

Request for Proposals – **ADDENDUM 1**

CONSTRUCTION MANAGEMENT SERVICES

**FIRE LIFE SAFETY BUILDING DEFICIENCY
CORRECTIONS - CENTRAL JUSTICE CENTER**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

The Judicial Council of California seeks Proposals from qualified firms to provide professional Construction Management services for the Fire Life Safety Building Deficiency Corrections project at the Central Justice Center in Santa Ana, CA.

Regarding:
RFP NUMBER: RFP-FS-2023-01-MB



JUDICIAL COUNCIL
OF CALIFORNIA

**Facilities Services
Capital Outlay Program**



JUDICIAL COUNCIL OF CALIFORNIA

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REQUEST FOR PROPOSALS

Date February 16, 2023	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: fs202301mb.soq@jud.ca.gov
From Judicial Council of California, Facilities Services	Email Cost Proposals to: (Cost Proposal must be submitted in a separate email from that of the Written Proposal): fs202301mb.fee@jud.ca.gov
Subject RFP number: RFP-FS-2023-01-MB Construction Management Services Fire Life Safety Building Deficiency Corrections at the Central Justice Center	Deadline March 7, 2023, by 3:00 PM Pacific Time (PT) Contact solicitations@jud.ca.gov

RFP SCHEDULE OF EVENTS (Subject to change at the Judicial Council's discretion)		DATES / TIMES (PT)
1	RFP posted	Thursday, February 16, 2023
2	Pre-proposal meeting (optional) via video conference (Cisco Webex): Meeting link: https://calcourts.webex.com/calcourts/j.php?MTID=mf492b3392e458f5f7a4a64a2445cd8cf Meeting number: 2594 428 8512 Password: jAZ6MHhgU62 Or join by phone: 1-650-479-3208 Call-in toll number (US/Canada)	Thursday, February 23, 2023, 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 10.	Friday, February 24, 2023, by 3:00 PM
4	Modifications and/or responses to questions posted on the Judicial Council website: http://www.courts.ca.gov/rfps.htm	Wednesday, March 1, 2023
5	<u>Submittal Deadline for Proposals</u> Email Written Proposal to: fs202301mb.soq@jud.ca.gov Email Cost Proposal to: fs202301mb.fee@jud.ca.gov	Tuesday, March 7, 2023, by 3:00 PM
6	Shortlist for interviews posted and shortlisted firms notified of interview date and time – Interviews will be held remotely via video conference. Notifications will be made via email. (Estimated)	Tuesday, March 14, 2023
7	Interviews of Firms - Times to be determined. (Estimated)	Week of March 20, 2023
8	Notice of Intent to Award. (Estimated)	Friday, March 24, 2023
9	Execute Agreement. (Estimated)	Monday, April 17, 2023
10	Contract start date (Estimated).	Monday, April 17, 2023

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ATTACHMENT 15 Pre-Renovation Asbestos Survey Report

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 Proposals.** The Judicial Council, through this Request for Proposals 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 Fire Life Safety Building Deficiency Corrections Project utilizing the design-bid-build delivery method (“Project”). The selected Firm shall be an architectural or engineering firm, 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 as outlined in this RFP.
- 1.3. **Services.** The detailed scope of services, tasks, and work that the selected Firm will be required to perform (“Services”) are set forth in Exhibit B to the Judicial Council’s form of Construction Manager Services Agreement for the Fire Life Safety Building Deficiency Corrections, Floors 1, 2 and 3 Project attached hereto as Attachment 2 (“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 the Judicial Council’s representative and shall work under the direction of a 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 the 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 job site notices, as prescribed by regulation, and 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.** 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 addresses fire, life and safety deficiencies on Floors 1 through 3 of the Central Justice Center, which include the following: abatement of all Asbestos Containing Material; installation of new ceilings and energy efficient LED lighting; replacement of mechanical duct work and terminal units with integrated smoke removal system; expansion of existing fire sprinkler system to cover the entire floor area; upgrade fire alarm system for Floors 1 through 3; and upgrade the existing building management system.

The Site is located at the Central Justice Center, located at 700 W Civic Center Dr, Santa Ana, CA 92701.

The project is currently authorized for construction. The Judicial Council anticipates selecting a Firm to provide construction management services for all phases of the Project.

The Fire Sprinkler Study prepared by Salas O’Brien, dated April 2021, is attached to the RFP as Attachment 14 for reference.

- 3.2. **Project Schedule.** The estimated schedule for the Project is as follows: The contractor must complete all work within one thousand (1,000) consecutive days (“Contract Time) from the date specified in Judicial Council’s notice to proceed (anticipated to be issued approximately May 1, 2023).

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 10 to this RFP. Forms shall be submitted 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. **If a Firm submits questions or contacts any agent or employee of the Judicial Council other than in the manner indicated in this RFP, the 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 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, at its discretion, modify the RFP prior to the date fixed for submission of Proposals by issuing an addendum. **A Firm that knows or should have known of an error in the RFP and fails to notify the Judicial Council shall submit its Proposal at its own risk and, if the Firm 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, the Judicial Council reserves the right to negotiate extensions to this period with Firms.

