

Request for Proposals (RFP)

CONSTRUCTION MANAGEMENT SERVICES

NEW SIXTH APPELLATE DISTRICT COURTHOUSE

COURTS OF APPEAL

The Judicial Council of California seeks Proposals from qualified firms to provide professional Construction Management Services for the New Sixth Appellate District Courthouse.

RFP Number: RFP-FS-2024-02-XC

PROPOSALS DUE:

Thursday, November 21th, 2024

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



**JUDICIAL COUNCIL
OF CALIFORNIA**

ADMINISTRATIVE DIVISION
FACILITIES SERVICES



JUDICIAL COUNCIL OF CALIFORNIA

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REQUEST FOR PROPOSALS

Date October 14, 2024	Action Requested Send Proposals to: Via email as described in item 5 of RFP Schedule of Events:
To Construction Management Firms	Email Written Proposals to: FS202402XC.soq@jud.ca.gov
From Judicial Council of California, Facilities Services	Email Cost Proposals to: FS202402XC.cost@jud.ca.gov
Subject RFP Number: RFP-FS-2024-02-XC Construction Management Services New Sixth Appellate District Courthouse	Deadline November 21, 2024, no later than 3:00 PM (PT)
	Contact solicitations@jud.ca.gov

RFP SCHEDULE OF EVENTS (Subject to Change at Judicial Council's Discretion)		DATES/TIMES (PT)
1	Branch Accounting & Procurement to Advertise RFP.	10/14/2024
2	Pre-Proposal Meeting via Microsoft Teams Webinar: Meeting Link: https://events.gcc.teams.microsoft.com/event/3578f1e5-ae1c-4fdd-b92d-df316c74e97d@10cfa08a-5b17-4e8f-a245-139062e839dc Host/Moderator: Kim Bobic	10/28/2024, at 10:00 AM
3	Deadline for Submittal of Firm's Requests for Clarifications or Questions Regarding the RFP. Send to: Solicitations@jud.ca.gov . Refer to Attachment 9.	11/04/2024, by 3:00 PM
4	Modifications and/or Responses to Questions Posted on Judicial Council Website: http://www.courts.ca.gov/rfps.htm	11/08/2024
5	Submittal Deadline for Proposals Email Written Proposal to: FS202402XC.soq@jud.ca.gov Email Cost Proposal to: FS202402XC.cost@jud.ca.gov	11/21/2024, by 3:00 PM
6	Notice of Shortlist Posted and Notification of Interviews Date and Time (Estimated) – Interviews Will Be Held Remotely Via Microsoft Teams	12/13/2024
7	Interviews of Firms (Estimated) - Times to be Determined.	12/20/2024
8	Notice of Intent to Award (Estimated).	01/15/2025
9	Execute Agreement (Estimated).	02/27/2025
10	Contract Start Date (Estimated).	02/27/2025

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ATTACHMENT 9: Form for Submission of Questions
ATTACHMENT 10: Iran Contracting Act Certification [for solicitations of \$1,000,000 or more]
ATTACHMENT 11: Unruh Civil Rights Act and California Fair Employment and Housing Act Certification [for solicitations of \$100,000 or more]
ATTACHMENT 12: Judicial Council Standard CMA Staffing Plan
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1. INTRODUCTION

- 1.1. **Introduction.** The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the primary policy-making body of the California judicial system. Judicial Council is responsible for the planning, designing, and constructing of court facilities for the Superior and Appellate Courts of California (“Capital Outlay Program”).
- 1.2. **Purpose of Request for Proposals.** Judicial Council, through this Request for Proposal for Construction Management Services (“RFP”), is soliciting proposals as set forth below (“Proposal(s)”) from qualified firms, partnerships, corporations, associations, persons, or professional organizations (“Firm(s)”) to provide Construction Management (“Services”) to oversee, manage, and administer the planning, design, and construction of the New Sixth Appellate District Courthouse Project (“Project”) utilizing the design build delivery method. The selected Firm shall be an architect, a registered professional engineer, or a general contractor licensed in California. All work shall be performed under, and approved by, a licensed professional. A Firm’s personnel shall include all disciplines necessary to effectively perform Services for the Project and shall have experience managing public works projects of similar size, complexity, and nature utilizing alternative delivery methods. The selected Firm shall perform all or a portion of the Services outlined in this RFP.
- 1.3. **Services.** The detailed scope of Services, including tasks and work that the selected Firm will be required to perform, are outlined in Exhibit B of Attachment 2, Judicial Council’s Form of Construction Manager Services Agreement (“Agreement”), and incorporated herein by reference. Firms must be technically and financially capable of providing all the Services identified for the Project. The selected Firm shall be Judicial Council’s representative and shall work under the direction of the Judicial Council Project Manager.

