# Request for Proposals – ADDENDUM 2

# CRITERIA ARCHITECT SERVICES

**NEW SAN LUIS OBISPO COURTHOUSE**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

**The Judicial Council of California seeks Proposals from qualified firms to provide professional Criteria Architect services for the New San Luis Obispo Courthouse**

JUDICIAL COUNCIL OF CALIFORNIA

**Facilities Services**
**Capital Outlay Program**

JUDICIAL COUNCIL OF CALIFORNIA

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# REQUEST FOR PROPOSALS

**Date**

October 19, 2022

**To**

Architectural/Engineering Firms

**From**

Judicial Council of California, Facilities Services

**Action Requested**

Send Proposals to:
Via email as described in Item 5 of RFP Schedule of Events:

**Email Written Proposals to:**
fs202211mb.soq@jud.ca.gov

**Email Cost Proposals to:**
(Cost Proposal **must** be submitted in a separate email from that of the Written Proposal):
fs202211mb.fee@jud.ca.gov

**Subject**

RFP number: RFP-FS-2022-11-MB
Criteria Architect Services- New San Luis Obispo Courthouse

**Deadline**

November 8, 2022 by 5:00 PM Pacific Time

**Contact**

solicitations@jud.ca.gov

| RFP SCHEDULE OF EVENTS (Subject to change at the Judicial Council's discretion) | | DATES / TIMES (PST) |
|---|---|---|
| 1 | RFP posted | Wednesday, October 19, 2022 |
| 2 | Pre-proposal meeting (optional) via video conference (Cisco Webex):<br>Meeting link:<br>https://calcourts.webex.com/calcourts/j.php?MTID=m667b30b3062976bfcbe3ec1203565c45<br>Meeting number: 2592 337 9312<br>Password: uYBJCPw7a57<br>Or join by phone: 1-650-479-3208 Call-in toll number (US/Canada) | Wednesday, October 26, 2022, at 9:00 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 10. | Friday, October 28, 2022, by 1:00 PM |
| 4 | Modifications and/or responses to questions posted on the Judicial Council website: http://www.courts.ca.gov/rfps.htm | Tuesday, November 1, 2022 |
| 5 | **Submittal Deadline for Proposals**<br>Email Written Proposal to: fs202211mb.soq@jud.ca.gov<br>Email Cost Proposal to: fs202211mb.fee@jud.ca.gov | Tuesday, November 8, 2022, by 5:00 PM |
| 6 | Notification of Interviews date and time – Interviews will be held remotely via video conference. Notifications will be made via email. (Estimated) | Monday, November 14, 2022 |
| 7 | Interviews of Firms - Times to be determined. (Estimated) | Friday, November 18, 2022 |
| 8 | Notice of Intent to Award (Estimated). | Tuesday, November 22, 2022 |
| 9 | Execute Agreement (Estimated). | Wednesday, December 14, 2022 |
| 10 | Contract start date (Estimated). | Wednesday, December 14, 2022 |

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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. The Judicial Council is responsible for the planning, design, and construction of court facilities for the Superior and Appellate Courts of California ("Capital Outlay Program").

1.2. **Purpose of Request for Proposal.** The Judicial Council, through this Request for Proposal ("RFP") is soliciting Proposals from Firms, ("Firm(s)") to provide Criteria Architect services necessary to support site selection and acquisition, perform the architectural programming, compile the performance criteria documents, and ensure criteria compliance throughout the New San Luis Obispo Courthouse Project ("Project"). The responsible party shall be an architect, or a registered professional engineer licensed to practice in California. All work shall be performed under and approved by a licensed professional. Firm team shall comprise of all disciplines necessary to effectively perform the required services. The selected team shall be experienced with designs of similar size, complexity, and nature.

