



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 25, 2014

Title	Agenda Item Type
Court Facilities: AOC Judicial Branch Capital Program Office's Capital Program Management Manual	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	April 25, 2014
Recommended by	Date of Report
Court Facilities Advisory Committee Hon. Brad R. Hill, Chair Hon. Patricia M. Lucas, Vice-chair of the advisory committee and Chair of the Independent Outside Oversight Consultant Subcommittee	April 9, 2014
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Executive Summary

The Court Facilities Advisory Committee recommends that the Judicial Council approve the Administrative Office of the Courts' *Judicial Branch Capital Program Management Manual* to guide the strategic management of the judicial branch's courthouse construction program. This manual has been prepared at the Judicial Council's direction as one of the recommendations of the *California Courthouse Capital Program Management Audit Report* prepared by Pegasus Global Holdings, Inc., which was adopted by the council in October 2012.

Recommendation

The Court Facilities Advisory Committee recommends that the Judicial Council, effective April 25, 2014, take the following action:

1. Approve the Administrative Office of the Courts' *Judicial Branch Capital Program Management Manual* (the manual) to guide the strategic management of the judicial branch's courthouse construction program.

Previous Council Action

On October 26, 2012,¹ the council adopted the Court Facilities Advisory Committee's recommendation to adopt the findings and recommendations of the audit report prepared by Pegasus Global Holdings, Inc. (Pegasus). In doing so, it directed staff of the Administrative Office of the Courts' Judicial Branch Capital Program Office (AOC's JBCPO) to prepare the attached AOC's *Judicial Branch Capital Program Management Manual*, in compliance with the requirements of Government Code section 70391(e). This manual was listed among the recommendations from Pegasus for improving the policies, processes, and procedures of the judicial branch capital program. The Independent Outside Oversight Consultant Subcommittee (oversight subcommittee) of the Court Facilities Advisory Committee has been engaged with AOC staff throughout the manual's preparation.

Rationale for Recommendation

The manual has been developed under the guidance of the oversight subcommittee and is written at the strategic program level. The genesis of the manual was the findings and recommendations made by Pegasus in their *California Courthouse Capital Program Management Audit Report* (the report) dated August 2012. In the report, Pegasus made 11 priority recommendations, including the finalization, adoption, and distribution of a program management manual that would allow the AOC to undertake an interrelated series of projects under a single unified structure, plan, and funding process.

In its report, Pegasus stated that successful management and control of a program consisting of multiple construction projects—each with its own scope of work, budget, schedule, location, architects, construction contractors, and vendors—requires a program to have multiple project teams managing and controlling multiple projects simultaneously. Pegasus further stated that unless those project teams are working within a uniform set of policies, procedures, and processes, it would be a practical impossibility to coordinate the management and control of the capital program as a whole. The manual provides for the necessary cohesive and comprehensive construction management and control system necessary to manage the judicial branch capital program.

In addition, the manual also addresses a second Pegasus priority recommendation: Chapter 2 establishes overall delegations of authority for the judicial branch capital program, and the other chapters establish specific delegations appropriate to chapter contents. This is a necessary element of the manual.

¹ See the council report located here: <http://www.courts.ca.gov/documents/jc-20121026-itemG.pdf>.

In its report, Pegasus found there were no clear delegations of responsibility or authority. In turn, numerous stakeholders felt they were the “owner” of a project. This led to project managers having to make decisions that were not uniform among the various projects. The manual establishes formal, detailed delegations of authority, clearly delineating the committee, office, or position with the authority to make decisions and take actions on behalf of the Judicial Council.

In developing the manual, the management team of the AOC’s Office of Court Construction and Management and its successor office the Judicial Branch Capital Program Office, under the direction of the oversight subcommittee, assumed responsibility for the manual’s completion.

The first concurrent review draft was aligned with the recommendations of the Pegasus report and the bodies of knowledge referenced by Pegasus. Included in the first draft were adoption of practices from other public works capital programs, including Caltrans, the University of California, California State University, and the County of Los Angeles. The chapters of the manual generally align with the two recognized bodies of knowledge most often referenced by Pegasus: (1) the *Project Management Body of Knowledge* (PMBOK Guide) and its *Construction Extension*, and (2) the *Construction Management—Standards of Practice*, published by the Construction Management Association of America.

The manual was developed through a process of research, discussion, rewrite, and editing. This process included review and comments from Pegasus, other AOC offices, and outside counsel. After extensive review and comment, the manual was presented for approval by the oversight subcommittee at its meeting on March 4, 2014. This manual is the culmination of over 18 months of development and will serve to provide the necessary transparency and accountability expected for a program the size and complexity of the judicial branch’s courthouse construction program.

The manual has now been approved by the Court Facilities Advisory Committee and is ready for implementation upon approval by the council. However, this is not the last step in the process but just the beginning. If approved, the manual will provide the basis to finalize all other Pegasus findings and recommendations necessary to ensure uniform, transparent, and accountable processes for the execution of courthouse capital projects. Some of the immediate benefits that will result from the approval of the manual are summarized as follows:

1. The manual provides the direction necessary for the AOC and its JBCPO to develop and implement specific procedures and processes necessary to manage projects of the highest standard;
2. The manual provides the necessary direction and guidance to the AOC, through its divisions and offices, to staff the positions necessary to execute these functions with internal staff, personnel from outside management firms, or independent consultants, depending on the availability of the highest-quality personnel, and to do so within established budgets;

3. The manual provides for controls necessary to ensure that the risks associated with the capital program and each project are identified, analyzed, and managed in an effective and transparent manner;
4. The manual provides the necessary guidance on the management of contractor retentions, change orders, and claims; and
5. The manual provides the necessary directive on document control and retention requirements.

In order for the manual to be a functional tool, it must be updated as appropriate. The Director of the AOC's JBCPO (Director) is responsible for keeping the document current. Upon recommendations from the capital program management team, and with the consent of the Director and the approval of the Judicial Council through its Court Facilities Advisory Committee, the manual will be improved, updated, and distributed.

Regular meetings will be established and held to review the document and discuss appropriate revisions. In addition, as the manual is implemented, the Director will rely on a continuous improvement process to review the manual and propose revisions or updates as appropriate.

Comments, Alternatives Considered, and Policy Implications

The AOC did not solicit comments nor were alternatives proposed by the Court Facilities Advisory Committee on the recommended council action, as the completion of the manual has been prepared in compliance with the requirements of Government Code section 70391(e). And on October 26, 2012, the council had authorized the AOC's JBCPO to proceed in developing the manual to address the recommendations made by Pegasus. As Pegasus-recommended policies continue to be generated, they will be presented to the council for approval.

Implementation Requirements, Costs, and Operational Impacts

No costs for courts are involved in implementing the recommended council action, because it is performed on behalf of the council by the AOC.

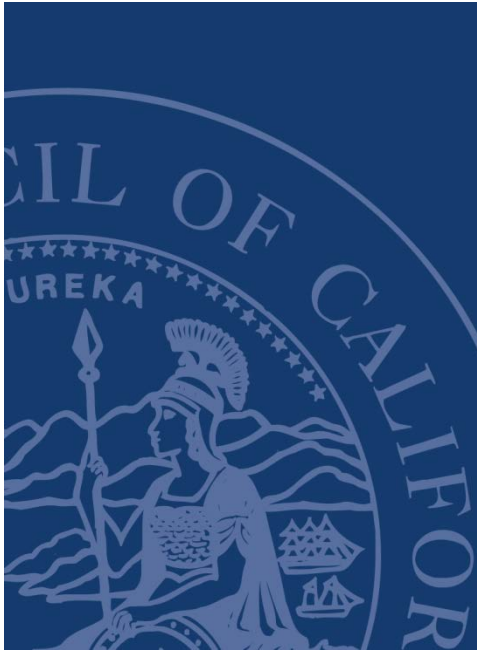
Following approval of the manual by the council, the AOC's JBCPO will begin a number of efforts. First, staff will be trained on the terms and conditions of the manual. This training on procedures and processes will provide consistency for framing and developing capital projects necessary to manage them according to the highest standard. Next, a project execution manual will be drafted. This project execution manual and its procedures will become the vehicle to implement the program management manual. (Please note: AOC staff has already started to draft the project execution manual.) A review of existing council-approved policies that affect the courthouse construction program will then be performed. Lastly, a process will be established to maintain both the program management manual and project execution manual, so these documents remain up-to-date and are continuously improved over time.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommended council action supports Goal III (Modernization of Management and Administration) and Goal VI (Branchwide Infrastructure for Service Excellence).

Attachment

1. AOC's *Judicial Branch Capital Program Management Manual*, dated April 25, 2014



Judicial Branch
Capital Program
Management Manual

APRIL 25, 2014



ADMINISTRATIVE OFFICE
OF THE COURTS

JUDICIAL AND COURT OPERATIONS
SERVICES DIVISION

JUDICIAL BRANCH CAPITAL PROGRAM OFFICE

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SECTION I

Judicial Branch Capital Program—Policies

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1. Capital Program Management Manual

1.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

1.2 Purpose

This Capital Program Management Manual is written at the strategic program level. The Capital Program Management Manual will assist the Administrative Office of the Courts (AOC) and its Judicial Branch Capital Program Office to develop and manage construction projects of the highest standard. The manual describes the organizational structure, roles, responsibilities, and approaches to key functions that will take best advantage of the common characteristics and requirements of the individual projects within the Capital Program. The organization structure is described in Appendix A, Capital Courthouse Construction Program Organization Chart.

The AOC, through its divisions and offices, will staff the positions necessary to execute these functions with internal staff, personnel from outside management firms, or independent consultants, depending on the availability of the highest-quality personnel, and will do so within established budgets.

The Capital Construction Program Strategy Flowchart in Appendix B was developed to facilitate discussions about the process and requirements of planning and constructing a courthouse in California. The process depicted is more clearly defined in this Capital Program Management Manual, which will be the basis for the design, construction, and closeout of the court facilities.

1.3 Changes to the Capital Program Management Manual

In order for the Capital Program Management Manual to be a functional tool, it must be updated as appropriate. The Director of the Capital Program Office is

responsible for keeping the document current. Upon recommendations from the Capital Program management team, and with the consent of the Director of the Capital Program Office and the approval of the Judicial Council through its Court Facilities Advisory Committee, the Capital Program Management Manual will be improved, updated, and distributed.

Regular meetings will be established and held to review the document and discuss appropriate revisions. In addition, as the Capital Program Management Manual is implemented, the Director of the Capital Program Office will rely on the continuous improvement process to review the Capital Program Management Manual and propose revisions or updates as appropriate.

The Capital Program Management Manual will be recorded and updated in electronic format.

2. Governance of Capital Program

2.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

2.2 Purpose

The purpose of this policy is to create a structure for clear and timely decision making for the planning, funding, and management of the Capital Program. Adherence to this policy will provide a structure for successful Capital Program management and avoid unnecessary expenditures of funds and project delays as a result of late or changed decisions.

2.3 Policy

The following responsibilities and authorities shall be exercised in the management of the Capital Program.

2.3.1 Judicial Council of California

2.3.1.1 Responsibilities:

- (1) Exercise full range of policymaking authority over appellate and trial court facilities, including, but not limited to, planning, construction, acquisition, and operation to the extent not expressly otherwise limited by law.
- (2) Recommend to the Governor and the Legislature the courthouse construction projects to be funded by the State Court Facilities Construction Fund (Gov. Code, § 70391(l)(3)), and the Immediate and Critical Needs

Account (Gov. Code, § 70371.5(a)), and other funding sources designated for projects.

2.3.1.2 Authorities:

- (1) As established pursuant to California Government Code sections 69204, 70391 and 70392.
- (2) Delegate responsibility for the planning, land acquisition, design, construction, and closeout of appellate and trial court facility projects to the Administrative Office of the Courts (AOC).
- (3) Approve policies, procedures, and guidelines necessary for the planning, land acquisition, design, construction, and closeout of court facility projects.
- (4) Approve court facility projects, including their scope and budget, for submission to the Governor and the Legislature for funding.
- (5) Approve and direct the AOC to submit to the California Department of Finance the annual update to the Judicial Branch AB 1473 Five-Year Infrastructure Plan.

2.3.2 Court Facilities Advisory Committee

2.3.2.1 Responsibilities:

- (1) Make recommendations to the Judicial Council concerning the Capital Program for the trial and appellate courts.

2.3.2.2 Authorities:

- (1) As delegated by the Judicial Council.
- (2) Establish subcommittees necessary to carry out the responsibilities and authorities of the Court Facilities Advisory Committee.

2.3.3 Trial Court Facility Modification Advisory Committee

2.3.3.1 Responsibilities:

- (1) Make recommendations to the Judicial Council concerning the annual budget appropriated by the Legislature for trial court facility modifications in each fiscal year budget.

2.3.3.2 Authorities:

- (1) As delegated by the Judicial Council.
- (2) Authorize the completion of facility modification projects based on cost estimates, and establish an initial scope of work for the facility modification projects developed by the Office of Real Estate and Facilities Management.

2.3.4 Administrative Office of the Courts

2.3.4.1 Responsibilities:

- (1) Establish one or more offices within the AOC responsible for the Judicial Branch Capital Program for trial and appellate courts throughout the state.
- (2) Develop policies, procedures, and guidelines necessary for the planning, land acquisition, design, construction, and closeout of projects.
- (3) Develop a plan of courthouse construction projects, including their scope and budget, to be funded by the State Court Facilities Construction Fund, the Immediate and Critical Needs Account, and other funds designated for projects.
- (4) Approve site selection and acquisition of land necessary for capital-outlay projects, or recommend to the Administrative Director of the Courts (ADOC) for Judicial Council approval of controversial site selections in accordance with the Judicial Council's Site Selection and Acquisition Policy for Judicial Branch Facilities (August 2009).

2.3.4.2 Authorities:

- (1) As delegated under California Rules of Court, rules 10.180 through 10.184, to provide for the day-to-day operations of the Capital Program.
- (2) As delegated under policies, procedures, and guidelines approved by the Judicial Council.

2.3.5 Administrative Director of the Courts

2.3.5.1 Responsibilities:

- (1) Approve form of funding proposals for projects.
- (2) Delegate authorities and responsibilities necessary to establish and operate the Capital Program.

2.3.5.2 Authorities:

As delegated by the Judicial Council.

2.3.6 Chief Operating Officer

2.3.6.1 Responsibilities:

- (1) Establish and maintain necessary authority for the Capital Program.
- (2) Delegate the day-to-day management of the Capital Program to the Director of the Capital Program Office.

2.3.6.2 Authorities:

As delegated by the Administrative Director of the Courts.

2.3.7 Director of the Capital Program Office

2.3.7.1 Responsibilities:

- (1) Establish, maintain, implement, and enforce policies, procedures, and guidelines necessary to manage the Capital Program.

- (2) Authorize contracts with architects and construction contractors as required to design projects.
- (3) Authorize a project to proceed to bid following approval of working drawings.
- (4) Authorize contracts with construction contractors to construct projects.
- (5) Issue Notices to Proceed, authorizing the selected construction contractors to proceed with the construction of projects.
- (6) Execute Notices of Completion, pursuant to California Civil Code section 3093, and authorize notices to be recorded in the county in which each project is constructed.

2.3.7.2 Authorities:

As delegated by the AOC Chief Operating Officer.

2.3.8 Program Stakeholders

2.3.8.1 Responsibilities:

- (1) Provide pertinent input on cost, scope, and quality using the project team as liaison.
- (2) Meets with project team on specific program or building issues.

2.3.8.2 Authorities:

None.

2.3.9 Judicial Branch Capital Program Office

2.3.9.1 Responsibilities:

- (1) Prepare, submit for approval, and implement policies, procedures, and guidelines necessary for the planning,

site selection, design, construction, and closeout of projects.

- (2) Provide staff support to the Court Facilities Advisory Committee and its subcommittees.
- (3) Prepare a plan of courthouse construction projects, including their scope and budget, to be funded by the State Court Facilities Construction Fund and the Immediate and Critical Needs Account.
- (4) Provide the day-to-day management and achievement of the requirements of the Capital Program as more fully set forth in AOC policies, the Capital Program Management Manual, and the Capital Program Project Execution Manual.

2.3.9.2 Authorities:

As delegated under AOC policies, the Capital Program Management Manual, and the Capital Program Project Execution Manual.

2.4 Procedures

- 2.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

2.5 References

3. Delegation of Capital Projects

3.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

3.2 Purpose

The purpose of this policy is to establish responsibility and authority within the Administrative Office of the Courts (AOC) for the delegations of authority made by the California Legislature pursuant to California Government Code sections 69204, 70391 and 70392; the Judicial Council pursuant to rule 10.184 of the California Rules of Court for the planning, land acquisition, design, construction, and closeout of appellate and trial court projects; and the responsibilities and authorities vested in the Court Facilities Advisory Committee, and the Trial Court Facility Modification Advisory Committee.

3.3 Policy

- 3.3.1 Each project recommended for site acquisition, design, and construction that is subject to approval by the Judicial Council, following its recommendation by the Court Facilities Advisory Committee (CFAC), is delegated to the AOC Judicial Branch Capital Program Office.
- 3.3.2 Each project that is recommended for design and construction, subject to review and approval by the Trial Court Facility Modification Advisory Committee (TCFMAC) is, with the exception of projects outlined in section 3.3.4 below, delegated to AOC Office of Real Estate and Facilities Management.
- 3.3.3 The Judicial Council delegates the management of the following categories of construction projects to AOC Judicial Branch Capital Program Office for planning, design, construction, and closeout.

