



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 25–26, 2016

Title	Agenda Item Type
Court Facilities: Superior Court of California, County of Los Angeles: Hollywood Courthouse Project Design-Build Delivery Method and Prequalification Process	Action Required
	Effective Date
	August 26, 2016
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	August 26, 2016
Recommended by	Contact
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Executive Summary

Judicial Council staff recommends that the Judicial Council proceed with the design-build delivery method for the new Hollywood Courthouse and establish the prequalification process for design-build entities for the new Hollywood Courthouse project.

Recommendation

Judicial Council staff recommends that the Judicial Council, effective August 26, 2016, take the following actions concerning the design-build method to deliver a new Hollywood Courthouse:

- Establish the prequalification process for design-build entities for the new Hollywood Courthouse project.

Previous Council Action

“The AOC [now Judicial Council of California] recommended that the Judicial Council adopt performance criteria for the design-build method to deliver the construction of a modernized Hollywood Courthouse. The AOC also recommended that the council adopt the competitive prequalification and selection process for design-build entities and directed that the award be made to the design-build entity whose proposal is judged as providing the best value in meeting the interests of the council and the objectives of the capital project.

Council action

The Judicial Council, effective June 27, 2014:

1. Adopted *Hollywood Courthouse Modernization Project: Design-Build Performance Criteria* and *Hollywood Courthouse Modernization Project: Prequalification and Selection Process for Design-Build Entities* defined and required by state statute.
2. Directed that the award be made to the design-build entity whose proposal is judged as providing the best value in meeting the interests of the council and the objectives of the capital project per state statute.”

Rationale for Recommendation

Competitive prequalification process

Government Code section 70391.7 authorizes the Judicial Council to utilize the design-build delivery method for courthouse projects as long as certain statutory requirements are followed. One of these requirements under Government Code section 70391.7 is that the council must establish a competitive prequalification and selection process for design-build entities with respect to the project pursuant to Government Code section 70391.7(c)(2)(A). Another requirement is that the council must adopt the performance criteria for the project pursuant to Government Code section 70391.7(c)(1). The selection process and performance criteria for the project will be brought to the council for action later.

Attachment A sets forth the prequalification process for design-build entities for the new Hollywood Courthouse. This document describes the prequalification process for potential design-build entities.

Prequalification Criteria. As required by Government Code section 70391.7(c)(3)(A), in establishing the competitive Prequalification Process for Design-Build Entities (“DBE”) for the new Hollywood Courthouse project, the council must specify the prequalification criteria which will be utilized to prequalify DBEs. The prequalification criteria shall be limited to consideration of all criteria set forth in Government Code section 70391.7(c)(2)(B)(i)–(vii) and as more fully set forth in Attachment A.

Request for Qualifications. The Prequalification process will include the solicitation of qualifications through a Request for Qualifications (“RFQ”). Utilizing the mandatory

prequalification criteria set forth in Government Code section 70391.7(c)(2)(B)(i)–(vii), potential DBE firms will submit a Statement of Qualifications (“SOQs”). A Qualifications Review Team will evaluate the SOQs and assign points based upon the DBE firm’s responses to the requirements of the RFQ. The five (5) top scoring DBE firms will be invited to interview with the Selection Committee. Thereafter, a short list will be developed of the three most highly qualified DBE firms to submit proposals for the Project under the selection phase of the process.

Comments, Alternatives Considered, and Policy Implications

Staff did not solicit comments on the recommended council action. In terms of alternatives, the Hollywood Courthouse project had originally been scoped as a new courthouse project included in Senate Bill 1407 (Perata; Stats. 2008, ch. 311). The scope of the project was then changed from new construction to modernization of the existing Hollywood Courthouse to make productive use of an underutilized courthouse owned by the state, thereby saving time in the site acquisition process and acquisition costs. Utilizing the existing site allowed a reversion of \$32.883 million in site acquisition funds.

