

# Request for Proposals (RFP)

## **ADDENDUM 1**

### **ID/IQ Industrial Hygiene and Environmental Health Consulting Services**

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The Judicial Council of California's Facilities Services seeks to identify a firm qualified to provide **Industrial Hygiene and Environmental Health** consulting services for various projects to be initiated between **April 1, 2024**, and **March 31, 2029** with possible extensions to **March 31, 2035**. *[Revised]*

**RFP number: RFP-FS-2023-10-MB**

PROPOSALS DUE:  
**November 8, 2023**  
**NO LATER THAN 3:00 PM PACIFIC TIME (PT)**



## JUDICIAL COUNCIL OF CALIFORNIA

ADMINISTRATIVE DIVISION  
FACILITIES SERVICES

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# REQUEST FOR PROPOSALS

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(<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>)

PAYEE DATA RECORD SUPPLEMENT (STD 205)  
(<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf>)

## 1. INTRODUCTION

- 1.1 The judicial branch of California is a part of California government—independent from the executive and legislative branches—and includes the Superior, Appellate, and Supreme Courts of California. A part of the judicial branch is the Judicial Council, which is chaired by the Chief Justice of California. The Judicial Council is the primary policy making body of the California judicial system.
- 1.2 The Judicial Council of California (“**Judicial Council**”) is the staff agency of the Judicial Council. Facilities Services is the division of the Judicial Council responsible for the planning, design, construction, and real estate and asset management of judicial branch facilities for the court system of California. Pursuant to the Trial Court Facilities Act of 2002 (SB 1732), ownership of and responsibility for most superior court facilities in California shifted from the counties to the state. Many of these approximately 450 existing facilities require repairs or modifications, and approximately 600 facility modifications are completed per year.
- 1.3 Judicial Council’s Facilities Services is issuing this Request for Proposals (“**RFP**”) to identify a qualified consultant to provide the services described below for existing or new judicial branch facilities throughout California. Over the next 5 years, approximately 1,000 to 4,000 projects with a total environmental testing and/or consultation value of approximately \$500 to \$400,000 per project are anticipated to require the services being requested by this RFP.

## 2. PURPOSE OF THIS RFP

- 2.1 **Consultants.** The Judicial Council seeks proposals from firms to provide the services of qualified, properly licensed consultants with expertise in all phases of industrial hygiene and environmental health consulting for projects relating to the design, construction, renovation, and remediation of public buildings (“**Proposals**”). It is anticipated that the selected firm will oversee the Judicial Council’s statewide hazardous materials compliance processes, including, but not limited to, asbestos, lead, and polychlorinated biphenyls (PCBs), and provide consultative support, review and recommendations on hazardous materials and environmental issues that may arise in Judicial Council owned and/or managed buildings. Prospective firms for the purpose of this RFP will be referred to as “**Consultants.**”
- 2.2 **Statewide Areas.** Consultants will be evaluated, and a single firm will be selected to provide services throughout the State. A map of the three Judicial Council regions is included in this RFP for information only as **Attachment B**.
- 2.3 **ID/IQ Contracts.** It is anticipated that a single Consultant will be selected to enter into an Indefinite Delivery/Indefinite Quantity (“**ID/IQ**”) contract with the Judicial Council for industrial hygiene and environmental health consulting services for facility construction, modifications, building renovations and remediation, or for the provision of the services they propose upon. The Consultant may be assigned various projects and tasks, as may arise, based on the location and nature of the services required and the qualifications and resources of the Consultant (each a “**Project(s)**”). Because the scope and number of Projects and tasks are unknown at the time of contract execution, the contract is known as an ID/IQ contract. Approximately 800 planned and unplanned Projects are anticipated per year. The initial term of this ID/IQ contract in support of the Projects will be for five (5) years, with two subsequent three (3)-year options to extend at the discretion of the Judicial Council.

- 2.3.1 Posted with this RFP as **Attachment C** is the Judicial Council’s form of master agreement (“**Master Agreement**”), including the indemnification provision that the Judicial Council will include in that agreement. In accordance with the Judicial Council’s Administrative Rules Governing Requests for Proposals, attached hereto and incorporated herein as **Attachment A**, each Consultant must indicate in their Proposals that the Consultant accepts the terms and conditions of the Master Agreement as-is.

**PLEASE NOTE:** The Judicial Council will not entertain any proposed changes or requested modifications to the Master Agreement. See section 6.1.16, *Acceptance of Terms and Conditions*, for further information and direction. In the event that a Consultant is awarded a contract under this RFP and refuses to execute the Master Agreement unless or without requested changes or modifications thereto, the Judicial Council may revoke said award to the Consultant.