- 3.3.3.1 All projects stipulated in the Five-Year Infrastructure Plan.
- 3.3.3.2 Any project specifically delegated to the Capital Program Office by the Administrative Director of the Courts under the authority established in section 3.3.4 below.
- 3.3.4 The Administrative Director of the Courts (ADOC) may assign projects to the Capital Program Office, in addition to those designated in the Five-Year Infrastructure Plan, under the following conditions:
 - 3.3.4.1 Assignments are made in coordination with the AOC Chief Operating Officer and the AOC Chief Administrative Officer.
 - 3.3.4.2 Assignments are made when, in the judgment of the ADOC, a project requires the expertise of the Capital Program Office because of funding, environmental impacts, community concerns, technical considerations, or other reasons.
 - 3.3.4.3 Assignments are made in order to balance the workload between the Office of Real Estate and Facilities Management and the Capital Program Office.
- 3.3.5 Management of projects delegated to the Capital Program Office is governed by the policies set forth in this Capital Program Management Manual and procedures and guidelines that are subject to review and approval by the CFAC.
- 3.3.6 Management of court facility modification projects, other than those projects delegated to the Capital Program Office under section 3.3.4 above, is governed by applicable policies, procedures, and guidelines affecting court facilities operations and maintenance that are subject to review and approval by the TCFMAC.
- 3.3.7 Notwithstanding the foregoing, the approval of the Judicial Council may be required for any project or other action addressed by this policy when, in the judgment of the ADOC, a project or action merits review and approval by the Judicial Council due to budget matters, environmental impacts, community concerns, or other reasons.

3.4 Procedures

- 3.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

3.5 References

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4. Role of Court Facilities Advisory Committee in Capital Program

4.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

4.2 Purpose

The purpose of the Court Facilities Advisory Committee (CFAC) is to make recommendations to the Judicial Council concerning the Judicial Branch Capital Construction Program for trial and appellate courts.

The CFAC was established by the Chief Justice of California in July 2011 and was originally called the Court Facilities Working Group, until it became a standing advisory committee of the Judicial Council in April 2013.

4.3 Policy

The Chief Justice created the CFAC as a Judicial Council advisory committee under the authority set forth in the California Rules of Court, rule 10.30(g).

4.3.1 The Judicial Council’s Executive and Planning Committee oversees the CFAC, as provided in the California Rules of Court, rule 10.30(d), and the advisory committee’s recommendations to the Judicial Council will be communicated through the Executive and Planning Committee.

4.3.2 The Chief Justice appoints members of the CFAC in accordance with the California Rules of Court; the rule specifically governing the CFAC, rule 10.62, was adopted by the Judicial Council effective February 20, 2014.

4.4 Procedures

4.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

4.5 References

4.5.1 CFAC websites

- 4.5.1.1 Judicial branch password-protected Extranet:
http://serranus.courtinfo.ca.gov/jc/court_facilities.htm
- 4.5.1.2 Internet: <http://www.courts.ca.gov/15693.htm>

5. Capital Program Management

5.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

5.2 Purpose

The purpose of this policy is to establish within the AOC Capital Program Office the responsibility for the management of the Capital Program to obtain benefits and control not available by managing projects individually. The Capital Program is a group of related projects, subprograms, and program activities for which the Capital Program Office has the responsibility to oversee and manage. All projects within the Capital Program are related through a common goal of strategic importance to the judicial branch. Program management is the centralized, coordinated management of the Capital Program to achieve the goals and allow for optimized and integrated costs, scheduling, and efforts.

5.3 Policy

Pursuant to California Government Code sections 69204 and 70312, the Judicial Council of California, as the policymaking body for the judicial branch, has been delegated the ongoing responsibility and authority for planning, acquisition, design, construction, and operation, to the extent not otherwise limited by the law, for appellate and trial court facilities. In order to carry out this mandate, the Judicial Council has established within the Administrative Office of the Courts (AOC), the Judicial Branch Capital Program Office under the direction of the AOC Chief Operating Officer and the Director of the Capital Program Office.

5.3.1 The AOC Chief Operating Officer and the Director of the Capital Program Office are delegated the following responsibilities and duties:

- 5.3.1.1 Authorize contracts with architects and construction contractors as required to design and construct court facilities.
- 5.3.1.2 Authorize the award of a contract for the construction of a project.
- 5.3.1.3 Determine whether a project will be subject to a project labor agreement.
- 5.3.1.4 Issue a Notice to Proceed, authorizing the selected construction contractor to proceed with the start of construction.
- 5.3.1.5 Execute a Notice of Completion, pursuant to California Civil Code section 3093, and authorize notices to be recorded in the county in which each project was constructed.
- 5.3.1.6 Establish within the Capital Program Office one or more units, under the direction of an assistant director, senior manager, or manager, with the following responsibilities:
 - (1) Ensure sufficient communication with the Judicial Council and its Court Facilities Advisory Committee to ensure compliance with their ongoing oversight and governance.
 - (2) Ensure sufficient communication with the Judicial Council and its Trial Court Facility Modification Advisory Committee to ensure that requests for information concerning the Capital Program are fulfilled.
 - (3) Ensure that the overall program structure and program management processes enable the Capital Program and its individual project teams to successfully complete each project and meet the overall program goals and objectives.
 - (4) Establish the Capital Program management processes and procedures that will be followed in the planning and execution of all court facility projects.

- (5) Establish a system of budget preparation and financial reporting and controls for the Capital Program Office and each project.
- (6) Coordinate the work on each project within the budget and staff resources available to complete the project.
- (7) Ensure that the projects are organized, designed, and constructed in a consistent manner, and are fulfilled in accordance with the California Building Standards Code, the AOC Trial Court Facilities Standards, and the Capital Program Project Execution Manual.
- (8) Provide the Judicial Council and its Court Facilities Advisory Committee with the information needed to make decisions necessary to plan and guide the Capital Program.
- (9) Maintain an overall Capital Program schedule and budget.
- (10) Establish the quality and safety standards for the Capital Program and its projects.
- (11) Establish a process for risk management.
- (12) Establish uniform policies for contracting and procurement.
- (13) Establish a system of records management and document control.
- (14) Provide centralized support for managing changes and for tracking risks and issues.

5.3.2 The Director of the Capital Program Office and the managers of its Design and Construction Unit are collectively delegated the responsibility to guide and direct the individual project managers in the centralized, coordinated requirements of the Capital Program.

5.3.3 The Director of the Capital Program Office shall recommend to the AOC Chief Operating Officer staffing and reporting requirements within the

Capital Program Office necessary to achieve the responsibilities of section 5.3.1 above and to establish overall business processes that can be consistently applied to all projects as they are proposed and approved for design and construction.

5.3.4 The Director of the Capital Program Office is delegated the authority to coordinate the efforts of units within other AOC offices that provide complement services to the Capital Program and to ensure those complement units understand and apply the policies, procedures, and guidelines approved for the operation of the Capital Program. These offices are:

5.3.4.1 Office of Real Estate and Facilities Management, which provides real estate acquisition, environmental management, energy management, review of building operations and maintainability, establishment of building system requirements, and review of related and facility operation services.

5.3.4.2 Legal Services Office, which provides legal assistance and advice related to the acquisition, design, and construction requirements of projects.

5.3.4.3 Fiscal Services Office, which provides budget, audit, accounting, and business services, including contract and procurement services, revenue tracking, and accounts payable services.

5.3.4.4 Office of Communications, which assists with developing the Program Communication Plan and is the AOC office responsible for media relations.

5.3.4.5 Office of Security, which establishes security system requirements for projects and reviews security-related construction documents.

5.3.4.6 Human Resources Services Office, which administers the recruitment, hiring, payroll, and termination processes for all Capital Program staff.

5.3.4.7 Information Technology Services Office, which provides technology support to the Capital Program.

5.4 Procedures

- 5.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

5.5 References

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6. Prioritization of Capital Projects and Fund Management

6.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

6.2 Purpose

The purpose of this policy is to establish responsibility and authority within the AOC for the delegations of authority made by the California Legislature pursuant to California Government Code sections 69204, 70391 and 70392, and by the Judicial Council pursuant to rule 10.184 of the California Rules of Court, for the planning and funding of court facility projects.

6.3 Policy

6.3.1 The Director of the Capital Program Office (or by specific delegation the assistant director of the Capital Program Office, Business and Planning Services Unit (Unit)), is delegated the responsibility to provide strategic planning services at a Capital Program and a project level. The Unit is responsible to:

6.3.1.1 Work with California’s trial and appellate courts to identify the need for capital outlay–funded court facility replacements and modernization projects statewide, and advocate for those needs with the executive and legislative branches.

6.3.1.2 Support all Judicial Council efforts to evaluate and prioritize need for court facility replacements and modernizations statewide, in accordance with the Prioritization Methodology for Trial Court Capital-Outlay Projects adopted by the Judicial Council in October 2008.

- 6.3.1.3 Annually update the Judicial Branch AB 1473 Five-Year Infrastructure Plan (Appendix C), which includes the Judicial Branch's Trial Court Capital-Outlay Plan (a list of approximately 100 projects statewide) for which no funding has been identified.
- 6.3.1.4 Make recommendations to and provide staff support for the Court Facilities Advisory Committee.
- 6.3.1.5 Support the Court Facilities Advisory Committee in the preparation of its recommendations to the Judicial Council.

6.3.2 Program Funding

- 6.3.2.1 The Capital Program Office, through its Business and Planning Services Unit (Unit), is delegated the responsibility to obtain and account for capital-outlay funding consistent with the policy, procedures, and guidelines established by the AOC, the State Public Works Board, the Department of Finance (DOF), and the applicable sections of the State Administrative Manual (SAM). In meeting this responsibility the Unit will:
 - (1) Follow the directives of the AOC Fiscal Services Office director and develop and administer the budget preparation process for the Capital Program and ensure the submission of a final budget recommendation for the judicial branch to the DOF each fiscal year.
 - (2) Follow the directives of the AOC Fiscal Services Office director, and where appropriate the SAM, to develop and maintain a manual of procedures for the budget request process.
 - (3) Follow the directives of the AOC Fiscal Services Office director, and where appropriate the SAM, to develop and maintain a manual of procedures to monitor and report on revenues, expenditures, allocations, and payments associated with the Capital Program and the Office of Real Estate and Facilities Management, including, but not limited to, the administration of the following facility-related funds:

- (a) Fund 3037 State Court Facilities Construction Fund
 - (b) Fund 3066 Court Facilities Trust Fund
 - (c) Fund 3138 Immediate and Critical Needs Account
 - (d) Fund 9733 Court Facilities Architectural Revolving Fund
 - (e) Fund 0660 Public Building Construction Fund (bond funds assigned to specific projects)
 - (f) Fund 0668 Public Building Construction Fund Subaccount (bond funds assigned to specific projects)
 - (g) State of California General Fund
- (4) Follow the directives of the AOC Fiscal Services Office director and establish, maintain, and enforce all financial policies and procedures, whether they are developed internally or prescribed by codified statute, the SAM, or the Judicial Council.
 - (5) Monitor the budget and expenditures of all authorized funds and appropriations to identify variances, determine their cause, and implement measures to reduce or eliminate future variances.
 - (6) Monitor cash flow and forecast future cash flow needs to assure that the Capital Program Office and Office of Real Estate and Facilities Management can meet their financial obligations.
 - (7) Facilitate preparation of fiscal data necessary to secure capital-outlay funding approvals following policies and procedures established internally or prescribed by codified statute, the SAM, or the Judicial Council.

- (8) Establish a system to provide effective management control over assets, liabilities, revenues, and expenditures, to include establishment and maintenance of a list of the scope and levels of approval authority for various Capital Program Office, as well as Office Real Estate and Facilities Management, staff with respect to procurement, contract, and payment authorization.
- (9) Serve as the primary point of contact for the Capital Program Office, as well as the Office of Real Estate and Facilities Management, in the event of an audit of either office's financial records.
- (10) Serve as the primary point of contact for the state Department of Finance, State Public Works Board, and the Legislative Analyst's Office on fiscal matters related to the Capital Program Office.

6.4 Procedure

- 6.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

6.5 References

7. Construction Project Management

7.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

7.2 Purpose

The purpose of this policy is to establish responsibility and authority within the Administrative Office of the Courts (AOC) for the delegations of authority made by the California Legislature pursuant to California Government Code sections 69204, 70391 and 70392, and the Judicial Council pursuant to rule 10.184 of the California Rules of Court, for the design and construction of court facility projects that have been approved to proceed to design, site acquisition, construction, and closeout.

7.3 Policy

Pursuant to California Government Code sections 69204 and 70312, the Judicial Council of California, as the policymaking body for the judicial branch, has been delegated the ongoing responsibility and authority for planning, acquisition, design, construction, and operation, to the extent not otherwise limited by the law, over appellate and trial court facilities.

In order to carry out this mandate the Judicial Council has established within the Administrative Office of the Courts, the Judicial Branch Capital Program Office, and has delegated to the Director of the Capital Program Office the following responsibilities and authorities:

- 7.3.1 Establish a Design and Construction Unit with responsibility for the following (upon the authorization of initial project funding):

- 7.3.1.1 Establish a project advisory group in accordance with the rule 10.184 of the California Rules of Court.
- 7.3.1.2 Support the Capital Program Office Business and Planning Services Unit to refine the requirements of the court, first established in the initial project funding request, for the occupancy of a new, or substantially renovated court facility.
- 7.3.1.3 At pre-established milestones obtain continuing authority from the Court Facilities Advisory Committee, the Judicial Council, and various state agencies, consistent with the funding requirements established by the State Public Works Board and Department of Finance (DOF), to design and construct the court facility.
- 7.3.1.4 For new construction projects support the Office of Real Estate and Facilities Management to complete the California Environmental Quality Act (CEQA) review, conduct due diligence related to potentially hazardous conditions, and acquire property.
- 7.3.1.5 Determine the appropriate project construction delivery method and engage the services of a construction contractor as appropriate for the construction method selected.
- 7.3.1.6 Collaborate with the Office of Real Estate and Facilities Management to establish the long-term operational requirements of the court facility, including analysis of energy-efficient building systems and materials.
- 7.3.1.7 Engage the services of an architect to prepare analysis of potential real property sites, preliminary plans, working drawings, and specifications, in accordance with the Trial Court Design Standards, and obtain mandatory review and approvals from jurisdictional agencies, e.g. State Fire Marshal.
- 7.3.1.8 Upon approval of working drawings and specifications by DOF, authorize the solicitation of bids to construct the project, or if a project is being delivered through a CMAR (construction manager at risk) process, authorize the construction contractor to initiate the bid process, in order to obtain the cost of construction for the project.

- 7.3.1.9 Upon authorization to construct the project, support the AOC Fiscal Services Office's Business Services Unit to amend and finalize contracts necessary to complete the construction phase of the project.
- 7.3.1.10 Manage proposed changes to the project budget, scope, and schedule to ensure appropriate AOC and other agency approvals are secured prior to implementation.
- 7.3.1.11 During the construction phase of the project, provide for the procurement of furniture, fixtures, and equipment necessary to occupy the court facility.
- 7.3.1.12 Collaborate with the Office of Real Estate and Facilities Management to establish an occupancy plan for the court facility necessary to move the court and, if applicable, other tenants into the court facility.
- 7.3.1.13 Collaborate with the Office of Real Estate and Facilities Management to establish the operations transfer plan necessary for the successful operations and maintenance of the court facility.
- 7.3.1.14 Following successful occupancy of the court facility, continue project management services until the closeout of the project is complete pursuant to Chapter 10 of this Capital Program Management Manual.
- 7.3.2 Appoint one or more managers to carry out the responsibilities of the Design and Construction Unit.
- 7.3.3 Delegate to the Design and Construction Unit manager(s) the authority to:
 - 7.3.3.1 Assign and delegate responsibilities to a project manager who shall report directly to a Capital Program Office Design and Construction Unit manager having the signature authority necessary, to approve or recommend for approval, as appropriate, project-related budget, scope, and schedule contract commitments.
 - 7.3.3.2 Support the AOC Fiscal Services Office's Business Services Unit to contract for the following consulting services:

- (1) Construction manager;
 - (2) Pre-construction estimating, construction analysis, and other related design review services;
 - (3) Systems commissioning services;
 - (4) Through the Office of Real Estate and Facilities Management, consultants necessary to implement the requirements of environmental assessment plans and directives;
 - (5) Through the Capital Program Office Risk Quality and Compliance Unit, consultants necessary for plan review services, system peer review services, project inspection services, special inspection and material testing services, commissioning services, project safety, and project insurance (if required); and
 - (6) Through the AOC Legal Services Office, necessary project-related legal services.
- 7.3.3.3 Work with all AOC and contract personnel assigned to the project.
- 7.3.3.4 Administer and enforce the terms and conditions of design, construction, and consulting contracts.
- 7.3.3.5 Establish and maintain the Project Management Plan to document the project-specific responsibilities established in this Capital Program Management Manual and the Project Execution Manual to include the following project-specific components:
- (1) Project description;
 - (2) Scope of work;
 - (3) Milestone schedule;
 - (4) Master schedule;
 - (5) Work breakdown structure;

- (6) Budget;
- (7) Project organization chart and staffing plan;
- (8) Explanation of roles, responsibilities of project team members;
- (9) Project communication plan;
- (10) Project procurement and contracting plan;
- (11) Project startup and turnover plan;
- (12) Project quality plan;
- (13) Project safety plan;
- (14) Environmental assessment, requirements, and related plans, e.g. CEQA Mitigation Plan, Storm Water Pollution Prevention Plan;
- (15) Project risk management plan; and
- (16) Project records management and document control plan.

