

REQUEST FOR PROPOSALS

**SUPERIOR COURT OF CALIFORNIA ALAMEDA
COUNTY**

REGARDING:

Risk Management Consultation Services
RFP Number: SC 1701.2022.2.2.JG

PROPOSALS DUE:

March 14, 2023, NO LATER THAN 3:00 P.M. PACIFIC TIME

KEY INFORMATION SUMMARY SHEET

Request for Proposal	Superior Court of California, County of Alameda Risk Management Consultation Services
RFP Number:	SC 1701.2022.2.2.JG
RFP Issue Date:	February 8, 2023
RFP Issuing Office:	Finance and Facilities Division
Procurement Contact:	Superior Court of California, County of Alameda Finance and Facilities Division Attention: Procurement – Eddie Sanchez RFP SC 1701.2022.2.2.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: <u>Amended</u>	February 16, 2023, 10am – 11am PST https://alameda-courts-ca-gov.zoomgov.com/j/1615441406?pwd=OVVCT0c5ODdtL1hMU2hHV2V3RDVOUT09
Deadline for Questions:	February 21, 2023
Questions and Answers Posted (estimate only):	February 23, 2023
Proposal Due (Closing) Date and Time:	March 14, 2023, 3pm Pacific Time
Evaluation of Proposals (estimate only):	March 16, 2023 – April 4, 2023
Interview Dates (estimate only):	March 21, 2023 – March 23, 2023
Notice of Intent to Award (estimate only):	April 5, 2023
Negotiations and Execution of Contract (estimate only):	April 6, 2023 – April 28, 2023
Contract Duration:	May 1, 2023 – April 30, 2024

RFP Attachments	
Attachment 1: Administrative Rules Governing RFPs	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	<p>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.</p> <p>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.</p> <p>Note: A material exception may render a proposal non-responsive.</p>
Attachment 4: General Certifications Form	The Prospective Bidder must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification	The Prospective Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its 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: Unruh and FEHA Certification	<p>The Prospective Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.</p> <p><i>Only for solicitations of \$100,000 or more</i></p>
Attachment 8: Bidder Declaration	This form should be completed and submitted with proposal if vendor is declaring DVBE participation.

Attachment 9: DVBE Declaration	This form should be completed and submitted with proposal if vendor is declaring DVBE participation.
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 complete the Reference Check Form information and submit with proposal.
Attachment 13: Cost Proposal Template	Prospective Bidder must propose the cost using the Cost Proposal Template.
Attachment 14: Check List	A checklist has been provided to help track required documentation for proposal submission.

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>SUBMISSIONS OF PROPOSALS</u>
6.0	<u>PROPOSAL CONTENTS</u>
7.0	<u>OFFER PERIOD</u>
8.0	<u>EVALUTION OF PROPOSALS</u>
9.0	<u>INTERVIEWS</u>
10.0	<u>CONFIDENTIAL OR PROPRIETARY INFORMATION</u>
11.0	<u>DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE</u>
12.0	<u>PROTESTS</u>

1.0 BACKGROUND INFORMATION

- 1.1 The Superior Court of California, County of Alameda (“Court”) is one of 58 superior courts in the State of California. The Court operates ten facilities within the County of Alameda: Rene C. Davidson Courthouse, Wiley W. Manual Courthouse, Juvenile Justice Center, Hayward Hall of Justice, George E. McDonald Hall of Justice, Berkeley Courthouse, Fremont Hall of Justice, and East County Hall of Justice, John George Psychiatric Hospital, and various spaces within the Alameda County Administration Building. The Court employs over 600 employees stationed across all eight courthouses with varying worksite locations. This RFP may result in awarding more than one contract depending on the scope of work an individual contractor can provide.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The Court is requesting proposals from Certified Risk Management vendors to conduct full reviews of its existing Injury and Illness Prevention Program (IIPP), ergonomic plans, and Court Safety Programs. The scope of work shall include but is not limited to:

2.1.1 Injury and Illness Prevention Program (IIPP):

- a. Conduct a full review of the Court’s current IIPP to assess gaps.
- b. Conduct a thorough analysis on Court functions and business needs to determine what is needed to fulfill the Court’s legal requirements for the IIPP.
- c. Finalize and issue a completed comprehensive and fully compliant Injury and Illness Prevention Program (IIPP) for the Court, including policy/procedure recommendations.
- d. Assemble and implement a complete IIPP roll out plan, including training program recommendations, to ensure Court legal compliance. Provide trainers for Risk SME areas for in-person training as needed; provide online training program recommendations as appropriate that will allow the Court to fulfill its legal obligations for the IIPP.
- e. Provide recommendations for how the Court will maintain full IIPP compliance post-implementation and once the vendor relationship has ended.