- 2.4 **Consultant Performance Management.** The Judicial Council may choose to conduct periodic Business Performance Reviews on completed Projects to evaluate the Consultant’s performance for quality assurance, safety, duration of the Project, Judicial Council satisfaction, and other relevant factors. The Judicial Council, at its sole discretion, may not offer subsequent Projects to and/or may terminate an agreement with any Consultants who do not meet minimum performance benchmarks specified in their Business Performance Review.
- 2.5 **No Follow on Contracting.** For any Project that a Consultant is providing consulting services pursuant to a Master Agreement awarded by this RFP, the Consultant is prohibited from also providing construction services on that same Project under any separate contract or agreement the Consultant may have with the Judicial Council.
- 2.6 **Sole Means.** This RFP is the sole means for prospective Consultants to submit Proposals to the Judicial Council to be awarded a Master Agreement for the performance of services, as described above.

### 3. SCOPE OF SERVICES

- 3.1 **Licensing.** Consultant, and its sub-consultant(s), employees, or agents thereof, performing work on Projects awarded under this RFP must have, when submitting a Proposal as well as at the commencement of and all times throughout the duration of their performance of any work, all appropriate, valid license(s) required under law to provide the work being performed. If the possession of any license(s) including, without limitation, a valid Certified Industrial Hygienist (CIH) certification and Certified Asbestos Consultant (CAC) certification is required under law for the performance of the work, the Consultant must ensure that the work will be performed either by an appropriately licensed individual or under the direct supervision of an appropriately licensed individual.
- 3.2 **Consultant Services.** The scope of services requested under the Master Agreement awarded pursuant to this RFP include professional industrial hygiene and environmental health consulting services, as well as incidental services that members of those professions and those in their employ may logically or justifiably perform (“Services”). Services include oversight of the Judicial Council’s statewide hazardous materials compliance processes, including but not limited to asbestos, lead, and polychlorinated biphenyls (PCBs), and consultative support, review and recommendations on hazardous materials and environmental issues that may arise in Judicial Council owned and/or managed buildings.

3.3 **Additional Services.** Additional Services as required may include the following:

Consultant's staff serving as Judicial Council's Competent Person will respond to two (2) types of events at locations throughout the state: unplanned/emergency events (Priority 1 ("P1")) or planned/scheduled work events (Priority 2 ("P2")). P1s can occur at any point in time, on a 24/7 basis; examples of such events are: water intrusion, black water contamination, earthquake damage etc. The Competent Person must be available to review/recommend clean-up activities once the emergency P1 event has been identified.

The list of services may include one or more of the following:

3.3.1 Specific environmental, health, hygiene, and safety services performed by a dedicated Competent Person who will have the appropriate regulatory certifications and licenses to:

- A. Act as the Judicial Council's asbestos Competent Person as outlined in the Asbestos Management Program;
- B. Follow the established protocol to address incoming P1 events that can occur on a 24/7 basis;
- C. Track all activity and collect all documentation related to ACM/AACM related facilities maintenance, facilities renovation, and/or demolition work through the Program's Asbestos Management Permit document. This will include both P1 and P2 work;
- D. Provide all relevant documentation, surveys, clearance, and regulatory notification information as an attachment to the completed Permit at the time of invoicing;
- E. Ensure that the Judicial Council's facilities maintenance service providers and their subcontractors perform work related to hazardous materials in accordance with established Judicial Council processes, state and federal regulations, and industry standards;
- F. Review survey and clearance reports of the service providers and their subcontractors and identify if the work areas can be released for re-occupancy by court personnel, the public and other court users;
- G. Provide administrative oversight of the service providers and their subcontractors' work through the Permit, and track their work to the conclusion of any hazardous material disposal per regulatory requirements;
- H. Provide onsite oversight of the service providers and their subcontractors' work, if deemed appropriate due to the nature and extent of the work being performed;
- I. Serve as the subject matter expert on asbestos and other hazardous materials issues and provide professional expertise as requested on a 24/7 basis.

3.3.2 Develop a process, in consultation with the Judicial Council, for staff and service providers to follow when facilities planned work or emergencies may disturb lead.

3.3.3 Develop a process, in consultation with the Judicial Council, for staff and service providers to follow when facilities planned work or emergencies may disturb PCBs.