## 2. LABOR COMPLIANCE

2.1. **Prevailing Wage**. The Criteria Architect and all Subconsultants under the Criteria Architect shall pay all workers on Work performed pursuant to this Agreement 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 Department of Industrial Relations, State of California, for the type of work performed and the locality in which the work is to be performed, pursuant to sections 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 the Agreement, as determined by Director of the State of California Department of Industrial Relations, are on file at the Judicial Council's principal office. Prevailing wage rates are also available from the Judicial Council or 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 Department of Industrial Relations. Criteria Architect shall post job site notices, as prescribed by regulation. Contractor shall comply with all requirements of Labor Code section 1771.4, except the requirements that are exempted by the Labor Commissioner for the Project.

2.3. **Contractor Registration**. Criteria Architect 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 Department of Industrial Relations ("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 New San Luis Obispo Courthouse shall be delivered using the Judicial Council's design build delivery method. The Project will entail construction of a new twelve (12)-courtroom courthouse of approximately 145,000 square feet in the city of San Luis Obispo. The Project includes secured parking for judicial officers and sustainability measures to achieve at a minimum LEED silver certification and CalGreen. The Project will require acquisition of a site of approximately 2.5 acres. The facility is anticipated to be five floors plus a basement. The Project includes 12-courtrooms, chambers, and administrative support area. Major functional

components include central holding, jury assembly, alternative dispute resolution, family law, and self help. The project will replace the County-owned Courthouse Annex and the Judicial Council-owned 1070 Palm Street facility.

A Target Guaranteed Maximum Price ("Target GMP") has been set at $215,755,400. A Guaranteed Maximum Price ("GMP") will be finalized with the entity contracted to design and build the Project ("Design Build Entity") at the completion of design development.

The project is currently authorized for the Site Acquisition Phase.

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

| **Estimated Overall Schedule** | **Completion Milestone** |
|---|---|
| **Site Selection** | 05/2023 |
| **Site Acquisition** | 08/2024 |
| **Criteria Phase** | |
| Criteria Development | 02/2025 |
| SPWB / DOF Approval of Criteria | 04/2025 |
| **DBE Selection** | 09/2025 |
| **Pre-GMP Services** | |
| (Schematic Design and Design Development) | 10/2026 |
| **Post-GMP Services** | |
| Construction Documents | 10/2027 |
| Construction | 08/2029 |

## 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 on page 2. 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 will not be considered binding.

4.2. **Questions**. Firms may submit requests for clarifications or questions to the 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 the Judicial Council shall be made only through email; telephone calls will not be accepted.

4.3. **Errors in the RFP.** If Firm(s) discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, Firm(s) shall provide the 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, the Judicial Council may modify the RFP prior to the date fixed for submission of Proposals by issuing an addendum.

4.3.1. If prior to the date fixed for submission of Proposals Firm(s) knows of or should have known of an error in the RFP, and fails to notify the Judicial Council of the error, Firm(s) shall submit its Proposal at its own risk, and if 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 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 Proposers. The 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 consist of all the following items:

4.4.2.1 Firms Statement of Qualifications (SOQ) as outlined in section 3.4.2

4.4.2.2 Fee Proposal, Consultant Personnel Billing Rates, Attachment 3

4.4.2.3 Proposer's Acceptance of Terms and Conditions, Attachment 4

4.4.2.4 General Certifications Form, Attachment 5

4.4.2.5 Darfur Contracting Act Certification, Attachment 6

4.4.2.6 Standard Form 330, Attachment 7

4.4.2.7 Payee Data Record Form, Attachment 8A

4.4.2.8 Payee Data Record Supplement, Attachment 8B

4.4.2.9 Iran Contracting Act Certification, Attachment *11 [Revised]*

4.4.2.10 Unruh Civil Rights Act and California Fair Employment and Housing Act Certification, Attachment *12 [Revised]*

4.4.3. **Statement of Qualifications (SOQ)**. Each Firm shall provide the following in its written Statement of Qualifications:

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 shall follow the Letter of Interest.

4.4.3.3 **Executive Summary.** The executive summary should contain an outline of Firm's approach to defining performance criteria and verifying compliance with the criteria requirements, along with a brief summary of Firm's qualifications and experience.