7.3.4 Establish within other AOC divisions and offices, and the Capital Program Office, those other responsibilities and authorities necessary to complete project land acquisition, design, construction, and closeout.

7.4 Procedures

7.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

7.5 References

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8. Construction Contract Change Orders

8.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

8.2 Purpose

The purpose of this policy is to provide a policy for the review and resolution of construction contract change orders requests for all courthouse projects.

8.3 Policy

- 8.3.1 A change order is required for a change in the scope of work, for an increase or decrease in the amount of the construction cost, or for adjusting the final completion date of a project. Change orders must be initiated in writing using a form or forms designated for such purpose by the Administrative Office of the Courts (AOC).
- 8.3.2 The Director of the Capital Program Office is responsible for ensuring that this Judicial Council policy covering construction change orders is implemented and administered.
- 8.3.3 A change order that would result in a material change in the performance, useful life, or function of a court facility under construction or substantial renovation must be approved by the Court Facilities Advisory Committee.
- 8.3.4 Any change order that increases the cost of the project by more than \$1 million, increases the schedule of the project by more than 15 days, or modifies the AOC's right to pursue liquidated damages due to late delivery or untimely performance shall be reviewed by an attorney designated by the Chief Counsel of the AOC Legal Services Office to

ensure the change order is in conformance with this policy and otherwise legally sufficient.

8.3.5 General Requirements for Change Orders:

8.3.5.1 A change order cannot increase the construction cost of a project as established at the time of the award of the contract to the construction contractor to complete the construction phase of the project, unless a budget augmentation is approved by the Department of Finance (DOF).

8.3.5.2 A change order shall not be binding on the AOC unless it is in writing and is approved and executed by duly authorized parties as provided in section 8.3.6 below.

8.3.5.3 All work subject to a change order shall only proceed upon approval of the change order, or as otherwise provided for under the terms and conditions of the contract between the AOC and the construction contractor submitting the change order. A fully executed construction change order shall be attached to and become a part of the construction contract.

8.3.5.4 All change orders shall be funded by the AOC Contingency approved by the DOF for a project, or in the event that the AOC Contingency is insufficient to cover the associated costs of the change order, by special augmentation to the project budget authorized and approved by the DOF.

8.3.5.5 A change order shall not be separated into smaller segments of funding, cost, work, or function to avoid the approval by a specific authority as provided in section 8.3.6 below.

8.3.5.6 A change order cannot be resolved unless adequate funds are available from the AOC Contingency. In determining whether adequate funds are available from the AOC Contingency, consideration must be given to the other potential obligations payable from the AOC Contingency, e.g. construction contract claims.

8.3.6 Change Order Approval Authority

8.3.6.1 Authority: The Judicial Council delegates the following authorities for approval of change orders:

- (1) The project manager is delegated authority to approve a change order in an amount up to \$100,000. This delegation of authority shall terminate when the value of all change orders and/or construction claims, for a project equals \$1 million or exceeds 25% of the AOC Contingency, whichever is less.
- (2) The project manager's unit manager is delegated authority to approve a change order in an amount greater than \$100,000 and up to \$500,000, or that increases the cumulative total of all project change orders, and/or construction claims to an amount in excess of \$1 million. This delegation of authority shall terminate when the value of all change orders, and/or construction claims, for a project equals \$3 million or exceeds 50% of the AOC Contingency, whichever is less.
- (3) The Director of the Capital Program Office is delegated authority to approve a change order of any amount; however, this delegation shall terminate once the accumulated total of all change orders, and/or construction claims, for the project exceeds 60% of the AOC Contingency.
- (4) If the total value of project change orders, and/or construction claims, exceeds 60% of the AOC Contingency, then the AOC Chief Operating Officer must approve all further change orders or claims.
- (5) The Director of the Capital Program Office, with the concurrence of the Chief Counsel of the AOC Legal Services Office, is delegated the authority to approve a change order that would modify or eliminate the AOC's right to enforce liquidated damages.
- (6) A change order that alters the design or scope of facilities provided for in the original contract documents must be approved by the Court Facilities Advisory

Committee, the Director of the Capital Program Office, and the Department of Finance.

- (7) The Director of the Capital Program Office is delegated all of the same authorities as the project manager or a Capital Program Office unit manager.
- (8) The Administrative Director of the Courts and the AOC Chief Operating Officer are delegated all of the same authorities as the Director of the Capital Program Office.

8.3.6.2 If the Director of the Capital Program Office delegates any of his or her approval authority as provided herein, the delegation shall be limited to the following:

- (1) Delegation must be for a specified time period and be with the concurrence of the Chief Operating Officer.
- (2) Delegation must be made to an assistant director, senior manager, or manager-level position that is assigned to the Capital Program Office.
- (3) Delegation must be made for an individual project and shall not be a general delegation.
- (4) Delegation must be in writing and shall be communicated to the AOC Fiscal Services Office.
- (5) Designee shall not further delegate any authority delegated hereunder.

8.3.7 Emergency Change Orders

8.3.7.1 In an event of emergency, the Director of the Capital Program Office, or designee, may approve a change order, beyond his or her authority described in this policy, to the extent reasonably necessary to:

- (1) Prevent or minimize an imminent threat to the health, welfare, and safety of persons or property; or
- (2) Protect the project, equipment, or material to be used in the work, human safety, or the environment at or near

the project from substantial and immediate danger or injury; or

- (3) Where damage or injury has occurred, protect the project, equipment, or material to be used in the project, human safety, or the environment at or near the project from further or additional damage or injury or deterioration.

8.3.7.2 The Director of the Capital Program Office shall present a written finding of the existence of the emergency and the purpose and scope of the change order in a report to the Administrative Director of the Courts, within 14 calendar days following approval of an emergency change order.

8.3.8 Reporting Change Orders

8.3.8.1 The Capital Program Office shall prepare a quarterly report detailing the construction change orders for each project. The quarterly report shall include, but not be limited to, information relating to the purpose of each change order and the cause and impact to the project budget and schedule. The quarterly report shall be presented to the AOC Chief Operating Officer and the Director of the Capital Program Office.

8.4 Procedures

8.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

8.5 References

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9. Independent Review of Project Design and Cost

9.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

9.2 Purpose

The purpose of this policy is to establish a process for an independent review of project design and cost to ensure that projects are being managed in a cost-effective manner.

9.3 Policy

- 9.3.1 The review of project design and cost is required as a matter of appropriate project management practice. The Director of the Capital Program Office is delegated the responsibility to establish a process for the independent review of project design and cost.
- 9.3.2 To achieve this responsibility, to maintain quality project design, and to ensure functionality and cost considerations are fully incorporated into design decisions, an independent review shall be conducted of the architectural design of all Capital Program projects.
- 9.3.3 The independent design review should be performed early in the preparation of design, at appropriate intervals during design, and at the time of completion of design as determined by the Director of the Capital Program Office.
- 9.3.4 Selection of the reviewer or panel of reviewers and the format for the review are left to the discretion of the Director of the Capital Program Office.

- 9.3.5 The selected reviewers:
 - 9.3.5.1 Shall be design or construction professionals appropriate to the scope and type of project.
 - 9.3.5.2 Shall have no current connection with the firm or firms acting as the architect or as consultants on the project being reviewed.
 - 9.3.5.3 May be employees of the Administrative Office of the Courts (AOC), and trial or appellate court personnel who are otherwise qualified may serve.
 - 9.3.5.4 The review shall focus on, but need not be limited to, the compatibility of the design with its setting and the appropriateness of the design to the project's functional program, the Trial Court Facility Standards, and the project budget.
- 9.3.6 The architect's independent cost estimates, and the construction contractor's cost estimates, shall be conducted for all projects that are subject to design approval by the Judicial Council as well as for other projects when deemed appropriate by the Director of the Capital Program Office.
- 9.3.7 Such cost estimates shall be made at 100 percent schematic design and be incorporated into the design review. It is recommended that the review be conducted again at the time of completion of design and during the preparation of construction documents. The selection of the cost estimator is at the discretion of the Director of the Capital Program Office:
 - 9.3.7.1 The cost estimator shall not be affiliated with the estimating firm for a project requiring estimating services, firms acting as the project architect, or as consultants on the project being estimated.
 - 9.3.7.2 The cost estimator shall not be an employee of the AOC.
- 9.3.8 The cost of the independent review of project design and cost shall be a project expense, and sufficient funds to pay for the review shall be budgeted.

9.4 Procedures

- 9.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

9.5 References

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10. Capital Project Closeout

10.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

10.2 Purpose

The purpose of this policy is to establish the conditions precedent to the Administrative Office of the Courts' acceptance of a project as complete.

10.3 Policy

10.3.1 A project is considered complete when the entire work is completed in accordance with all design and construction contract requirements, as determined by the Administrative Office of the Courts (AOC).

10.3.2 The Director of the Capital Program Office is delegated authority to accept a project as complete on behalf of the AOC when all of the items listed in section 10.3.3 below are complete.

10.3.3 The following must occur before the AOC accepts a project as complete:

10.3.3.1 Receipt of State Fire Marshal Certificate of Occupancy;

10.3.3.2 Completion of any incomplete work and/or punch list items, and a means of payment for the incomplete work and/or punch list items;

10.3.3.3 Completion of the project inspector's final verified report;

10.3.3.4 Receipt of architect's letter of confirmation to the AOC indicating the building and systems are to the best of its knowledge built in accordance with the contract documents;

- 10.3.3.5 The Office of Real Estate and Facilities Management’s concurrence that the building and systems are built in accordance with the contract documents;
 - 10.3.3.6 Receipt of any remaining submittal items;
 - 10.3.3.7 Receipt of all operating manuals and warranties from the construction contractor, including agreement between the Office of Real Estate and Facilities Management, the Capital Program Office, and the construction contractor on a post-completion warranty and conformance protocol;
 - 10.3.3.8 Receipt and approval of the construction contractor’s final invoice, subject to the construction contractor’s executing a release of all claims against the AOC as follows:
 - (1) The construction contractor may exclude from the release of all claims any disputed contract claim that has been filed with and acknowledged by the AOC at the time the final invoice is submitted.
 - (2) For any contract claims identified on the final invoice the AOC may withhold 150% of the value of the disputed contract claims, until all claims are final.
 - 10.3.3.9 Receipt of construction contractor’s list of all suppliers and subcontractors and the amounts paid to each supplier and subcontractor; and
 - 10.3.3.10 Receipt of all the construction contractor’s records required under the terms and conditions of the contract documents, including the completed as-built drawings showing all changes made during construction of the project.
- 10.3.4 The Director of the Capital Program Office, upon the recommendation of the project manager and the manager of the Capital Program Office Risk Quality and Compliance Unit, is authorized to execute and record in the county in which the project was constructed, a Notice of Completion, with a copy to the AOC Fiscal Services Office, the Department of Finance, and for bond-funded projects, the State Treasurer’s Office.

- 10.3.5 All or any remaining construction contractor's retention, less any amounts that the AOC is permitted or required to withhold, as set forth in Chapter 13, Construction Contract Retention, shall be released within 60 calendar days after the date of the Notice of Completion has been recorded.
- 10.3.6 Concurrent with transmittal of the retention, in collaboration with the Capital Program Office Business and Planning Services Unit, the project manager will provide the AOC Fiscal Services Office with instructions to close the project and record the project costs to the lines of business and asset or parcel number, as appropriate.
- 10.3.7 The Director of the Capital Program Office can, prior to completion, authorize the court for which the facility is being constructed or renovated to take occupancy of the court facility if the following conditions are satisfied:
 - 10.3.7.1 Ready for Use: The project in its entirety or partially, as applicable, is ready for use for the purposes of normal courtroom and court office operations, except for punch list items;
 - 10.3.7.2 Certificate of Occupancy: A temporary or final certificate of occupancy has been issued for the project by the California State Fire Marshal; and
 - 10.3.7.3 Governmental Agency Confirmations: All other governmental agencies having jurisdiction have confirmed (and issued all pertinent governmental approvals or other documents in respect thereof) that the building and structures on the site are ready for occupancy.
- 10.3.8 Ready for Use: In determining whether the project or project equipment is "ready for use," the following factors may be taken into account:
 - 10.3.8.1 Requirements of the contract documents;
 - 10.3.8.2 Ability of public to access the project, and the risk of injury to members of the public and all project users;
 - 10.3.8.3 Security systems set forth in the contract documents are operational;

- 10.3.8.4 Any apparent hazard or nuisance;
- 10.3.8.5 The need to conduct court operations in a reasonably quiet and stable environment free from dust, chemicals, smoke, and other health and safety concerns;
- 10.3.8.6 Proper installation and functionality of all project equipment;
and
- 10.3.8.7 Such other functional requirements and considerations as a reasonable person of ordinary prudence would take into account if asked to decide whether the project is suitable, subject to completion of the punch list items, for the purposes of normal courtroom and court office operations.
- 10.3.9 Occupancy prior to completion shall not constitute completion or acceptance of any work not in conformance with the contract documents nor relieve the construction contractor of liability for any express or implied warranties, or responsibilities for defective work.
- 10.3.10 At the time of occupancy the AOC shall perform a detailed inspection of the work, listing all observed deficiencies, and furnish a copy of the inspection report to the construction contractor and the architect.
- 10.3.11 If the Director of the Capital Program Office authorizes occupancy prior to completion, the project manager shall establish by change order the responsibilities assigned to the AOC, the court, or the construction contractor for payments, security, maintenance, heat, utilities, damage to the project, insurance, the period for correction of project work, and the commencement of warranties required by the contract documents.
- 10.3.12 Between 6 and 9 months after occupancy the Capital Program Office staff, in cooperation with the Office of Real Estate and Facilities Management staff, shall review commissioning reports and warranty claims to ensure building systems are operating as designed and that the building turnover is complete.
- 10.3.13 Between 9 and 11 months after occupancy the Capital Program Office staff, in cooperation with the Office of Real Estate and Facilities Management staff, shall conduct a physical inspection of the court facility to identify and document any latent defects in workmanship or materials

existing at the time of acceptance of the project that could not have been discovered by a reasonable inspection.

10.3.14 Between 6 and 9 months after occupancy the Capital Program Office, in cooperation with the Office of Real Estate and Facilities Management, shall initiate a post-occupancy evaluation survey. The purpose of the post-occupancy evaluation survey is to develop and analyze information, and to capture the lessons learned from the court, court staff, court users, and the court facility operations and maintenance staff on how the performance of the building and its functional plan compares to the expectations of the AOC, the court, and the Office of Real Estate and Facilities Management, and to the project's plans and specifications.

10.3.15 Between 12 and 15 months after occupancy the Capital Program Office will complete, and forward to the Court Facilities Advisory Committee, its Post-Occupancy Evaluation (POE) that summarizes whether the project is adequately supporting the trial court occupying the court facility, and the Office of Real Estate and Facilities Management's end-user requirements.

10.4 Procedures

This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

10.5 References

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11. Building Standards Code Compliance

11.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

11.2 Purpose

The purpose of this policy is to establish responsibility and authority within the Administrative Office of the Courts (AOC) in order to comply with the responsibilities of a building owner as established within the California Building Standards Code (California Code of Regulations, title 24), and by the Judicial Council pursuant to rule 10.180 of the California Rules of Court requiring the AOC to establish standards for the alteration, remodeling, renovation, and expansion of existing court facilities and for the construction of new court facilities.

11.3 Policy

11.3.1 The Judicial Council designates the Director of the Judicial Branch Capital Program Office, or by delegation the designated quality manager within the Capital Program Office, as the person to perform the functions of the “building official” as required by the California Building Standards Code.

11.3.2 The person designated as the building official shall throughout the remainder of this policy be referred to as the “quality manager.”

11.3.3 In order to carry out the duties and responsibilities of the building official, the Director of the Capital Program Office is authorized to do the following:

11.3.3.1 Assign and delegate responsibilities to a quality manager, who shall be a full-time AOC employee.

11.3.3.2 Contract for the following consultative services:

- (1) Quality program administration and control;
- (2) Project commissioning;
- (3) Project plan review;
- (4) Project inspection;
- (5) Project special inspection and materials testing;
- (6) Project structural engineering peer review; and
- (7) Project fire protection and smoke detection system review.

11.3.4 The quality manager shall develop an AOC internal process for project permitting, commissioning, plan review, inspection of construction work in progress, and structural and smoke control system peer review necessary to follow and meet the requirements of:

11.3.4.1 The codes, standards, and regulations promulgated by the following state agencies.

- (1) California Building Standards Commission (BSC);
- (2) Division of the State Architect (DSA)/Access Compliance;
- (3) Office of the State Fire Marshal (OSFM);
- (4) Board of State and Community Corrections (BSCC), formerly the Corrections Standards Authority (CSA); and
- (5) Court building construction–related standards approved by the Judicial Council.

11.3.4.2 Procedures and processes necessary to ensure the timely and complete review of plans and inspections required by the following jurisdictional agencies:

- (1) Office of the State Fire Marshal (OSFM);
- (2) Board of State and Community Corrections (BSCC), formerly the Corrections Standards Authority (CSA);
- (3) Division of the State Architect (DSA)/Access Compliance; and
- (4) Local government agencies having authority over specific elements of the permitting and construction of the project.