2. LABOR COMPLIANCE

- 2.1. **Prevailing Wage.** To the extent applicable, the Firm selected as the Construction Manager and all its subconsultants shall pay all workers on Services performed under the Agreement pursuant to 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 State of California Department of Industrial Relations (“DIR”) for the type of work performed and the locality in which the work is to be performed, pursuant to Labor Code section 1770 et seq. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Services, as determined by the Director of the DIR, are on file at Judicial Council’s principal office. Prevailing wage rates are also available on the internet at <http://www.dir.ca.gov>.
- 2.2. **Prevailing Wage Compliance Monitoring.** The Project is subject to compliance monitoring and enforcement by the DIR. To the extent prevailing wages are required for the Firm’s Services under the Agreement pursuant to this RFP, the Firm shall post jobsite notices, as prescribed by regulation, and shall comply with all requirements of Labor Code section 1771.4, except the requirements that the Labor Commissioner for the Project exempts.
- 2.3. **Contractor Registration.** To the extent any component of the Firm’s Services under the Agreement pursuant to this RFP shall require the payment of prevailing wages, the Firm shall comply with the registration and compliance monitoring provisions of Labor Code section 1771.4, including furnishing its certified payroll records (“CPR(s)”) to the Labor Commissioner of California and complying with any applicable enforcement by the DIR. Labor Code section 1771.1(a) states the following:

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

10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.”

3. PROJECT INFORMATION

- 3.1. **Project Description.** The Project involves the design and construction of the New Sixth Appellate District Courthouse on behalf of the Courts of Appeal, utilizing the design build delivery method, stipulated sum, on a Judicial Council-owned site in Sunnyvale, California (the “Site”) and formerly operated as the Sunnyvale Courthouse by the Santa Clara County Superior Court. The Project requires the demolition of the vacant single story Sunnyvale Courthouse, including its partial basement, and the design and construction of a new two (2) story appellate courthouse of approximately 50,000 square feet. The Project includes a single courtroom for oral arguments, justice chambers, attorney offices, mediation conference rooms, clerk’s office, a law library, court administration, and building support. The Project Site includes secured parking for justices and surface parking for the public and staff. Additionally, the Project will incorporate sustainability measures, comply with CalGreen and achieve a minimum LEED silver certification.

The Site is approximately 2.03 acres bounded by El Camino Real (State Route 82) to the south and All America Way to the north and is positioned mid-block between Mathilda Avenue and Pastoria Avenue.

A stipulated sum for the Project has yet to be set, but is anticipated at a value of approximately \$72,000,000.

The project is currently authorized for the Performance Criteria Phase. Judicial Council anticipates selecting a Firm to provide Construction Management Services for all phases of the Project. Judicial Council shall issue a notice(s) to proceed to the selected Firm for each Project phase as Judicial Council receives authority to commence such phase.

- 3.2. **Project Schedule.** The estimated schedule for the Project is as follows:

<u>Estimated Overall Schedule</u>	<u>Completion Milestone</u>
Performance Criteria Phase	
Criteria Development	10/2024
SPWB/DOF Approval of Criteria	02/2025
DBE Selection/NTP	06/2025
Design-Build Phase Services (Not Yet Authorized)	
Design Development	12/2025
Working Drawings	05/2026
Construction	11/2028
Warranty Phase	11/2030

4. RESPONDING TO THE RFP

- 4.1. **Pre-Proposal Actions and Events.** All Firms interested in submitting a Proposal are requested to attend a pre-proposal meeting at the date and time indicated in the RFP Schedule of Events. Attendance at the pre-proposal meeting is not mandatory to submit a Proposal. The pre-proposal meeting cannot be used as a substitute for written questions. Questions must be submitted in writing per the RFP Schedule of Events. Any verbal responses provided during the pre-proposal meeting are not binding.
- 4.2. **Questions.** Firms may submit requests for clarifications or questions on the Form for Submission of Questions provided as Attachment 9 to this RFP. Forms shall be submitted to Judicial Council via e-mail to Solicitations@jud.ca.gov no later than the date specified in the RFP Schedule of Events. Please indicate the RFP number and title in the subject line. Contact with Judicial Council shall be made only through email;

telephone calls will not be accepted. If a Firm submits questions or contacts any agent or employee of Judicial Council other than in the manner indicated in this RFP, Judicial Council may deem the Firm's Proposal non-responsive and reject it.

