

REQUEST FOR QUALIFICATIONS

ARCHITECTURAL AND
ENGINEERING SERVICES

NEW SACRAMENTO
CRIMINAL COURTHOUSE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

RFQ#JBCP-2014-03-BR



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM



REQUEST FOR QUALIFICATIONS

The Judicial Council of California, Operations & Programs Division, Capital Program office seeks to identify and select an architectural concern and their consulting engineering team qualified to provide services in all phases of pre-design, design and construction of the new courthouse for the Superior Court of California, County of Sacramento, which will be funded for Preliminary Plans and Working Drawings in Fiscal Year 2014-2015.

- Statement of Qualifications Due Date/Time: **October 24, 2014, 2 PM (PST)**
- SOQs must be received on or before the date and time indicated to:

Judicial Council of California
 Administrative Division, Finance
 Attn: Ms. Nadine McFadden
 455 Golden Gate Avenue, 6th Floor
 San Francisco, CA 94102

(Indicate RFQ Number, Name of Your Firm, and Project Name on lower left corner of envelope)

- Contact Information: CapitalProgramSolicitations@jud.ca.gov

RFQ SCHEDULE		DATES/TIME (PST)
1.	Pre-submittal Teleconference: Telephone participants dial 1-877-820-7831, Participant Code: 760754	3:00-4:00 PM, October 8, 2014
1.	Deadline for submittal for clarifications, or questions regarding the RFQ to CapitalProgramSolicitations@jud.ca.gov	October 10, 2014-5:00 p.m.
2.	Modifications and/or answers to questions posted on the Judicial Council website: http://www.courts.ca.gov/	October 15, 2014
3.	<u>Submittal Deadline</u>	<u>2 PM –Friday, October 24, 2014</u>
5.	Posting of Short Listed Consultants (if required) on the Judicial Council website: http://www.courts.ca.gov/	November 3, 2014 <i>(estimated)</i>
6.	Interviews of Short Listed Consultants (if necessary) in San Francisco	November 17-21, 2014
7.	Posting Notice of Intent to Award on Judicial Council website	November 24, 2014 <i>(estimated)</i>

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1.0 INTRODUCTION

This Request for Qualifications (RFQ) is the means for prospective proposers to submit their qualifications to the Judicial Council of California for the services described in this document. The RFQ and all associated documents and addenda are available in electronic form at <http://www.courts.ca.gov>.

The Judicial Council of California, chaired by the Chief Justice of California, is the primary policy making agency of the California judicial system. The Capital Program office is the division of the Judicial Council responsible for the planning, design, construction, real estate and asset management of facilities for the Superior and Appellate Courts of California.

2.0 PURPOSE OF THIS REQUEST FOR QUALIFICATIONS

The Judicial Council through this Request for Qualifications seeks the services of qualified architectural and engineering consulting teams, led by architects licensed in California (the Consultant), with expertise in all phases of planning and design of public or similar institutional buildings.

3.0 SCOPE OF SERVICES

The scope of architectural, engineering and related services for the project described in this RFQ may include some or all of the following services:

- 3.1 **Site Analysis and Selection:** The Judicial Council has acquired a site for the project; it is located on what is commonly referred to as Lot 41 in the Railyards development. More specifically it is to be sited on approximately 2.4 acres on the block bounded by 5th, 6th, H and G streets in downtown Sacramento. A plan of the site is shown in attachment C. Prospective consultants should participate in and/or perform detailed site analysis for the new court building, including required, urban, regional, court campus, or site-specific development planning;
- 3.2 **Land Use Entitlement:** An Environmental Impact Report has been completed for the propose project and Notice of Determination was filed on July 21, 2011. Support and/or participate in the preparation of environmental studies and reports as required under CEQA and related local and state laws and regulations; (Environmental site surveys and hazard documentation; EIR preparation; and site remediation services are not included in scope of services of this RFQ);
- 3.3 **Development Studies:** Conduct or participate in planning, parking and traffic, zoning, geotechnical, on-site and off-site utility and related utilization studies required for site consideration and acquisition and for project development and approvals;
- 3.4 **Functional Programming and Detailed Space Planning:** A building program will be available, however the consultant should be qualified to conduct and/or

review, and confirm functional programming, design definition, and space planning for court building functions, including surveys of existing facilities and develop or assist in the development of court building project requirements documents, including complete site, functional requirements, conceptual building, and test fit studies;