Additional geotechnical testing and analysis revealed likely active earthquake faults beneath the existing courthouse structure. Due to this finding, a change to the scope of the project from a modernization project to a new construction project—which would include demolition of the existing building—on the site of the existing Hollywood Courthouse was requested through the annual budget. Staff considered using a traditional and sequential method to procure the design and construction but rejected this approach in favor of the design/build methodology that saves time in the development process.

Implementation Requirements, Costs, and Operational Impacts

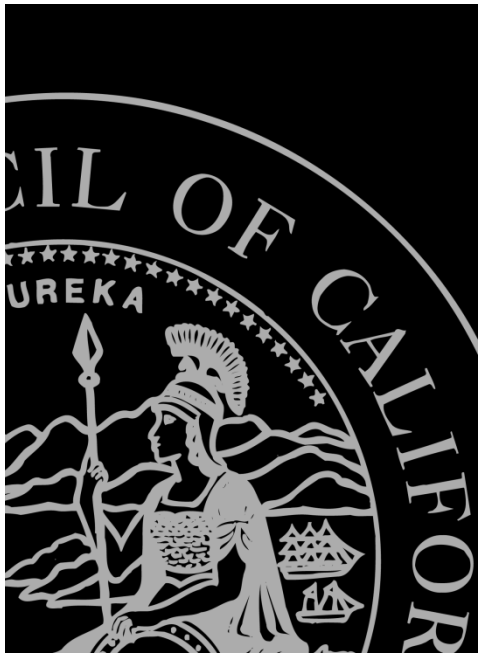
The availability of the existing Hollywood Courthouse site allows the Superior Court of Los Angeles County to move forward with this project to meet countywide service delivery goals while saving site acquisition costs. Utilizing the existing site allowed a reversion of \$32.883 million in site acquisition funds. By utilizing an existing site as compared to purchasing a new site, the SB 1407 courthouse construction funds saved will assist in the effort to fund other projects.

Relevant Strategic Plan Goals and Operational Plan Objectives

By providing trial courts with the facilities required to carry out the judicial branch’s constitutional functions, the proposed project supports the Judicial Council’s commitment to Goal I, Access, Fairness, and Diversity; and Goal IV, Quality of Justice and Service to the Public.

Attachments

1. Attachment A: *Superior Court of California, County of Los Angeles: Hollywood Courthouse Project Design-Build, Prequalification Process*, dated August 26, 2016.



Superior Court of California,
County of Los Angeles:

Hollywood Courthouse Project
Design-Build, Prequalification Process

ATTACHMENT A

AUGUST 26, 2016



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CAPITAL PROGRAM

Overview of the Design-Build Prequalification and Selection Process

A two-phase process is being utilized to select the Design-Build Entity (“DBE”) to design and construct the Hollywood Courthouse Project (“Project”). The award for the Project will be based on the DBE proposal that is judged as providing the “best value” in meeting the interests of the Judicial Council of California (“Judicial Council”) and the objectives of the Project. This selection process is authorized by Government Code section 70391.7(c).

The first phase (“Phase 1”) in the selection process is a competitive prequalification procedure solicited through a Request for Qualification (“RFQ”). Utilizing the mandatory criteria set forth in Government Code section 70391.7(c)(2)(B), the requirements of the RFQ will be established for potential DBE firms to submit a Statement of Qualifications (SOQ), responding to each of the mandatory criteria as part of the RFQ. A Qualifications Review Team will evaluate the responses to the RFQ and will assign points based upon the DBE firm’s responses to the requirements of the RFQ. The five (5) top scoring DBE firms will be invited to interview with the Selection Committee, which will result in the development of a short list (“Prequalified List”) of the top three most highly qualified DBE firms to submit proposals for the Project under the second phase of the selection process.