- 4.3. **Errors in the RFP.** If a Firm discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Firm shall provide Judicial Council with written notice at least two (2) full Judicial Council business days before the due date for Proposals and request that the RFP be clarified or modified. Without disclosing the source of the request, Judicial Council may, at its discretion, modify the RFP prior to the date fixed for the submission of Proposals by issuing an addendum. A Firm(s) that knows or should have known of an error in the RFP and fails to notify Judicial Council shall submit its Proposal at its own risk, and if the Firm(s) is awarded the contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

4.4. **Submitting Proposals.**

- 4.4.1. **Offer Period.** All submitted Proposals shall constitute and be an irrevocable offer by the Firm that is valid for ninety (90) days following the submittal deadline for Proposals as indicated in the RFP Schedule of Events. If a final contract has not been awarded within this ninety (90) day period, Judicial Council reserves the right to negotiate extensions to this period with Firms. Judicial Council may release all offers not selected under this RFP upon award and execution of the Agreement.

- 4.4.2. **Proposal Elements.** Responsive proposals shall be compiled as follows:

4.4.2.1 **Written Proposal.**

- 4.4.2.1.1 Firm's Statement of Qualifications ("SOQ") as indicated in 4.4.3 below
- 4.4.2.1.2 General Certifications Form, completed Attachment 4
- 4.4.2.1.3 DIR Contractor Registration Statement, completed Attachment 5
- 4.4.2.1.4 Darfur Contracting Act Certification, completed Attachment 6
- 4.4.2.1.5 Standard Form 330, Attachment 7, completed for each individual listed in the Key Personnel/Team section of the SOQ
- 4.4.2.1.6 Payee Data Record Form, completed Attachment 8A
- 4.4.2.1.7 Payee Data Record Supplement, completed Attachment 8B
- 4.4.2.1.8 Iran Contracting Act Certification, completed Attachment 10 (if applicable)
- 4.4.2.1.9 Unruh Civil Rights Act and California Fair Employment and Housing Act Certification, completed Attachment 11
- 4.4.2.1.10 Conflict of Interest Policy, completed Attachment 14

4.4.2.2 **Cost Proposal.**

- 4.4.2.2.0 Consultant Personnel Billing Rates, completed Attachment 3.

- 4.4.3. **SOQ.** Each Firm shall provide the following in its written SOQ:

- 4.4.3.1 **Letter of Interest.** A dated Letter of Interest must be submitted, including the legal name of the Firm, address, telephone, and fax numbers, and the name, title, and signature of the person(s) authorized to submit the Proposal on behalf of the Firm.
- 4.4.3.2 **Table of Contents.** A table of contents of the material contained in the RFP should follow the letter of interest.
- 4.4.3.3 **Executive Summary.** The executive summary should contain an outline of Firm's construction management approach, along with a brief summary of Firm's qualifications and experience, including its experience managing projects delivered with alternative delivery methods.
- 4.4.3.4 **Firm Information.** Provide a comprehensive description of the construction management services offered by Firm. The description should include the following:
 - 4.4.3.4.0 **Firm History.** Provide a brief history of the Firm. If submitting as a joint venture, provide a brief history of each participating Firm and a history of the joint venture, and identify each Firm's role and responsibilities. Identify the legal form, ownership, and senior officials of the company(ies). Describe the number of years in business and types of business conducted, including experience with the design build delivery method.
 - 4.4.3.4.1 **Licensure.** Provide documentation demonstrating that the Firm will provide construction management services by a licensed architect, a registered professional engineer, or a licensed contractor.
 - 4.4.3.4.2 **DIR Contractor Registration Number.** Provide the Firm's contractor registration number issued by the DIR or a statement that the Firm will not be performing any work subject to the payment of prevailing wages on Attachment 5, DIR Contractor Registration Statement. DIR contractor registration numbers will be verified by accessing DIR at:
<https://cadir.secure.force.com/ContractorSearch>.
 - 4.4.3.4.3 **Firm Philosophy.** Describe the Firm's philosophy and how the Firm intends to work with Judicial Council's administration officials to perform the Services, including working with Judicial Council's project managers and Court staff, to develop construction management techniques and responses related to the unique challenges of Judicial Council's requirements.
- 4.4.3.5 **Key Personnel/Team.**
 - 4.4.3.5.1 **Staffing Plan.** Provide a staffing plan for the Services needed for the Project. Proposers may refer to Attachment 12 for Judicial Council's standard staffing plan for construction management services for a project of this size and nature. Final staffing may be reviewed and negotiated with Judicial Council after selection.
 - 4.4.3.5.2 **Personnel Experience.** The Firm's Proposal should clearly and accurately provide the qualifications and experience, including resumes, of key personnel, team members, and any subconsultants being proposed to perform the day-to-day and on-site Services. The key personnel shall, at a minimum, include the personnel included in the Judicial Council Standard CMA Staffing Plan attached to the RFP as Attachment 12. It is the proposing Firm's responsibility to demonstrate specialized knowledge and experience required for team members, particularly on projects of similar size and complexity that involve the design

build delivery method. Identify the individuals who will manage the commissioning services for this Project and include their resumes and commissioning experience.

- 4.4.3.6 **Claims.** Provide a statement of all contract-related or professional misfeasance claims filed against the Firm in the past five (5) years, not including claims that are strictly personnel claims. Include claims filed against the Firm’s parent organization, if applicable. Briefly indicate the nature of the claims and their resolutions, if any. If the Firm has more than twenty (20) claims to report, please state how many claims there are, but limit providing statements to only the twenty (20) most recent claims.
- 4.4.3.7 **Narrative Regarding Capacity.** Provide a narrative that describes the Firm’s capacity to provide the resources necessary to perform all of the Services for the Project within a reasonable timeframe. These would include, but not be limited to, estimating, scheduling, claims analysis, code review, and administrative support.
- 4.4.3.8 **Prior Relevant Professional Construction Management Experience.** Describe the Firm’s experience managing construction programs and individual construction projects within political environments, including facilitation of community involvement in the project planning and construction process. Describe the Firm’s prior experience with managing public works projects involving the design build delivery method.
- 4.4.3.9 **Prior Relevant Commissioning Experience.**
- 4.4.3.9.0 Describe the Firm’s experience with the oversight and management of commissioning services (as opposed to the performance of these services) for similar Projects.
 - 4.4.3.9.1 List any subconsultants or outside parties the Firm intends to utilize to manage the commissioning services required for this Project.
- 4.4.3.10 **References.** Include a list of no more than five (5) references with contact information (email and phone number). Firms shall not submit individuals working for Judicial Council as references.
- 4.4.4. **Cost Proposal.** Firms shall provide a Cost Proposal in the form of completed Attachment 3, Consultant Personnel Billing Rates. The Cost Proposal shall be hourly rates for the categories of key personnel. The Firm’s hourly rates shall include, without limitation, all costs for overhead, personnel, administration, profit, travel, per diem expenses, deliverables, printing, and shipping, under the Agreement. Cost Proposals shall be confidential until Judicial Council executes a contract with the selected Firm.
- 4.4.4.1 **Hourly Rates.** The hourly rates in the Cost Proposal will be used for evaluation purposes as set forth in the “Selection and Evaluation Process” section below. The hourly rates shall be the rates charged for Services and Extra Services performed under the Agreement. Judicial Council may add positions based on Project requirements. The scope and schedule of Services requested by Judicial Council shall be subject to negotiation.
- 4.4.5. **Media Format of Proposals.** Firms shall provide proposals in the media format as follows:
- 4.4.5.1 The Firm’s Written Proposal in PDF format. The SOQ and accompanying documents must be digitally signed by an authorized representative of the company. The proposing Firm must include the RFP number and “SOQ” in the name of the electronic file.