- 3.5 **Architectural and Engineering Design Services for New Construction:** Provide architectural, structural, civil, mechanical, electrical, plumbing, sustainable and LEED™ design, security, acoustical, interior design, lighting, audio visual, data/telecommunications, graphics design, building information modeling (“BIM”) and related services which may be required in connection with planning, design and a new building project. Special services that may be requested including but not limited to, geotechnical engineering; land surveys; wind engineering; vibration control; life safety/code consulting; audio visual; physical and electronic security design; parking structure design; parking revenue control; and art, where appropriate.
- 3.6 **Planning and Building Code Analyses:** Conduct and/or participate in all building and planning code analysis and reviews, including progressive and final analyses prior to design approvals, during coordination with Judicial Council and executive branch agency reviews, and during and after construction. Analyses may include seismic hazard review where appropriate;
- 3.7 **Contracting and Sourcing:** Provide consultation on and analysis of methods of sourcing which may be used for the building project, Construction Manager at Risk, participate in preparation of associated conventional or unique contract documents required for procurement; participate in construction contract bid analysis of general and special construction and/or construction management contracts; (Legal services, construction management, and construction services are not included in the scope of services in this RFQ);
- 3.8 **Cost Analysis and Schedule Planning:** Provide for all aspects of project cost estimating and schedule planning, including construction estimating, life cycle costing, value engineering, constructability reviews, critical path, and special scheduling;
- 3.9 **Design Services for Furniture, Fixtures and Equipment:** Provide all services required to properly plan, design, specify and coordinate furniture, fixtures, special finishes and equipment, including but not necessarily limited to: interior design, including millwork design and furniture specification, and finished material details;
- 3.10 **A/V, Telecommunications, Security, Low-Voltage Systems Design:** Provide all services required to properly plan, design and coordinate new and existing A/V, telecommunications, security and related low voltage systems associated with courthouse equipment.

- 3.11 **Site Planning and Landscape Architecture:** Provide all services required to properly plan, design, specify and coordinate exterior site design, including grading, parking lots, roads, driveways, hardscape, landscape, irrigation and coordination of underground utilities and/or building structures with landscape and hardscape elements;
- 3.12 **Construction Contract Administration:** Consistent with the scope stipulated in the attached contract, provide construction phase services, including (but not necessarily limited to) field observations, RFI and submittal reviews and processing, review of testing and inspection reports required by the bid documents (testing laboratory or construction inspection services are not part of this RFQ), coordination of finishes, furnishings and equipment, evaluation of pricing and schedule impacts for consideration/negotiation of changes, and project contract completion, including punch list, warranty review, preparation of record drawings and closeout;
- 3.13 **Building Commissioning:** Participation in development of building commissioning documents and procedures; and participation in commissioning program. (Specialized Commissioning agent services are not part of this RFQ);
- 3.14 **Move and Occupancy Planning:** Planning, design, and execution of temporary relocation, move planning, and start-up assistance;
- 3.15 **Peer Review Panel:** Participate in peer reviews of projects for which the Consultant is not associated, if requested; (Capital Program office may institute a process of project reviews to be conducted by panels that include Architects and Engineers knowledgeable about court design but not associated with the particular project to be reviewed); limited compensation may be applicable.
- 3.16 **Trial Court Design Standards:** The project shall be designed subject to the Judicial Council's Trial Court Facility Standards," April 2006 and subsequent updates; and
- 3.17 **Sustainable Design and LEED™ Requirements:** The project shall be designed for sustainability and at a minimum, to the standards of a LEED™ 2.1 Silver rating.

4.0 RESPONDING TO THE REQUEST FOR QUALIFICATIONS

The Judicial Council has developed the Schedule of Events (see page 2) with dates showing the key events in this solicitation process. The RFQ and schedule are subject to change, and the Judicial Council does not send notifications of changes to this RFQ or the schedule to prospective proposers and is not responsible for failure of any Proposer to receive notification of any change in a timely manner. Prospective proposers are advised to visit the Judicial Council website (<http://www.courts.ca.gov/home.htm>) frequently to check for changes and updates to the RFQ, including the Schedule.