The second phase (“Phase 2”) of the selection process will involve a design-build competition in accordance with Government Code section 70391.7 (c)(3)(B), which will begin with the distribution of the Request for Proposal (“RFP”) to the three DBE Firms on the prequalified list (“Design-Build Proposers”). The Design-Build Proposers will have approximately sixty (60) days after receipt of the RFP to develop a technical proposal with design approach, Project features and functions, and details in response to the RFP. The Judicial Council will hold a Preproposal RFP Conference with all shortlisted Design-Build Proposers to familiarize them with the requirements of the RFP within fourteen (14) days of its release. During the design competition period, informal progress meeting(s) will be held between the Judicial Council and the Design-Build Proposers to allow them to ask questions regarding the Project requirements and expectations of the Judicial Council. Upon submission of the Design-Builder’s Proposals, the three packages will be analyzed for compliance to the RFP and scored according to predetermined scoring criteria that will be published with the RFP. Initial scoring of each Design-Builder’s Proposals shall be done by the Judicial Council’s Technical Review team made up of Judicial Council staff and Project consultants.

Interview questions will be developed from the analysis of each Proposal and asked by the Judicial Council’s Selection Committee members during the presentation/interviews of each of the Design-Build Proposer teams. Additional scoring of the presentation/interviews will be made by the Selection Committee. The highest combined scoring of the proposal and the presentation/interview will be that which is deemed as providing the “best value” in meeting the interests of

the Judicial Council and the objectives of the Project established in the RFP and in accordance with Government Code section 70391.7(c)(3)(B)(i).

1. Phase 1–Prequalification Process (RFQ)

The Judicial Council will publicly issue an RFQ for the Project and evaluate each received SOQ’s written information concerning the DBE’s ability to meet mandatory criteria set forth in Government Code section 70391.7(c)(2)(B) to prequalify DBEs for Phase 2 of the Hollywood Courthouse Project selection.

The prequalification process is divided into four (4) parts:

	Maximum Points/Section
Part A–QUESTIONNAIRE	Pass / Fail and 250
Part B–EXPERIENCE	1,000
Part C–INTERVIEW	500
Part D–PREQUALIFICATION LIST: Total Maximum Points (Parts B and C):	1,500

The mandatory criteria will be considered for prequalification of DBEs and has been included in both Part A–Questionnaire and Part B–Experience as follows:

1.1. **Part A–PREQUALIFICATION QUESTIONNAIRE**

The SOQ Evaluation Team will evaluate the Part A–Questionnaire for completeness; conformance to project requirements; financial, legal and performance history; violations, claims, arbitration and/or litigation; and other requirements including:

- 1.1.1. **Licensure.** Submission of evidence demonstrating possession of all required licenses, registration, and credentials for the Design-Build Entity that are required to design and construct the Project.

If the license information requested of the Design-Build Entity is not provided, or the Design-Build Entity does not possess current California licenses, then the Design-Build Entity will receive a score of **Fail** for this question.

- 1.1.2. **Design-Build Team.** Identify the firms proposed as the Design-Build Entity and the partnership, corporation, or other legal entity that will provide appropriately licensed contracting, architectural, and engineering

services as needed pursuant to a design-build contract. Each responding Design-Build Entity must submit qualifications for an architect and the general contractor, each appropriately licensed in California, as well as a mechanical engineer, structural engineer, electrical engineer, civil engineer, and a landscape architect, all of which must also be appropriately licensed in California. The Design-Build Entity's architect shall be required to complete the design and serve as the Architect of Record for the Project. A security electronics consultant shall also be submitted as part of the Design-Build Team.

1.1.2.1. If the information requested for the Design-Build Entity is not provided, then the Design-Build Entity will receive a score of ***Fail*** for this question.

1.1.2.2. In addition, the Design-Build Entity may submit qualifications of other firms that bring special qualifications to their teams for items such as parking design, energy efficiency/sustainability (LEED™), or any other notable design consultant(s), each appropriately licensed in California. These or a combinations of the above disciplines may be provided by a single firm or by several firms. Points will be allocated for the other firms provided by the Design-Build Entity in Part B–Experience.

1.1.3. **Financial Information.** Submission of evidence, including financial statements, that establishes that the Design-Build Entity has the capacity to perform the work under the Project and obtain all required payment and performance bonding. In the case of a Joint Venture, all members of the Joint Venture are required to submit their financial information.

If the Design-Build Entity does not demonstrate the financial capacity to perform the work or provide the requested statement from a bonding company, then the Design-Build Entity will receive a score of ***Fail*** for this question.

