

REQUEST FOR PROPOSALS

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF
ALAMEDA**

REGARDING:

Bottled Drinking Water Supply and Services RFP
SC 1806.2024.1.JG

PROPOSALS DUE:

February 28, 2024 NO LATER THAN 2:00 P.M. PACIFIC TIME

KEY INFORMATION SUMMARY SHEET

Request for Proposal	Non-IT – Superior Court of California, County of Alameda – Bottled Drinking Water Supply and Services
RFP Number	SC 1806.2024.1.JG
RFP Issue Date	January 10, 2024
RFP Issuing Office	Finance & Facilities
Procurement Contact:	Superior Court of California, County of Alameda Finance and Facilities Division Attention: Procurement – Eddie Sanchez RFP SC 1806.2024.1.JG 1225 Fallon Street, Room 210 Oakland, CA 94612
e-mail:	bidquestions@alameda.courts.ca.gov
Proposals are to be sent to:	bidquestions@alameda.courts.ca.gov
TIMELINE FOR THIS RFP	
Pre-Proposal Conference (Optional)	January 24, 2024 at 2pm https://alameda-courts-ca.gov.zoomgov.com/j/1605611512?pwd=MTVvOHA4VFcyNEFvQnFSZS9lYmRFZz09
Mandatory Pre-Proposal Site Visit	January 31, 2024 at 10am Berkeley Courthouse, Berkeley Proceeding to: Wiley W. Manual Courthouse, Oakland County Administration Building, Oakland Rene C. Davidson Courthouse, Oakland George E. MacDonald Hall of Justice, Alameda February 1, 2024 at 10am Juvenile Justice Center, San Leandro Proceeding to: Hayward Hall of Justice, Hayward

	<p>Fremont Hall of Justice, Fremont East County Hall of Justice, Dublin</p> <p>Please email bidquestions@alameda.courts.ca.gov confirming attendance for the walk through, no later than 01/22/2024.</p>
Deadline for Questions	February 7, 2024 @ 2pm
Questions and Answers Posted (estimate only):	February 14, 2024 @ 2pm
Proposal Due (Closing) Date and Time:	February 28, 2024 by 2pm
Evaluation of Proposals (estimate only):	March 6, 2024- March 27, 2024
Notice of Intent to Award (estimate only):	March 28, 2024
Negotiations and Execution of Contract (estimate only):	April 1, 2024 - April 30, 2024
Contract Start Date (estimate only):	May 1, 2024
Contract end date (estimate only)	<p>April 30, 2025</p> <p>With an option to extend through April 30, 2029.</p> <p>First Option Term: May 1, 2025 – April 30, 2026 Second Option Term: May 1, 2026 – April 30, 2027 Third Option Term: May 1, 2027 – April 30, 2028 Fourth Option Term: May 1, 2028 – April 30, 2029</p>

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 2: Terms and Conditions	On this form, if exceptions are identified, Prospective Bidders must submit (i) a redlined version of Attachment 2 – Agreement Terms and Conditions and Supplemental Terms and Conditions that clearly track proposed changes to this attachment, (ii) written documentation to substantiate each such proposed change and (iii) written explanation to indicate how each proposed change will benefit the Court. If selected, the person or entity submitting a proposal (the “Prospective Bidder”) must sign Acceptance of Terms and Conditions form (Attachment 3): this Court Standard Form agreement (the “Terms and Conditions”).
Attachment 3: Prospective Bidder’s Acceptance of Terms and Conditions	On this form, the Prospective Bidder must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. If selected, the person or entity submitting a proposal must sign the form. If exceptions are identified, the Prospective Bidder must also submit (i) a red-lined version of the Standard Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change. Note: A material exception may render a proposal non-responsive.
Attachment 4: General Certifications Form	The Prospective Bidder must complete the General Certifications Form and submit the completed form with the proposal.
Attachment 5: Darfur Contracting Act Certification	The Prospective Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with the proposal.
Attachment 6: Payee Data Record Form	This form contains information the Court requires to process payments and must be submitted with the proposal.
Attachment 7: Bidder Declaration Form	This form is required and should be submitted if the Prospective Bidder is claiming DVBE incentive.
Attachment 8: DVBE Declaration Form	Each DVBE that will provide goods and/or services in connection with the contract must complete this form. If Prospective Bidder is itself a DVBE, it must also complete and sign the DVBE Declaration.
Attachment 9: Unruh and FEHA Certification	The Prospective Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 10: Question and Answer Form	Prospective Bidder must use the attached form to submit any questions.
Attachment 11: Contact Sheet	Prospective Bidder must complete the contact information and submit with proposal.