11.4 Procedures

- 11.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

11.5 References

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12. Contracting and Contract Administration

12.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

12.2 Purpose

The purpose of this policy is to establish responsibility and authority within the Administrative Office of the Courts (AOC) for the development and administration of contracts and procurement practices for the Capital Program, and to describe the methods of contracting and the types of construction contracts that can be used to complete projects. The California Public Contract Code section 19206 requires the Judicial Council to adopt and publish a Judicial Branch Contracting Manual (JBCM) incorporating procurement and contracting policies and procedures that judicial branch entities must follow. The JBCM includes an exception for planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of court facilities.

The scope of this policy is to establish responsibility and authority within the AOC for the development and administration of contracts and procurement practices for the Capital Program and to describe the methods of contracting and the types of construction contracts that can be used to complete the a project.

12.3 Policy

12.3.1 The Judicial Council delegates the following responsibilities for contracting and contract administration:

12.3.1.1 The Director of the Capital Program Office is delegated responsibility to develop and implement amendments to the Court Facilities Contracting Policies and Procedures (Chapter 26 of this manual) to achieve the following:

- (1) Adopt the procedures and processes of the JBCM for all procurement except as otherwise provided in this chapter.
- (2) Establish contracting policies that apply to the planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of court facilities.
- (3) Establish the methods of contracting that may be used to enter into a construction contract, which shall be limited to:
 - (a) Pre-qualified design-bid-build (lump sum) method;
 - (b) Construction manager at risk method;
 - (c) Design-build method;
 - (d) Job order contracting method;
 - (e) Indeterminate duration/indeterminate quantity method; and
 - (f) Contracting methods that are authorized by statute and approved by the AOC Fiscal Services Office.
- (4) Establish the method of contracting that may be used to enter into architectural or construction support contracts, which shall be limited to:
 - (a) Purchase orders;
 - (b) Intergovernmental contracts;
 - (c) Standard agreements on either or both a firm fixed-cost basis or a not-to-exceed-time-and-material basis;
 - (d) Short-form agreements for the purchase of goods and services costing less than \$50,000; and

- (e) Indeterminate duration/indeterminate quantity method.
- (5) Establish methods for evaluating solicited bids or proposals for any contract related to the planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of court facilities, which shall be limited to:
 - (a) Most responsive and responsible bidder;
 - (b) Best value;
 - (c) Most economically advantageous;
 - (d) Qualifications-based selection (engineering and architectural services contracts);
 - (e) Sole-source procurement; and
 - (f) Noncompetitive procurements.
 - (6) Recommend to the AOC Legal Services Office and the AOC Fiscal Services Office terms and conditions of contracts that will be used for planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of court facilities.
 - (7) Recommend to the Legal Services Office and the Fiscal Services Office terms and conditions of contracts that will be used for inspection and material-testing services.
 - (8) Recommend to the Legal Services Office and the Fiscal Services Office terms and conditions of contracts that will be used to respond to emergencies and damage and destruction events.
 - (9) Recommend to the Legal Services Office and the Fiscal Services Office terms and conditions of contracts to be used when Federal Emergency Management Agency (FEMA) reimbursements will be available to cover some or all of the work.

- 12.3.1.2 The Judicial Branch Capital Program Office is delegated responsibility to administer those contracts required to plan, design, and construct court facility construction projects delegated under Chapter 3, Delegation of Capital Projects, of this manual.
- 12.3.1.3 The Office of Real Estate and Facilities Management is delegated responsibility to administer contracts required to acquire land, buildings, and other structures required to construct court facilities.
- 12.3.1.4 The Office of Real Estate and Facilities Management is delegated responsibility to administer contracts to assess the environmental impact that may result from the construction of a project, to establish the scope of environmental mitigation plans, to provide for historic and cultural review of construction activities, and to ensure compliance with the Storm Water Pollution Prevention Plan.
- 12.3.1.5 The Legal Services Office, in cooperation with the Fiscal Services Office, is delegated responsibility to establish, and maintain current, necessary form of contract documents to contract for the services required to plan, design, construct, rehabilitate, renovate, replace, lease, and acquire court facilities.
- 12.3.1.6 The Fiscal Services Office is delegated responsibility to administer the solicitation of proposals and award of contracts required to contract for services required to plan, design, construct, rehabilitate, renovate, replace, lease, and acquire court facilities, and to issue required amendments to contracts that have been awarded, as needed.
- 12.3.1.7 The Judicial Branch Capital Program Office and the Office of Real Estate and Facilities Management shall form a joint committee, in collaboration with the AOC Information Technology Services Office, to establish and maintain an electronic document control and records management system to manage project-related contract documents and records as they are developed, amended, utilized, closed out, and destroyed.

- 12.3.1.8 The Capital Program Office budget shall include appropriate funding for contract development and administration, including document management and electronic record retention within an electronic document control and records management system.

12.4 Procedures

- 12.4.1 This policy will be implemented through the procedures of the Capital Program Project Execution Manual.

12.5 References

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13. Construction Contract Retention

13.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

13.2 Purpose

The purpose of this policy is to establish the Administrative Office of the Courts (AOC) requirements for retention of a portion of the construction contractor's contractually required progress payments in order to: (1) provide assurance for the timely completion and quality of services or work, and (2) protect the AOC against any stop notices, claims, or defaults that may arise throughout the construction of projects.

13.3 Policy

13.3.1 The AOC shall retain 5% of the construction contractor's contract price related to the construction phase of the project.

13.3.2 The AOC may retain an amount greater than 5% of the construction contractor's contract price under the following conditions:

13.3.2.1 The Director of the Capital Program Office has determined prior to the solicitation for construction contractor services that the project is substantially complex, and therefore, requires a higher retention than 5%.

13.3.2.2 The actual retention determined to be withheld by the Director of the Capital Program Office shall be stated in the solicitation for the construction contractor.

- 13.3.3 The AOC will release the retention only upon the completion of the project as determined by the Director of the Capital Program Office as set forth in Chapter 10, Capital Project Closeout, subject to exceptions set forth in sections 13.3.4 and 13.3.5 below.
- 13.3.4 If the retention of the construction contractor's contractually required progress payments is determined to be greater than 5%, at any time the project is 50% complete, and if satisfactory progress is being made, the Director of the Capital Program Office may, with the approval of the construction contractor's surety:
- 13.3.4.1 Reduce the retention to as low as 5% with respect to any remaining progress payments, and/or
 - 13.3.4.2 Allow the construction contractor to submit an invoice for the release of up to one-half of the amount previously retained by the AOC.
- 13.3.5 If the AOC has received the State Fire Marshal's Certificate of Occupancy, the Director of the Capital Program Office may, with the approval of the construction contractor's surety if applicable, authorize the release of payment of all of the withheld retention, except for those amounts that the AOC is permitted or required to withhold as determined by the project manager, which shall be set at 150% of any of the following:
- 13.3.5.1 Any amounts the AOC is required to withhold by law;
 - 13.3.5.2 Any amounts related to project work not yet completed;
 - 13.3.5.3 Any amounts related to project work for which an unresolved noncompliance report has been issued;
 - 13.3.5.4 Any amounts related to the cost of completion of punch list items;
 - 13.3.5.5 Any amounts related to potential damages arising out of unresolved contract claims; and
 - 13.3.5.6 Any amounts associated with cost-to-correct reported warranty claims.

13.3.6 The construction contractor may invoice the AOC for the amounts withheld pursuant to this policy when claims or issues are resolved as approved by the Director of the Capital Program Office.

13.3.7 The final payment of all withheld retention shall be made at the time after the Notice of Completion is recorded, and when the Director of the Capital Program Office has determined there are no further outstanding project issues or claims for which the retention has been withheld.

13.4 Procedures

13.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

13.5 References

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14. Human Resource Plan

14.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

14.2 Purpose

The purpose of this policy is to establish responsibility and authority within the Administrative Office of the Courts (AOC) for the development of a Capital Program Human Resource Plan necessary to determine the personnel and other resources needed to manage the Capital Program. The Human Resource Plan is intended to support the Capital Program Office’s management strategy by emphasizing the staff resources, both employed and contracted, necessary to administer the Capital Program and the approved projects within scope, budget, schedule, and quality.

14.3 Policy

- 14.3.1 The Director of the Capital Program Office is delegated the responsibility to prepare the Human Resource Plan, which shall be reviewed and approved by the Court Facilities Advisory Committee.
- 14.3.2 The Human Resource Plan must evaluate the staffing and resources necessary to plan, administer, and deliver the Capital Program for the fiscal year in which the plan is developed and for the next two fiscal years thereafter.
- 14.3.3 The Capital Program Office shall be responsible for assembling, training, and managing the necessary AOC staff and contracted resources to manage the Capital Program, subject to the authorities, responsibility, and processes established in the following documents:

- 14.3.3.1 AOC Personnel Policy and Procedures Manual applicable to all AOC staff;
 - 14.3.3.2 Terms and conditions of the contracts between the AOC and any contracted resources (applicable to contracted professionals);
 - 14.3.3.3 Capital Program Management Manual; and
 - 14.3.3.4 Capital Program Project Execution Manual.
- 14.3.4 In administering the Human Resource Plan, the Capital Program Office shall present to the Court Facilities Advisory Committee, by March 1 of each year, the Capital Program human resources allocated for the period beginning July 1 and ending June 30, of the subsequent two fiscal years. The plan shall include:
- 14.3.4.1 Total number of Capital Program Office and complement unit staff approved to work on the Capital Program, identified by funding source and job classification;
 - 14.3.4.2 Total number of contracted resources, other than project architects and construction contractors, identified by task, by authorized project, and by funding source; and
 - 14.3.4.3 A Capital Program human resource organizational chart that indicates each human resource, whether AOC staff or contracted staff, working on any portion of the Capital Program.
- 14.3.5 Updates to the current fiscal year Human Resource Plan shall be presented to the Court Facilities Advisory Committee by the end of the October and February of each State of California fiscal year.
- 14.3.6 Funding for the Human Resource Plan shall be developed from the State Court Facilities Construction Fund support appropriation, other lawfully appropriated funds, or the capital-outlay budget as defined in the State Administrative Manual.

14.4 Procedures

- 14.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

14.5 References

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15. Communication

15.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

15.2 Purpose

Effective internal and external communication is an essential management process and a shared responsibility at all levels of the Capital Program Office. To build and maintain support for the Capital Program among stakeholders and the public, the Capital Program Office shares communications responsibilities with the AOC Office of Communications. The purpose of this policy is to outline communications responsibilities within the Capital Program Office and those in partnership with the AOC's Office of Communications in support of the Capital Program-related business goals and plans of the Judicial Council, the Court Facilities Advisory Committee, the AOC, the Capital Program Office, and individual project teams.

15.3 Policy

- 15.3.1 The Director of the Capital Program Office is responsible for setting management expectations for effective formal and informal communications within the Capital Program Office.
- 15.3.2 The Director of the Capital Program Office will determine which business process improvements, formal protocols, or planning tools may be needed to clarify responsibilities and make consistent, accurate, and timely key communications activities for:
 - 15.3.2.1 Reporting progress, accomplishments, significant changes, budget and schedule status, and upcoming challenges;

- 15.3.2.2 Anticipating escalation of potential risks and problems and ensuring their resolution;
 - 15.3.2.3 Preventing and responding to criticisms and crises;
 - 15.3.2.4 Managing stakeholder relationships; and
 - 15.3.2.5 Informing the public of Capital Program and individual project issues and milestones.
- 15.3.3 As needed, the Director of the Capital Program Office may delegate to other management staff of the Capital Program Office, or to other complement units, the responsibility to develop formal communication processes, protocols, plans, and tools. Formal elements may include a documented Capital Program Office communications plan, stakeholder register and stakeholder management matrix, improvements in routine program and project progress reporting, a crisis communications protocol, and protocols for publishing and distributing Capital Program and project information updates to increase transparency.
- 15.3.3.1 Any such formal elements will comply with AOC policies and procedures governing communications.
 - 15.3.3.2 Management staff delegated the responsibilities may consult with the Office of Communications on communications best practices, tools, and templates.
- 15.3.4 The Director of the Capital Program Office is responsible for informing and engaging the Office of Communications to minimize criticisms and potential crises that could affect the reputation and credibility of the Judicial Council, the AOC, or the Capital Program.
- 15.3.5 The Director of the Capital Program Office is responsible for developing a quarterly report that summarizes the Capital Program progress for the AOC Executive Office; the Court Facilities Advisory Committee; the Trial Court Facility Modification Advisory Committee; and directors, assistant directors, and senior managers of other AOC units providing complement staff to the Capital Program. The report shall include a Capital Program management summary, an update of the Capital Program schedule and budget, and a change order and claims status report.

- 15.3.6 The Capital Program Office management staff is responsible for managing relationships with key Capital Program stakeholders as assigned by the Director of the Capital Program Office.
- 15.3.7 The Capital Program Office management staff is responsible for anticipating, identifying, and working to resolve potential problems or conflicts that may lead to public criticism or controversy at the project or Capital Program level.
- 15.3.8 The Capital Program Office management staff is responsible for consolidating information from project managers and ensuring consistency of communications implementation across projects.
- 15.3.9 The Capital Program Office project managers are responsible to manage project communications, including.
 - 15.3.9.1 Quarterly progress reporting;
 - 15.3.9.2 Working with the court to identify local stakeholders;
 - 15.3.9.3 Leading and regularly communicating with the project advisory group as a stakeholder management mechanism;
 - 15.3.9.4 Partnering with the Office of Communications in implementing the standard milestone-based project communications plan by providing early alerts of upcoming milestones and project information, as needed; and
 - 15.3.9.5 Engaging the Office of Communications when communication efforts beyond the standard project communications plan may be needed to manage potential project accomplishments, controversies, or criticisms.
- 15.3.10 The Office of Communications is responsible for consulting as needed with the Capital Program Office on best practices, channels, tools, and tactics to foster understanding and support of the Capital Program and individual projects among its various stakeholders and audiences.
- 15.3.11 The Office of Communications is responsible for consulting with the Capital Program Office, the Executive Office, the Court Facilities Advisory Committee, and the Judicial Council as needed on messaging, talking points, and tactics for significant issues related to the Capital

Program and individual projects that could affect the reputation and credibility of the Judicial Council and AOC.

15.3.12 The Office of Communications is also responsible for implementing the milestone-based communications plan for each project, disseminating consistent messages and project facts based on accurate data supplied by the Capital Program Office management staff.

15.3.13 In keeping with the AOC's News Media Policy, the Office of Communications manages and responds to all media inquiries and drafts and issues news releases, media advisories, web and online communications, and print materials as required.

15.4 Procedures

15.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

15.5 References

16. Program Risk Management

16.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

16.2 Purpose

California Government Code section 70391.5 requires the Judicial Council to develop project risk assessments and allocations. The purpose of this policy is to establish a comprehensive risk management plan specific to the Capital Program and each project.

16.3 Policy

16.3.1 In order to fulfill the mandates of California Government Code section 70391.5, the Judicial Council establishes this comprehensive risk management policy associated with the Capital Program to require the Capital Program Office to develop a process to:

- 16.3.1.1 Identify and evaluate Capital Program and project-related risk from the standpoint of the Judicial Council and the Administrative Office of the Courts (AOC) through risk analysis, risk response planning, and continuous maintenance of a Capital Program and individual project risk register.
- 16.3.1.2 Eliminate or modify conditions and practices, whenever practical, that may impact project cost and/or schedule.
- 16.3.1.3 Retain risks whenever the threat of potential loss is determined to be reasonable as compared to the cost of risk transfer, and where elimination or avoidance is not possible.

- 16.3.1.4 Where the threat of potential loss is determined to be too great for risk retention, finance the risk of loss through appropriate use of AOC Contingency; property, liability and surety insurance; and/or contractual transfer.
- 16.3.1.5 Report on the risks associated with the Capital Program.
- 16.3.2 The Director of the Capital Program Office, or by delegation the senior facilities risk manager, shall be responsible to develop and implement a risk management program that:
 - 16.3.2.1 Coordinates the Capital Program risk management program;
 - 16.3.2.2 Identifies and evaluates risks affecting the Capital Program;
 - 16.3.2.3 Develops mitigation plans to manage the risks to the Capital Program;
 - 16.3.2.4 Establishes a process to take advantage of opportunities that could add value to the Capital Program;
 - 16.3.2.5 Reports on risks associated with the Capital Program;
 - 16.3.2.6 Purchases and/or requires the purchase of property, liability, and surety insurance necessary to finance insurable risks whenever the amount of potential loss is significant, including selection of insurance sources;
 - 16.3.2.7 Develops requirements and forms for required surety insurance;
 - 16.3.2.8 Reports on losses incurred by the Capital Program financed by AOC Contingency, and/or project property, liability, or surety insurance, or retained by the AOC; and
 - 16.3.2.9 Develops a process for progressive escalation of those risks that cannot be resolved through established risk mitigation measures.
- 16.3.3 The Capital Program and each project budget shall include appropriate funding for the operation of the risk management program.

16.4 Procedures

16.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

16.5 References

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17. Construction Project Safety

17.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

17.2 Purpose

The purpose of this policy is to establish that provisions for a safe environment that provides Administrative Office of the Courts (AOC) staff, construction workers, and the public from the hazards associated with the construction of projects is an essential component of the Capital Program.

17.3 Policy

17.3.1 The Director of the Capital Program Office, or by delegation the senior facilities risk manager, shall be responsible to develop and implement the Capital Program health and safety program. In fulfilling these requirements the Capital Program Office shall:

17.3.1.1 Establish and enforce construction contract terms and conditions that require construction contractors and their subcontractors to initiate, maintain, follow, supervise, and enforce safety precautions and programs in connection with the performance of their work on a project site.