1.1.4. **Insurance.** Submission of evidence that establishes that the Design-Build Entity has the capacity to obtain liability insurance and professional liability insurance, worker's compensation insurance, errors and omissions insurance, and other insurance requirements.

1.1.4.1. The Judicial Council may utilize an owner-controlled insurance program whereby the state will purchase and provide specified types of insurance for the benefit of the state, the Design-Build Entity and its subcontractors; however, this does not change the need for the Design-Build Entity to meet the requirements.

1.1.4.2. If the Design-Build Entity does not provide evidence that establishes that the Design-Build Entity can obtain the requested insurance, then the Design-Build Entity will receive a score of ***Fail*** for this question.

1.1.5. **Termination/Failure to Complete; Violations; Claims, Arbitration and Litigation.** Submission of declarations, information, and details concerning all of the following:

1.1.5.1. Declaration certifying that the Design-Build Entity has not had a surety company finish work on any project within the last five (5) years.

If the requested declaration is not provided, or if a surety company finished work on any project of the Design-Build Entity within the last five (5) years, then the Design-Build Entity will receive a score of ***Fail*** for this question.

1.1.5.2. Information and declaration providing detail regarding any construction or design claim or litigation totaling more than five hundred thousand dollars (\$500,000) or five percent (5%) of the annual value of work performed, whichever is less, settled against the Design-Build Entity within the last five (5) years.

If the requested declaration is not provided, then the Design-Build Entity will receive a score of ***Fail*** for this question.

The Design-Build Entity will be scored from a scale of 0 to 50 points with 50 points being the maximum points.

1.1.5.3. Information and declaration providing detail regarding serious violations of the Occupational Safety and Health Act, as provided in Part 1 (commencing with Section 6300) of Division 5 of the Labor Code, settled against of the Design-Build Entity.

If the requested declaration is not provided, then the Design-Build Entity will receive a score of ***Fail*** for this question.

The Design-Build Entity will be scored based on the information and declaration from a scale of 0 to 50 points with 50 being the maximum points.

- 1.1.5.4. Information and declaration providing detail regarding any violations of federal or state law, including, but not limited to, those laws governing the payment of wages, benefits, or personal income tax withholding, or of Federal Insurance Contributions Act (FICA) withholding requirements, state disability insurance withholding, or unemployment insurance payment requirements, settled against any member of the Design-Build Entity over the last five (5) years.

For the purposes of this sub-clause, only violations by a Design-Build member as an employer shall be deemed applicable, unless it is shown that the Design-Build member, in his or her capacity as an employer, had knowledge of his or her subcontractor's violations or failed to comply with the conditions set forth in subdivision (b) of Section 1775 of the Labor Code.

If the requested declaration is not provided, then the Design-Build Entity will receive a score of ***Fail*** for this question.

The Design-Build Entity will be scored based on the information and declaration from a scale of 0 to 50 points with 50 being the maximum points.

- 1.1.5.5. Information and declaration providing detail regarding whether the Design-Build Entity, any officer of the Design-Build Entity, or any employee of the Design-Build Entity who has a propriety interest in the Design-Build Entity, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation. (Pub. Contract Code, § 10162.)

If the requested declaration is not provided, or if the Design-Build Entity, any officer of the Design-Build Entity, or any employee of

the Design-Build Entity who has a propriety interest in the Design-Build Entity, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation, then the Design-Build Entity will receive a score of ***Fail*** for this question.

- 1.1.5.6. Information and declaration providing detail regarding violations by the Design-Build Entity of the Contractors' State License Law (Chapter 9, commencing with Section 7000 of Division 3 of the Business and Professions Code), excluding alleged violations or complaints.

If the requested declaration is not provided, then the Design-Build Entity will receive a score of ***Fail*** for this question.

The Design-Build Entity will be scored based on the information and declaration from a scale of 0 to 50 points with 50 being the maximum points.

- 1.1.5.7. Information and declaration providing detail regarding any conviction of any member of the Design-Build Entity of submitting a false or fraudulent claim to a public agency over the last five (5) years.