Attachment 12: Reference Check Form	Prospective Bidder must provide (3) references.
Attachment 13: Technical Proposal Template	Prospective Bidder must complete their proposal using the Technical Proposal Template.
Attachment 14: Cost Proposal Template	Prospective Bidder must propose the cost using the Cost Proposal Template.
Attachment 15: RFP Check List	RFP Checklist.
Attachment 16: Court Locations	Court locations, hours of operation, and holiday schedule.

TABLE OF CONTENTS

1.0	<u>Background Information</u>
2.0	<u>Description of Services and Deliverables</u>
3.0	<u>Payment Information</u>
4.0	<u>Pre-Proposal Conference</u>
5.0	<u>Mandatory Pre-Proposal Site Visit</u>
6.0	<u>Submission of Proposals</u>
7.0	<u>Questions</u>
8.0	<u>Proposal Contents</u>
9.0	<u>Offer Period</u>
10.0	<u>Evaluation of Proposals</u>
11.0	<u>Confidential or Proprietary Information</u>
12.0	<u>Disabled Veteran Business Enterprise Incentive</u>
13.0	<u>Protests</u>

1.0 BACKGROUND INFORMATION

- 1.1** The Court is accepting proposals for bottled drinking water supply and services for the nine (9) Court locations within Alameda County.
- 1.2** The Court is currently looking for a contractor that can contract for these services for an initial one (1) year period, starting **May 1, 2024**, and will be renewable at the option of the Court for up to four (4) additional one (1) year periods. Contractor must be able to work with the Court's schedule and security requirements for regular delivery and pickup services.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

The Court seeks the services of an entity with expertise in bottled water delivery and services.

- 2.1** The Court requires up to **91 hot/cold dispensers** with spill proof sealed five **(5) gallon** water bottles.
- 2.2** **(5) gallon** water bottles are to be delivered and picked up between **8:00 A.M. and 4:30 P.M., Monday through Friday, except holidays**. The Court will provide the holiday schedule.
- 2.3** Contractor shall provide the contact information for each driver for each location. On the delivery dates, drivers shall provide the Court representative(s) with a maximum 1-hour window of when they will arrive at the facility for the delivery.
- 2.4** Water shall be either spring or purified water, intended for human consumption.
- 2.5** Water shall be sealed in bottles with no added ingredients, with the exception of optional safe and suitable disinfectants and/or minerals.
- 2.6** Water bottle crates/storage shelf will also be provided for each location.
- 2.7** The Contractor will abide by a 48-hour turnaround in providing more water when dispenser site is out of water and the next delivery date is more than 4 calendar days out.
- 2.8** The Contractor will abide by a 48-hour turnaround to provide a new dispenser due to malfunction of existing dispenser.
- 2.9** The Contractor will accommodate any new dispenser requests within a building location.
- 2.10** In the event a water bottle or a dispenser is damaged due to no fault of the Court, the Contractor will replace the same at no cost to the Court.
- 2.11** The Contractor will move any dispenser or provide additional dispensers at new sites or locations at the price noted in this Agreement. This change will be reflected in the next billing statement.

2.12 The Court requires a minimum of five **(5) gallon** water bottles per dispenser. The Court has the sole discretion to increase or decrease service as and when needed by the Court.