17.3.1.2 Require as part of the AOC procurement process to prequalify and consider the qualifications of prospective construction contractors, the submittal of the construction contractor's health and safety policy, and past safety performance record, including the following:

- (1) Description of the prospective construction contractor's health and safety culture and the safety policy applied to similar projects for previous clients;
 - (2) Name and qualifications of the prospective construction contractor's person responsible for development of the individual project site safety program;
 - (3) Description of the prospective construction contractor's past success in safely constructing similar projects for other clients; and
 - (4) Provision of the prospective construction contractor's current and three-year average workers' compensation experience modification factor and OSHA incident rate.
- 17.3.1.3 For projects that are in the design phase or under construction, establish project-specific safety requirements that are set forth in the form of a Project Safety Guidance Manual.
- 17.3.1.4 Require every construction contractor performing work pursuant to a contract with the AOC to submit, prior to the construction phase of a project, its written construction safety program applicable to the work for review by Capital Program Office Risk Quality and Compliance Unit. The construction contractor shall certify that its safety program is compliant with the Capital Program Project Safety Guidance Manual.
- 17.3.1.5 Require each construction contractor to have, on the project site, a full-time safety professional responsible for project site safety. (This requirement may be waived or modified by the manager of the Capital Program Office Risk Quality and Compliance Unit.)
- 17.3.1.6 Establish a process to monitor the efforts of construction contractors and their subcontractors to ensure their safety programs are being enforced as written.
- 17.3.1.7 Establish within the AOC Injury and Illness Prevention Program adequate requirements to ensure the safety of AOC employees at construction sites. The Injury and Illness Prevention Program shall include, but not be limited to,

requisite training policies and personal protective equipment requirements.

17.3.2 The Capital Program and individual project budgets shall include appropriate funding for the operation of the Capital Program health and safety program.

17.3.3 Costs associated with project safety shall not be an element considered as part of any project cost reduction.

17.4 Procedures

17.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

17.5 References

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18. Construction Claims Management and Resolution

18.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

18.2 Purpose

The purpose of this policy is to establish the responsibility and requirements for Capital Program construction claim management and resolution.

18.3 Policy

It is the intent of the Administrative Office of the Courts (AOC) to resolve claims as close to events giving rise to each claim as possible, and to avoid stale or late claims and the late documentation of claims. The AOC hereby exercises the power conferred upon it by Government Code sections 930.2 and 930.4 to augment claims presentation procedures and create its own claims management and resolution process as the exclusive process for resolution of claims as indicated in this policy section.

The Director of the Capital Program Office shall be responsible for establishing a construction claim management and resolution process that incorporates the following requirements:

18.3.1 A claim is defined as a written demand by a contractor for:

18.3.1.1 A time extension;

18.3.1.2 Payment of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract;

18.3.1.3 Payment of money that is not otherwise expressly provided for or the contractor is not otherwise entitled to; or

- 18.3.1.4 Payment of an amount that is disputed by the AOC.
- 18.3.2 All construction contracts between the AOC and a construction contractor shall include a provision that requires the construction contractor to provide notification of the AOC's claim management and resolution process in the construction contractor's subcontractor contracts to ensure that all subcontractors or others who may assert claims, by and through the construction contractor, are informed of the claim management and resolution process.
- 18.3.3 A claim must be filed within 30 days after the alleged event that gives rise to the claim, or within the time frame established under the terms and conditions of construction contractor's contract with the AOC, whichever is greater, but under no circumstance after the AOC's final payment to the construction contractor.
- 18.3.4 A claim must be in writing and include documents necessary to substantiate the claim for both entitlement and damages to allow the AOC to reasonably evaluate the claim.
- 18.3.5 Adherence to the claim management and resolution process outlined in the construction contractor's contract with the AOC shall be mandatory.
- 18.3.6 The AOC will use best efforts to respond to the claim within 45 days of its receipt either with an acceptance, denial, or request for additional information.
- 18.3.7 An AOC representative delegated authority by the Director of the Capital Program Office to resolve a claim will render a written decision to the claimant. The AOC's written decision shall be final and binding if the claimant does not request mediation of the claim within 30 days of the AOC's written decision.
- 18.3.8 A construction claim cannot be resolved unless adequate funds are available from the construction budget or AOC Contingency. In determining whether adequate funds are available from AOC Contingency, consideration must be given to the other potential obligations payable from AOC Contingency, e.g. change orders.
- 18.3.9 Resolution of claims must be based on the construction contractor's supporting documents, the AOC's project documentation, the contract terms and conditions, the specific facts of the claim, and any information

considered relevant to the claim. Project cost and schedule impacts, and other relevant factors, should also be considered when evaluating the claim.

- 18.3.10 Unless otherwise prohibited in the construction contractor's contract with the AOC, the AOC may pay any undisputed portion of a claim.
- 18.3.11 The AOC may withhold from any progress payment and/or final payment an amount not to exceed 150% of the disputed amount of any claim. The AOC may notify the construction contractor's surety and request the surety's assistance in resolving claims.
- 18.3.12 Within 30 days after the AOC renders its written decision, the construction contractor may request that the parties submit the claim to mediation. Absent a request for mediation, the AOC's written decision shall be final and binding.
- 18.3.13 If, after a mediation as indicated above, the parties have not resolved the claim, the AOC's decision made pursuant to mediation will be conclusive and binding regarding the construction contractor, unless the construction contractor commences an action in a court of competent jurisdiction to contest such decision within 90 days following the conclusion of the mediation or within one (1) year following the accrual of the cause of action, whichever is later.
- 18.3.14 If a claim is resolved, the AOC shall document the final resolution in an agreement and release of any and all claims, a contract amendment, or other document as appropriate.
- 18.3.15 The AOC Legal Services Office is delegated the authority to provide a legal defense or associate with legal counsel for the legal defense of claims or lawsuits that are not resolved through negotiated settlements or mediation.
- 18.3.16 Payment of claims may be made under the following levels of authority:
 - 18.3.16.1 For claims that assert an entitlement to additional compensation to complete the project:
 - (1) Project Manager: Claims up to \$100,000. This delegation of authority shall terminate once the aggregate of all claims and/or change orders for a

project equals \$1 million or exceeds 25% of the AOC Contingency, whichever is less.

- (2) The Project Manager's Unit Manager: Claims greater than \$100,000 up to \$500,000. This delegation of authority shall terminate once the aggregate of all claims and/or change orders for a project equals \$3 million or exceeds 50% of the AOC Contingency, whichever is less.
- (3) Director of the Capital Program Office: Claims of any amount. This delegation shall terminate once the aggregate of all claims and/or change orders for a project exceeds 60% of the AOC Contingency.
- (4) If the aggregate of all claims and/or change orders for a project exceeds 60% of the AOC Contingency, then the AOC Chief Operating Officer must approve all further claims and/or change orders for additional compensation.
- (5) The Director of the Capital Program Office is delegated all of the same authorities as the project manager or a Capital Program unit manager.
- (6) The Administrative Director of the Courts and the AOC Chief Operating Officer are delegated all of the same authorities as the Director of the Capital Program Office.

18.3.16.2 For claims that assert an entitlement to additional time to complete project:

- (1) Project Manager: May approve additional time to complete the project up to a maximum of 30 days;
- (2) Design and Construction Unit Manager: May approve additional time to complete the project up to a maximum of 60 days;
- (3) Director of the Capital Program Office: May approve additional time to complete the project up to a maximum of 90 days;

- (4) Chief Operating Officer: May approve additional time to complete the project up to a maximum of 120 days; and
- (5) Court Facilities Advisory Committee: Must approve additional time to complete the project for any amount of time that exceeds 150 days.

18.3.16.3 The Director of the Capital Program Office is delegated any of the authorities of the project manager and the Design and Construction Unit manager.

18.3.16.4 The Administrative Director of the Courts and the AOC Chief Operating Office are delegated all of the authorities as the project manager, the Design and Construction Unit manager, and the Director of the Capital Program Office.

18.3.17 Reporting of Construction Claims

18.3.17.1 A report detailing claims that have been submitted, resolved, or are outstanding shall be presented on a quarterly basis to the AOC Executive Office. The report shall include an analysis of the financial impact and/or schedule impact on the project and include a comparison of the initial project budget approved by the Budget Act with the actual cost and schedule to complete the project. The report should be sufficiently detailed to inform the Executive Office about claims and change orders affecting the overall Capital Program.

18.4 Procedures

18.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

18.5 References

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19. California Environmental Quality Act

19.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

19.2 Purpose

The Administrative Office of the Courts (AOC) is required to identify, disclose, and mitigate environmental impacts associated with its proposed court facility construction projects in compliance with the California Environmental Quality Act of 1970 (CEQA), as amended.

19.3 Policy

- 3.1 The requirements of the CEQA must be fulfilled prior to approval of site acquisition by the State Public Works Board or for projects where the land is already owned by the AOC, before construction activities may commence.
- 3.2 The Judicial Council delegates the following responsibilities for CEQA compliance to the AOC Office of Real Estate and Facilities Management (OREFM):
 - 19.3.1.1 Review proposed projects and determine the appropriate environmental analysis activities before any project construction activities can commence.
 - 19.3.1.2 Assist the Capital Program Office in planning projects by identifying and incorporating into the site selection process environmental impacts and mitigations that must be considered in that process. This will allow environmental considerations to

influence the budgeting, scheduling, design, and construction of the project.

19.3.1.3 Evaluate each project as objectively as possible to determine the need for an appropriate environmental document.

19.3.1.4 If an environmental document is required, ensure that it is prepared in full compliance with the requirements of CEQA, as amended.

19.3.1.5 If an environmental document is prepared, it must include the means for avoiding or significantly reducing any adverse environmental impacts of the proposed project.

19.3.1.6 The environmental document is to be used as the primary planning tool to determine if significant, avoidable damage to the environment can be prevented by changes in the project through the use of feasible alternatives or mitigation measures.

19.3.2 The Capital Program Office, in collaboration with the OREFM, shall be responsible for the implementation of the project's mitigation monitoring plan, if required.

19.3.3 The Capital Program Office, in consultation with the OREFM, shall establish within each project budget adequate resources to provide the necessary CEQA review and mitigations, if necessary.

19.4 Procedures

19.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

19.5 References

19.5.1 California Environmental Quality Act of 1970, as amended.

20. Project Records Management Program

20.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

20.2 Purpose

The purpose of this policy is to establish Capital Program records management policies and practices that provide for a uniform, transparent, and accountable document control system. The records management and document control system shall include records preparation, records filing, records retention, public access, and privacy protections.

20.3 Policy

20.3.1 The Director of the Capital Program Office is delegated the responsibility to develop and implement the Capital Program records management and document control program.

20.3.2 Records management must include all forms of records relating to the Capital Program.

20.3.3 Administration of Capital Program documentation is critical and must be integrated throughout the life of the program and each project.

20.3.4 The records management program shall include the following general concepts:

20.3.4.1 The file-naming/organization system must be applied across both paper and electronic files so that all the materials pertaining to a project can be found in the same way.

- 20.3.4.2 Records that contain basic facts concerning the Capital Program Office’s origin, policies, functions, organization, and significant administrative decisions must be retained. These records should be preserved to provide documentation of the Capital Program Office’s operations—past, present, and future.
- 20.3.4.3 Records that have legal value must be retained. Records have legal value if they contain evidence of legally enforceable rights or obligations of the Administrative Office of the Courts (AOC) and the Capital Program Office.
- 20.3.4.4 Records associated with a bond-financed project must be retained throughout the life of the bond issue plus 3 years.
- 20.3.4.5 Project file records must be retained for at least 11 years in case a defect is discovered after the project is completed or, for bond-funded projects, through the duration of the bond issue plus 3 years.
- 20.3.4.6 Certain records used for a facility’s operation and maintenance must be retained for the life of the facility:
- (1) As-built drawings;
 - (2) Asbestos removal and disposal records; and
 - (3) Records that are part of an environmental impact investigation and monitoring program.
- 20.3.4.7 The AOC Business Services Unit must include record retention policies when executing an agreement with the architect. The architect’s project records must be maintained for a minimum of 10 years after the project is completed.
- 20.3.4.8 Records that must be transferred to the Office of Real Estate and Facilities Management, regarding operations and maintenance, should be formatted to the AOC’s requirements.
- 20.3.4.9 Any special or high-risk portions of a project must be thoroughly documented and follow more stringent record retention requirements.

20.3.4.10 Throughout the duration of each project the following items, either issued by the AOC or received from the architect and/or construction contractor, must be maintained in the project file:

- (1) Bid documents (as issued for bids);
- (2) Minutes of pre-bid conference;
- (3) Prequalification or qualification data (if used);
- (4) Completed bid forms;
- (5) Completed bid bonds (if required);
- (6) Bid summary;
- (7) Notice of Selection as Lowest Responsible Bidder;
- (8) Construction contractor's Statement of Experience and Financial Condition;
- (9) Name and qualifications of construction contractor's project manager;
- (10) Contract documents (as executed);
- (11) Contract documents (issued after execution);
- (12) Certificates of insurance;
- (13) Payment bond;
- (14) Performance bond;
- (15) List of drawings and specifications;
- (16) List of subcontractors and list of changes in subcontractors;
- (17) Contract schedules;
- (18) Correspondence;
- (19) Inspector's daily reports;

- (20) Quality control inspection reports;
- (21) Minutes of project meetings;
- (22) Shop drawings and product data;
- (23) Material on product substitutions;
- (24) Invoices for payments and records of amounts paid;
- (25) Claims (with supporting data);
- (26) Change orders;
- (27) Photographs;
- (28) Inspection videotapes;
- (29) Certificate of Occupancy;
- (30) Notice of Completion;
- (31) Lease revenue bond documents and documents related to outstanding debt services obligations; and
- (32) Warranties and guarantees.

20.3.5 A Records Filing and Disposition Table will be prepared and maintained for each project to describe the documents that constitute project records and indicate the record location during both the active and inactive phases of the project.

20.3.5.1 The active phase of a project includes site selection, conceptual design, design, construction, and project closeout.

20.3.5.2 The inactive phase of a project includes final record disposition and archiving.

20.4 Procedures

20.4.1 This policy shall be implemented through the procedures of the Capital Program Project Execution Manual.

20.5 References

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21. Glossary (Applicable only to Chapters 1 through 20)

21.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location: TBD
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Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Independent Outside Oversight Subcommittee Approval	3/4/2014		
2.0	Court Facilities Advisory Committee Approval	3/12/2014		

21.2 Terms and Definitions

Term	Definition
Administrative Office of the Courts (AOC)	The staff agency of the Judicial Council of California, which is authorized by the California Rules of Court to design and construct court facilities.
architect	The architect(s), engineers, and other consultant(s) under contract to the AOC as the designer of record responsible for the preparation and coordination of the contract documents associated with a project, and for providing design and construction documentation and construction administrative services for the AOC.
AOC Contingency	An amount of money reserved by the AOC to pay for unforeseen changes in the work or increases in cost. AOC Contingency is only available to the AOC to finance project scope changes requested by the AOC during the course of construction, or for unexpected costs that are not the responsibility of the construction contractor, such as force majeure events.
occupancy	A date specified by the Director of the Capital Program Office, and set forth in the construction contract, authorizing the court for who the court facility is being constructed to take occupancy of the facility prior to the AOC's acceptance of the project as complete.

Term	Definition
Capital Program	A group of related judicial branch courthouse construction, renovation, and facility modification projects, subprograms, and program activities for which the Capital Program Office has the responsibility to oversee and manage.
capital outlay	Capital outlay means acquisition of land or other real property, major construction and modernization projects, equipment, designs, working plans, specifications, repairs, and equipment necessary in connection with a construction or modernization project.
change order	A written order approved by the AOC on an AOC agreed-upon form and signed by the AOC, the architect, and the construction contractor that alters the contract documents and that could be or should be paid out of AOC Contingency. A change order does not include work that could be or should be paid out of Project Contingency.
claim	A claim is a request, demand, or assertion by the construction contractor during the performance of the construction phase of the project regarding money and/or time adjustments with which the AOC does not agree, and that is not resolved through a dispute resolution process set forth in the construction contract.
complete (completion)	The date when the entire work of the project is completed in accordance with all contract documents as determined by the AOC.
construction contractor	The general contractor licensed in the State of California that is contracted by the AOC to construct the project.
construction manager (CM)	An independent contractor employed by the AOC to provide representation on the project site to ensure the quality of both materials and workmanship are in accordance with the design information such as specification and engineering drawings. The CM is responsible exclusively to the AOC and acts in the AOC's interests throughout each stage of the project. The CM offers advice on optimum use of available funds; control of the scope of the work; project scheduling; optimum use of design and construction firms' skills and talents; avoidance of delays, changes, and disputes; and enhancing project design and construction quality.

Term	Definition
construction manager at risk (CMAR)	A project-delivery method that entails a commitment by the construction manager to deliver the project within a guaranteed maximum price. The CMAR acts as consultant to the AOC in the development and design phases, but as the equivalent of a general contractor during the construction phase.
contract documents	The contract documents include the general terms and conditions for the preconstruction (if a CMAR project) and the construction of the project, any payment and performance bonds, any change orders and documents referred to in the change orders, and all drawings and specifications specifying the attributes, characteristics, and requirements of the building to be constructed, including the building site.
design-bid-build	A project-delivery method that combines architectural and engineering design services with construction performance under one contract agreement.
design-build	A project-delivery method where a contractor is responsible for all aspects of the design and construction of the project.
DOF	State of California, Department of Finance
Judicial Branch Capital Program Office (Capital Program Office)	An office within the Administrative Office of the Courts, Judicial and Court Operations Services Division, charged with the responsibility to design and construct court facilities.
project	The total effort required in all phases of a court facility capital-outlay project, or court facility modification project, necessary to design, construct, and closeout the project.
project advisory group	Members of the project advisory group include local officials and community leaders in addition to representatives of the appellate or superior court for whom the project is being completed.