- 4.4.5.2 The Cost Proposal - Attachment 3, Consultant Personnel Billing Rates, in PDF format. It must be digitally signed by an authorized representative of the company. The proposing Firm must include the RFP number and “Cost Proposal” in the name of the electronic file.
- 4.4.5.3 The Cost Proposal shall not be combined or incorporated in any way with the Written Proposal.
- 4.4.6. **Method of Submission.** Judicial Council is currently accepting Proposals in an electronic format. Firms must submit proposals in two separate files: (1) Firm’s Written Proposal of the SOQ and accompanying administrative documents; and (2) Firm’s Cost Proposal - Attachment 3, Consultant Personnel Billing Rates. These files shall be emailed to separate email addresses as outlined in the RFP Schedule of Events to ensure separation throughout the submission and evaluation process. Only electronic proposals will be accepted at this time.
 - 4.4.6.1 For electronic submission of proposals, email the Firm’s Proposal no more than three (3) days in advance of the due date to the designated email addresses. Judicial Council shall provide a confirmation that a Firm’s Proposal has been received.
 - 4.4.6.2 Firms shall make an effort to compress the Written Proposal file to less than 30MB in size. If the file cannot be reduced to below 30MB, then Firms shall divide the file into 30MB increments and submit it in multiple emails. The subject line in each email shall reference which portion of the Proposal is attached (for example: Part 1 of 3). Judicial Council is not responsible for submissions which are rejected by Judicial Council’s email server due to excessive file size.
- 4.4.7. **Submission Timeliness.** Firms assume all risk for ensuring receipt no later than the date and time specified in the RFP Schedule of Events. Late proposals will not be accepted.

5. STANDARD AGREEMENT AND SCOPE OF SERVICES

- 5.1. **Agreement.** Attached hereto as Attachment 2 is the Judicial Council’s form of Construction Management Services Agreement (“Agreement”), including the indemnification and insurance provisions that Judicial Council will include in that Agreement. Judicial Council reserves the right to modify or update the Agreement at any time until an award and execution of the Agreement with the selected Firm.
- 5.2. **Scope of Services.** The detailed scope of Services, tasks, and work (“Services”) that the selected Firm will be required to perform are set forth in Exhibit B to the Agreement. Firm must be technically and financially capable of providing all the Services identified for the Project. Firm shall be Judicial Council's representative and shall work under the direction of a Judicial Council Project Manager.
- 5.3. **Acceptance of the Terms and Conditions.** By submitting a Proposal in response to this RFP, the Firm indicates its acceptance of the terms and conditions of the Agreement (Attachment 2).
- 5.4. **DVBE.** Judicial Council has a contract participation goal of a minimum of three percent (3%) for disabled veteran business enterprises (“DVBEs”). Information about DVBE resources can be found on the California Department of General Services’ website at <http://www.dgs.ca.gov>, or by emailing OSDSHelp@dgs.ca.gov or calling the Office of Small Business and DVBE Services at 916-375-4940. Please note that DVBE documentation is not required to be submitted with the Firm’s Proposal and is to be submitted only by the Firm selected to perform the Services.
- 5.5. **California Air Resources Board**
 - 5.5.1. Firms must complete, sign, and submit the California Air Resources Board (“CARB”) In-Use Off-Road Diesel-Fueled Fleets Certification (**Attachment K**) with the Firm’s SOQ.

- 5.5.2. As applicable, Firms must provide a copy of Firm’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).
- 5.5.3. Failure to complete Attachment N or, where applicable, provide the CARB Certificate of Reported Compliance may result in the SOQ being deemed nonresponsive.

6. EVALUATION AND SELECTION PROCESS

6.1. **Evaluation Process Overview.** The basis for selection of a Firm to provide Services in response to this RFP consists of a two-step evaluation. For Step 1, Step 1a – Evaluation of Qualifications is an evaluation of the Firm’s qualifications based on the Written Proposal; and Step 1b – Qualifications Interviews/References is the conducting of interviews and reference checks which may impact and adjust the final score awarded to the Firm’s SOQ. Step 1 scores will be finalized prior to commencement of Step 2. Step 2 – Evaluation of Cost Proposal is the scoring of the Firm’s Attachment 3, Consultant Personnel Billing Rates. Step 1 and Step 2 scores will be added together to establish the Firm’s total score.