4.4.3.4 **Licensure.** Provide documentation demonstrating that Firm is a currently licensed architect or a registered professional engineer in the State of California. Architects and Civil Engineering Licensure will be verified by accessing California Department of Consumer Affairs at: https://search.dca.ca.gov.

4.4.3.5 **Public Works Contractor Registration Number.** Provide the Firm's contractor registration number issued by the California Department of Industrial Relations. Contractor registration numbers will be verified by accessing California Department of Industrial Relations at: https://cadir.secure.force.com/ContractorSearch.

4.4.3.6 **Criteria Design Experience within the Team.** Provide specific experience of the proposed team including any subconsultants and its key individuals in the criteria development of high quality courthouse buildings or other similar complex public/institutional buildings of similar size, complexity, and cost, during the past ten years, as evidenced by awards from third party organizations for completed projects; teams with long-term experience together; documented and proven successful design solutions, etc.

4.4.3.7 **Planning and Programming Expertise.** Provide specific experience of the proposed criteria architect and/or planner in preparing architectural programs for individual public/institutional projects of similar size and complexity. Prospective Consultant's record and systems for providing and maintaining high quality consulting services programming documents to its clients, including any specialized documentation of successes in preparation of scope, cost, and time parameters for completed projects, etc.

4.4.3.8 **Key Personnel/Team.** Outline the experience, expertise, and demonstrated knowledge of the key team personnel providing management, programming, planning, and design review services throughout the phases of the project. Provide comment on the ability of the firm to provide the resources required to respond in a timely manner and/or provide services remotely or in the geographical location of the project given the firm's proposed resources, offices, and teams.

4.4.3.9 **Technical Expertise.** Illustrate the experience and expertise of the proposed team to deliver specialized services such as design and compliance review specific to aspects of institutional buildings, including, but not necessarily limited to, building Mechanical/Electrical/Plumbing (MEP) systems, structural engineering design, interior design including FF&E coordination, site design, and LEED TM standards, and/or Fire & Life Safety systems as evidenced by documentation of completed projects which accomplished specific technical goals, or otherwise unique and particular mechanical, electrical, structural and other systems, etc.

4.4.3.10 **Management Approach**. Describe Firm's philosophy and how Firm intends to work with the Judicial Council's administration officials including Project Managers and Court staff, to perform the Services. Provide a clear, articulated narrative addressing the division of work, coordination within the consultant team and with the selected DBE, performance of design reviews, performance of code and exiting reviews, quality control, and adherence to required timelines.

4.4.3.11 **Claims.** Provide a statement of ALL claim(s) filed against Firm in the past five (5) years. Briefly indicate the nature of the claim and the resolution, if any, of the claim(s). Such listing shall not include any claims that are strictly personnel claims.

4.4.3.12 **References**. Include a list of references with contact information (email and phone number). Firms should limit references to no more than five (5). Firms shall not submit individuals working for the Judicial Council as references.

4.4.4. **Format of Proposals**. Firms shall compile the elements of the proposal as follows:

4.4.1.1 The Firm(s)'s written SOQ in pdf format. The SOQ 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.

4.4.1.2 The Firm(s)'s Fee Proposal, Attachment 3, Consultant Personnel Billing Rates in pdf format. The Fee Proposal must be digitally signed by an authorized representative of the company. The proposing Firm must include the RFP number and "Fee Proposal" in the name of the electronic file.

The Fee Proposal shall not be combined or incorporated in any way with the SOQ.

4.4.5. **Method of Submission**. Due to the current COVID-19 crisis, the Judicial Council will temporarily accept proposals in an electronic format. Firms must submit proposals in two separate files: (1) the SOQ and accompanying administrative documents; and (2) the Fee 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.**

**4.4.5.1** For electronic submission of proposals, email your proposal no more than three (3) days in advance of the due date to the designated email addresses. A confirmation that a proposal has been received will be provided.

4.4.6. **Submission Timeliness**. Firm(s) 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 Standard Agreement for Criteria Architect Services, including the indemnification provision that the Judicial Council will include in that Agreement. The Judicial Council reserves the right to modify or update the Agreement at any time until an award and execution of the Agreement with the successful Firm.