BUILDING	ADDRESS	SERVICES SCHEDULE	DISPENSER QUANTITY	MINIMUM WATER BOTTLE QUANTITY PER MONTH
George E. McDonald Hall of Justice	2233 Shoreline Drive, Alameda, CA 94501	Monthly	5	25
Berkeley Courthouse	2120 Martin Luther King, Jr. Way, Berkeley, CA 94704	Biweekly	3	18
East County Hall of Justice	5151 Gleason Drive, Dublin, CA 94568	Biweekly	10	48
Fremont Hall of Justice	39439 Paseo Padre Parkway, Fremont, CA 94538	Monthly	7	36
Hayward Hall of Justice	24405 Amador Street, Hayward, CA 94544	Biweekly	19	111
Oakland Administration Building	1221 Oak Street, Oakland, CA 94612	Biweekly	12	83
René C. Davidson Courthouse	1225 Fallon Street, Oakland, CA 94612	Biweekly	16	88
Wiley W. Manuel Courthouse	661 Washington Street, Oakland, CA 94607	Biweekly	11	66
Juvenile Justice Center	2500 Fairmont Drive, Suite 3013, San Leandro, CA 94578	Monthly	8	48
TOTAL			91	523

(Note: Detailed chart of locations and needs will be provided during the walk through).

3.0 PAYMENT INFORMATION

3.1 Invoicing

- a) Contractor shall submit invoices to the Court in arrears no more frequently than monthly.
- b) Contractor shall provide invoices with the level of detail and supporting documentation reasonably requested by the Court. The following information must be included on the invoice:
 - i. Contractor's name, address, and telephone number
 - ii. Name, title, email address, telephone number, and physical address of representative to whom payments are to be sent, if different from the above
 - iii. Name, title, email address, and telephone number of the person to contact in case of an incomplete or incorrect invoice
 - iv. Description of goods and or services performed
 - v. PO Number
- c) Invoices must be submitted to the Court's Accounts Payable Unit at accountspayable@alameda.courts.ca.gov with a copy to the Project Manager's email.

3.2 Payments

- a) The Court will process invoices within forty-five (45) days of receipt and approval by the Court's Project Manager. All invoices must reference the Contractor's purchase order number which will be provided by the Court.
- b) Payments to Contractor are contingent upon the timely and satisfactory performance of Contractor's obligations under the contract.
- c) Payment terms will be specified in the contract document that will be executed as a result of an award made under this RFP, however, prospective Contractors are hereby advised that the Court payments are made by the State of California, and the State does not make any advance payment for services. Payment will be made based upon completion of tasks as provided for in the agreement between the Court and the selected Service Provider.

3.3 Expenses

- a) The Court will not pay or reimburse the Contractor, or their employees, for travel, or any other related, expenses that are required as part of the Scope of Work.
- b) Contractor shall bear, and the Court shall have no obligation to pay or reimburse Contractor for, any and all other fees, costs, profits, taxes, or expenses of any nature which Contractor incurs.

3.4 Additional Services

- a) Any requests made outside of the contract scope of work will be considered a separate purchase order outside of the contract purchase order and will be processed on a separate purchase order.
- b) Contractor must provide written notice to the Court of the specific excess charge and obtain Court's consent prior to performing any additional service that would incur an excess charge.

4.0 PRE-PROPOSAL CONFERENCE

- 4.1** The Court will hold a pre-proposal conference on the date and time identified in the timeline above. The pre-proposal conference will be held via Zoom.
- 4.2** Attendance at the pre-proposal conference is **optional**.

5.0 MANDATORY PRE-PROPOSAL SITE VISIT

- 5.1** The Court will hold a pre-proposal facilities site tour on **January 31, 2024**, and **February 1, 2024**. Attendance at the pre-proposal facilities tour is **mandatory**.
- 5.2** Each Prospective Bidder is responsible for arranging his or her own transportation and must be certain to check in at the pre-proposal site tour as attendance list will be used to ascertain compliance with this requirement.
- 5.3** Each Prospective Bidder must email bidquestions@alameda.courts.ca.gov confirming their attendance for the site tour, no later than **01/22/2024**.