On the date specified in the RFQ Schedule, pre-submittal teleconference will be held to review the published RFQ requirements and procedures. Prospective proposers may submit written questions prior to the teleconference to the Judicial Council via e-mail to:

CapitalProgramSolicitations@jud.ca.gov. Questions following the teleconference must be submitted no later than the date and time specified in the RFQ Schedule, utilizing the “Form for Submission of Questions” posted with this RFQ.

4.1 SOQs should provide straightforward, concise information that satisfies the requirements noted in this RFQ. Expensive binding, elaborate displays, and the like are discouraged. Emphasis should be placed on brevity, conformity to the Judicial Council’s instructions, selection criteria of this RFQ, and completeness and clarity of content.

Organizing submittals using tab dividers in the order indicated below help ensure that each submittal achieves the proper emphasis, and will facilitate review and evaluation. Attachments, except as noted, will not be accepted.

Each prospective proposer’s Statement of Qualifications (SOQ) should clearly and accurately demonstrate specialized knowledge and experience required for consideration for the project. In one sealed envelope (clearly marked “RFQ – (firm name), Project Name, RFQ Number”), submit the following:

- a) one (1) original Payee Data Record form completed in the exact legal name of the prospective proposer’s business signed by an authorized representative of the prospective proposer (do not bind Payee Data Record form into the SOQ booklet);
- b) one (1) compact disk containing the complete SOQ and Payee Data Record form;
- c) Qualifications Questionnaire (Attachment B of this solicitation document);
- d) four (4) copies in paper form of the SOQ, which consists of a Cover Letter and Standard Form 330 (Parts I and II). SOQ shall be prepared in a bound 8.5” x 11” booklet format using divider tabs that correspond, in number and title, to the Standard Form 330 sections outlined below:

Tab 1. Cover Letter Provide a cover letter that references this RFQ and includes Prospective proposer’s ability to begin services in the Preliminary Plans Phase upon contract execution. Additionally, confirm that all elements of the RFQ have been read and understood and that the Prospective proposer has reviewed all terms stated and takes no exception to the terms and conditions of the Standard Agreement (Attachment C of this solicitation document).

- The exact legal name, address, telephone and fax numbers, and federal tax identification number of the organization proposing to do business with the Judicial Council (or social security number if the organization is a sole proprietorship),
- The name, telephone, fax, address, and e-mail address of one business person who is the organization’s designated representative,

- The name, telephone, fax, address, and e-mail address of the contracts management or legal person who will liaise with the Judicial Council in contractual matters.

Tab 2. 330 Part I (A-D): Firm Identification

Identify your organization's point of contact, proposed team comprised of the Architect and only key sub-consultants, Structural, Mechanical, Electrical, low-voltage and LEED/Sustainability (as applicable), and an organizational team chart for the project described in Attachment A.

Tab 3. 330 Part I (E): Resumes of Key Personnel

Provide resumes for the key personnel that will constitute the actual team you propose to provide to the Judicial Council the services necessary to complete the project. Include your organization's principal-in-charge for this project, project manager, project architect, and project designer or alternate team roles. For your sub-consultants include principal-in-charge for this project and project engineer (one page per person maximum). In composing your team, the Judicial Council urges that you propose teams and individuals which have the requisite experience for the size, scale and complexity of the subject project and availability during the time frame proposed. In particular, candidates for project manager should have the proven, commensurate experience in court or institutional projects, in the proposing organization, or in past employment. (One page per person maximum);

Tab 4. 330 Part I (F): Example Projects

Provide examples of your organization's projects (no more than 10 projects) which best illustrate their collective firm, and individual qualifications for the scope and size of the specific project for which you propose to compete. Provide one attached page following the text page for each project for supporting photographs and/or graphics. Indicate any projects accomplished by the staff you are proposing that were conducted while under the employment of others. Project examples cited should be either court buildings or institutional buildings of similar complexity completed in the last ten (10) years which demonstrate the Consultant's ability and experience to successfully complete the project. Provide Owner's information as a reference contact for verification of firm, team and individual roles and responsibilities for project(s) you have listed. (Two pages per project maximum); (Two pages per project maximum);

Tab 5. 330 Part I (G): Key Personnel

Participation of the key proposed team members in the project examples from Part 1 (F) should be provided. (One page maximum);