5.1.1. By submitting its Proposal, the Firm(s) acknowledges that it has no objection to the form of Agreement unless exceptions are identified. In such instances, the proposer must submit (i) red-lined version of the Terms and Conditions that implements all proposed changes; (ii) a written explanation or rationale for each exception and/or proposed change.

5.2. **Services**. In general, the services that shall be required by the Criteria Architect include, site selection support, site acquisition support, performance criteria development, DBE selection support, design review for Performance Criteria compliance, and construction administration for Performance Criteria compliance. Ancillary planning, master planning, cost estimating, and/or project studies may also be required.

5.3. **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 Standard Agreement. Firm must be technically and financially capable of providing all the Services identified for the Project. Firm shall be the Judicial Council's representative and shall work under the direction of a Judicial Council Project Manager.

5.4. **Extra Services**. Note that the rates for Extra Services will be good for three years and update every two years thereafter based on Bureau of Labor Statistics CPI for Urban Wage Earners and Clerical Workers (CPI-W).

5.5. **DVBE**. The 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 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 Proposal but is to be submitted only by the Firm selected for Services.**

## 6. EVALUATION AND SELECTION PROCESS

6.1. **Evaluation Process**. The basis for selection of a Firm to provide Services in response to this RFP consists of a two-step evaluation. Step 1 – Qualifications, is an evaluation of the firm's qualifications based on the firm's written SOQ and interview. Step 1 scores will be finalized prior to commencement of Step 2 - Fee Proposal evaluation. Step 2 - Fee Proposal evaluation, 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 most points to least points received. The Firm receiving the highest combined total score will be ranked the number one Firm. 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. The Judicial Council reserves the right to reject any Firm's Proposal due to non-responsiveness to the selection criteria or that fails to demonstrate the Firm has qualifications and expertise delivering projects of similar size, complexity and nature.

6.2. **Step 1a – Evaluation of Qualifications**. The Judicial Council will evaluate Proposals and award points within the individual categories below. After evaluating and scoring qualification Proposals, interviews will be held which may result in adjustment of points awarded to specific categories of the Proposal.

| WEIGHT | QUALIFICATIONS TO BE EVALUATED |
|---|---|
| 15 points | **Criteria Design Experience Within Team**<br>The Judicial Council will evaluate the organization of the team and the ability of the Firm and any subconsultants to develop, compile, and evaluate compliance with the performance criteria for the project. |
| 15 points | **Planning & Programming Expertise**<br>The Judicial Council will evaluate the planning and architectural programming expertise within the Firm and any subconsultants, and the ability of the team to develop the architectural program working in conjunction with the Court. |
| 15 points | **Key Personnel**<br>The Judicial Council will evaluate the expertise and demonstrated knowledge of the prospective Firm's key team personnel to provide management, programming, planning, and design review services, as well as the ability to provide all the requisite resources needed. |
| 15 points | **Technical Expertise of the Team**<br>The Judicial Council will evaluate the technical expertise of the proposed Firm and its subconsultants providing specialty reviews, technical or engineering services such as those needed for site investigations or code evaluations, and design reviews. Technical expertise shall be evidenced by a list of supporting consultants who will be utilized on the proposed project. |
| 15 points | **Management Approach**<br>The Judicial Council will evaluate the Team's approach to providing services, strategy to manage compliance, and the commitment to adhere to required timelines. |
| N/A | **Interview**<br>The Judicial Council shall award no points directly for interview performance; however, the interview process will be used to confirm the Firm's qualifications and the Judicial Council may adjust the points afforded to the Firm in the above categories as a result of the interview. |
| N/A | **References.** The Judicial Council may contact any reference listed by a Firm to verify the experience and performance of the Firm, key personnel, and sub-consultants. The Judicial Council shall award no points directly for reference responses; however, the reference process will be used to confirm the Firm's qualifications and the Judicial Council may adjust the points afforded to the Firm in the above categories as a result of reference input. |

6.3. **Step 1b - Qualifications Interview:**

6.3.1. Each Firm shall prepare a presentation of no more than 45 minutes that communicates the Firm's and key personnel's qualifications and relevant experience in criteria development, programming, and design review of projects of similar size, complexity, and nature. The presentation will be followed by

a question and answer session of approximately twenty (20) minutes. The interview panel will consist of three to five (5) persons.