The Firms will then be ranked in numerical order from the highest to lowest combined total score. In the event of ties within the ranking list, the Firm with the higher Step 1 score will be advanced one place holding in the ranking list. Judicial Council reserves the right to reject any Firm’s Proposal due to non-responsiveness to this RFP.

6.2. **Step 1a – Evaluation of Qualifications.** Judicial Council will evaluate SOQs and award points within the individual categories below. After evaluating and scoring the SOQs, Judicial Council will establish a shortlist of the highest scoring Written Proposals. Judicial Council will post the shortlist on the website publishing this RFP. Interviews of the Firms that have been shortlisted will be held, which may result in adjustment of points awarded to specific categories.

WEIGHT	QUALIFICATIONS TO BE EVALUATED
25 points	<p>Experience of the Team Judicial Council will evaluate the qualifications and experience of the Firm’s proposed team members based on their performance of services on projects with similar size and scope over the last five (5) years.</p> <ol style="list-style-type: none"> 1. Proposed Project Manager and Team (10 points) <ol style="list-style-type: none"> A. Types of Projects B. Size of Projects C. Experience in management of the design build delivery method D. Experience in preconstruction activities such as design review, estimating, and scheduling 2. Proposed On-Site Construction Manager (10 points) <ol style="list-style-type: none"> A. Type of Projects B. Size of Projects (commensurate with the Project) C. Experience in construction administration D. Knowledge of complex building systems E. Experience in management of the design build delivery method 3. Proposed Other Key Personnel/Subconsultant(s) (5 points) <ol style="list-style-type: none"> A. Experience of proposed other key personnel/subconsultants in performing the required Services on similar projects

WEIGHT	QUALIFICATIONS TO BE EVALUATED
25 points	<p>Experience and Resources of the Firm Judicial Council will evaluate the Firm’s capacity to provide resources necessary to perform the proposed Services.</p> <ol style="list-style-type: none"> 1. Philosophy/Experience. Firm philosophy, staffing, and experience in providing preconstruction and construction management services for similar projects. (10 points) 2. Location of Resources. Are the proposed resources located within a reasonable distance of the Project site? (5 points) 3. Proposed Estimating Resources. Are there resources identified to provide estimating support for the Project? (5 points) 4. Proposed Scheduling Resources. Are there resources identified to provide scheduling support for the Project? (5 points)
25 points	<p>Communication Skills Judicial Council will evaluate the expertise and demonstrated ability of the Firm to communicate and resolve issues between on-site teams and with various off-site entities and team members.</p> <ol style="list-style-type: none"> 1. Demonstrated ability of the Firm to communicate and resolve issues, and present information clearly and concisely, both in written and verbal format. (15 points) 2. Aptitude of the Firm to communicate with the various members of a project team, which for this Project may include the Judicial Council, the local Superior Court, the DBE, the project inspector, and regulatory or other agencies having jurisdiction. (10 points)
N/A	<p>Interview Judicial Council shall award no points directly for interview performance; however, the interview process will be used to confirm the Firm’s qualifications and Judicial Council may, in its discretion, adjust the points afforded to the Firm in the above categories as a result of the interview.</p>
N/A	<p>References Judicial Council may contact any reference listed by a Firm to verify the experience and performance of the Firm, key personnel, and subconsultants. Judicial Council shall award no points directly for reference responses; however, the reference process will be used to confirm the Firm’s qualifications and Judicial Council may, in its discretion, adjust the points afforded to the Firm in the above categories as a result of reference input.</p>

6.3. Step 1b - Qualifications Interview/References.

- 6.3.1. Judicial Council will conduct interviews with Firms. Firms will be notified of their interview date, time, and location consistent with the RFP Schedule of Events.
- 6.3.2. After completing interviews, Judicial Council may, in its discretion, contact a Firm’s references.
- 6.3.3. After all interviews are completed and references have been checked, qualification scores will be finalized to identify the points awarded for each Firm in Step 1.

6.4. Step 2 - Evaluation of the Cost Proposal.

- 6.4.1. A maximum of 25 points will be awarded for the Cost Proposal.
 - 6.4.1.1 The basis of the evaluation and subsequent award of points for the Firm’s Cost Proposal (Cost Proposal) criteria shall be the composite hourly rate for the key personnel positions

listed in Attachment 3 – Consultant Personnel Billing Rates. The composite hourly rate will be determined by multiplying the proposed hourly rate for each position by the designated weight factor. The adjusted proposed rates will then be totalled to identify the composite hourly rate.