- 3.3.4 Environmental Consultation and oversight for ad-hoc environmental issues that may arise, including, but not limited to:
  - A. Air Quality
  - B. Mold
  - C. Wildfire
  - D. COVID-19 or other infectious disease response
- 3.3.5 Water Management/Waterborne Pathogen Management
  - A. Provide consultation support, expertise, and oversight of the Judicial Council's Waterborne Pathogen Management Program.
  - B. Conduct water pathogen sampling and testing, and prepare written reports of finding and conclusions, as needed.
- 3.3.6 Land Use Covenant
  - A. Provide consultation support in the development of any Land Use Covenants for environmental concerns required at Judicial Branch sites statewide.
  - B. Represent the Judicial Council in meetings with environmental regulatory agencies.
- 3.3.7 Possess the regulatory certifications and licenses to provide the following services:
  - A. Conduct samplings, investigations analyses, assessments and remediation recommendations;
  - B. Commercial Mold investigation;
  - C. Air and Noise monitoring/metering;
  - D. Lead, Asbestos, Particulate, PCBs and Mold Surveys through accredited laboratories;
  - E. Ionizing and non-ionizing radiation.
  - F. Provide written report of findings outlining scope of work, findings, recommendations, conclusions and an executive summary.
  - G. Utilize the Judicial Council's Computer-Aided Facilities Management (CAFM) software for work engagement, status, and closeout.
  - H. Document Judicial Council project-specific processes, best practices, or areas of improvements and meet with Judicial Council Facilities Services staff to review.
  - I. Represent the Judicial Council's interest in meetings with environmental regulatory agencies and others.

**3.3.8 Description of Deliverables.** Consultant shall deliver to the Judicial Council the following work products (“Deliverables”):

- A. Designate an individual to serve as the Senior Project Manager and point of contact for this contract. The Senior Project Manager will:
- B. Possess the necessary qualifications, certifications and licenses to serve as the Competent Person for the Judicial Council Asbestos Work Permit and Asbestos Management Program;
- C. Perform administrative oversight and onsite oversight, if deemed appropriate due to the nature and extent of the work to be performed, of the service providers and subcontractors;
- D. Track ACM/AACM related work, and any other work related to hazardous materials, of the service providers and subcontractors to the conclusion of the facilities maintenance, remediation, demolition or renovation of the Court Facilities, through the work and disposal process per regulatory requirements utilizing the Permit;
- E. At time of invoice, deliver all documentation related to the remediation, demolition, and renovation of court facilities to include, but not limited to the following:
  - i. Surveys,
  - ii. Clearance reports,
  - iii. Regulatory notifications,
  - iv. Regulatory disposal documents,
  - v. Reports,
  - vi. Communications between the contractor, service providers, subcontractors, and Facilities Services,
  - vii. Results of testing, survey and remediation recommendations related to indoor environmental quality matters, including but not limited to:
    - Mold,
    - Bacteria,
    - Air/noise monitoring,
    - Unknown particulates.
- F. Create a dedicated email address to receive incoming:
  - i. P1 notifications that will be monitored on a 24/7 basis by the Competent Person;
  - ii. P2 requests;
  - iii. Requests for Permits from the service providers and their subcontractors;
  - iv. Requests for consultative support.
- G. Assist with the annual review of the Asbestos Work Permit and Asbestos Management Program for regulatory compliance and provide recommendations on the appropriate updates.

- H. Assist with scheduled review of other established hazardous materials and environmental processes for regulatory compliance and provide recommendations on the appropriate updates.
- I. Participate in monthly status update meetings with Judicial Council staff.
- J. Assist with development and delivery of training for all established hazardous materials processes and any other environmental subjects as requested.
- K. Training may be conducted online or in person at judicial branch facilities throughout the state.

### 3.4 Labor Code Provisions

#### 3.4.1 Prevailing Wages

- A. As applicable, Consultant and its subconsultants shall pay all workers on services performed pursuant to a Master Agreement awarded under this RFP not less than the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work as determined by the Director of the California Department of Industrial Relations (“**DIR**”) for the type of work performed and the locality in which the work is to be performed, pursuant to section 1770 et seq. of the California Labor Code. Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute a Master Agreement, as determined by the Director of DIR, are on file at the Judicial Council’s principal office and available on the internet at <http://www.dir.ca.gov>.
- B. Each Project may be subject to compliance monitoring and enforcement by DIR. Consultant shall post job site notices, as prescribed by regulation. Consultant shall comply with all applicable requirements of Labor Code section 1771.4.

#### 3.4.2 Registration

- A. As applicable for the services being performed, Consultant shall comply with the registration and compliance monitoring provisions of Labor Code section 1771.4, including furnishing its certified payroll records (“**CPR(s)**”) to the Labor Commissioner of California and complying with any applicable enforcement by DIR. Labor Code section 1771.1(a) states the following:

*A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.*



- B. Consultants required to so comply with said registration and compliance monitoring provisions must provide proof of registration (i.e., the Consultant’s DIR Registration Number) with its Proposal.

**4. SCHEDULE OF EVENTS AND GENERAL INSTRUCTIONS**

- 4.1 **General.** Consultants are advised to visit the posting for this RFP on the Judicial Council’s website (<http://www.courts.ca.gov/rfps.htm>) frequently to check for changes and updates to this RFP including the Schedule of Events. Consultants must ensure compliance with the dates and times set forth in the Schedule of Events and processes set forth in this RFP in order to participate in this process.
- 4.2 **Schedule of Events.** The Judicial Council has developed the following list of key events and dates from RFP issuance through performance start date (“**Schedule of Events**”). All deadlines are subject to change at the Judicial Council’s discretion.

