



Request for Proposals (RFP)

ID/IQ Structural Engineering Consulting Services

The Judicial Council of California's Facilities Services seeks to identify a number of firms qualified to provide structural engineering consulting services for various projects to be initiated between **July 1, 2024**, and **June 30, 2027**, with possible extensions to **June 30, 2029**.

RFP number: RFP-FS-2023-22-MB

PROPOSALS DUE:

April 5, 2024

NO LATER THAN 3:00 PM PACIFIC TIME (PT)



JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE DIVISION
FACILITIES SERVICES

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REQUEST FOR PROPOSALS

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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>

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 25 to 75 projects with a construction value of approximately \$5,000 to \$50,000 per project are anticipated to require the services being requested by this RFP.

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 the structural design, construction, and renovation of public buildings (“**Proposals**”). It is anticipated that selected firms will provide structural design services including, but not limited to, assessment investigation, analysis, studies, site visits, creation of required reports, retrofit, new addition, or upgrade of an existing deficiency in the building systems. 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 three Judicial Council 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 structural engineering consulting services for structural design including, but not limited to, retrofit, new addition, or upgrade of an existing deficiency in the building systems, (i.e., “facility modifications and building renovations”), 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 5 to 15 facility modification 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 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 structural engineer 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 structural engineering consultant services as well as incidental services that members of those professions and those in their employ may logically or justifiably perform, such as structural design, bidding support, and construction administration services, including but not limited to, getting approvals from applicable authority having jurisdiction: Judicial Council, State Fire Marshall, local county or city building departments, and other applicable jurisdictions as may be required. (“**Services**”).
- 3.3 **Additional Services.** Additional Services as required may include the following:
- 3.3.1 **Planning Research:** Review, synthesize, update, and/or supplement as required completed trial court facilities master plans and/or court programs.
- 3.3.2 **Site Analysis and Consultation:** Perform site analyses, including soils condition review and existing building and footing conditions.
- 3.3.3 **Architectural and Engineering Design Services:** Provide architectural, structural, civil, mechanical, electrical, plumbing, security, acoustical, interior design, lighting, data/telecommunications, graphics, and related services, which may be required in connection with planning, design, and execution of building renovation projects. Special services may be requested as warranted by specific projects, including but not limited to, planning; vibration control; physical and electronic security design; parking structure design, and parking lot planning and control.
- 3.3.4 **Code Analysis:** Conduct and/or participate in building, planning, access, and historical code analyses and reviews of existing facilities.
- 3.3.5 **Project Reviews:** Participate in peer and constructability reviews of projects.
- 3.3.6 **Support Services/Feasibility:** To construct or de-construct (investigative and destructive testing) as necessary for exploratory analysis to refine design criteria and scope of work. Hire necessary trades at prevailing wages to the extent applicable. Work may also include, but is not limited to, water testing, load tests, seismic engineering, equipment testing, etc.
- 3.3.7 **Cost Estimating:** Provide cost estimating services.
- 3.3.8 **Creation of Reports:** As requested and required for the individual task.

3.3.9 **Construction Administration:** Provide construction administration for the project including, but not limited to, Request for Information responses, submittal reviews, change order reviews, regular construction-site observations, punchlist walk-throughs, preconstruction meetings, etc.

3.4 **Building Information Model (“BIM”) for Design Materials.** BIM level of development and requirements will vary on a Service Work Order-by-Service Work Order basis. See Exhibit D of the Master Agreement for further details.

3.5 **Labor Code Provisions**

3.5.1 **Prevailing Wages**

3.5.1.1 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>.

3.5.1.2 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.

3.5.2 **Registration**

3.5.2.1 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.

3.5.2.2 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.

3.6 California Air Resources Board

- 3.6.1 Consultants must complete, sign, and submit the California Air Resources Board (“CARB”) In-Use Off-Road Diesel-Fueled Fleets Certification (Attachment O) with the Consultant’s Proposal.
- 3.6.2 As applicable, Consultants must provide a copy of Consultant’s current CARB Certificate of Reported Compliance for fleets subject to the CARB In-Use Off-Road Diesel-Fueled Fleets requirements (Title 13 CCR sections 2449, 2449.1 and 2449.2).
- 3.6.3 Failure to complete Attachment O or, where applicable, provide the CARB Certificate of Reported Compliance may result in the Consultant’s Proposal being deemed nonresponsive.