Term	Definition
Project Contingency	An amount of money identified in the contract documents that is to be used by the construction contractor to pay for any changes or extra work due only to conflicts, ambiguities, or errors or omissions in the contract documents if they could have been reasonably discovered by the construction contractor during construction contractor's preconstruction phase services or in the subcontractor bid packages, not including unforeseen site conditions. The unused portion of the Project Contingency shall be retained by the AOC at the end of the project.
project cost	The actual cost of the entire project.
project management	As applied to a construction project, the use of integrated systems and procedures by the project team to accomplish design and construction. Project management is an integral function of construction management.
project manager	The person or firm administering the construction project for the AOC. Every capital facilities project must have a designated AOC project manager.
project management plan	A document prepared by the project manager that defines the project's goals and expectations including scope, budget schedule, quality, and strategies to be used to fulfill the requirements of the project.
Project Execution Manual	A detailed definition of the project team's responsibilities and authority, project systems, and procedures to be used for all phases of the project.
project team	The AOC project manager, the architect, the construction contractor, the construction manager (if applicable), the project inspector, the Office of Real Estate and Facilities Management, the project advisory group, and the other AOC and consulting subject matter experts necessary for the successful design and construction of the project.
ready for use	The condition when the project is not yet complete but is, in its entirety or partially, as applicable, ready for use for the purposes for which the project was intended, except for punch list items.

Term	Definition
stakeholders	The following entities are considered stakeholders on all projects: (1) Judicial Council of California, (2) Court Facilities Advisory Committee, (3) trial court, (4) Administrative Office of the Courts, (5) Department of Finance, (6) State Public Works Board, (7) AOC Office of Real Estate and Facilities Management, (8) architect, and (9) construction contractor. The list may change with each project and should be developed by the project manager as part of the project communication plan.

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SECTION II
Capital Program–Related Policies
Previously Adopted by the Judicial Council

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22. Relocation Policy

22.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location:
Author: Eunice Calvert-Banks	Approved by: Judicial Council of California
Process Owner:	
Review Cycle:	

Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Judicial Council Approved	12/14/10	12/14/10	
2.0	Under Review and Possible Revision			

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Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 14, 2010

Title	Agenda Item Type
Court Facilities: Rules and Regulations for Relocation Payments and Assistance Regarding Real Property Acquisition	Action Required
	Effective Date
	December 14, 2010
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	November 19, 2010
Recommended by	Contact
Administrative Office of the Courts Office of Court Construction and Management Lee Willoughby, Director, Burt Hirschfeld, Assistant Director, Real Estate and Asset Management Eunice Calvert-Banks, Manager, Real Estate Services Office of the General Counsel Rachel Dragolovich, Attorney, Real Estate Unit	Eunice Calvert-Banks, 415-865-4048 eunice.calvert-banks@jud.ca.gov Rachel Dragolovich, 415-865-4095 rachel.dragolovich@jud.ca.gov

Executive Summary

The Administrative Office of the Courts recommends that the Judicial Council of California adopt Rules and Regulations for Relocation Payments and Assistance for Judicial Branch Capital-Outlay Projects (Relocation Rules; see Attachment 1) and direct the Administrative Director of the Courts or a designee to administer the Relocation Rules in accordance with the California Relocation Assistance Act (Gov. Code, § 7267.8) and the Relocation Assistance and Real Property Acquisition Guidelines (Cal. Code Regs., tit. 25, § 6006). The Relocation Rules provide the framework for implementation of state relocation law in connection with acquisition

of sites for court facilities. Adoption of the Relocation Rules is required under Government Code section 7267.8 and section 6006(a) of the guidelines before providing relocation assistance and benefits to persons, businesses, or governmental agencies or entities displaced by site acquisition activities.

Recommendation

The Administrative Office of the Courts (AOC) recommends that the council, effective December 14, 2010:

1. Adopt Rules and Regulations for Relocation Payments and Assistance for Judicial Branch Capital-Outlay Projects (Relocation Rules);
2. Direct the Administrative Director of the Courts, or a designee, to administer through the Administrative Office of the Courts the attached Relocation Rules setting forth the procedures in providing relocation assistance to any persons, businesses, or governmental agencies or entities displaced by any site acquisition activity undertaken by the AOC;
3. Authorize the Administrative Director of the Courts, or a designee, to make adjustments to the administration of the relocation program and relocation payments per changes in the Relocation Assistance and Real Property Acquisition Guidelines and other applicable law; and
4. Authorize the Administrative Director of the Courts, or a designee, to pay more than the minimum relocation payments authorized per the guidelines and other applicable law. Such payment shall be limited to no more than the actual relocation costs incurred by the displaced persons, businesses, or governmental agencies or entities.

Previous Council Action

The council has taken no previous action on this issue.

Rationale for Recommendation

The attached Relocation Rules satisfy the requirements of state law and administrative regulations to provide relocation assistance and financial compensation for individuals and entities required to move to allow for the acquisition of property for court facilities. To date, relocation payments required for acquisition of real property for court facilities have been administered on the AOC's behalf through local redevelopment agencies (RDAs). Several new courthouse site acquisition projects will soon benefit from the AOC's being able to administer relocation activity on its own behalf.

For court facilities in general, under Government Code section 70391, the Judicial Council is responsible for and authorized to “[e]xercise the full range of policymaking authority over trial court facilities, including, but not limited to, planning, construction, acquisition, and operation.” For Senate Bill 1407 court projects, under Government Code section 70371.7(a)–(b), “notwithstanding any other provision of law, the Judicial Council is authorized to acquire real property” on the certification of availability of funds within the Immediate and Critical Needs Account and the establishment of project scope and cost by the State Public Works Board. In turn, under rule 10.184 of the California Rules of Court, the AOC “is responsible for the

acquisition, space programming, construction, and design of a court facility, consistent with the facilities policies and procedures adopted by the Judicial Council.”

Under the act (Gov. Code, § 7260 et seq.) and the guidelines (Cal. Code Regs., tit. 25, §§ 6000–6198), a public entity must pay relocation benefits for properties not listed for sale whenever actions taken by that public entity will result in the displacement of persons or businesses. The Judicial Council of California and the AOC, its staff agency, are public entities under Government Code section 7260.

Before any relocation payments and assistance may be made, the AOC must comply with section 6006(a) of the guidelines, which states:

Each public entity before undertaking or participating in activity which will result in displacement of persons shall adopt rules and regulations that implement the requirements of the Act, are in accordance with the provision of the Guidelines, and prescribe additional procedures and requirements that are appropriate to the particular activities of the public entity and not inconsistent with the Act or Guidelines.

The attached Relocation Rules satisfy the requirements of the act and the guidelines. In addition, the proposed Relocation Rules include payment of relocation benefits to governmental agencies or entities that are displaced by AOC’s acquisition activities, even though such groups are not specifically included in the act or guidelines. As referenced in Government Code section 7260.5, the spirit of the law and underlying rationale of compensating a displaced business for the expense incurred in finding a new business location, moving, and reestablishing the business should be applied to compensate governmental agencies or entities that are displaced because of judicial branch activities. Unless the AOC is able to pay relocation benefits to governmental agencies or entities, the judicial branch on occasion will be unable to site new courthouses in preferred locations because of a local government’s inability to afford the cost of relocation.

The proposed Relocation Rules also include a provision allowing the Administrative Director of the Courts to authorize relocation assistance payments greater than the standard amounts stated in the Relocation Rules. Any such additional payments are limited to actual expenses incurred by the displaced persons, businesses, or governmental agencies or entities. Those expenses could include the new tenant improvements necessary to provide functionally comparable space.

Comments, Alternatives Considered, and Policy Implications

The proposed Relocation Rules were not circulated for public comment because adoption of the Relocation Rules is essentially a ministerial action required by state law, and because of concerns about timing of the acquisition of the Tehama court’s preferred site for the New Red Bluff courthouse project. The law requires a relocation program in connection with that real property acquisition. Therefore, the AOC recommends approval of these rules at the December 14, 2010, meeting. The AOC will, however, solicit public comment on the rules and will report

to the council by the April 2011 meeting on any comments, with any recommendations for revisions.

To advance site acquisition activity for several new courthouse projects, the AOC has retained other public entities (RDAs) to administer relocation assistance and benefits. Each RDA has then hired an outside relocation consultant for assistance. The AOC will be unable to engage the assistance of a local RDA for relocation assistance on a prospective property to be acquired outside a designated redevelopment area. And because of lack of staffing or for economic or political reasons, a city or county may decline to provide assistance on a new AOC courthouse project. While continuing to hire other public entities to administer relocation assistance and benefits is an alternative, the AOC has determined that administering relocation assistance and benefits itself would be more expeditious. To engage its own relocation consultants and administer its own relocation activities would also be more cost-effective than to incur the cost of relocation staff and administrative fees that another public entity would charge.

To prepare the Relocation Rules, the AOC reviewed relocation policies of various cities and RDAs, as well as the Department of General Service (DGS) Office of Real Estate and Design Services Relocation Assistance Manual. The manual was written by and for DGS staff members who negotiate agreements and administer relocation assistance and benefits. The AOC has determined that it would be more efficient and expedient to hire professional relocation consultants as needed, project by project, than to hire additional staff to fulfill this role. This approach is similar to AOC's engagement of other real property professionals (appraisers, environmental consultants, surveyors, etc.) in the due diligence period of site acquisitions.

The AOC also considered requesting that the council amend the *Site Selection and Acquisition Policy for Judicial Branch Facilities* approved on August 14, 2009 (originally adopted on June 29, 2007) to add a new section on relocation payments and assistance, rather than requesting that the council adopt new rules and regulations. This approach was rejected because the administration of relocation payments and assistance is a ministerial function and anticipated to be needed on fewer than 20 percent of judicial branch acquisitions. The site policy includes no other rules or regulations but describes the site selection and acquisition process that the AOC undertakes to acquire real property for the benefit of the judicial branch.

Implementation Requirements, Costs, and Operational Impacts

Adoption of the Relocation Rules will result in payments to those who incur relocation expenses arising from the AOC's real estate acquisition activity. In addition, AOC will engage a relocation specialist to provide the extensive time and expertise needed to administer the payment process. The specialist will also administer corresponding features of the Relocation Rules, such as interviewing affected parties to determine appropriate replacement accommodations, holding informational meetings and distributing materials in the affected communities, and inspecting sites to confirm that appropriate replacement facilities are being provided. A limited level of administration will also be necessary to implement this contract.

Relevant Strategic Plan Goals and Operational Plan Objectives

This recommendation promotes Goal VI: Branchwide Infrastructure for Service Excellence. The adoption of the Relocation Rules will enable the AOC to expedite the acquisition of sites for court facilities and assist in the provision of physical infrastructure that meets the needs of the public, the branch, and its justice system and community partners and that ensures business continuity.

Attachments

1. Attachment A: Rules and Regulations for Relocation Payments and Assistance for Judicial Branch Capital-Outlay Projects
2. Attachment B: Referenced Government Codes and Regulations



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

**RULES AND REGULATIONS
FOR
RELOCATION PAYMENTS AND ASSISTANCE
FOR JUDICIAL BRANCH CAPITAL-OUTLAY PROJECTS**

The Judicial Council adopted the *Site Selection and Acquisition Policy for Court Facilities* on August 14, 2009 (originally adopted on June 29, 2007). Under the site policy, the Administrative Director of the Courts is given authority, on recommendation by Administrative Office of the Courts (AOC) staff, to approve the selection of, negotiate terms for, and acquire sites for new court facilities. The AOC is acquiring a number of properties as future sites for new court facilities. Businesses, governmental agencies or entities, and residents of dwellings on many of these properties may be displaced as a result of AOC's acquisition of such properties.

State law requires public entities such as the AOC to provide relocation assistance and financial payments to persons and businesses that are displaced as a direct result of the acquisition of property for a public project, except as limited by Government Code section 7277. The minimum requirements for such relocation assistance and benefits are set forth in the Relocation Assistance Act (Gov. Code, § 7260 et seq.) and the Relocation Assistance and Real Property Acquisition Guidelines (Cal. Code Regs., Admin. Code, ch. 6, tit. 25, §§ 6000–6198).

These rules and regulations are adopted by the AOC under section 7267.8 of the act and section 6006 of the guidelines.

1. RELOCATION ADVISORY ASSISTANCE

As a function of the AOC's relocation program, technical and advisory assistance will be provided by the AOC and its relocation consultant to any resident (displaced person) or business or governmental agency or entity (displaced business) that may be displaced as the result of the AOC's acquisition of a particular property (project). The AOC will engage a relocation consultant, and the following specific actions will be taken with respect to every affected resident, business, or governmental agency or entity:

1. Representatives from each household, business, or governmental agency or entity affected by an AOC project will be interviewed to gather relevant information to assess their needs and preferences with regard to the replacement of existing accommodations. Inquiries will cover the following areas: family size, age and health considerations,

employment status, family income, transportation needs, and location preferences related to replacement housing (proximity to schools, work, medical facilities, etc.).

2. A residential or business informational brochure will be provided to all potential displaced persons and displaced businesses. Signed acknowledgments will be obtained to verify receipt of this material.
3. As soon as feasible, the AOC will contact each potential displaced person or displaced business and explain the relocation payments and other assistance for which the displaced person or displaced business may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. Displaced persons or displaced business members who are unable to understand the information shall be provided appropriate translation services where necessary.
4. Transportation will be provided, if necessary, for displaced persons or displaced business members to inspect replacement sites within their local areas. Specific assistance may also be provided to senior citizens in finding housing near friends, relatives, medical facilities, and convenient transportation.
5. All displaced persons or displaced businesses will receive assistance in completing applications for replacement housing or business premises, requesting relocation benefits, and obtaining services from other public agencies, if applicable.
6. Referrals to governmental and social service agencies will be made, if needed.

2. RELOCATION BENEFITS (FINANCIAL ASSISTANCE)

Specific eligibility requirements and benefit plans will be detailed individually with all displaced persons and displaced businesses. During personal interviews and follow-up visits, each displaced person will be counseled on available options and the consequences of any choice with respect to financial assistance.

1. Residential Relocation

2.1.1. *Moving Expenses.* To be eligible to receive payment for moving expenses, a resident must have legal occupancy as of the date of the AOC's initial written offer to acquire the property and must remain an occupant on the property until the time of displacement. A choice of two payment options for reasonable moving expenses is available to such qualified occupants:

2.1.1.1. *Fixed Payment.* A displaced person may receive a fixed payment allowance, based on the total number of rooms (excepting bathrooms) at the acquired site and whether the unit is furnished or unfurnished. No additional reimbursement for utility reconnection fees is available under this option. The

claim will be paid by the AOC after the unit is vacated. Fixed payments¹ will be made according to the following schedule:

Occupant Owns Furniture

Number of Rooms	2	3	4	5	6	7	8
Payments	\$750	\$925	\$1,100	\$1,325	\$1,550	\$1,775	\$2,000

Occupant Does Not Own Furniture

Number of Rooms	First Room	Each Additional Room
Payment	\$375	\$60

2.1.1.2. *Actual Cost.* A displaced person may receive payment for the actual cost of a move. The displaced person must obtain at least two bids from qualified, licensed professional movers to pack, move, and unpack all personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles. Payment will be based on the lowest bid and may be made either directly to the mover or as reimbursement to the displaced person on presentation of a paid invoice. The AOC will also reimburse the household for any one-time utility reconnection fees, such as telephone, gas, electricity, water, sewer, Internet, and cable.

2.1.2. *Replacement Housing Payments—Owner-Occupants.* A payment up to \$22,500 is available to assist a qualified homeowner-occupant in purchasing a suitable replacement dwelling. To qualify, an owner must have been living in the acquired dwelling for at least 180 days before the time the AOC first offered to purchase the house, and he or she must purchase and occupy a standard replacement dwelling within one year of the move date. This payment has three elements, which combined cannot exceed \$22,500. The exact amount each owner is entitled to must be computed individually on the following basis:

2.1.2.1. *Housing Differential Payment.* A displaced owner-occupant may receive the difference, if any, between the amount the AOC pays for his or her property and the average cost for a comparable replacement dwelling, or the difference, if any, between the amount the AOC pays for the displaced owner-occupant's property and the actual amount the displaced owner-occupant pays for the replacement dwelling, whichever is less.

2.1.2.2. *Interest Differential Payment.* If a displaced owner-occupant has an existing mortgage on his or her home and must finance a replacement dwelling,

¹ Fixed payment amounts will be updated in accordance with current statute.

the displaced owner-occupant may receive an amount to compensate for a loss of favorable financing.

2.1.2.3. *Incidental Expenses.* The displaced owner-occupant will be reimbursed for actual nonrecurring closing costs incurred in purchasing a replacement dwelling, including such items as title search, title insurance, escrow fees, credit reports, appraisal fees, termite inspection fees, loan application fees, and notary and recording fees.

2.1.2.4. *Replacement Rental.* A displaced owner-occupant who chooses to rent a replacement dwelling instead of purchasing is entitled to the difference, if any, between the economic rent of the acquired dwelling and the actual rent paid for the comparable, replacement dwelling for a period of 42 months.