Tab 6. 330 Part I (H): Proposed Approach

Provide a description of: a) your organization's approach to the design of public or similar institutional buildings, and b) your response to the selection criteria listed in

7.0 of this RFQ. This section shall be signed by an authorized representative of the proposing organization. (Four pages maximum);

Tab 7. 330 Part II: General Qualifications

Provide general qualifications for the prospective proposer's office or branch office that is performing the work described in the RFQ. Fill in sections 1 through 9. Part 9 shall indicate current employees by discipline. Section 12 shall be signed by an authorized representative of the prospective proposer. Items 4, 5b, 8c and 11 of Part II are not required.

Tab 8. Qualifications Questionnaire

Include completed Attachment B form here bearing an original signature from an individual with a level of authority qualified to commit your organization.

Tab 8.1 Supporting Documentation: Litigation History

List any litigation(s) or resolution(s) within the past 5 years, include dispute(s) that were or were not resolved through arbitration.

Note: The Judicial Council does not require that DVBE information be submitted with your SOQ.

For Standard Form 330, please go to: <http://gsa.gov/portal/forms/download/116486>

5.0 SUBMISSION OF REQUEST FOR QUALIFICATIONS

Submit your SOQ to the address specified on or before the date and time required as noted in the RFQ Schedule. All materials to be submitted may be sent by US mail, express mail, courier service of the prospective proposer's choice, or hand delivered to the Judicial Council. E-mail submissions will not be accepted. Proposals received after the deadline will be rejected without review. With the exception of SOQs hand delivered, the Judicial Council provides no receipts nor makes any notification of its receipt or failure to receive any SOQ.

If an SOQ is hand delivered, it must be submitted only to the reception desk of the Judicial Council on the 6th floor 455 Golden Gate Avenue, San Francisco, CA 94102. Prospective proposers are advised to obtain a handwritten receipt from the Judicial Council receptionist when submitting.

6.0 LIMITATIONS ON PROJECTS—APPROPRIATION FUNDING LIMITATIONS

- 6.1 If a Consultant wishing to participate in this RFQ already has major capital work with the Judicial Council, that Consultant will not be precluded from consideration for additional work under this solicitation provided the consultant has requisite resources to complete multiple projects, subject to the criteria for selection under Section 7. This also applies to sub-consultants.

6.2 It is the intention of the Judicial Council to contract with the selected firms for all phases of the project described. However, the Judicial Council can only authorize work for a phase or phases of work subject to appropriation under the respective budget act. As previously noted, the project is subject to appropriation set forth in AB 1476, which amends the 2014-2015 Budget Act, and no work can begin until AB 1476 is signed and the funds appropriated. All future phases of work are similarly subject to budget appropriations in future fiscal years. The Judicial Council cannot guarantee the amount or duration of the work. Prior to the time a contract is executed the project descriptions provided here are subject to change at the sole discretion of the Judicial Council.

7.0 SOQ EVALUATION PROCESS/INTERVIEWS

7.1 An evaluation team consisting of Judicial Council Capital Program office staff and other members of a project advisory team, as appropriate, will be assigned by the Judicial Council to evaluate the SOQs.

7.2 The evaluation team will initially determine if the SOQ submitted conforms to the requirements of this RFQ. Prospective consultants that submitted SOQs failing to meet RFQ requirements will, as soon as practicable, be notified in writing by e-mail.

7.3 The evaluation team will evaluate and grade the remaining Statements of Qualifications each to be weighted as indicated. In the process of grading the SOQs submitted, Capital Program office staff may contact previous clients and owners listed in Part 1 (F) of the Standard Form 330 to verify the experience and performance of the prospective consultant, their key personnel, and their key sub-consultants, as appropriate.

Weight	Criteria
40%	<p><u>Design Experience</u></p> <p>Specific experience of the proposed team and its key individuals in the development of high quality buildings for court or other similar program intensive 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.</p>
20%	<p><u>Project Management</u></p> <p>Specific experience of the proposed project manager in managing individual public/institutional projects of similar size and complexity. Prospective consultant’s record and systems for providing and maintaining high quality consulting services and design/contract documents to its clients, and in construction contract administration, and for budgetary and scheduling management, as evidenced by projects which have bid on or below budget; been completed on or ahead of schedule; specialized</p>

documentation of successes in management of scope, cost and time parameters for completed projects, etc.