The lowest composite hourly rate submitted will receive the maximum points available. The points awarded for the remaining Cost Proposals submitted will be calculated by 1) identifying the ratio of the lowest composite hourly rate to the composite hourly rate being evaluated and 2) multiplying that ratio by the maximum number of points available. By way of example, if the composite hourly rate of the Cost Proposal being evaluated is twice that of the Cost Proposal with the lowest composite hourly rate, then the Cost Proposal being evaluated will receive half of the maximum number of points available.

- 6.5. **Determining Total Score.** The scores determined in Step 1 and Step 2 of the Proposal evaluations shall be added to determine the total score for each Firm. The maximum combined Written Proposal and Cost Proposal score (Total Score) is 100 points.
- 6.6. **Preclusion.** The Firm and any of its subconsultants selected to perform the Services on the Project are precluded from being a member of the DBE or its team on the Project. With the exception of the foregoing, the selected Firm will not, based on this selection, be precluded from consideration nor given special status in any future Judicial Council solicitations. The selected Firm on a specific project may still propose to be a consultant on a different project.
- 6.7. **Selection of Firm and Calculation of Fixed Fee.** After Judicial Council identifies the highest ranked Firm, Judicial Council will commence negotiations with that Firm regarding the necessary hours and personnel for each phase of the Project, and may also address any identified exceptions to the Cost Proposal and to properly submitted comments regarding the Agreement. The negotiation period is anticipated to be thirty (30) calendar days. Once the necessary hours and personnel for each phase of the Project are agreed upon, the parties shall apply the hourly rates set forth in that Firm’s Cost Proposal. This method shall be used to calculate the fixed fee amount for each phase of the Project, which constitutes the agreed-upon Contract Fee.

If a satisfactory contractual agreement on services and compensation cannot be reached between Judicial Council and a selected Firm within thirty (30) calendar days of notification of selection, Judicial Council reserves the right, in its sole discretion, to terminate negotiations with that Firm and attempt to reach satisfactory contractual agreement with the next qualified Firm. If Judicial Council and the second highest ranked Firm are unable to agree upon the scope of Services and compensation for the Project, Judicial Council may commence negotiations with the third highest ranked Firm. This process shall continue, in Judicial Council’s discretion, until Judicial Council reaches an agreement with a Firm or Judicial Council elects to discontinue negotiations.

7. ADMINISTRATIVE RULES GOVERNING RFPs

- 7.1. Judicial Council’s Administrative Rules governing this RFP can be found in Attachment 1. By virtue of submission of a Proposal, the Firm agrees to be bound by the Administrative Rules.
- 7.2. 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 Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. One copy of a submitted proposal will be retained for official files and will become a public record.
- 7.3. California Rules of Court, Rule 10.500 – Public Access to Judicial Administrative Records. Records created as part of Construction Manager’s Proposal and solicitation process are generally subject to California Rules of Court, Rule 10.500 and may be available to the public following contract award absent an exemption. Information required in the Proposal that is not otherwise subject to disclosure under Section 68106.2 and

Rule 10.500 of the California Rules of Court shall not be open to public inspection. If Construction Manager's Proposal contains material noted or marked as confidential and/or proprietary that, in Judicial Council's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for records. If Judicial Council does not consider such material to be exempt from disclosure under Rule 10.500, the material will be made available to the public, regardless of the notation or markings. If Construction Manager is unsure if the information contained in its Proposal is confidential and/or proprietary, then it should not include the information in its Proposal. A Construction Manager that indiscriminately identifies all or most of its Proposal as exempt from disclosure may be deemed non-responsive.

8. PROTESTS

- 8.1. Protests will be handled in accordance with Section J of the Administrative Rules governing this RFP which can be found in Attachment 1. Failure of a Firm to comply with the protest procedures set forth in Section J will result in rejection of the protest. The deadline for a Firm to submit a protest challenging this RFP, including any attachment, or portions thereof, is two (2) days before the Proposal due date. Protests must be sent electronically to: Solicitations@jud.ca.gov.

END OF RFP