No.	Key Events	Key Date / Time (PT)
1.	RFP Issued	September 20, 2023
2.	Deadline for Consultant’s Letter of Intent to Respond (Optional) Email to: <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>	October 06, 2023 by 5:00 PM
3.	Pre-Proposal Conference (Optional) via Cisco Webex Meeting link: <a href="https://calcourts.webex.com/calcourts/j.php?MTID=mc50a8ea9ee9f37ad81e037818f75a9cb">https://calcourts.webex.com/calcourts/j.php?MTID=mc50a8ea9ee9f37ad81e037818f75a9cb</a> Meeting number: 2535 415 5030 Meeting passcode: gaJhn32QHS5	October 09, 2023 at 11:00 AM
4.	Deadline for Consultant’s Submission of Questions Form (Attach. E) Email to: <a href="mailto:Solicitations@jud.ca.gov">Solicitations@jud.ca.gov</a>	October 23, 2023 by 3:00 PM
5.	Responses to Consultant’s Submission of Questions Posted	November 01, 2023
6.	<b>Deadline for Submission of Proposals</b> Email SOQ Proposal to: fs202310mb.SOQ@jud.ca.gov Email Cost Proposal to: fs202310mb.FEE@jud.ca.gov	<b>November 08, 2023 by 3:00 PM</b>
7.	Shortlist of Interviewees Posted ( <i>estimate only</i> )	December 22, 2023
8.	Interviews ( <i>estimate only</i> )	Week of January 08, 2024
9.	Notice of Intent to Award ( <i>estimate only</i> )	February 12, 2024
10.	Performance Start Date ( <i>estimate only</i> )	<b>April 01, 2024</b>

- 4.3 **Pre-Proposal Conference (Optional).** A Pre-Proposal Conference will be held to generally discuss this RFP. A Consultant’s attendance at the Pre-Proposal Conference is **not** mandatory in order to submit a Proposal. Although questions may be responded to verbally during the Pre-Proposal Conference, only the Judicial Council’s written responses to properly submitted Consultant’s Submission of Questions form (Attach. E) discussed below will be official and binding. The Pre-Proposal Conference will be held on the date identified in the Schedule of Events and can be attended using the video platform meeting link provided.
- 4.4 **Intent to Respond.** Consultants who intend to respond to this RFP are requested but not required to notify the Judicial Council prior to the date of the Pre-Proposal Conference of the Consultant’s intent to submit a Proposal (“**Intent to Respond**”). A Consultant’s Intent to

Respond must be sent via email to Solicitations@jud.ca.gov with the RFP number and title in the subject line. Consultant's Intent to Respond must include the following in the email: (i) Consultant's name, address, telephone, email address, and contact person and (ii) current copies of any licenses required of the Consultant to perform the Services and of Consultant's DIR Public Works Registration as applicable. The Judicial Council will not address any questions asked, or evaluate in its selection any additional information included, in the Consultant's Intent to Respond.

- 4.5 **Written Questions.** Consultants may submit written questions and requests for information with respect to this RFP. All questions and requests must be submitted using the Consultant's Submission of Questions form in **Attachment E** and must be submitted by the deadline indicated in this RFP's Schedule of Events. The Consultant's Submission of Questions form must be submitted by email to solicitations@jud.ca.gov with the RFP number and title in the subject line. **The Judicial Council will post any answers to Consultants' properly submitted questions and requests for information as indicated in the Schedule of Events.** The Judicial Council may make updates or other changes to this RFP in response to submitted questions if the Judicial Council deems such necessary in its discretion and will post updated documents or other addendum to this RFP on the Judicial Council website publishing this RFP prior to the due date for Proposals.

## 5. RESPONDING TO THIS RFP

- 5.1 **Responsiveness.** Responsive Proposals will provide straightforward, concise information that fully satisfies this RFP's specified requirements. Consultants should only submit documentation required and requested by this RFP. In responding to this RFP, Consultants should place emphasis on brevity, conformity to instructions, specified requirements, and clarity of content. Any materials submitted with Proposals that are outside of this RFP's specifications will not be considered.
- 5.2 **Proposal Format.** The Judicial Council will only accept Proposals in an electronic format. Consultants must submit their Proposals with all required contents in two parts: the Consultant's Statement of Qualifications ("**SOQ**") and the Consultant's Cost Proposal ("**Cost Proposal**").
- 5.3 **Proposal Submission Requirements.**
- 5.3.1 **Electronic Submission.** The Judicial Council will only accept electronically submitted Proposals. SOQ and Cost Proposal files must be emailed to the separate email addresses indicated in the Schedule of Events. Consultants must not combine the SOQ and Cost Proposal at any time during the solicitation and evaluation process.
- 5.3.2 **Statement of Qualifications Submission.**
- A. Consultants must submit one (1) electronic file of the SOQ using PDF or Word format. The SOQ must be submitted to the Judicial Council separate from the Cost Proposal.
  - B. Consultants must include the RFP number and the name of the Consultant's firm in the subject line of the email for the SOQ. Consultants must include the RFP number and 'SOQ' in the name of the electronic file of the SOQ.

