide</i> Structural Engineering Consulting Services, not regional.</p>

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6	Section 5.3.3.1 Since there is no specific scope, I assume you mean hourly rates?	RFP-FS-2023-22-MB, Page 8, Section 5.3.3.1 Attachment N, Hourly Rates, Page 2, Table A, Consultant Personnel Hourly Billing Rates	Yes, section 5.3.3.1 of the RFP refers to Attachment N to the RFP, Hourly Rates. Per section 6.2.1 of the RFP: "For the Consultant's Cost Proposal, the Consultant is required to complete the Hourly Rates form in Attachment N."
7	Section 5.3.3.1 indicates the electronic submission shall be in WORD (not PDF). Will the JCC reconsider?	RFP-FS-2023-22-MB, Page 8, Section 5.3.3.1 Attachment N, Hourly Rates	The Judicial Council will not reconsider. Attachment N, Hourly Rates, was issued in Microsoft Word format—submit your firm's Attachment N (Cost Proposal) in Word format as instructed in section 5.3.3.1 of the RFP.
8	It is not clear in the RFP what information (if any) is being requested for subconsultants – please clarify.	RFP-FS-2023-22-MB, Pages 8–13, Section 6 Attachment D, Qualifications Questionnaire for Consulting Services	The Judicial Council is not requesting any information from a Consultant's Subconsultants; however, the RFP Cost Proposal (Attachment N, Hourly Rates) response needs to include Subconsultant Hourly Rates, if applicable.
9	We have two small firms that wish to pursue this together, one Geo structural and one Structural. Both are GC's. How would we showcase that? I can over in letter and Proposed team Sections	RFP-FS-2023-22-MB, Pages 10–11, Section 6.1.8 Attachment D, Qualifications Questionnaire for Consulting Services, Consultant Information	Firms are welcome and able to submit a Proposal as a duly formed joint venture, partnership, or the like that is in good standing and able to conduct business in California. Proposing Consultants need to submit a single Proposal with one SOQ Proposal and one Cost Proposal; a Consultant cannot use proposed Subconsultant qualifications in order to meet RFP requirements.
10	Geo-Structural would be prime – do we need dual forms for each firm?	RFP-FS-2023-22-MB, Page 10, Section 6.1.8.1 Attachment D, Qualifications Questionnaire for Consulting Services, Consultant Information	No, proposing Consultants need to submit <i>one</i> single SOQ Proposal and Attachment D; a Consultant cannot use proposed Subconsultant qualifications in order to meet RFP requirements. Per section 6.1.8.1 of the RFP: "Provide a brief history of the Consultant and, <i>if a joint venture, of each participating entity.</i> 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."

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11	Are insurance requirement limits for each contract exactly as noted under sample Master Agreement?	Attachment C, Master Agreement (Sample Document), Page B-3, Exhibit B, Sections 1.2.1.–1.2.5.	Yes, the Individual Policy Requirements for each Master Agreement awarded under this RFP are as indicated in Attachment C to the RFP, Exhibit B, sections 1.2.1. through 1.2.5.
12	Our company does not have a Department of Industrial Relations registration number. Is it required to qualify for this RFP?	Attachment D, Qualifications Questionnaire for Consulting Services, Page D-1, Consultant Information	<i>All Consultants</i> doing business with the Judicial Council must be registered at the time of proposal, award, and commencement of work. In accordance with and as described in section 3.5.2. of the RFP.
13	This “Consultant Services” section addresses additional services and specifically BIM models. Does the Judicial Council anticipate that work on existing buildings under this contract will have construction documents developed in BIM rather than CAD?	Attachment C, Master Agreement (Sample Document), Pages D-1–D-2, Exhibit D, Section 1.10.	The Judicial Council's portfolio includes documents developed in both CAD and BIM, and are to be determined based on the specific project.
14	Approximately what portion of the projects under this contract are anticipated to have existing BIM models into which new work will be incorporated?	Attachment C, Master Agreement (Sample Document), Pages D-1–D-2, Exhibit D, Section 1.10.	Per section 2.3 of the RFP: "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 5 to 15 facility modification Projects are anticipated per year." Per section 3.4 of the RFP: "BIM level of development and requirements <i>will vary</i> on a Service Work Order-by-Service Work Order basis."