If the requested declaration is not provided, or if the Design-Build Entity has had a conviction of any member of the Design-Build Entity of submitting a false or fraudulent claim to a public agency over the last five (5) years, then the Design-Build Entity will receive a score of ***Fail*** for this question.

- 1.1.5.8. Provide a declaration that the Design-Build Entity will comply with all other provisions of law applicable to the Project, including, but not limited to, the requirements of Chapter 1 (commencing with Section 1720 of Part 7 of Division 2) of the Labor Code.

If the requested declaration is not provided, then the Design-Build Entity will receive a score of ***Fail*** for this question.

- 1.1.6. **Safety Record.** Submission of evidence that establishes the Design-Build Entity has an acceptable safety record. An acceptable safety record is when its experience modification rating (EMR) for the most recent three (3) year period is an average of 1.00 or less, and its average total recordable injury or illness rate and average lost work rate for the most recent three (3) year period does not exceed the applicable statistical standards for the construction industry.
- 1.1.6.1. If the Design-Build Entity's EMR for the most recent three (3) year period exceeds an average of 1.00, then the Design-Build Entity will receive a score of **Fail** for this question.
- 1.1.6.2. The Design-Build Entity will be scored based on the information and declaration from a scale of 0 to 50 points with 50 being the maximum points.
- 1.1.7. **Declaration.** The Design-Build Entity must declare that the information provided has been prepared using reasonable diligence and is true and complete to the best of the signer's knowledge. A person who certifies as true any material matter that he or she knows to be false is guilty of a misdemeanor and shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both the fine and imprisonment. (Gov. Code, § 70391.7(c)(2)(D).)
- 1.1.7.1. If the requested declaration is not provided, then the Design-Build Entity will receive a score of **Fail** for this requirement.
- 1.1.7.2. When requested by the Design-Build Entity, the Judicial Council will hold in confidence any information required to be held in confidence pursuant to Government Code section 70391.7.
- 1.1.7.3. Any declaration required must state that reasonable diligence has been used in its preparation, and that it is true and correct to the best of the signer's knowledge. All signatures on all documents, originals and copies, must be original signatures in ink and in a color other than black.
- 1.1.7.4. In the event a Design-Build Entity received the score of **Fail** for any one question within Part A–Questionnaire, then the DBE shall

be deemed to have failed Part A and the *Design-Build Entity's SOQ will not be further evaluated and considered disqualified.*

1.1.7.5. If the Design-Build Entity does not score *at least a combined 125 points* from the 250 points allocated to 5.2, 5.3, 5.4, 5.6, and 6, then the *Design-Build Entity's SOQ will not be further evaluated and the Design-Build Entity will be considered disqualified.*

1.2. **Part B–EXPERIENCE**

1.2.1. Requirements of Part B establish that the DBE and the Design-Build Team members have completed, or demonstrate the capability to complete projects of similar size, scope, and complexity, and that the proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the Project. This will be established by submitting resumes and relevant project profiles for each key team member. In order for a project to qualify as relevant, the information submitted must demonstrate that the firm's or the individual team member's involvement with the project began at the initial stages and extended through completion and acceptance of the project by the owner.

The Design-Build Team must provide specific project related experience and individual team member histories in design-build project delivery, relevance of size, scope, and complexity, design excellence, energy efficient and sustainable design (including LEED™ ratings and conformance to CALGreen requirements), and any recognition or awards received by the firm or team members for similar work.

1.2.2. Through the submission of a written statement of the approach to be used by the Design-Build Team for the Project in the form of a Project Management Plan, the DBE shall establish their experience, competence, capacity, and ability to effectively manage and complete the design and construction of the project.

1.2.3. The following information must be submitted by the DBE to establish its team members' experience and qualifications for review by the SOQ Evaluation Team. The following represents a breakdown of the evaluation criteria to be used in scoring the SOQ for this Phase, indicating the total maximum points possible to receive for the overall SOQ and for each individual section.