### 5.3.3 **Cost Proposal Submission.**

- A. Consultants must submit one (1) electronic file of the Cost Proposal using Word format (not in a PDF format). The Cost Proposal must be submitted to the Judicial Council separate from the SOQ; the Cost Proposal must not be combined or incorporated in any way with the SOQ.
- B. Consultants must include the RFP number and the name of the Consultant's firm in the subject line of the email for the Cost Proposal. Consultants must include the RFP number and 'COST' in the name of the electronic file of the Cost Proposal.

5.3.4 **File Size Limitations.** The Judicial Council may not be able to receive electronic submissions with files equal to or greater than 30MB in size (individually or in total). Consultants must make an effort to compress all files so that submissions are less than 30MB in size. If a file cannot be reduced to below 30MB, then Consultants must divide the file into increments of less than 30MB sent via multiple emails. If multiple emails with incremental documents are required, Consultants must also reference the portion of the Proposal and file being submitted in the subject line of each email (e.g., "SOQ: Part 1 of 3," etc.). The Judicial Council is not responsible for any submissions exceeding 30MB which are systematically rejected due to excessive file size or otherwise.

### 5.4 **Submission Timelines.**

- 5.4.1 Proposals must be delivered by the date and time listed in the Schedule of Events, but Consultants must not submit Proposals more than three (3) business days in advance of the Proposal due date.
- 5.4.2 Consultant(s) assume all risk for ensuring the Judicial Council's receipt of Proposals no later than the date and time specified in the Schedule of Events and no earlier than is permitted.
- 5.4.3 Late proposals will not be accepted.

## 6. **PROPOSAL CONTENTS** *[REVISED]*

- 6.1 **Statement of Qualifications.** The following information must be included in the SOQ. Any SOQ lacking any of the following information may be deemed non-responsive. The SOQ is to be inclusive of resumes, forms, and pictures, and organized according to the numbering system reflected below. *[Revised]*
  - 6.1.1 **Cover Letter.** A cover letter, signed by an authorized representative of Consultant's organization, that provides the exact business name under which the Consultant proposes to conduct business with the Judicial Council. The cover letter must also indicate Consultant's address, telephone, fax number, email address, and federal tax identification number.
  - 6.1.2 **Table of Contents.** A table of contents of the material contained in the SOQ should follow the cover letter.
  - 6.1.3 **Executive Summary.** The executive summary should contain a brief summary of the Consultant's qualifications.

6.1.4 **Qualifications Questionnaire.** All Consultants submitting a Proposal must submit a completed Qualifications Questionnaire with its SOQ, the form of which is attached hereto as **Attachment D**.

- A. All Consultants must update their Qualifications Questionnaire if the Consultant's status or information provided in the Qualifications Questionnaire subsequently changes.
- B. A Consultant's Qualifications Questionnaire will be deemed nonresponsive if, without limitation, the Consultant's Qualifications Questionnaire is not submitted with its SOQ, does not provide all requested information, is not signed under penalty of perjury by an individual who has the authority to bind the Consultant, is not updated as required, or is misleading or inaccurate in any material manner (e.g., financial resources are overstated, previous violations of law are not accurately reported, etc.).

6.1.5 **Proposed Personnel/Project Team.**

- A. Identify the key personnel including their roles that the Consultant will assign to the Project(s). For each, describe each of the key personnel's experience with public works projects, including identifying the ten (10) most recent public works projects. List license numbers with issuance and expiration dates.
- B. Include an organizational chart indicating all personnel and their positions.
- C. Include resumes of key personnel being proposed to perform the Services for the Judicial Council. Specifically, define the role of each person and outline the person's individual experience and responsibilities. Indicate the personnel who will serve as primary contact(s) for the Judicial Council.
- D. Indicate the Consultant's and key personnel's availability to provide the Services.

6.1.6 **Statement of Services.** Provide a detailed Statement of Services for which the Consultant is submitting its Proposal, which demonstrates in brief the Consultant's understanding of the Services and work required for the Projects (for reference, see section 3, Scope of Services). The Consultant must specifically identify any Services or work which are **not** provided by the Consultant or which the Consultant is **excluding** from its Statement of Services and Proposal.