5.4 Site Information

January 31, 2024, at 10am
Berkeley Courthouse, Berkeley

Proceeding to:
Wiley W. Manual Courthouse, Oakland
County Administration Building, Oakland
Rene C. Davidson Courthouse, Oakland
George E. MacDonald Hall of Justice, Alameda

February 1, 2024, at 10am
Juvenile Justice Center, San Leandro

Proceeding to:
Hayward Hall of Justice, Hayward
Fremont Hall of Justice, Fremont
East County Hall of Justice, Dublin

6.0 SUBMISSIONS OF PROPOSALS

- 6.1** Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP’s instructions and requirements, and completeness and clarity of content.
- 6.2** The Prospective Bidder must submit its proposal in two separate emails, the Technical Proposal and the cost portion by the date and time listed on the coversheet of this RFP.
- a) The proposals must be emailed to bidquestions@alameda.courts.ca.gov. The subject line of the email must include the RFP title and number.
 - b) The proposal must be signed by an authorized representative of the Prospective Bidder.
- 6.3** Late proposals will not be accepted.

7.0 QUESTIONS

- 7.1** Interested parties may submit a request for clarifications, modifications, or questions to the Court using the Question-and-Answer Submission form, provided in **Attachment 10**. Requests shall be submitted via email to bidquestions@alameda.courts.ca.gov no later than the date specified in the RFP timeline. Please indicate the RFP number and title in the subject line of the email. Contact with the Court shall be made only through the email address.
- 7.2** The Court will not accept telephone calls related to the RFP. All communications must be made with the Question-and-Answer Form.

8.0 PROPOSAL CONTENTS

- 8.1** Technical Proposal. The following information must be included in the technical proposal template (**Attachment 13**). A proposal lacking any of the following information may be deemed non-responsive.
- a) The Prospective Bidder’s name, business address, telephone and fax number, and federal tax identification number.
- Note:** If the Prospective Bidder is the sole proprietor using his/her social security number, the social security number will be required before finalizing a contract.
- b) Name, title, address, telephone number, and email address of the individual who will act as the Prospective Bidder’s designated representative for purposes of this RFP.

- c) The Prospective Bidder will provide a detailed response to each item in the technical proposal questionnaire. Any incomplete technical proposal lacking a detailed response to any of the items may be deemed non-responsive. If the space provided is not enough, the Prospective Bidder may attach a separate sheet with his/her response.
- d) Acceptance of the Terms and Conditions.
 - i. On **Attachment 3**, the Prospective Bidder must check the appropriate box and sign the form. If the Prospective Bidder marks the second box, it must provide the required additional materials. An “exception” includes any addition, deletion, or other modification.
 - ii. If exceptions are identified, the Prospective Bidder **must** also submit (i) a red-lined version of the Terms and Conditions that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.

Note: A material exception to a Minimum Term will render a proposal non-responsive.

- e) Certifications, Attachments, and other requirements.
 - i. The Prospective Bidder must complete the General Certifications Form (**Attachment 4**) and submit the completed form with its proposal.
 - ii. The Prospective Bidder must complete the Darfur Contracting Act Certification (**Attachment 5**) and submit the completed certification with its proposal.
 - iii. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
 - iv. Copies of the Prospective Bidder’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
 - v. The Prospective Bidder must complete the Payee Data Record Form (**Attachment 6**) and submit the completed form with its proposal.

Note: The Court reserves the right to request Prospective Bidder’s proof of financial stability. The Court may request this information at any time during the solicitation process.

- vi. The Prospective Bidder must complete the Unruh Civil Rights Act (UNRUH) and California Fair Employment and Housing Act (FEHA) Certification (**Attachment 9**) and submit the completed certification with its proposal.
- vii. The Prospective Bidder must complete the Contact Sheet (**Attachment 11**) and submit the completed form with its proposal.
- viii. The Prospective Bidder must complete the Reference Check Form (**Attachment 12**) and submit the completed form with its proposal.

8.2 Cost Proposal The following information must be included in the cost proposal. (**Attachment 14**).

A proposal lacking any of the following information may be deemed non-responsive.

- a. An all-inclusive total cost budget for every year of the contract term.
- b. A full explanation of the budget methodology used.
- c. A comprehensive pricing sheet for Special Services provided.
- d. Detailed justification for any price increase in the proposed budget for the contract term.

NOTE: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

8.3 RFP Checklist The Prospective Bidder must complete the RFP Checklist (**Attachment 15**) and submit the completed form with its proposal.

9.0 OFFER PERIOD

A Prospective Bidder's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this period, the Court reserves the right to negotiate extensions to this period.