10%

Geographic Breadth of Service Delivery Area

Ability of the firm to provide service in the geographical location of the project, given the firm's proposed resources, offices, and teams.

20%

Technical and Project Execution Capabilities Expertise

Demonstrated experience and expertise of the proposed team to deliver high quality construction documents, and specific aspects of institutional building, including (but not necessarily limited to), building Mechanical/Electrical/Plumbing (MEP) and structural engineering design, interior design, site design and LEED™ standards and processes, as evidenced by documentation of completed projects which accomplished specific technical goals, such as LEED or otherwise unique and particular mechanical, electrical, structural and other systems, etc.

The Judicial Council's evaluation of prospective consultant's ability to actually provide all the requisite resources needed to complete the project(s) for which they are selected, taking the Judicial Council's scheduled expectations of the time frames for project execution into effect, as evidenced by a list of staff in specific locations who will be assigned to the proposed project.

10%

Specialized Expertise

Specialized expertise in court facilities planning; and any other particular technical specialty associated with a given building project, as evidenced by specific examples of that expertise.

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- 7.4. Based upon this initial evaluation, the Judicial Council will establish a short list (if required) of qualified firms, which will be posted on the Judicial Branch website. The selected firms will be invited for in person interviews.
 - 7.5. Following the interviews, the evaluation team will, taking the results of the interview, and, using the assigned weights, determine the highest ranking Consultant, who will be selected for the project.
 - 7.6. Following selection, the Judicial Council's will contact the firm and proceed with the negotiation of the contract fee and execution of the contract, however, no work may commence, and no contracts may be executed prior to the passage of AB 1476 of the Fiscal Year 2014-2015, in or after September 2014.
 - 7.7. In the event an agreement cannot be reached with the selected Consultant after a reasonable amount of time, the Judicial Council may choose to award to the next highest ranked prospective proposer.

8.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

Records created as part of prospective proposer's submittal and selection process are generally subject to California Rules of Court, Rule 10.500 and may be available to the public absent an exemption. If a SOQ or Proposal contains material noted or marked as confidential and/or proprietary that, in the Judicial Council's sole opinion, meets the disclosure exemption requirements of Rule 10.500, then that information will not be disclosed pursuant to a request for records. If the Judicial Council does not consider such material to be exempt from disclosure under Rule 10.500, the material will be made available to the public, regardless of the notation or markings. If a Firm is unsure if the information contained in its SOQ or Proposal confidential and/or proprietary then it should not include the information in its SOQ or Proposal. A firm that indiscriminately identifies all or most of its SOQ or Proposal as exempt from disclosure however may be deemed non-responsive,

9.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

The Judicial Council requires contract participation goals of a minimum of three percent (3%) for disabled veteran business enterprises (DVBEs). The Judicial Council will require that the selected firm to demonstrate DVBE compliance and complete a DVBE Compliance Form. Information about DVBE resources can be found on the Executive Branch's website at <http://www.dgs.ca.gov/pd/Programs/OSDS/legislation.aspx> or by calling the Office of Small Business and DVBE Certification at 916-375-4940. The DVBE Participation Form is attached as an Exhibit to the Agreement.

10.0 ADMINISTRATIVE RULES GOVERNING REQUEST FOR QUALIFICATIONS

By virtue of submission of a written proposal, the prospective proposer agrees to be bound by these administrative rules.

10.1 COMMUNICATIONS WITH JUDICIAL COUNCIL REGARDING THE RFQ

Except as specifically addressed elsewhere in the RFQ, prospective proposers must send any communications regarding the RFQ to capitalprogramsolicitations@jud.ca.gov (solicitations mailbox). Prospective proposers must include the RFQ Number in subject line of any communication.

10.2 QUESTIONS REGARDING THE RFQ

- A. If a prospective proposer's question relates to a proprietary aspect of its proposal and the question would expose proprietary information if disclosed to competitors, the prospective proposer may submit the question via email to the Solicitations Mailbox, conspicuously marking it as "CONFIDENTIAL." With the question, the prospective proposer must submit a statement explaining why the question is sensitive. If the Judicial Council concurs that the disclosure of the question or answer would expose proprietary information, the question will be answered, and both the question and answer will be kept in confidence. If the Judicial Council does not concur regarding the proprietary nature of the question, the question will not be answered in this manner and the prospective proposer will be notified.