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	February 13, 2024
2.	Deadline for Consultant’s Letter of Intent to Respond Email to: Solicitations@jud.ca.gov	March 4, 2024, by 5:00 PM
3.	Pre-Proposal Conference (Mandatory) via Microsoft Teams Mandatory pre-registration form: https://events.gcc.teams.microsoft.com/event/0d345c57-a21f-4e50-81ab-c89221ade8d2@10cfa08a-5b17-4e8f-a245-139062e839dc	March 5, 2024, at 1:00 PM
4.	Deadline for Consultant’s Submission of Questions Form (Attachment E) Email to: Solicitations@jud.ca.gov	March 12, 2024, by 3:00 PM
5.	Responses to Consultant’s Submission of Questions Posted	March 28, 2024
6.	Deadline for Submission of Proposals Email SOQ Proposal to: fs202322MB.SOO@jud.ca.gov Email Cost Proposal to: fs202322MB.COST@jud.ca.gov	April 5, 2024, by 3:00 PM

No.	Key Events	Key Date / Time (PT)
7.	Posting of Short-Listed Consultants for Interviews (<i>estimate only</i>)	April 29, 2024
	Interviews (<i>estimate only</i>)	Week of April 29, 2024
8.	Notice of Intent to Award (<i>estimate only</i>)	May 21, 2024
9.	Performance Start Date (<i>estimate only</i>)	July 1, 2024

4.3 **Pre-Proposal Conference (Mandatory).** A Pre-Proposal Conference will be held to generally discuss this RFP. A Consultant’s attendance at the Pre-Proposal Conference **IS** mandatory in order to submit a Proposal. Although questions may be responded to verbally during the Pre-Proposal Conference, only the Judicial Council’s written responses to properly submitted Consultant’s Submission of Questions form (**Attachment E**) discussed below will be official and binding. The Pre-Proposal Conference will be held on the date identified in the Schedule of Events and can be attended using the video platform meeting link provided after pre-registration.

Mandatory Pre-Proposal Conference requirements:

4.3.1 Consultants must click on the Pre-Proposal Conference pre-registration link identified in the Schedule of Events to enter their contact information on the registration form. Registered parties will then receive an email confirmation which contains the Pre-Proposal Conference meeting link. It is recommended that Consultants register no less than 30 minutes prior to the Pre-Proposal Conference start time.

4.3.2 Consultants must log in to the meeting on time and may not be admitted if late. Consultants shall attend the entire duration of the mandatory Pre-Proposal Conference.

4.3.3 Consultants that do not attend the mandatory Pre-Proposal Conference will not be allowed to a submit proposal. Consultants must certify their attendance on the Qualifications Questionnaire (Attachment D).

4.4 **Intent to Respond.** Consultants who intend to respond to this RFP are requested but not required 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 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.

4.5 **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 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 latest edition of Uniform Building Code ("UBC"), Title 24 of the California Code of Regulations, the State Fire Marshall ("SFM"), and the Division of the State Architect ("DSA").

6.1.9.2 Provide a list of ALL California public entities 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.

6.1.17.8 CARB In-Use Off-Road Diesel-Fueled Fleets Certification
(Attachment O)

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 five (5) 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
STATEMENT OF QUALIFICATIONS		
10	Project Team Expertise with Public Projects 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	Statement of Services Consultant’s demonstrated understanding of what is required to complete the Services described in this RFP (see section 3, Scope of Services).	
10	References Evaluation Consultant’s previous client satisfaction based on the Judicial Council contacting references provided by the Consultant (see section 6.1.7, Reference Checks).	
5	Consultant Information Consultant’s history including number of years in business and types of business conducted.	
10	Consultant’s Prior Relevant Experience Past five years of the Consultant’s relevant experience to provide the Services and successfully complete the Projects.	
10	Approach Consultant’s approach towards project management and the performance of the Services.	
5	DVBE Incentive 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.	
COST PROPOSAL		
40	Hourly Rates Consultant’s hourly rates for the Services provided in Table A of Attachment N 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.