2.1.2 Ergonomic Plan:

- a. Conduct a full review of the Court's current ergonomic plan to assess gaps.
- b. Issue recommendations on what policies and/or trainings are needed to maintain legal compliance for the Court's ergonomic plan.

2.1.3 Court Safety Program:

- a. Conduct a full review of the Court's current safety program to assess gaps and to identify specific hazards associated with job class, project, or task.
- b. Risk Assessment and Mitigation
 - i. Identify specific hazards associated with job class, project, or task.
 - ii. Assess and quantify operational risks and recommend remedial actions to reduce risk to acceptable levels.
 - iii. Perform building inspections for safety hazards, document deviations from current safety standards, and recommend remedial action at the following locations:

Rene C. Davidson Courthouse
1225 Fallon St
Oakland, CA 94612

Wiley W. Manuel Courthouse
661 Washington Street
Oakland, CA 94607

Alameda County Administration Building
1221 Oak St.
Oakland, CA 94612

Juvenile Justice Center
2500 Fairmont Dr C3013
San Leandro, CA 94578

John George Psychiatric Hospital
2060 Fairmont Drive
San Leandro, CA 94578

Hayward Hall of Justice
24405 Amador St
Hayward, CA 94544

Berkeley Courthouse
2120 Martin Luther King Jr. Way
Berkeley, CA 94704

George E. McDonald Hall of Justice
2233 Shoreline Dr
Alameda, CA 94501

Fremont Hall of Justice
39439 Paseo Padre Pkwy
Fremont, CA 94538

East County Hall of Justice
5151 Gleason Dr.
Dublin, CA 94568

- c. Assist the Risk Management Team in developing, implementing, and maintaining:
 - i. A coordinated and comprehensive safety program. This shall include minimum standards applicable to Court staff, vendors, service providers, vendors, and sub-vendors.
 - ii. A program to authorize and document site specific variations from the standard safety manual while maintaining equivalent or achieving superior safety protection measures.
 - iii. Key Performance Indicators (“KPI(s)”), measuring the effectiveness of the safety program.
 - iv. A program to verify vendor qualifications.
 - v. A program to monitor the validity of any additional required insurance certificates.
- d. Safety Training Development and Delivery
 - i. Assist the Risk Management team in developing, implementing, and maintaining enabling and terminal objectives to be used in the safety training program.

- ii. Consultant may be required to coordinate with the Emergency Services Team to assist in the development and delivery of specific safety training program modules, such as First Aid, CPR, and Adult AED.

2.2 Qualified Prospective Bidders will demonstrate:

- a. Comprehensive and progressive experience in risk management and loss control.
- b. A thorough understanding of all relevant industry standards and applicable legal standards.
- c. Professional credentials and/or certifications recognized in the industry such as Associate in Risk Management certification, CAL/OSHA General Industry Outreach Training, Certified Professional Ergonomist (CPE) and Board-Certified Professional Ergonomist (BCPE), etc.
- d. Sufficient capacity to guarantee seamless service

2.3 COVID-19 Vaccination Requirements. Vendor shall provide the Court with the existing company vaccination policy to determine if it is in accordance with the Court's vaccination policy.

3.0 PAYMENT INFORMATION

- 3.1 The vendor will submit an invoice or invoices for individual completed deliverables during the development of the IIPP program, Ergonomic Plan, and Court Safety Program. The Court will issue payment upon acceptance of the completed deliverables by the Court's Project Manager.
- 3.2 Invoices should be submitted to the Court's Accounts Payable at accountspayable@alameda.courts.ca.gov, with a copy to grogers@alameda.courts.ca.gov.
- 3.3 The Court will process invoices within thirty (30) days of receipt and approval by the Court's Project Manager. All invoices must reference the Vendor's purchase order number which will be provided by the Court.
- 3.4 Vendor must provide written notice to the Court of any excess charge and obtain the Court Project Manager's written approval prior to performing any additional service that would incur an excess charge.
- 3.5 Payment terms will be specified in the contract that will be executed as a result of

an award made under this RFP, however, prospective Vendors are hereby advised that the Court payments are made by the State of California, and the State does not make any advance payments for services. Payment by the State is normally made based upon completion of tasks as provided for the agreement between the Court and the selected Vendor.

- 3.6 If requested, the contracting agency will promptly correct any inaccuracy and resubmit an invoice. If the Court rejects any services or work product after payment is issued, the Court may exercise all contractual and other legal remedies, including:
- 3.7 Setting off the overpayment against future invoices payable by the Court.
- 3.8 Setting off the overpayment against any other amount payable for the benefit of the vendor pursuant to the agreement or otherwise.
- 3.9 Requiring the Vendor to refund the overpayment within thirty (30) days of the Court's request.