6.3.2. The Firm's presentation shall demonstrate its communication skills and explain how the individual team members will interact with the Judicial Council, the local court, and the Design Build Entity on the Project and reinforce the areas being scored.

6.3.3. Firms will be notified of their interview date, time, and location per the RFP Schedule of Events.

6.3.4. After all interviews are complete, and references have been checked, qualification scores will be tallied to identify the points awarded for each Firm in Step 1a.

6.4. **Step 2 - Evaluation of the Fee Proposals:**

6.4.1. A maximum of 25 points will be awarded for the fee proposal.

6.4.2. The basis of the evaluation and subsequent award of points for the Fee Proposal shall be the blended hourly rate of the key personnel positions listed. The blended hourly rate will be determined by multiplying the proposed hourly rate for each position by the designated weight factor, then adding all the weighted rates to determine the blended hourly rate.

6.4.3. The firm's hourly rates shall include, without limitation, all costs for overhead, personnel, administration, profit, costs for travel, per diem expenses, and all deliverables, printing, and shipping, under the Agreement. The submitted rates will be held in confidence until such time as a contract is executed.

6.4.4. The fee proposal points awarded for each firm will be calculated by identifying the amount of the lowest fee proposal submitted divided by the amount of the fee proposal being evaluated and multiplying that ratio by the maximum number of points that can be awarded.

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 Qualification and Fee Proposal score (Total Score) is 100 points. The Firm will be selected on a "highest scored bid" basis in accordance with the Judicial Branch Contracting Manual, Chapter 4B which can be accessed at: https://www.courts.ca.gov/documents/jbcl-manual.pdf.

6.6. **Preclusion**. A Firm and any sub-consultants selected as the Criteria Architect on this Project are precluded from being the architect, architect of record, or member of the Design Build Entity or its team on the Project. Successful Firm(s) will not, be precluded from consideration nor given special status in any future Judicial Council solicitations. Successful Firm(s) 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 determining the total score for all Firms, the Judicial Council will identify the highest ranked Firm. The Judicial Council will commence negotiations with the highest ranked Firm regarding the necessary hours and personnel for each phase of the Project and may also address any identified variances in the Terms and Conditions. The negotiation period is anticipated to be 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 Fee Proposal to the agreed upon hours and personnel. This method shall be used to calculate the fixed fee amount for each phase of the Project.

If a satisfactory contractual agreement on services and compensation cannot be reached between the Judicial Council and a selected Contractor within 30 calendar days of notification of selection, the Judicial Council reserves the right to terminate negotiations with that Firm and attempt to reach satisfactory contractual agreement with the next qualified Proposer. If the Judicial Council and the second highest ranked Firm are unable to agree

upon services and compensation for the Project, the Judicial Council may commence negotiations with the third highest ranked Firm.

## 7. ADMINISTRATIVE RULES GOVERNING RFPs

7.1. The Judicial Council's Administrative Rules governing this RFP can be found in Attachment 1. By virtue of submission of a Proposal, the Proposer agrees to be bound by said Administrative Rules.

7.2. 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. One copy of a submitted proposal will be retained for official files and will become a public record.

## 8. PROTESTS.

8.1. Protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see http://www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Proposer to comply with the protest procedures set forth in Chapter 7 will result in rejection of the protest. Notwithstanding the foregoing, the Judicial Council will accept electronically submitted protests as an accommodation in response to the Covid-19 pandemic. The deadline for a Proposer to submit a protest challenging this RFP, including any attachments, or portions thereof, is two days before the proposal due date. Protests must be sent electronically to: Solicitations@jud.ca.gov.