2.1.3. ***Replacement Housing Payments—Tenants.*** A payment of up to \$5,250 is available to assist displaced tenants in either renting or purchasing a replacement dwelling. To be eligible, a tenant must have been living in the AOC-acquired dwelling for at least 90 days before the time the AOC first offered to purchase the property, and he or she must occupy a decent, safe, and sanitary replacement dwelling within 1 year after moving.

2.1.3.1. *Tenants Who Rent.* A tenant who rents another dwelling is entitled to the lesser of (i) the difference, if any, over a period of 42 months, between the monthly rental rate for the AOC-acquired property and the average cost for a comparable rental; or (ii) the difference, if any, over a period of 42 months, between the monthly rental rate for the acquired property and the actual rent paid for the replacement unit. The payment will be made in a lump sum.

2.1.3.2. *Tenants Who Purchase.* If a tenant elects to buy a replacement dwelling instead of renting, he or she may use his or her entitlement for a down payment and/or nonrecurring closing costs. The payment will be deposited directly into an escrow account.

2.1.4. ***Last Resort Housing.*** Comparable replacement housing must be within the financial means of the displaced owner or tenant. If the total value of the assistance needed to provide comparable replacement housing to a displaced owner or tenant exceeds the \$22,500 and \$5,250 monetary limits set forth above, the AOC must either cease work on the project or provide the additional assistance needed to allow the displaced tenants and owners to obtain replacement housing.

2. Business and Governmental Agency/Entity Relocation

2.2.1. *Moving Expenses*

2.2.1.1. *Basic Requirements.* Each displaced business will receive complete moving service to a new location and can choose from having a commercial move or conducting a self-move. The displaced business will be required to obtain a minimum of two competitive bids from qualified, licensed professional movers. The AOC will make direct payment to the professional mover with the lowest bid, or for self-moves, payment will be made to the displaced business in an amount equal to the lowest bid.

2.2.1.2. *Notices to the AOC.* A minimum of 30 days before the move, the displaced business must provide to the AOC a written inventory listing personal property—used in the business—that will need to be moved. At least 15 days before moving, the displaced business must provide the AOC with written notice of the date of the move and the type of move requested (commercial move or self-move). Relocation advisors must be allowed to make reasonable and timely inspections of the personal property at both the displacement and replacement sites, and to monitor the move.

2.2.1.3. *Permitted Expenses.* Following is a list of expenses that are generally covered:

1. Transportation of personal property from the acquired site to a replacement site (limited to a distance of 50 miles)
2. Packing, crating, unpacking, and uncrating of personal property to be moved
3. Removal and reinstallation of appliances, machinery, and equipment, including utility connection charges
4. Relettering of trucks, signs, and similar items, such as reprinting of business cards and stationery made obsolete by the move
5. Insurance of property in connection with the move, and reasonable replacement of property lost or damaged, where insurance is unavailable
6. Storage of property for a period generally not to exceed 12 months, when the AOC necessitates it
7. Any reapplication fee for a professional license, permit, or certification required by a displaced business for the replacement location
8. Other moving and related expenditures that the AOC determines are reasonable

2.2.1.4. *Excluded Expenses.* Following is a list of items ineligible in a moving expense claim:

1. Additional expenses incurred because of operating in a new location, except as permitted under section 2.2.4, below
2. Interest on loans to cover moving expenses
3. Loss of business goodwill or loss of profits
4. Loss of trained employees
5. Personal injury
6. Preparation of claims for moving and related expenses
7. Other items the AOC determines are not reasonable and necessary

2.2.2. ***Payments Related to Personal Property Not Moved***

2.2.2.1. *Loss of Personal Property.* A displaced business may receive a payment for actual direct loss of tangible personal property that is not relocated. Payment is based on the value of the property minus any proceeds from the sale of the item, or the cost to move the item, whichever is less. Appropriate documentation to support a claim—such as reasonable advertising costs, auction records, or other supporting evidence—is necessary.

2.2.2.2. *Replacement of Personal Property.* A displaced business may receive a payment for personal property that is not relocated but, rather, is replaced with substitute equipment at the replacement site. Payment is based on the cost of the substitute item minus proceeds from the sale of the replaced item, or the cost to move the replaced item, whichever is less. Appropriate documentation to support a claim—such as proof of cost of substitute item installed, reasonable advertising costs, auction records, receipts from sale proceeds, or other supporting evidence—is necessary.

2.2.2.3. *Abandoned Personal Property.* When personal property is abandoned with no effort made by the displaced business to dispose of such property, the displaced business is not entitled to claim moving expenses or losses from the abandoned item.

2.2.3. ***Search Costs for a Replacement Location.*** A displaced business may file for reimbursement of costs to search for a replacement location, not to exceed \$1,000. Such a claim must be supported by accurate records of dates, times, locations, expenses, receipts, diaries, and similar evidence, and may include the following expenses:

1. Transportation within a radius of 50 miles from the city-limit boundaries
2. Meals and lodging while away from home, when receipts are presented as documentation

3. Reasonable time spent on searching, based on the individual's average hourly wage rate
4. Reasonable fees paid to real estate agents or brokers to locate the replacement site, excluding any fees or commissions related to the purchase of replacement site

2.2.4. ***Reestablishment Costs for a Business.*** A displaced business may file for reimbursement of actual and reasonable costs necessary to relocate and reestablish a business at its new site, not to exceed \$10,000. Such a claim must be supported by accurate records of dates, times, expenses, fees, receipts, and similar evidence, and may include the following expenses:

1. Repairs, improvements, or modifications to the replacement site, as required by law, code, or ordinance
2. Construction and installation costs for exterior signage to advertise the business
3. Provision of utilities from right-of-way to improvements at replacement site
4. Advertisement of replacement location
5. Licenses, fees, and permits, when not paid as part of moving expenses
6. Estimated increased costs of operation during the first two years at the replacement site

2.2.5. ***Fixed Payment In Lieu of Actual Moving and Related Expenses.*** Instead of receiving payment for actual reasonable moving and related expenses, a displaced business may elect to receive a fixed payment computed on the basis of the average annual net earnings of the displaced business for the two years immediately preceding displacement. The in-lieu payment shall be between \$1,000 and \$20,000. To be eligible to receive an in-lieu payment, the AOC must determine the following:

1. That the business cannot be relocated without a substantial loss of existing patronage. The term *existing patronage* includes membership, persons, community, and clientele served or affected by the activities of the business
2. That the business is not part of a commercial enterprise, having no more than three other establishments that are not being acquired for the project and that are engaged in the same or similar activity
3. That the business is not operated solely for the purpose of renting the site to others
4. That during the two taxable years before displacement, the displaced business must have:
 - a. Had average annual gross receipts of at least \$5,000
 - b. Had average annual net earnings of at least \$1,000, or
 - c. Contributed to at least one-third of the average gross income of the owner of the displaced business

To establish average annual net earnings, the displaced business must submit certified copies of income tax returns for two years immediately preceding the taxable year in which the business is displaced.

3. AUTHORITY TO MAKE OTHER RELOCATION PAYMENTS

As permitted by both the Relocation Assistance Act and the Relocation Assistance and Real Property Acquisition Guidelines, the Administrative Director of the Courts is authorized to approve additional assistance and payments consistent with section 7272.3 of the act and section 6002(d) of the guidelines. Any such additional assistance and payments shall be based on the specific circumstances of the persons, businesses, or governmental agencies or entities to be displaced (the size of existing property or building being vacated, etc.). Examples of additional payments might include the moving costs for a residence to a new location in excess of 50 miles from the existing site (section 2.1.1.2) or payment for tenant improvements at the displaced business's new location in excess of the \$10,000 (section 2.2.4.1). Any additional assistance and payments will be based on AOC staff analysis of documentation from the displaced person or business. AOC staff will make a recommendation to the Administrative Director of the Courts for approval on an individual, project-specific basis.

4. RELOCATION BENEFITS—PROCEDURES

Claims and supporting documentation for relocation benefits must be filed with the AOC within one year of the date (i) the claimant moves from the AOC-acquired property or (ii) the AOC makes final payment for the acquisition of the real property, whichever is later. The procedure for the preparation and filing of claims and the processing and delivery of payments follows:

1. Potential displaced persons and businesses will be required to provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined in accordance with the provisions of the act and the guidelines.
3. The AOC will review and approve claims for payment or request additional information.
4. The AOC will issue benefit checks, which will be available at the AOC's offices for disbursement to displaced persons and businesses, unless circumstances dictate otherwise.
5. Final payments will be issued after confirmation that the project premises are completely vacant and actual residency at the replacement unit is verified.
6. Receipts of payment will be obtained and maintained in the relocation case file.

REFERENCED GOVERNMENT CODES AND REGULATIONS

California Government Code Section 7267.8

(a) All public entities shall adopt rules and regulations to implement payments and to administer relocation assistance under this chapter. These rules and regulations shall be in accordance with the rules and regulations adopted by the Department of Housing and Community Development.

(b) Notwithstanding subdivision (a), with respect to a federally funded project, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

California Government Code Section 7272.3

It is the intent of the Legislature, by this chapter, to establish minimum requirements for relocation assistance payments by public entities. This chapter shall not be construed to limit any other authority which a public entity may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter.

Any public entity may, also, make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, if the making of such payment, or the payment in such amount, is required under federal law to secure federal funds.

California Code of Regulations Title 25, § 6002

Title 25. Housing and Community Development
Division 1. Housing and Community Development
Chapter 6. Department of Housing and Community Development Programs
Subchapter 1. Relocation Assistance and Real Property Acquisition Guidelines
Article 1. General

➔ **§ 6002. Statement of Purpose and Policy.**

(a) The purpose of the Guidelines is to assist public entities in the development of regulations and procedures implementing the Act.

(b) The Guidelines are designed to carry out the following policies of the Act:

(1) To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes, businesses or farms as a result of the actions of a public entity in order that such persons shall not suffer disproportionate injury as a result of action taken for the benefit of the public as a whole; and

(2) In the acquisition of real property by a public entity, to ensure consistent and fair treatment for owners of real property to be acquired, to encourage and expedite acquisition by agreement with owners of such property in order to avoid litigation and relieve congestion in courts, and to promote confidence in public land acquisition.

(c) A public entity shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings (see subsection 6008(c)) will be available within a reasonable period of time prior to displacement.

(d) The Guidelines are intended to establish only minimum requirements for relocation assistance and payments. They shall not be construed to limit any other authority or obligation which a public entity may have to provide additional assistance and payments.

(e) The Act and the Guidelines are intended for the benefit of displaced persons, to ensure that such persons receive fair and equitable treatment and do not suffer disproportionate injuries as the result of programs designed for the benefit of the public as a whole. The Act, Guidelines and all applicable regulations on which determinations are based shall be construed to effect this intent.

23. Site Selection and Acquisition Plan

23.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location:
Author:	Approved by: Judicial Council of California
Process Owner: TBD	
Review Cycle: Annual	

Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Judicial Council Approved	8/14/2009	8/14/2009	
2.0	Under Review and Possible Revision			

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Site Selection and Acquisition Policy for Judicial Branch Facilities

AUGUST 14, 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

1. Goals and Principles Guiding Site Selection and Acquisition

Successful implementation of the trial and appellate court capital outlay program is grounded in the following goals and principles to be applied to each capital outlay project in the context of selecting a site for a new court facility:

- 1.1. Strive to maximize the efficiency of each dollar appropriated by making timely decisions.
- 1.2. The scope of the project shall not be reduced, which would jeopardize the quality and functionality of the building.
- 1.3. Projects should be sited in areas that are accessible to the public.
- 1.4. As long as the three goals and principles (stated above) are met, siting a new courthouse should strive to meet historical and local preferences.
- 1.5. The AOC will work in partnership with the court(s) to implement this policy.

2. Definitions

- 2.1. Acquisition: Purchase or conveyance of land and/or building for court facilities.
- 2.2. Contaminated Sites: Sites that are directly or indirectly polluted.
- 2.3. Controversial Sites: Sites or matters related to site selection and/or acquisition for new court facilities, which include unresolved issues or disputes about criteria, cost, location, potential environmental impacts or any other feature of a specific site or sites, which are raised by members of the staff of the AOC, the Project Advisory Group, the court or courts involved in the project, the local or regional jurisdictions, the public or private business entities.
- 2.4. Court Facilities: Buildings or other structures used for court operations or functions, including grounds appurtenant and/or parking.
- 2.5. Eminent Domain: The right of government to take private property for public purpose. Eminent domain is governed by California Code of Civil Procedure, sections 1230.010 et seq.
- 2.6. Lease: Term-based transaction with third party for land, buildings and/or parking for court facilities.
- 2.7. Priority Criteria: Those project, technical, or economic criteria that must be met to support a project that meets the goals and principles of site selection and acquisition articulated in Section 3. Decision Making Authority. (See section 9.1.)
- 2.8. Site Selection: The process of establishing appropriate criteria, potential locations, and evaluation of options for locating for new court facilities.
- 2.9. State Public Works Board (SPWB): Under the Trial Court Facilities Act of 2002 (SB1732-Dunn), Section 70304 (b), acquisition and construction of court facilities is subject to the Property Acquisition Law, Government Code Section 15850 et seq. Under that statute, site acquisitions are subject to approval by the SPWB. The SPWB was

created by the California Legislature to oversee the fiscal matters associated with construction of projects for state agencies, and to select and acquire real property for state facilities and programs.

3. Decision Making Authority – Role of the Administrative Director of the Courts

- 3.1. Whenever a capital project for a Judicial Branch facility is funded in the State Budget for site selection and acquisition, the Administrative Director of the Courts (ADOC) or his or her designee will, upon recommendation by staff of the Administrative Office of the Courts (AOC):
 - 3.1.1. Have the authority to establish criteria for selection of sites for specific projects;
 - 3.1.2. Approve sole source justification of any specific site;
 - 3.1.3. Have the authority to approve selection of sites prior to submittal to the SPWB;
 - 3.1.4. Have the authority to approve negotiated terms of acquisition prior to submittal to the SPWB;
 - 3.1.5. Have the authority to acquire court facility sites and to execute required documentation to acquire those sites without further Judicial Council approval; and
 - 3.1.6. Refer to the Judicial Council the approval decision for the selection and acquisition of those recommended sites that the Administrative Director of the Courts, in his or her discretion, with input from the AOC staff, determines are controversial, as that term is defined in Section 2 or as otherwise required or deemed appropriate by the Administrative Director of the Courts, or by the Executive and Planning Committee of the Judicial Council.¹

4. Role of the Project Advisory Group (PAG) in Site Evaluation and Selection

- 4.1. The PAG is established by California Rules of Court, rule 10.184(d).²
- 4.2. The AOC Project Manager chairs the PAG.
- 4.3. For new Judicial Branch facilities, the PAG will provide input to the AOC. Input may include participating in: (a) defining objective and consistent site selection criteria; (b) determining which sites should be evaluated prior to site selection; and (c) determining the preferred and alternative site or sites or sites to be submitted to the SPWB. In every case the ADOC shall make the final site selection, except for those site selection decisions referred to the Judicial Council in section 3.1.6 above.

¹ California Rules of Court, rule 10.11 outlines responsibilities of Executive and Planning Committee:

² California Rules of Court, rule 10.184(d): “Advisory group for construction projects: The Administrative Office of the Courts, in consultation with the leadership of the affected court, must establish and work with an advisory group for each court construction or major renovation project. The advisory group consists of court judicial officers, other court personnel, and others affected by the court facility. The advisory group must work with the Administrative Office of the Courts on issues involved in the construction and renovation, from the selection of a space programmer and architect through occupancy of the facility.”

- 4.4. The Presiding Judge or a designated sitting judge shall represent the Court and other non-AOC members of the Project Advisory Group and will sign off on the site selection criteria and recommended site presented to the Administrative Director of the Courts.

5. Evaluation and Selection of Site Types

This section identifies the characteristics of sites, and the conditions under which such sites may or may not be selected for new Judicial Branch facilities.

- 5.1. Conditions and Characteristics of Sites to be Evaluated and Selected. This section identifies the conditions under which certain types of sites shall be evaluated and selected as prospective sites for new judicial branch facilities. Each of these site types will have certain merits and some site types introduce potential risks, schedule delays, or associated higher costs to the project. In developing the conditions under which each site type may be selected for a new Judicial Branch facility, the Judicial Council's intent is to support the goals and principles articulated in Section 1.
- 5.2. Downtown Site. Downtown sites include sites in densely developed areas of large cities and those compact areas in smaller cities that are locally known as the downtown. They may include civic center areas and other areas of concentrated office, governmental, or institutional uses.