	Maximum Points/Section
1. Design-Build Team Information	240
1.1 List of Team Members, Roles and Responsibilities	20
1.2 Organization Chart	20
1.3 Firm Profiles	200
2. Personnel Experience (Resumes)	225
2.1 Key DB Team Management Personnel Experience	75
2.2 Key Design Team Personnel Experience	75
2.3 Key Construction Team Personnel Experience	75
3. Project Profiles	200
3.1 Architect of Record Design Experience	70
3.2 DBEs Superintendent Construction Experience	60
3.3 Other Design Team Member Design Experience	30
3.4 Subcontractors Construction Experience	20
3.5 Project Profile Team Matrix	20
4. Project References for Profiled Projects	75
5. Project Management Plan	250
6. Participation in SB and DVBE Programs	10
Total Maximum Points:	1,000

The SOQ Evaluation Team will limit the evaluation of each SOQ received to the above-referenced mandatory criteria and will assign points based upon the completeness, conformance, and quality of the response to each of the RFQ requirements. *A total of 1,000 points apply to Part B–Experience.*

1.3. **Part C–INTERVIEW**

The Judicial Council will establish a short list of the five (5) highest scoring DBEs based upon the total number of points scored from the evaluation by the SOQ Evaluation Team of the received SOQs. The short-listed DBEs will be invited to interview with the Selection Committee to further evaluate their qualifications. The interview questions and scoring criteria will be limited to questions to clarify and provide further detail regarding the evaluation criteria set forth in Government Code section 70391.7(c)(2)(B). *A total of 500 points will be allocated for Part C–Interview.*

The interview will provide the opportunity to the DBE to clarify and elaborate on the written material previously submitted in the SOQ package and to give the Selection Committee the opportunity to meet key personnel. Key personnel from the Design-Build Entity, the general contractor, the architect, and the structural

engineer must attend the interview. Additional personnel from the Design-Build Team may attend the interview as determined by the Design-Build Entity.

1.4. **Part D–PREQUALIFIED LIST**

Following the interviews, the Judicial Council will establish the Prequalified List of the three (3) highest scoring DBEs based upon the scoring in Part B and Part C. The three (3) highest scoring DBE's (i.e., the Prequalified List) will then be invited to submit proposals for the Project in Phase 2–RFP Phase. *The scoring in Phase 2 shall be pursuant to the selection process established by the Judicial Council of California pursuant to Government Code section 53091.7(c)(2)(A), which may include an accumulation of the scoring of Parts B and C.*

1.5. **STATEMENT OF QUALIFICATIONS (SOQ) SCORING CRITERIA**

The following represents a breakdown of the evaluation criteria that will be used in scoring the Statement of Qualifications (SOQ) for this Phase and indicates the total maximum points it is possible to receive for the overall SOQ, as well as for each individual section:

1.5.1. **PART A–QUESTIONNAIRE:**

	<u>Maximum Points/Section</u>
1. Licensure	Pass / Fail
2. Design-Build Entity	Pass / Fail
3. Financial Information	Pass / Fail
4. Insurance	Pass / Fail
5. Termination/Failure to Complete; Violations; Claims, Arbitration and Litigation	
5.1 Surety Finish	Pass / Fail
5.2 Claims Settled	50
5.3 OSHA Violations	50
5.4 Violations of Federal/State Laws	50
5.5 Disqualification/Removal from Bidding	Pass / Fail
5.6 Violations of License Law False Claims	50
5.7 False Claims	Pass / Fail
5.8 Declaration Regarding Compliance	Pass / Fail
6. Safety Record	50
7. Declaration	Pass / Fail
Total Maximum Points for Part A (All Sections):	<u>250</u>

In the event a Design-Build Entity received the score of ***Fail*** for any one question within Part A–Questionnaire, then the DBE shall be deemed to have failed Part A and the *Design-Build Entity’s SOQ will not be further evaluated and considered disqualified.*

In addition, if the Design-Build Entity does not score at least combined 50 points from the 200 points allocated to 5.2, 5.3, 5.4, 5.6, and 6, then the Design-Build Entity’s SOQ will not be further evaluated and considered disqualified.