- B. Prospective proposers interested in responding to the RFQ may submit questions via email to the Solicitations Mailbox on procedural matters related to the RFQ or requests for clarification or modification of the RFQ no later than the deadline for questions listed in the timeline of the RFQ. If the Prospective prospective proposer is requesting a change, the request must set forth the recommended change and the Proposer's reasons for proposing the change. Questions or requests submitted after the deadline for questions will not be answered. Without disclosing the source of the question or request, a copy of the questions and the Judicial Council's responses will be made available.

14.2 ERRORS IN THE RFQ

- A. If, before the SOQ due date and time listed in the timeline of the RFQ, a prospective proposer discovers any ambiguity, conflict, discrepancy, omission, or error in the RFQ, the prospective proposer must immediately notify the Judicial Council via email to the Solicitations Mailbox and request modification or clarification of the RFQ. Without disclosing the source of the request, the Judicial Council may modify the RFQ before the SOQ due date and time by releasing an addendum to the solicitation.
- B. If a prospective proposer fails to notify the Judicial Council of an error in the RFQ known to prospective proposer, or an error that reasonably should have been known to prospective proposer, before the SOQ due date and time listed in the timeline of the RFQ, prospective proposer shall propose at its own risk. Furthermore, if prospective proposer is awarded the agreement, prospective proposer shall not be entitled to additional compensation or time by reason of the error or its later correction.

14.3 ADDENDA

- A. The Judicial Council may modify the RFQ before the SOQ due date and time listed in the timeline of the RFQ by issuing an addendum. It is each prospective proposer's responsibility to inform itself of any addendum prior to its submission of a SOQ.
- B. If any prospective proposer determines that an addendum unnecessarily restricts its ability to propose, the prospective proposer shall immediately notify the Judicial Council via email to the Solicitations Mailbox no later than one day following issuance of the addendum.

14.4 WITHDRAWAL AND RESUBMISSION/MODIFICATION OF SOQ

A prospective proposer may withdraw its SOQ at any time before the deadline for submitting SOQs by notifying the Judicial Council in writing of its withdrawal. The notice must be signed by the prospective proposer. The prospective proposer may thereafter submit a new or modified SOQ, provided that it is received at the Judicial Council no later than the SOQ due date and time listed in the timeline of the RFQ. Modifications offered in any other manner, oral or written, will not be considered. SOQs cannot be changed or withdrawn after the SOQ due date and time listed in the timeline of the RFQ.

14.5 ERRORS IN THE SOQ

If errors are found in a SOQ, the Judicial Council may reject the SOQ; however, the Judicial Council may, at its sole option, correct arithmetic or transposition errors or both on the basis that the lowest level of detail will prevail in any discrepancy. If these corrections result in significant changes in the amount of money to be paid to the prospective proposer (if selected for the award of the agreement), the prospective proposer will be informed of the errors and corrections thereof and will be given the option to abide by the corrected amount or withdraw the SOQ.

14.6 RIGHT TO REJECT SOQS

- A. Before the SOQ due date and time listed in the timeline of the RFQ, the Judicial Council may cancel the RFQ for any or no reason. After the SOQ due date and time listed in the timeline of the RFQ, the Judicial Council may reject all SOQs and cancel the RFQ if the Judicial Council determines that: (i) the SOQs received do not reflect effective competition; (ii) the cost is not reasonable; (iii) the cost exceeds the amount expected; or (iv) awarding the contract is not in the best interest of the Judicial Council.
- B. The Judicial Council may or may not waive an immaterial deviation or defect in a SOQ. The Judicial Council's waiver of an immaterial deviation or defect shall in no way modify the RFQ or excuse a prospective proposer from full compliance with RFQ specifications. Until a contract resulting from this RFQ is signed, the Judicial Council reserves the right to accept or reject any or all of the items in the SOQ, to award the contract in whole or in part and/or negotiate any or all items with individual prospective proposer if it is deemed in the Judicial Council's best interest. A notice of intent to award does not constitute a contract, and confers no right of contract on any Proposer.
- C. The Judicial Council reserves the right to issue similar RFQs in the future. The RFQ 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 preparing the SOQ.
- D. Proposers are specifically directed **NOT** to contact any Judicial Council personnel or consultants for meetings, conferences, or discussions that are related to the RFQ at any time between release of the RFQ and any award and execution of a contract. Unauthorized contact with any Judicial Council personnel or consultants may be cause for rejection of the prospective proposer's SOQ.