15	Approximately what portion of the projects under this contract are anticipated to require the development of new BIM models where an existing model is not available for the building?	Attachment C, Master Agreement (Sample Document), Pages D-1–D-2, Exhibit D, Section 1.10.	See answer to Question 14.

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16	<p>The language states that Consultant shall include a certification of correctness of Consultant’s statement of financial resources. Can audited financial statements be submitted in lieu of the certification of correctness. If so, how many years would the Judicial Council like to review, can they be submitted separately to reduce the risk of disclosure and would the Judicial Council omit these documents from the maximum page limit as they are lengthy due to multi-year?</p> <p>If audited financial statements are not a suitable replacement for the certification of correctness, can the Judicial Council provide further clarification of what is contained in this document/certification so that we provide the required information?</p>	<p>RFP-FS-2023-22-MB, Page 10, Section 6.1.8.4</p> <p>Attachment D, Qualifications Questionnaire for Consulting Services, Page D-1, Consultant Information</p>	<p>Consultant must include a certification of correctness of Consultant's statement of financial resources. The certification of correctness can be a statement from Consultant certifying that Consultant's statement of financial resources is true and correct. A certification of correctness is required <i>in addition to</i> financial statements.</p> <p>Per Attachment D, Page D-1, Consultant Information: "Submit a financial statement for the past two (2) full fiscal years. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the financial statement."</p> <p>Financial statements may be submitted separately from the SOQ Proposal, if necessary, but Consultant must adhere to the Proposal Submission Requirements set forth in the RFP, section 5.3.</p> <p>There is not a formal page limit for Proposal Contents, however, 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). Refer to Section 5.3.4 of the RFP, for information regarding file size limitations</p> <p>See Attachment A to the RFP, Section C, for information regarding public records and confidentiality.</p>
17	<p>Section 3.5.2.1 indicates Consultant must furnish certified payroll records to the Labor Commissioner of California in order to be in compliance with Labor Code Section 1771.4. Does the Labor Commissioner consider ADP Payroll Reports an acceptable form of payroll record?</p>	<p>RFP-FS-2023-22-MB, Page 5, Section 3.5.2.1</p>	<p>DIR certified payroll reporting requirements can be found at https://www.dir.ca.gov/Public-Works/Certified-Payroll-Reporting.html.</p>
18	<p>RFP Section 3.5.1.2 indicates Consultant must furnish certified payroll records to the Labor Commissioner of California. Is the certification of payroll records a self-certification (signed letter) or is a separate type of certification required?</p>	<p>RFP-FS-2023-22-MB, Page 5, Section 3.5.2.1</p>	<p>Refer to Attachment C, Master Agreement (Sample Document), Section 39.4.4 of Exhibit A, for information regarding certification of certified payroll reports.</p>
19	<p>RFP Section 6.1.8.4 requests a Statement of Financial Resources. Please clarify what information the Statement of Financial Resources shall include.</p>	<p>RFP-FS-2023-22-MB, Page 10, Section 6.1.8.4</p>	<p>See answer to Question 16.</p>
20	<p>RFP Section 6.1.8.4 requests inclusion of a certification of correctness. Is the certificate of correctness a self-certification (signed letter) or is certification by a registered CPA required?</p>	<p>RFP-FS-2023-22-MB, Page 10, Section 6.1.8.4</p>	<p>See answer to Question 16.</p>

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21	The 12th prompt in Attachment D requests “Name of license holder exactly as on file.” Does this prompt (and the three prompts that follow) refer to Consultant’s business license, professional license, or another license?	Attachment D, Qualifications Questionnaire for Consulting Services, Page D-1, Consultant Information	This refers to the Consultant's professional or business licenses as required in Section 3.1 of the RFP.
22	Section 3.3.2 states that Consultant may be asked to provide site analysis, including soils condition review, as an additional service. This will require the engagement of a geotechnical engineer. If Consultant is unable to carry a geotechnical engineer as a subcontractor, for insurance coverage limitations or other reason, will the JCC consider engaging a geotechnical engineer directly?	RFP-FS-2023-22-MB, Page 4, Section 3.3.2	The selection of Consultants for individual Projects will be based on the specific project and its required services which can vary substantially on a project-by-project basis. The Consultant should be able to handle the project in-house or by subcontracting the specific expertise.