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

4.4.2.1 Written Proposal:

- 4.4.2.1.1. Firms Statement of Qualifications (“SOQ”) as indicated 4.4.3 below
- 4.4.2.1.2. Firm’s Acceptance of Terms and Conditions, completed Attachment 4
- 4.4.2.1.3. General Certifications Form, completed Attachment 5
- 4.4.2.1.4. DIR Contractor Registration Statement, completed Attachment 6
- 4.4.2.1.5. Darfur Contracting Act Certification, completed Attachment 7
- 4.4.2.1.6. Standard Form 330, Attachment 8 (Note: Section E of this form must be completed for each individual listed in the Key Personnel/Team section of the SOQ)
- 4.4.2.1.7. Payee Data Record Form, completed Attachment 9A
- 4.4.2.1.8. Payee Data Record Supplement, completed Attachment 9B (if required)
- 4.4.2.1.9. Iran Contracting Act Certification, completed Attachment 11 (if applicable)
- 4.4.2.1.10. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification, completed Attachment 12

4.4.2.2 Cost Proposal:

- 4.4.2.2.1. 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 RFP 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.

4.4.3.4 **Firm Information.** Provide a comprehensive description of the construction management services offered by Firm. The description should include the following:

- 4.4.3.4.1. **Firm History.** Provide a brief history of the Firm, and, if a joint venture, of each participating Firm, each participating Firm’s role(s) and responsibility(ies) and the history of the joint venture. Identify legal form, ownership, and senior officials of

- company(ies). Describe number of years in business and types of business conducted.
- 4.4.3.4.2. **Licensure.** Provide documentation demonstrating that the Firm will provide construction project management services by a currently licensed architect, a registered professional engineer, or a licensed contractor.
- 4.4.3.4.3. **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 6, DIR Contractor Registration Statement. Contractor registration numbers will be verified by accessing DIR at: <https://cadir.secure.force.com/ContractorSearch>.
- 4.4.3.4.4. **Firm Philosophy.** Describe the Firm's philosophy and how the Firm intends to work with the Judicial Council's administration officials to perform the Services, including project managers and court staff, to develop construction management techniques and responses related to the unique challenges of the Judicial Council's requirements.
- 4.4.3.5. **Key Personnel/Team. [Revised]**
- 4.4.3.5.1. **Staffing Plan.** Provide a staffing plan prepared for the Services needed for the Project. Proposers may refer to Attachment 13 for the 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 the 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 include at a minimum the personnel included in the Consultant Personnel Billing Rates attached to the RFP as Attachment 3.* It is the proposing Firm's responsibility to demonstrate specialized knowledge and experience required for team members particularly on projects of similar size, complexity. Identify the individuals who will manage the commissioning services for this Project and include those individuals' resumes and commissioning experience.
- 4.4.3.6. **Claims.** Provide a statement of ALL contract-related or professional errors and omissions claim(s) 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 sets forth the Firm's capacity to provide the resources necessary to perform all of the Services with respect to 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 large and complex public works projects.

4.4.3.9. **Prior Relevant Commissioning Experience.**

- 4.4.3.9.1. Describe the Firm's experience with the oversight and management (as opposed to the performance of) commissioning services for similar Projects.
- 4.4.3.9.2. 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 the 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 based on hourly rates for the categories of key personnel as set forth in Attachment 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. Cost Proposals and rates shall be confidential until the Judicial Council executes a contract with the selected Firm.

4.4.4.1. **Hourly Rates.** The hourly rates will be used for evaluation purposes as set forth in the "Selection and Evaluation Process" section below. The hourly rates set forth in the Cost Proposal shall be the rates charged for Services performed under the Agreement, including any work defined as Extra Services. The contract fee shall be based upon the hourly rates set forth in the Cost Proposal. The Judicial Council may add positions based on Project requirements. The scope and schedule of Services requested by the Judicial Council shall be subject to negotiation.

4.4.4.2. **Extra Services.** With respect to any potential Extra Services, provide the hourly rates for each of the key personnel set forth in the Firm's Proposal. The hourly rates shall include all costs for overhead, personnel, administration, profit, and per diem expenses except as otherwise provided for under the Agreement. The rates for personnel added to align the Attachment 3, Consultant Personnel Billing Rates, with the proposed key personnel will not be scored.

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 Firm(s)'s Cost Proposal – Consultant Personnel Billing Rates Form, Attachment 3, in .pdf format. The Cost Proposal 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.

The Cost Proposal shall not be combined or incorporated in any way with the Written Proposal.

4.4.6. **Method of Submission.** The Judicial Council is currently accepting Proposals in an electronic format. Firms must submit proposals in two separate files: (1) Firms' Written Proposal consisting of the SOQ and accompanying administrative documents; and (2) Firms' Cost Proposal consisting of Attachment 3, Firm 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.

4.4.6.1. 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 address. The Judicial Council shall provide a confirmation that a Firm's Proposal has been received.