14.7 EVALUATION PROCESS

- A. An evaluation team will review all SOQs that are received by the appropriate deadline to determine the extent to which they comply with RFQ requirements.
- B. SOQs that contain false or misleading statements may be rejected if in the Judicial Council's opinion the information was intended to mislead the evaluation team regarding a requirement of the RFQ.
- C. During the evaluation process, the Judicial Council may require a prospective proposer's representative to answer questions with regard to the prospective proposer's proposal. Failure of a Proposer to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive.
- D. In the event of a tie, the contract will be awarded to the winner of a single coin toss. The coin toss will be witnessed by two Judicial Council employees. The Judicial Council will provide notice of the date and time of the coin toss to the affected prospective proposers, who may attend the coin toss at their own expense.

14.8 PROTEST PROCEDURE

- A. Failure of prospective proposer to comply with the protest procedures set forth in this Section, will render a protest inadequate and non-responsive, and will result in rejection of the protest.
 - i. **Prior to Submission of SOQ.** A prospective proposer may file a protest based on allegedly restrictive or defective specifications or other improprieties in the RFQ

process. The prospective proposer is solely responsible for ensuring that a solicitation specifications protest is received prior to the RFQ Closing Time. Failure to comply with this procedure constitutes a waiver of the prospective proposer's right to protest the solicitation's specifications or requirements.

- ii. **After Award.** A prospective proposer submitting a SOQ may protest the award based on allegations of errors in the award process sufficiently material to justify invalidation of the proposed award or the Judicial Council decisions are lacking a rational basis and are, therefore, arbitrary.

Protest must be received no later than five (5) business days after the Judicial Council posts the intent to award.

- iii. **Form of Protest.** The protest must be in writing and sent by certified, or registered mail, or overnight delivery service (with proof of delivery), or delivered personally to the address noted in section 5.6 above. If the protest is hand-delivered, a receipt must be requested.

1. The protest shall include the name, address, telephone and fax numbers and email address of the party protesting or their representation,

2. The title of the RFQ under which the protest is submitted,

3. A specific alleged deficiency in the solicitation's technical, administrative, or cost specifications or requirements, or alleged error or irrational decision made by the Judicial Council,

3. A detailed description of the specific legal and factual grounds of protest and any supporting documentation, and

4. The specific ruling or relief request.

If an award protest is missing any of this information (by the date the protester is required to have all such information to the Judicial Council), the award protest may be rejected by the protest hearing officer. The hearing office may issue a written determination regarding the award protest without requesting further information from the protester. Therefore, the award protest must include all grounds and all evidence available at the time the award protest is submitted. New grounds or new evidence raised later, but which could have been provided at initial protest shall not be considered.

- iv. **Appeals Process.** The Judicial Council's decision shall be considered the final action by the Judicial Council unless the protesting party submits an appeal to the protest appeals officer, within five (5) calendar days of the issuance of the Judicial Council's decision. The appeal must include the items listed above in "A. iii" along with a copy of the protest hearing officer's written determination.

The Judicial Council may, at its sole discretion, delay the award until the appeal is resolved or proceed with the award and execution of the contract.

Any appeal lacking any of this information may be rejected by the protest appeals officer. The protester bears the burden of proof to show that the protest hearing officer's written determination is incorrect.

If the protest is upheld, the Judicial Council will consider all circumstances surrounding the RFQ in its decision for a fair and reasonable remedy, including the seriousness of the RFQ deficiency, the degree of prejudice to the protesting party or to the integrity of the competitive process, the good faith efforts of the parties, the cost to the Judicial Council, the urgency of the procurement, and the impact of the recommendation(s) on the Judicial Council. Remedial action may include:

1. Terminate the awarded contract
2. Re-solicit the requirement
3. Issue a new solicitation;
4. Refrain from exercising options under the awarded contract; and
5. Award a contract consistent with statute or regulation.

End of RFQ