23	Section 3.3.3 states that Consultant may be asked to provide architectural, civil, mechanical, electrical, plumbing, security, acoustical, interior design, lighting, data/telecom, graphics, and related services as an additional service. Provided Consultant coordinates the work of all disciplines, will the JCC consider engaging any of these entities directly, or is Consultant required to carry them as subconsultants?	RFP-FS-2023-22-MB, Page 4, Section 3.3.3	See answer to Question 22.
24	Regarding Section 6.1.12, does a potential conflict of interest exist if Consultant was included as a team member in response to RFP-FS-2023-12-MB “Architecture and Engineering Consulting Services”?	RFP-FS-2023-22-MB, Page 11, Section 6.1.12	A Consultant's SOQ Proposal should provide a statement of any recent, current, or <i>anticipated contractual obligations</i> 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, if applicable.
25	We are a full service Architectural & Engineering firm, responding to JCC’s Structural Engineering Services RFQ. We noticed that under “Additional Services” in your RFQ, you mention architectural and other engineering disciplines. How much would you like us to describe our architectural and other engineering services in our RFQ response as it pertains to narratives of these services, our staff for these services, and our relevant experience on these services?	RFP-FS-2023-22-MB, Page 4, Section 3.3.3	The main focus of a Consultant's SOQ Proposal should be structural engineering consulting experience and qualifications. Under the Additional Data section of your firm's proposal, your firm may provide any additional information as it may relate to your Proposal.
26	In the Qualifications Questionnaire, is DIR registration required for all firms submitting at this phase of the proposal process?	Attachment D, Qualifications Questionnaire for Consulting Services, Page D-1, Consultant Information	See answer to Question 12.

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27	In the Qualifications Questionnaire, does “Number of years Consultant has done business in California under contractor's license law” mean the number of years key personnel in our firm have been practicing engineering as licensed California SEs?	Attachment D, Qualifications Questionnaire for Consulting Services, Page D-1, Consultant Information	Enter the number of years the Consulting firm has done business in California as a properly licensed firm.
28	Since this submittal does not require subconsultants, how shall we fill in the lines related to Estimator and Code Consultant in the hourly rates form?	Attachment N, Hourly Rates, Page N-2, Table A	<p>The RFP Cost Proposal (Attachment N, Hourly Rates) response needs to include Subconsultant Hourly Rates, if applicable.</p> <p>Per the instructions for Table A on Page N-1 of Attachment N: "<i>All job titles must have a corresponding rate to be considered a responsive proposal.</i> If Consultant utilizes a different job title than listed below, include the rate for the closest-aligned job title that would perform the work. Failure to indicate a billing rate for any job title listed may be grounds to reject the entire proposal."</p>
29	Section 6.1.9.1 references consultant’s experience with the latest edition of the Uniform Building Code (“UBC”). The latest version of the UBC was published in 1997 and was replaced with the International Building Code (IBC) in California in the 2007 CBC. The current version of the CBC is based on the 2021 IBC. The CBC will adopt the 2024 IBC with the 2025 CBC. We are assuming that the reference is intended to ensure that the consultant is experienced with the latest edition of the IBC that is the basis for the 2022 CBC. Please verify.	RFP-FS-2023-22-MB, Page 11, Section 6.1.9.1	Section 6.1.9.1 of the RFP should reference the latest edition of the International Building Code (IBC).
30	Referenced projects includes question at the bottom regarding earthquake resistant building. This is a vague question, all buildings built in California require a level of earthquake resistance. The CBC has a defined minimum level of seismic detailing and design based on the building’s occupancy (Risk Category). Further levels of seismic resistance (or Seismic Resiliency) are available through designing non-structural components (ceilings, mechanical equipment, furnishings, non-load-bearing walls) to prevent failure and protect against property damage and to preserve life safety. The methods of ASCE 41 (Seismic Evaluation and Retrofit of Existing Structures) also provide procedures based on intended use post disaster, Immediate Occupancy being the highest level of seismic performance. Please clarify if this is intended to indicate high risk category structures, or simply if seismic design was a portion of the project.	Attachment D, Qualifications Questionnaire for Consulting Services, Page D-5, Firm’s Project References	Please respond to the question with a Yes or No answer, if seismic design was a portion of the project.