10.0 EVALUATION OF PROPOSALS

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

10.1 Evaluation Committee. The Court will conduct a comprehensive and impartial evaluation of proposals received in response to this RFP. All proposals received from Contractors will be reviewed and evaluated by a committee of qualified employees (“Evaluation Committee”). The name, units, or experience of the individual members will not be made available to any Contractor.

- 10.2** Requests for Additional Information. The Court reserves the right to seek clarification or additional information from any Contractor throughout the solicitation process. The Court may require a Contractor's representative to answer questions throughout the evaluation process with regard to the Contractor's proposal. Failure of a Contractor to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive.
- 10.3** Evaluation Criteria. The Court will evaluate the proposals on a 100-point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the Court will post an intent to award notice at <https://www.alameda.courts.ca.gov/general-information/contract-opportunities>

EVALUATION CRITERIA	TOTAL POSSIBLE POINTS
Cost Proposal	40
Technical Proposal	50
Acceptance of the Terms and Conditions	10
DVBE Preference	5

Although some factors may be weighted more than others, all are considered necessary, and a proposal must be technically acceptable in each area to be eligible for an award. With regard to cost, the Court reserves the right, in its sole discretion, to reject any proposal whose price is outside the competitive range.

11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT. The Court will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Prospective Bidder that is not a publicly traded corporation. All other information in the proposals will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked "confidential," "proprietary," or otherwise, and regardless of any statement in the proposal (a) purporting to limit the Court's right to disclose information in the proposal, or (b) requiring the Court to inform or obtain the consent of the Prospective Bidder prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. **Prospective Bidders are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

12.0 DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE

Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive. Eligibility for an application of the DVBE incentive is governed by the Court's DVBE Rules and Procedures. Prospective Bidder will receive a DVBE incentive if, in the Court's sole determination, Prospective Bidder has met all applicable requirements. If a Prospective Bidder receives the DVBE incentive, a number of points will be added to the score assigned to Prospective Bidder's proposal. The number of points that will be added is specified in Section 9.0 above. To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitation of non-IT goods and IT goods and services, Prospective Bidder may have an approved Business Utilization Plan ("BUP") on file with the California Department of General Services ("DGS").

If Prospective bidder wishes to seek the DVBE incentive:

- i. Prospective Bidder must complete and submit with its proposal the Bidder Declaration (**Attachment 7**). Prospective Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
- ii. Prospective Bidder must submit with its proposal a DVBE Declaration (**Attachment 8**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Prospective Bidder is itself a DVBE, it must complete and sign the DVBE Declaration. If Prospective Bidder uses DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Prospective Bidder will qualify for the DVBE incentive using a BUP on file with DGS.

Failure to complete and submit these forms as required will result in Prospective Bidder not receiving the DVBE incentive. In addition, the Court may request additional written clarifying information. Failure to provide this information as requested will result in Prospective Bidder not receiving the DVBE incentive.

If Prospective Bidder receives the DVBE incentive: (i) Prospective Bidder will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Prospective Bidder must use any DVBE subcontractor(s) identified in its proposal unless the Court approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.

13.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see www.courts.ca.gov/documents/jbcl-manual.pdf). Failure of a Prospective Bidder to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive and will result in rejection of the protest.

The deadline for the Court to receive a solicitation specifications protest is the proposal due date. Protests must be sent to the Court address listed below via certified mail including signature required upon delivery. Personal and hand delivery of Protests will not be accepted.

Superior Court of California, County of Alameda
Finance and Facilities Division
Attention: Protest Hearing Officer
RFP SC 1806.2024.1.JG
1225 Fallon Street, Room 210
Oakland, CA 94612

The deadline to submit an Award Protest is five (5) business days after the Court posts the Intent to Award. Protests must be sent to the Court address listed below via certified mail including signature required upon delivery. Personal and hand delivery of Award Protests will not be accepted.

Superior Court of California, County of Alameda
Finance and Facilities Division
Attention: Protest Hearing Officer
RFP SC 1806.2024.1.JG
1225 Fallon Street, Room 210
Oakland, CA 94612