6.1.7 **References.** *Provide client references as directed in Attachment D, Qualifications Questionnaire for Consulting Services. The Judicial Council will contact the references provided in Attachment D to conduct a customer satisfaction survey. Responding clients will be asked to score the following: the Consultant's quality of work, scheduling practices, project and subcontractor management, working relationships, and paperwork processing. Reference responses will be scored from one (1) – unsatisfactory to ten (10) – excellent. Reference evaluation forms will be totaled and be applied in the Judicial Council's Proposal Evaluation, as indicated below in Section 8, Evaluation of Proposals. [Revised]*

**6.1.8 Consultant Information.**

- A. Provide a brief history of the Consultant and, if a joint venture, of each participating entity. Identify the Consultant's legal form, ownership, and senior officials of its company(ies). Describe the number of years in business and all types of business conducted.
- B. Provide the Consultant's current contact information and email address to send the Consultant notifications hereunder.
- C. Describe the Consultant's philosophy and how the Consultant will work with Judicial Council staff in performing the Services and successfully completing the Projects.
- D. Provide a statement of the Consultant's financial resources and insurance coverage. Include a certification of correctness of the Consultant's statement of financial resources.
- E. Provide a statement of ALL claims filed against the Consultant in the past five (5) years. Briefly indicate the nature of each claim and the resolution, if any.

**6.1.9 Prior Relevant Experience.**

- A. Describe Consultant's experience with all health and safety codes, and federal, state, and local regulatory requirements for the above scope of services .
- B. Provide a list of ALL California public entities the Consultant has provided the same or similar Services to in the past seven (7) years. Limit the response to no more than the five (5) most recent public entities. Include the names of the entity, a description of services the Consultant provided, and the name of the contact person and telephone number at the entity. Also, indicate the Consultant's personnel that performed services for each entity.

**6.1.10 Approach to Project Management.** Provide Consultant's philosophy and approach to project management.

**6.1.11 Consultant's Current Work Commitments.** Specify the current and projected workload of the Consultant and describe the Consultant's ability to complete the expected Services as anticipated herein.

**6.1.12 Conflicts of Interest.** If applicable, provide a statement of any recent, current, or anticipated contractual obligations that relate in any way to similar work, the Services, or the Judicial Council that may have a potential to conflict with the Consultant's ability to provide the Services described herein to the Judicial Council. Consultants cannot have any pre-existing or obtain any new economic interests (e.g., submit, propose, bid, contract, sub-contract, consult, etc. on any work that would or have potential to be a conflict) in the Projects on which the Consultant may be requested to provide Services under a Master Agreement awarded pursuant to this RFP. Any Consultant selected to provide the Services, along with any subsidiary, parent, holding company, or affiliate of a selected Consultant, may not perform any construction work or bid/propose to perform any projects resulting from any Services provided under a Master Agreement awarded by this RFP.

- 6.1.13 **Additional Data.** Provide any additional information about the Consultant as it may relate to the Consultant’s Proposal. Indicate the Consultant’s ongoing commitment to professional education of staff, total number of permanent employees, and any other data that may assist the Judicial Council in understanding the Consultant’s qualifications and expertise to provide the Services for the Judicial Council.
- 6.1.14 **Delinquent Taxpayer Status.** Provide a written and certified document identifying whether or not the primary Consultant (or primary Consultants if a joint venture) organization(s) is listed on either or both of the following lists; if listed on either or both lists, also provide an explanation.
- A. State of California Franchise Tax Board’s “Top 500 Delinquent Taxpayers” (available at <https://www.ftb.ca.gov/about-ftb/newsroom/top-500-past-due-balances>); and/or
  - B. California Department of Tax and Fee Administration’s “Top 500 Sales & Use Tax Delinquencies in California” (available at <http://www.cdtfa.ca.gov/taxes-and-fees/top500.htm>)
- 6.1.15 **DVBE Certification.** If the Consultant intends to seek the Disabled Veteran Business Enterprise (DVBE) incentive pursuant to section 10 of this RFP, the Consultant must provide with its SOQ proof of its DVBE Certification including, without limitation, the Bidder Declaration form in **Attachment L**, a copy of the Consultant’s DVBE certification approval letter, Department of General Services (DGS) Supplier ID Number, active dates of the DVBE Certification, and the DVBE Declaration form in **Attachment M**.
- 6.1.16 **Acceptance of the Terms and Conditions.** On the Consultant’s Acceptance of Terms and Conditions form in **Attachment F**, the Consultant must indicate that the Consultant accepts the terms and conditions of the Master Agreement as-is. The Judicial Council will not entertain any exception to the Master Agreement including, without limitation, any addition, deletion, or other modification thereto. If a Consultant believes in good faith that an addition, deletion, or other modification to the terms and conditions of the Master Agreement is absolutely critical for the performance of the Services, the Consultant must raise such to the Judicial Council’s attention via the Consultant’s Submission of Questions form (**Attachment E**) as a written question or requests for information with respect to this RFP.
- 6.1.17 **Certifications, Attachments, and Other Required Materials.** Complete, sign, and submit each of the following Certifications and attachments with the Consultant’s SOQ:
- A. General Certifications Form (**Attachment G**)
  - B. Darfur Contracting Act Certification (**Attachment H**)
  - C. Iran Contracting Act Certification (**Attachment I**)
  - D. Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (**Attachment J**)
  - E. Prevailing Wage and Related Labor Requirements Certification (**Attachment K**)