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31	<p>For the Rate Sheet provided and the Personnel Weight Factor, is that the Judicial Council of California's distribution factor or is it up to the Consultant able to fill in the weighted factor and indicate the distribution of staff time for the project?</p>	Attachment N, Hourly Rates, Page N-2, Table A	<p>Do not modify the Personnel Weight Factor percentages in Table A; weight factors are designed by the Judicial Council to calculate the award of points.</p> <p>Per the instructions on Page N-1 for Table A of Attachment N: "The basis of the evaluation and subsequent award of points for the Consultant's Cost Proposal shall be a composite hourly rate of the job titles listed in Table A. <i>The composite hourly rate will be determined by multiplying the proposed hourly rate for each job title by the designated weight factor and summing the resulting weighted hourly rates.</i>"</p>
32	<p>Section 1.1.3. states: Consultant shall obtain and maintain the required insurance for the duration of this Agreement with an insurance company or companies acceptable to the Judicial Council, in its sole discretion, and that are rated "A-VII" or higher.</p> <p>ABS Consulting's primary professional liability coverage is maintained through ABS BMIC, a captive insurance company which is not rated (though its reinsurers, e.g. Beazley, would be so rated). Therefore, would the client be willing to provide an exemption to this effect.</p>	Attachment C, Master Agreement (Sample Document), Page B-1, Exhibit B, Section 1.1.3.	This situation is acceptable as long as the Certificate of Insurance provided indicates that the reinsurer meets the rating required under the Master Agreement.
33	<p>Section 1.2.1. Commercial General Liability. Commercial General Liability Insurance shall be written on an occurrence form with limits of not less than \$2,000,000 per occurrence for bodily injury and property damage and \$4,000,000 annual aggregate.</p> <p>We would request that the amount of insurance be reduced to be more commensurate with the scope and value of the work to be performed. Changed from \$2,000,000 to \$2,000,000 and \$4,000,000 to \$2,000,000 Thank you,</p>	Attachment C, Master Agreement (Sample Document), Page B-3, Exhibit B, Section 1.2.1.	As indicated in Sections 2.3.1 and 6.1.16 to the RFP, the Judicial Council will not modify the Master Agreement.
34	In the preproposal meeting, it was indicated that subconsultants, including cost estimators and code consultants, do not need to be identified in the solicitation response. Please confirm that the hourly rates for these individuals may be left blank in Table A.	Attachment N, Hourly Rates, Page N-2, Table A	See answers to Questions 8 and 28.

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35	<p>Would you please provide clarification regarding what type of relevant project experience will be evaluated? Specifically, section 6.1.5.1 requests a description of recent public works projects experience, but at the mandatory pre-submittal meeting, it was expressed that non-public works projects that demonstrate the same experience would be ok to submit as well. Additionally, would this impact how consultants respond to 6.1.9.2?</p>	<p>RFP-FS-2023-22-MB, Page 10, Section 6.1.5.1</p> <p>RFP-FS-2023-22-MB, Page 11, Section 6.1.9.2</p>	<p>See section 8.2 of the RFP for information regarding Proposal Evaluation.</p> <p>Section 6.1.5.1. is intended to identify each key personnel's experience with <i>public works</i> projects.</p> <p>Under the Additional Data section of your firm's proposal, your firm may provide any additional information as it may relate to your Proposal.</p> <p>In section 6.1.9.2 of your firm's SOQ Proposal, "Limit the response to no more than the five (5) most recent <i>public entities</i>. 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."</p>
36	<p>There are conflicting requirements for project experience of key personnel in 6.1.5.1 and 6.1.5.3. Please clarify what is required on each resume.</p>	<p>RFP-FS-2023-22-MB, Page 10, Sections 6.1.5.1 and 6.1.5.3</p>	<p>Section 6.1.5.1. is intended to identify each key personnel's experience with public works projects, and section 6.1.5.3 specifically requests resumes of key personnel being proposed to perform the Services for the Judicial Council.</p>