1.5.2. PART B–EXPERIENCE:

	Maximum Points/Section
1. Design-Build Team Information	240
1.1 List of Team Members, Roles and Responsibilities	20
1.2 Organization Chart	20
1.3 Firm Profiles	200
2. Personnel Experience (Resumes)	225
2.1 Key DB Team Management Personnel Experience	75
2.2 Key Design Team Personnel Experience	75
2.3 Key Construction Team Personnel Experience	75
3. Project Profiles	200
3.1 Architect of Record Design Experience	70
3.2 GC’s Superintendent Construction Experience	60
3.3 Other Design Team Members Design Experience	30
3.4 Construction Subcontractors Construction Experience	20
3.5 Project Profile Team Matrix	20
4. Project References for Profiled Projects	75
5. Project Management Plan	250
6. Participation in Small Business Enterprise and Disabled Veterans Business Enterprise Programs	10
Total Maximum Points for Part B (All Sections):	1,000

1.5.3. PART C–INTERVIEW

	Maximum Points/Section
Total Maximum Points for Part C:	500

1.5.4. PART D–PREQUALIFIED LIST

	Maximum Points/Section
1. Part B	1,000
2. Part C	500
Total Maximum Points for Part D (Parts B and C combined):	<u>1,500</u>

2. Phase 2–Request for Proposals (RFP) and Selection Process

- 2.1. Once the Prequalified List is determined, the Judicial Council will request proposals for the Project from the three (3) DBEs on the Prequalified List (Design-Build Proposer). The RFP will include a design competition in accordance with Government Code section 70391.7(c)(3).
- 2.2. The Judicial Council intends to hold a Preproposal RFP Conference with all Prequalified Design-Build Proposers to familiarize them with the requirements of the RFP within 14 days of its release. In the RFP, the Judicial Council will set forth the selection process including the information regarding its Best Value method of selecting Design-Build Entities for the Project pursuant to Government Code section 70391.7(c)(3). During the design competition period, the Judicial Council intends to hold informal progress meeting(s) between the Judicial Council and the Design-Build Proposers to allow them to ask questions regarding the Project requirements and clarify expectations of the Judicial Council. The RFP process may include an interview portion.
- 2.3. The state intends to enter into a Project Proposal Agreement with each Design-Build Entity selected to submit Project Proposals for the design and construction of the Projects. The state will pay a stipend, in an amount set forth by the Judicial Council of California when it establishes the selection process pursuant to Government Code section 53091.7(c)(2)(A), to each of the Design-Build Entities that submit satisfactorily completed Project Proposals but are not ultimately selected as the Design-Build Entity to perform the Project. The state will own all Project Proposals without limitations.
- 2.4. The Project Proposals must be responsive to the requirements set forth in the RFP. The Project Proposals will be evaluated in their entirety pursuant to the selection process established by the Judicial Council of California.
- 2.5. Design-Build Entities will be judged on the factors set forth in the selection process established by the Judicial Council of California pursuant to Government

Code section 53091.7(c)(2)(A), which factors may include a special emphasis on design-build methodology, quality of workplace environment, sustainability, energy conservation, compliance with Project cost and schedule, and the *Best Value* for the Judicial Council.

- 2.6. Pursuant to the selection process established by the Judicial Council of California in accordance with Government Code section 53091.7(c)(2)(A), the Judicial Council intends to award an Agreement to complete the design and construction of the Project to the DBE whose proposals are selected as providing the *Best Value* in meeting the interest of the state and meeting the objectives of the Project in accordance with Government Code section 53091.7(c)(3). The state reserves the right to not award an Agreement.
- 2.7. The successful DBE will be responsible for completing the design, producing the construction documents, and constructing the Project. The successful DBE will have the responsibility for providing the final design of the Project subject to the criteria set forth in the RFP documents. The successful DBE's architect will become the Architect of Record, and will be solely responsible for the development and completion of the construction documents, including all regulatory reviews and approvals. The contracted DBE will be responsible for performing construction through completion and commissioning of the Project.