- F. **Payee Data Record (STD 204)**, which must be completed in the exact name of the business entity under which the Consultant proposes to do business with the Judicial Council. The Payee Data Record (STD 204) is available at the following link:  
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>.

Additionally, if necessary, the **Payee Data Record Supplement (STD 205)** is required (i) if Consultant's remittance address information is different than the mailing address on the Payee Data Record (STD 204); (ii) for multiple remittance addresses, and (iii) for additional Authorized Representatives of the Payee not identified on the Payee Data Record (STD 204). The Payee Data Record Supplement (STD 205) is available at the following link:  
<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std205.pdf>.

- G. If the Consultant is a California corporation, limited liability company ("LLC"), limited partnership ("LP"), or limited liability partnership ("LLP"), proof that the Consultant is in good standing in California. If the Consultant is a foreign corporation, LLC, LP, or LLP, and the Consultant conducts or will conduct (if awarded a Master Agreement) intrastate business in California, proof that the Consultant is qualified to do business and in good standing in California. If the Consultant is a foreign corporation, LLC, LP, or LLP, and the Consultant does not (and will not if awarded a Master Agreement) conduct intrastate business in California, proof that the Consultant is in good standing in its home jurisdiction.

## 6.2 Cost Proposal.

6.2.1 For the Consultant's Cost Proposal, the Consultant is required to complete the Cost Proposal form in **Attachment N**, as follows:

- A. Provide the billable hourly rates Consultant proposes to charge for Services to be performed under the Master Agreement in Table A.
- B. Provide the billable rates Consultant proposes to charge for the specified lab fees to be performed under the Master Agreement in Table B.
- C. Rates must be fully loaded and include Overhead and Profit.
- D. Do not change or edit the form of **Attachment N**.
- E. **Attachment N** must be signed by an authorized representative of the Consultant's organization.

## 7. SELECTION PROCESS

- 7.1 **Shortlist.** An evaluation panel composed of Judicial Council staff will review and score the Proposals based on the selection criteria given in this RFP. The Judicial Council intends to establish a shortlist of at least three (3) of the highest scoring Proposals. The Judicial Council will post the shortlist on the website publishing this RFP.
- 7.2 **Interviews.** The Judicial Council may, at its discretion, hold interviews of the Consultants that have been shortlisted. The Consultants on the shortlist will be notified of their interview

date and time. Notifications will be sent to the email addressed provided as the Consultant’s contact information. Interviews will be held remotely via video conference. In the event that the Judicial Council chooses not to hold interviews and a Master Agreement is to be awarded under this RFP, the Judicial Council will post on the website publishing this RFP a Notice of Intent to Award that lists the names of the selected Consultant(s), if any.

- 7.3 **Award.** After the interviews, if any, the ranking of the Consultants according to the selection criteria will be adjusted and the highest-scoring Consultants will be contacted regarding contract award and execution. If a Master Agreement will be awarded under this RFP, the Judicial Council will post a Notice of Intent to Award on the website publishing this RFP that lists the names of the selected Consultant(s).
- 7.4 **Verification.** At any time, Judicial Council may contact previous clients and owners to verify the experience and performance of the prospective Consultant, their key personnel, and their sub-consultants.

## 8. EVALUATION OF PROPOSALS

- 8.1 **Required Contents.** At the time Proposals are opened, each Proposal will be reviewed for minimum requirements and the presence or absence of all required contents.
- 8.2 **Proposal Evaluation.** Proposals will be evaluated on the basis of qualifications and hourly rates. The Judicial Council will evaluate and score submitted Proposals according to the following criteria with the following weights (“**Proposal Evaluation**”):