4.0 PRE-PROPOSAL CONFERENCE

The Court will hold a pre-proposal conference on the date identified in the timeline above. The pre-proposal conference will be held over Zoom.

Attendance at the pre-proposal conference is optional. Prospective Bidders are strongly encouraged to attend.

5.0 SUBMISSIONS OF PROPOSALS

- 5.1 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.
- 5.2 The Prospective Bidder must submit its proposal in two parts, a completed technical proposal template and a completed cost proposal template.
- 5.3 Proposals must be emailed to bidquestions@alameda.courts.ca.gov
- 5.4 Late proposals will not be accepted.

The Court will not accept proposals that are hand delivered or delivered by a carrier or mail service provider at this time.

6.0 PROPOSAL CONTENTS

6.1 Technical Proposal.

The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

a. Cover Letter

- i. The Prospective Bidder's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Prospective Bidder is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
- ii. 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.

b. Experience and Qualifications of Key Personnel

- i. Provide a resume for each key staff member describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities. Limit your response to no more than **ten (10)** resumes.
- ii. Provide any relevant certifications held by the key personnel.

c. Experience on Similar Projects/ References

Prospective Bidder shall provide a description of five (5) similar projects completed, preferable for California public entities. Include name, address, telephone number, and contact for the entity, description of the services provided, including project valuation and duration.

d. Implementation Plan and Timeline

- i. Describe the tasks and deliverables that your firm would utilize when implementing each of the programs included in Section 2.0, including start and completion dates.
- ii. Describe your firm's approach to manage, control, and/or supervise work plans to ensure timely project completion.

6.2 Cost Proposal. Please complete (Attachment 13) – Cost Proposal Template. The following information must be included in the cost proposal.

- a. A time and material calculation based on estimated hours and hourly rate for each individual deliverable.
- b. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

6.3 Certifications, Attachments, and other requirements.

- a. The Prospective Bidder must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
- b. The Prospective Bidder must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
- c. If vendor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that vendor is in good standing in California. If vendor is a foreign corporation, LLC, LP, or LLP, and vendor conducts or will conduct (if awarded the contract) intrastate business in California, proof that vendor is qualified to do business and in good standing in California. If vendor is a foreign corporation, LLC, LP, or LLP, and vendor does not (and will not if awarded the contract) conduct intrastate business in California, proof that vendor is in good standing in its home jurisdiction.
- d. Copies of the Prospective Bidder’s (and any sub vendors) current business licenses, professional certifications, or other credentials.
- e. Financial Stability. 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.
- f. 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) 0.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 (addition, deletion, or other modification) to a Minimum Term may render a proposal non-responsive. The Court, in its sole discretion, will determine what constitutes a material exception.

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.

7.0 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.

8.0 EVALUATION OF PROPOSALS

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

The Court will evaluate the proposals using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal

CRITERION	MAXIMUM NUMBER OF POINTS
FIRM EXPERIENCE	160
KEY PERSONNEL EXPERIENCE	260
IMPLEMENTATION PLAN AND TIMELINE	280
DVBE QUALIFICATIONS	20
COST EFFECTIVENESS	300

If a contract will be awarded, the Court will post an intent to award notice on its website.

9.0 INTERVIEWS

The Court will conduct interviews with Prospective Bidders to clarify aspects set forth in their proposals. The interviews will be conducted over Zoom. The Court will notify Prospective Bidders regarding interview arrangements.

10.0 CONFIDENTIAL OR PROPRIETARY INFORMATION

PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT. Except as required by law, 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 proposals may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” 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. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Prospective Bidder to the potential public disclosure of its proposal content, pursuant to this Section 12.0. **Prospective Bidders are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.**

11.0 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 and 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 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 8.0** 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 solicitations 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:

1. Prospective Bidder must complete and submit with its proposal the Bidder Declaration (**Attachment 8**). Prospective Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Prospective Bidder must submit with its proposal a DVBE Declaration (**Attachment 9**) 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 will use 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.

12.0 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 upon delivery. Personal and hand delivery of Protests will not be accepted.

RFP Title: Risk Management Consultation Services
RFP Number: SC 1701.2022.2.2 JG

Superior Court of California, County of Alameda
Finance and Facilities Division
Attention: Protest Hearing Officer
RFP SC 1701.2022.2.2.JG
1225 Fallon Street, Room 210
Oakland, CA 94612

The deadline to submit an Award 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 1701.2022.2.2.JG
1225 Fallon Street, Room 210
Oakland, CA 94612