4.4.6.2. The Consultant shall make an effort to compress the non-cost proposal file to less than 30MB in size. If the file cannot be reduced to below 30MB, then the Consultant 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). The Judicial Council is not responsible for submissions which are rejected by the 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 form of Agreement for the Services, including the indemnification and insurance provisions. The Judicial Council reserves the right to modify or update the Agreement at any time until award and execution of the Agreement with the selected Firm.
- 5.2. **Extra Services.** Note that the rates for Extra Services will be good for three (3) years and updated every two (2) years thereafter based on Bureau of Labor Statistics CPI for Urban Wage Earners and Clerical Workers (CPI-W).
- 5.3. **DVBE.** The Judicial Council has a contract participation goal of a minimum of three percent (3%) for disabled veteran business enterprises ("DVBE(s)"). 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 Firms' Proposals and is to be submitted only by the Firm selected to perform the Services.**
- 5.4. **Acceptance of the Terms and Conditions.** On Attachment 4, Firm's Acceptance of Terms and Conditions, the Firm must check the appropriate box and sign the form. If the Firm marks the second box indicating it proposes exceptions or changes to the Agreement, the Firm must provide the required additional materials. An "exception" includes any addition, deletion, or other modification. If exceptions are identified, the Firm must also submit (i) a redlined version of the Agreement that implements all proposed changes in Word format with tracked changes, and (ii) a written explanation and rationale for each exception and/or proposed change explaining why the change is necessary. **PLEASE NOTE: The Judicial Council will not consider any exceptions or changes to the Agreement if they are not submitted in proper form at or before the time the Proposal is due.**

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 in the ranking list. The 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.** The Judicial Council will evaluate SOQs and award points within the individual categories below. After evaluating and scoring qualification SOQs, the Judicial Council will establish a shortlist of the highest scoring Proposals. The Judicial Council will post the shortlist on the website publishing the RFP. Interviews of the Consultants 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 <i>[Revised]</i> The Judicial Council will evaluate the qualifications and experience of the Firm’s proposed team members based on their performance of services on similarly sized and scoped projects over the last five (5) years.</p> <ul style="list-style-type: none"> A. Proposed On-Site Construction Manager (20 points) B. Types of Projects C. Size of Projects (commensurate with the Project) D. Experience in construction administration E. Knowledge of complex building systems F. Experience in management of large and complex public works projects G. Proposed Other Key Personnel/Subcontractor(s) (5 points) H. Experience of proposed other key personnel/consultants in performing the required Services on similar projects
25 points	<p>Experience and Resources of the Firm The 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 pre-construction and construction project 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 to the Project? (5 points) 4. Proposed Scheduling Resources. Are there resources identified to provide scheduling support to the Project? (5 points)
25 points	<p>Communication Skills The Judicial Council will evaluate the expertise and demonstrated ability of the Firm to communicate and resolve issues between onsite teams and with various offsite 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, local Superior Court, DBE, project inspector, and regulatory or other agencies having jurisdiction. (10 points)
N/A	<p>Interview 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 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. 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 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 an interview, the Judicial Council may in its discretion contract a Firm’s references.
- 6.3.3. After all interviews are complete, and references have been checked if at all, qualification scores will be finalized to identify the points awarded for each Firm in Step 1.

6.4. Step 2 - Evaluation of Cost Proposals:

- 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 Cost Proposal criteria shall be the composite hourly billing rate for the key personnel positions listed. The composite hourly billing rate will be determined by multiplying the proposed hourly billing rate for each position by the designated weight factor. The weighted proposed hourly billing rates will then be summed to identify the composite hourly rate.

The lowest cost proposal (composite hourly rate) submitted will receive the maximum points available. The points awarded for the remaining cost proposals will be calculated by identifying the ratio of the lowest cost proposal to the cost proposal being evaluated and multiplying that ratio by the maximum number of points available.

Position <i>[Revised]</i>	Weight <i>[Revised]</i>
Construction Manager <i>(Full Time)</i>	80%
Cost Estimator <i>(as needed)</i>	10%
Scheduler <i>(as needed)</i>	10%

- 6.4.2. The Judicial Council shall **NOT** score hourly rates provided for Extra Services.

- 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 Cost Proposal score (Total Score) is 100 points. The Firm will be selected on a “highest scored proposal” basis.
- 6.6. **Preclusion.** The Firm and any of its sub-consultants selected as to perform the Services on this Project are precluded from being a member of the Contractor or its team on the Project. 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 the Judicial Council identifies the highest ranked Firm, the Judicial Council will commence negotiations with that Firm regarding the necessary hours and personnel for each phase of the Project. The Judicial Council may also address any identified variances in the Cost Proposal and properly submitted comments in regard to 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 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 Firm within thirty (30) calendar days of notification of selection, the 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 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. This process shall continue until in the Judicial Council's discretion until the Judicial Council reaches an agreement with a Firm or the Judicial Council elects to discontinue negotiations.

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 Firm agrees to be bound by the 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. Although this solicitation is not generally subject to the Judicial Branch Contracting Manual, protests will be handled in accordance with Chapter 7 thereof (see <http://www.courts.ca.gov/documents/jbcl-manual.pdf>). Failure of a Firm 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. The deadline for a Firm to submit a protest challenging this RFP, including any attachments 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