37	<p>The requirements for reference checks in 6.1.7 appear to duplicate and conflict with the project references required in Attachment D. 6.1.7 asks for five client references from completed projects. Attachment D asks for 10 references. Please clarify.</p>	<p>RFP-FS-2023-22-MB, Page 10, Section 6.1.7</p> <p>Attachment D, Qualifications Questionnaire for Consulting Services, Page D-5, Firm's Project References</p>	<p>Per section 6.1.7 of the RFP: "Provide five (5) client references <i>as directed in Attachment D</i> from recently completed projects."</p> <p>Per Attachment D, Firm's Project References, bullet 1: "Consultant may limit its response to the ten (10) most-recently completed projects, but Consultant <i>must include at least the five (5)</i> most recent California public works projects with a contract value of more than \$25,000.00 performed by Consultant providing structural engineering services."</p>
38	<p>Attachment D – Firm's Project References, requires "list ALL new construction or renovation project in which Consultant has participated as the Structural Engineering Consultant during the past five years with a consultant value of more than \$25,000." In the next sentence, it states consultant may limit response to the 10 most recently completed projects. Please clarify- must we list ALL contracts over \$25,000 in the past five years, or can we limit it to 10 projects? Listing all projects over \$25,000, for larger firms, would be an project list of over 500 projects.</p>	<p>Attachment D, Qualifications Questionnaire for Consulting Services, Page D-5, Firm's Project References</p>	<p>Submit a minimum of five (5) and a maximum of ten (10) project references.</p>
39	<p>In RFP 6.1.8.4, it requires a "certification of correctness of the Consultant's statement of financial resources". Please clarify what type of certification is required.</p>	<p>RFP-FS-2023-22-MB, Page 10, Section 6.1.8.4</p>	<p>See answer to Question 16.</p>

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40	RFP 6.1.9.2 states “provide a list of ALL California public entities the consultant has provided the same or similar services to in the past seven years. Limit the response to no more than the five most recent public entities.” Please clarify if you expect to see a list of ALL public entities of the past five years, or just the five most recent.	RFP-FS-2023-22-MB, Page 11, Section 6.1.9.2	For Prior Relevant Experience, Consultants may limit the response to no more than the five (5) most recent public entities.
41	RFP 6.1.14 states “provide a written and certified document identifying whether or not the primary consultant is listed on either or both of the following lists”. Please clarify what type of certification is required, self-certified or other.	RFP-FS-2023-22-MB, Pages 11–12, Section 6.1.14	A self-certified statement signed by the Consultant will meet this requirement.
42	RFP 7.3 Award – how many consultants does the JCC anticipate awarding a Master Services Agreement under this RFP?	RFP-FS-2023-22-MB, Page 13, Section 7.3	Per section 2.3 of the RFP: “Multiple Consultants may be selected to enter into Indefinite Delivery/Indefinite Quantity (“ID/IQ”) contracts with the Judicial Council.” Per section 7.1 of the RFP: “The Judicial Council intends to establish a shortlist of at least five (5) of the highest scoring Proposals.”
43	RFP 7.3 Award – will JCC select consultants separately for each JCC region shown in Attachment B of the RFP?	RFP-FS-2023-22-MB, Page 13, Section 7.3 Attachment B, Map of Judicial Council of California Service Regions	No, this RFP solicits for statewide Structural Engineering Consulting Services (not regional). The <i>highest-scoring</i> Consultants will be contacted regarding contract award and execution. See section 7 of the RFP for information regarding the Selection Process and section 8 of the RFP for information regarding the Evaluation of Proposals.
44	Attachment D – Consultant Information, requires submission of a financial statement for the past two full fiscal years. RFP Section 6.1.8.4 also requires a statement of the consultant’s financial resources. This appears redundant. These requirements appear to be redundant. Is a financial statement of the past 2 years truly necessary if a certified statement of Consultant’s financial resources is provided?	RFP-FS-2023-22-MB, Page 10, Section 6.1.8.4 Attachment D, Qualifications Questionnaire for Consulting Services, Page D-1, Consultant Information	A certification of correctness is required in addition to financial statements for the past two full fiscal years. See answer to Question 16.
END OF QUESTIONS AND ANSWERS			