Points	Criteria	100 points maximum
<b>STATEMENT OF QUALIFICATIONS</b>		
15	<b>Project Team Expertise with Public Projects</b> Key personnel’s demonstrated experience with public works projects including roles, individual experience and responsibilities, and demonstrated ability to work with Judicial Council staff in performing the Services.	
15	<b>Statement of Services</b> Consultant’s demonstrated understanding of what is required to complete the Services described in this RFP (see section 3, Scope of Services).	
10	<b>References Evaluation</b> Consultant’s previous client satisfaction based on the Judicial Council contacting three (3) references provided by the Consultant (see section 6.1.7, Reference Checks).	
5	<b>Consultant Information</b> Consultant’s history including number of years in business and types of business conducted.	
15	<b>Consultant’s Prior Relevant Experience</b> Past five years of the Consultant’s relevant experience to provide the Services and successfully complete the Projects.	
5	<b>Approach</b> Consultant’s approach towards project management and the performance of the Services.	
5	<b>DVBE Incentive</b> Consultant will receive the DVBE incentive upon certification of its status as a DVBE, pursuant to section 10; note that the DVBE incentive will only be awarded if the Consultant itself is a DVBE.	
<b>COST PROPOSAL</b>		
30	<b>Cost Proposal</b> Consultant’s hourly rates and lab fees provided in <b>Attachment N</b> pursuant to the indicated instructions and scoring methodology.	



## 9. CONTRACT TERMS AND ADMINISTRATIVE RULES

- 9.1 **Irrevocable Offer.** All submitted Proposals shall constitute and be an irrevocable offer by the Consultant that is valid for ninety (90) days following the Proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period with Consultants. The Judicial Council may release all offers not selected under this RFP upon issuance of a Notice of Intent to Award.
- 9.2 **Rate Increases.** Consultants may request, in writing no less than sixty (60) days prior to the start of any extension of the term of an awarded Master Agreement, if exercised by the Judicial Council, that the Consultant's hourly rates be adjusted based on the California Bureau of Labor Statistics' Consumer Price Index increase for the preceding twelve (12) months prior to the increase becoming effective. A Consultant may not be entitled to an increase of its hourly rates if the Consultant fails to properly make such a request under the terms of its Master Agreement.
- 9.3 **Affirmation of Agreement.** In submitting a Proposal under this RFP, the Consultant must affirm that it has no objections to the use of the Master Agreement as provided, pursuant to this RFP.
- 9.4 **Execution.** If a satisfactory Master Agreement has not been signed within thirty (30) calendar days of the Judicial Council's request for the Consultant to execute a Master Agreement, the Judicial Council reserves the right to terminate the award.
- 9.5 **Future Requests.** The Consultant(s) selected under this RFP will not be precluded from consideration nor given special status in any future solicitations issued by the Judicial Council.
- 9.6 **No Guarantee.** The Judicial Council does not guarantee any amount or duration of work under a Master Agreement, nor does the Judicial Council guarantee that any Projects will be assigned to the Consultant regardless of being awarded a Master Agreement.
- 9.7 **Provision of the Work.** Consultants will provide all Services in accordance with the Service Work Orders to be issued by the Judicial Council under the Master Agreement. Consultants will provide all Services in compliance with the provisions of the Master Agreement along with any additional provisions specified in a Service Work Order such as schedule, key personnel, and sub-consultant requirements.
- 9.8 **Compensation.** The method of compensation will vary on a Service Work Order-by-Service Work Order basis. See the Master Agreement for further details.

## 10. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

- 10.1 The Judicial Council has a Disabled Veterans Business Enterprise (DVBE) program with a total participation goal of three percent (3%). Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a Consultant's Proposal non-responsive.
- 10.2 To receive the DVBE incentive, the Consultant itself must be a certified DVBE and provide the required certification of its status as a DVBE with its Proposal per the requirements set forth in this RFP above. Please note that the DVBE incentive will only be awarded to Consultants that can be verified as a certified DVBE. A non-DVBE Consultant, regardless of whether it intends to utilize DVBE subcontractors, are not eligible for the DVBE incentive.

- 10.3 If a Consultant wishes to seek the DVBE incentive, the Consultant must complete and submit with its SOQ the Bidder Declaration (**Attachment L**) and the DVBE Declaration (**Attachment M**). Consultant must also submit all other materials required in the Bidder and DVBE Declarations.
- 10.4 The Judicial Council may request additional written clarifying information on the Consultant's DVBE status. Failure to complete and submit the documentation as required or provide any additional information requested will result in the Consultant not receiving the DVBE incentive.
- 10.5 A Consultant will receive the DVBE incentive if, in the Judicial Council's sole determination, the Consultant has met all applicable requirements. If the Consultant receives the DVBE incentive, the number of points specified in the Proposal Evaluation criteria will be added to the score assigned to the Consultant's Proposal.

## **11. ADMINISTRATIVE RULES GOVERNING RFPs**

- 11.1 The Judicial Council's Administrative Rules Governing Requests for Proposals can be found in **Attachment A**. By virtue of submission of a Proposal, the Consultant agrees to be bound by said Administrative Rules for this RFP.
- 11.2 The Judicial Council reserves the right to reject any and all Proposals, in whole or in part, as well as the right to issue similar requests for proposals in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparation or any expenses incurred in responding to this RFP. A Consultant's submitted Proposal will be retained for official files and be subject to public disclosure under rule 10.500 of the California Rules of Court.