Preference may be given to siting a new Judicial Branch facility in a downtown area, presuming said site meets other high priority criteria, upon the following:

- 5.2.1. The acquisition can be accomplished within the appropriated site acquisition budget, does not increase the total project budget, and does not result in schedule delays; or
 - 5.2.2. The acquisition results in an increase of no more than 5% to the appropriated site acquisition budget (still requires DOF/PWB augmentation under the current capital outlay system) and does not increase the total project budget (i.e., savings are found in the design and construction of the project to offset increase in the site acquisition costs), and does not delay the project schedule; or
 - 5.2.3. All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to cost increases due to infrastructure updates, environmental due diligence, escalation resulting from schedule delays and related costs; and
 - 5.2.4. There are no alternative sites that meet high priority criteria available for the courthouse within the demographic area to be served by the project.
- 5.3. Site Near Jail Facility. Sites near county and city jails are those that are directly adjacent or on the same parcel as an existing jail facility. Preference may be given to siting a new Judicial Branch facility near a jail facility, presuming said site meets other high priority criteria, only if:
 - 5.3.1. The acquisition can be accomplished within the appropriated site acquisition budget, does not increase the total project budget, and does not result in schedule delays; or

- 5.3.2. The acquisition results in an increase of no more than 5% to the appropriated site acquisition budget (still requires DOF/PWB augmentation under the current capital outlay system) and does not increase the total project budget (i.e., savings are found in the design and construction of the project to offset increase in the site acquisition costs), and does not delay the project schedule; or
 - 5.3.3. All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to cost increases due to providing unanticipated infrastructure to support the new courthouse and escalation resulting from schedule delays;
 - 5.3.4. The County commits to maintaining primary in-custody housing at the jail site for the anticipated lifecycle of the new courthouse; and
 - 5.3.5. There is adequate public transportation serving the jail and its immediate vicinity.
- 5.4. Greenfield Site. Greenfield sites are sites that are undeveloped and may require the project to fund infrastructure (e.g., roads, electrical, water, sewer) to support the courthouse project. Preference may be given to siting a new Judicial Branch facility on a Greenfield site, presuming said site meets other high priority criteria, only if:
- 5.4.1. The acquisition can be accomplished within the appropriated site acquisition budget, does not increase the total project budget, and does not result in schedule delays; or
 - 5.4.2. The acquisition results in an increase of no more than 5% to the appropriated site acquisition budget (still requires DOF/PWB augmentation under the current capital outlay system) and does not increase the total project budget (i.e., savings are found in the design and construction of the project to offset increase in the site acquisition costs), and does not delay the project schedule; or
 - 5.4.3. All project cost increases resulting from the acquisition are paid for by other public and/or private entities, including but not limited to the cost increases due to providing unanticipated infrastructure to support the new courthouse, site clean-up, and escalation resulting from schedule delays; and
 - 5.4.4. There is adequate public transportation serving the site or within a reasonable proximity.
- 5.5. Conditions and Characteristics of Sites That Will Not Be Selected. State law and sound fiscal policy dictate not siting Judicial Branch facilities on sites with specific conditions. The AOC shall not site new Judicial Branch facilities on sites that meet one or more of the following:
- 5.5.1. Violate the Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code sections 2621 et seq.).
 - 5.5.2. Are located within a 100-year floodplain, as defined by the U.S. Army Corps of Engineers, unless adequate and appropriate mitigation measures are approved by the AOC, incorporated into the project and substantially reduce or eliminate the specific conditions.

- 5.5.3. Are contaminated sites, or sites that are directly or indirectly polluted. These sites may or may not qualify as a “brownfield” under the Brownfield Act.
- 5.5.4. Are located in an area with a known or anticipated water, development, or sewer moratorium, unless an express waiver from these restrictions can be promptly secured from the authorized entity.
- 5.5.5. Require additional costs—infrastructure, clean-up—to develop that would result in a need to augment, through the DOF/PWB current capital outlay system, the total project budget.
- 5.5.6. Will result in cost increases to the project that will not be paid for by either another entity or the current property owner and would, therefore, result in a reduction to project scope.
- 5.5.7. Create schedule delays that will unreasonably negatively affect court operations and potentially increase construction costs.

6. Use of Eminent Domain

Use of eminent domain by other governmental entities to assemble or acquire properties for courthouses may be appropriate as determined by the AOC in consultation with the local court.

7. Selection of Competitive Sites for PWB Approval

- 7.1. In all site selections, AOC staff will seek to identify at least two or more sites that best meet the site selection criteria and will have the authority to negotiate terms of acquisition with two, or multiple, sellers.
- 7.2. In those cases where multiple sites are not available, where specific sites which meet the high priority criteria have been offered to the state at no cost, or where there is a specific economic or other benefit to the state of a single site which meets the high priority criteria, a sole source justification for that property may be prepared by AOC for consideration and approval by the ADOC, as indicated in Section 3 above. The sole source justification will describe the basis of site location subject to the standardized site criteria for evaluation and will explain and defend the economic or other benefit or opportunity of the site selection and acquisition to the state, based on its unique financial considerations or other features.

8. Site Selection Criteria

- 8.1. This policy provides sample criteria for site selection to support objective and consistent guidelines by which the AOC shall evaluate and ultimately select real property sites for location of new Judicial Branch facilities.
- 8.2. AOC staff will consider and recommend sites for selection and acquisition that best meet the established criteria, including sites, locations, and proposals that will provide specific economic benefit or opportunities to the state.
- 8.3. The use of standardized criteria for selection of sites, the objective and consistent evaluation of available properties against these criteria, and the creation of a standard

process of competitive solicitation of properties, shall guide AOC staff in recommendations to the Administrative Director of the Courts and to the Judicial Council, as appropriate, for site acquisitions for facilities.

- 8.4. The AOC, in selecting specific criteria, shall:
 - 8.4.1. Establish consistent and objective priority criteria for identifying project-specific site requirements for new Judicial Branch facilities;
 - 8.4.2. Provide a structured and comprehensive method to determine the general and specific site location criteria for a project; and
 - 8.4.3. Provide demonstrable measures for competitive evaluation of potential sites that have been identified.

9. Site Evaluation, Selection, and Acquisition Process

This section outlines the process for evaluating sites for possible selection, selecting sites for presentation to the SPWB, and acquiring sites for new Judicial Branch facilities.

- 9.1. Use of Standardized Site Criteria: For all new Judicial Branch facilities, the AOC shall select sites for preliminary evaluation based on site selection criteria. The AOC will approve the priority and full set of final criteria prior to conducting any property identification or solutions. The AOC will develop a weighting system for each project to identify priority criteria. The AOC may establish unique weighting to reflect the specific requirements of a project. The AOC must describe the basis for the weighing of criteria for each project. For each project, the Presiding Judge will approve the weighing system.
- 9.2. Identification of a Potential Site or Sites: Once the priority and full set of criteria are approved by the AOC for a particular project, the AOC will solicit and identify competitive proposals for sites that meet the site criteria. In the case of projects in which a specific site has been proposed for donation, or discounted purchase, or which provide some other specific and unique economic or other benefit or opportunity to the state, the AOC will also solicit competitive proposals that meet the site criteria to provide an alternative if the donation or discounted purchase cannot be accomplished.
- 9.3. Evaluation of Identified Sites: Once a site or sites have been identified, the AOC will determine which sites will be pursued competitively. The sites will be given a priority by the weighting and point-assignment system developed in the criteria stage described in Section 8. Specific sites which have been proposed for donation, or discounted purchase, or which provide some other specific and unique economic or other benefit or opportunity to the state, shall be evaluated by the same criteria as competitively solicited sites; except that in those cases where multiple sites are not available, where specific sites have been offered to the state at no cost, or where there is a specific economic or other benefit to the state of a single site, one site may be evaluated, for which a sole source justification will be prepared, as described in Section 7 above, if that sole source site meets the identified high priority selection criteria.
- 9.4. Site Investigation/Due Diligence: Once a site or sites have been identified for further evaluation the AOC will engage in due diligence activities on each site. Due diligence will include but not be limited to: title review; environmental review; appraisal; and may

also include surveys; geotechnical studies; and other additional studies/testing as warranted.

- 9.5. Administrative Director of the Courts Approves Site Selection: AOC staff shall submit to the ADOC a memorandum summarizing the site selection criteria and recommendation for selection of the preferred and one or more alternate sites or the justification for a sole source selection. After resolving any “Controversial Sites” issue, if any, pursuant to section 3.1.6, the ADOC will direct staff to proceed to presenting the site selection to the SPWB by signing approval on the staff memorandum.
- 9.6. Selection of Sites and Presentation to SPWB: AOC staff presents the preferred and one or more alternate sites to the SPWB for approval.
- 9.7. Negotiation of Terms: Terms of acquisition will be negotiated by the AOC after approval of selection by the SPWB.
- 9.8. Administrative Director of the Courts Approves Site Acquisition: After negotiation of terms is concluded, AOC staff present to the ADOC for approval all acquisition related documents.
- 9.9. Site Acquisition Approval and Presentation to the SPWB: After the ADOC approves all acquisition related documents, AOC staff present the proposed acquisition to the SPWB for approval.

10. Site Selection Criteria, Ranking, and Approval Form

The following pages present a form that will be used for initially recording the site selection criteria, and then scoring those criteria, ranking a minimum of two sites, and indicating the approval of the Presiding Judge for the court, the Director of the AOC Office of Court Construction and Management, and the Administrative Director of the Courts.

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES							
		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 1.	Required Site Area/Site Coverage						
SC 1.1	Minimum site area identified is ____ acres	Site area is within ____% of optimum area (____ ac)	Area is between ____% of optimum area (____ AC)	Site area is ____% over or under of optimum area (____AC)			
SC 1.2	Parking for ____ vehicles	Site has ability for required parking (____ spaces)	Site has potential for _____ vehicles	Site has potential for less than ____ vehicles			
SC 1.3	Expansion Capability for future addition(s) of building	Site has expansion potential	Site has limited expansion potential	Site has no expansion potential			
SC 1.4	Expansion Capability for Parking	Site has expansion potential	Site has limited expansion potential	Site does not have expansion potential			
SC 2.	Location Preferences/Adjacencies (modify depending on project scope/case type)						
SC 2.1	Existing or proposed new pre-trial Holding Facility	Just adjacent to site	Within ____ blocks walking distance (<____ mi) of site	Beyond ____ mile of site			
SC 2.2	District Attorney	Just adjacent to site	Within ____ blocks walking distance (<____ mi) of site	Beyond ____ mile of site			
SC 2.3	Public Defender	Just adjacent to site	Within ____ blocks walking distance (<____ mi) of site	Beyond ____ mile of site			
SC 2.4	Probation	Within ____ mile radius (safe transport of detainees)	Within ____ miles of site (w/ access to major roads)	Beyond ____ miles of site (Difficult to transport detainees)			
SC 2.5	Local retail and eating areas	Within courthouse site or just adjacent to site	Within ____ blocks walking distance (< ____ mi) of site	Beyond ____ mile of site			
SC 2.6	Social Services	Within courthouse site or just adjacent to site	Within ____ blocks walking distance (<____ mi) of Site	Site beyond ____ mile of Site			
SC 2.7	Public Transportation	Just adjacent to site	Within ____ blocks walking distance (< ____ mi) of site	Site beyond ____ mile of Site			
SC 2.8	Public Open Space	Site adjacent to POS	Site within ____ blocks walking distance (<____ mi) of POS	Site beyond ____ mile of POS			
SC 3.	Security Concerns						
SC 3.1	Ability to provide a 20' setback if required	Site provides for more than ____' setback	Site provides for ____' setback	Site provides for less than ____' setback			
SC 4.	Sustainability/LEED Credits						
SC 4.1	Site Elevation	Site elevation greater than 5ft above 100-yr flood'	Site elevation is at 5 ft above 100-yr flood	Site elevation not 5 ft above 100-yr flood			
SC 4.2	Solar orientation	Site/surrounds enhance natural daylight to project	Site/surrounds partially support natural daylight to project	Site/surrounds prevent natural daylight to project			
SC 4.3	Re-Use	Site has potential for re-use	Site has some potential for re-use	Site has little potential for re-use			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 5. Neighborhood Character/Immediate Surroundings							
SC 5.1	Neighborhood Compatibility Parameters:	Courthouse on this site fits surrounding use	Courthouse on this site may fit surrounding use	Courthouse on this site does not fit surrounding use			
SC 5.2	Neighborhood Use Compatibility Parameters:						
SC 5.2.a	Residential (Single Family)	Beyond __ blocks (__ mile) of site	Within __ blocks walking distance (< __ mi) of site	Just adjacent to site			
SC 5.2.b	Local Retail Area	Within __ blocks walking distance (< __ mi) of site	Within __ blocks walking distance (__ mi) of site	Beyond __ mile of site			
SC 5.2.c	Large Scale Retail: Malls	Beyond __ miles of site	Within __ miles of site	Within __ mile of site			
SC 5.2.d	Governmental Buildings/Center	Within __ blocks walking distance (1/4 mi) of site	Within __ mile of site	Greater than __ mile from site			
SC 5.2.e	Industrial Areas	Beyond __ miles of site	Within __ miles of site	Within __ miles of site			
SC 5.2.f	Neighborhood Concerns to adjacent courthouse	No neighborhood concerns	Some neighborhood concerns	Extensive neighborhood concerns			
SC 6. Traffic and Transportation							
SC 6.1	Proximately to public transportation	Within 1 - 3 blocks walking distance (< 1/8 mi) of site	Within __ blocks walking distance (__ mi) of site	Beyond __ mile of site			
SC 6.2	Proximately to public parking	Within 1 - 3 blocks walking distance (< 1/8 mi) of site	Within __ blocks walking distance (__ mi) of site	Beyond __ mile of site			
SC 7. Image and Visibility							
SC 7.1	Visibility of Site to Public	Site is visible and easy to find	Site has moderate visibility	Site is remote and difficult to find			
SC 8. Local Planning Requirements/Initiatives							
SC 8.1	Compliance with local comprehensive land use plan	Project at site would fully comply with land use plan	Project at site would partially comply with land use plan	Project at site does not comply with land use plan			
SC 9. Initiatives							
SC 9.1	Site for courthouse supports County and City planning initiatives	Supports County and City planning initiatives	Somewhat supports County and City planning initiatives	Contrary to County and City planning initiatives			
SC 10. Budget							
SC 10.1	Site Acquisition Cost	Donated	Under-market value	Market value			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 10.2	Existing buildings and site improvements	Clear of buildings & other site improvements	Minor demolition required to clear site	Buildings/ improvements to be demolished			
SC 10.3	Utility improvements available	Existing service or available at property line	Utility service within ___ mile of site	Utility service greater than ___ mile			
SC 10.4	Local Economic Development Impact	Courthouse on this site supports economic revitalization	Courthouse is compatible with local economic levels	Courthouse on this site disrupts local economic levels			
SC 11.	Environment						
SC 11.1	Environmental mitigation measures required	CEQA Negative Declaration	Moderate mitigation required	Extensive Mitigation Required			
SC 11.2	If any existing structures are to be demolished is abatement necessary?	No abatement necessary	Some abatement necessary	Extensive abatement necessary			
SC 11.3	Previous environmental concerns, e.g. industrial, farming, wetlands	No previous environmental concerns	Some previous environmental concerns	Extensive previous environmental concerns			
SC 11.4	Archeological/cultural area	Site has no archeological or cultural issues	Some Archeological or cultural issues	Conflicting archeological or cultural issues			
SC 12.	Physical Elements						
SC 12.1	Topographic and hydrologic characteristics of the site	Site is generally leveled with proper drainage	Moderate earth movement required to level and drain site	Extensive earth movement req. or poor drainage			
SC 12.2	Unique Features or Landmarks, if on site	Courthouse complements unique features or landmarks	Courthouse does not conflict with existing landmarks	Courthouse conflicts with unique features/landmarks			
SC 12.3	Existing improvements and buildings	Minimum demolition and removal	Moderate demolition and removal	Extensive demolition and removal			
SC 12.4	Existing vegetation and landscape	Minimum demolition and removal	Moderate demolition and removal	Extensive demolition and removal			
SC 13.	Public Streets and Alleys						
SC 13.1	Adjacent right of way improvements required	Fits in existing grid without additional requirements	Moderate re-work of existing grid is required	Extensive road and street work is required			
SC 13.2	Traffic control devices/improvements required	No additional traffic control improvements required	Moderate traffic control improvements required	Extensive traffic control improvements required			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 14.	Subsurface/Geotechnical Conditions						
SC 14.1	Determine local geotechnical, subsurface and soils conditions	Soil conditions are favorable and ready for construction	Soil conditions may require moderate preparation	Soil conditions are uncertain or of potential high risk			
SC 14.2	Availability of Geotechnical reports	Geotechnical reports are readily available	Geotechnical study is underway	No geotechnical study has been started			
SC 15.	Seismic Conditions/Requirements						
SC 15.1	Determine state and local seismic requirements, parameters and zones	Standard seismic considerations	Moderate seismic considerations	High risk of seismic activity			
SC 15.2	Availability of seismic assessment reports	Seismic study conducted & report is readily available	Seismic study started; report is not yet available	No seismic study has been conducted at all			
SC 16.	Utility Infrastructure/Local Systems' Capacity/Condition						
SC 16.1	Power	Power available in top condition	Power may require upgrade	Power not available or may require additional resources			
SC 16.2	Sewer	Sewer available into condition	Sewer may require upgrade	Sewer not available or may require additional resources			
SC 16.3	Storm Runoff	Storm Runoff available in top condition	Storm Runoff may require upgrade	Storm runoff not available/may require add'l resources			
SC 16.4	Water	Water available in top condition	Water may require upgrade	Water not available or may require additional resources			
SC 16.4	Gas	Gas available in top condition	Gas may require upgrade	Gas not available or may require additional resources			
SC 16.5	Telephone	Telephone available in top condition	Telephone may require upgrade	Telephone not available/may require add'l resources			

Site Selection Criteria

Superior Court of California - County of _____, New _____ Courthouse

Date of Advisory Team Meeting: Month, Day, Year

	SITE SELECTION CRITERIA (% indicates weighted importance)	DEFINITIONS			Site 1 (Name)	Site 2 (Name)	REMARKS
SITE FEATURES		Preferred	Acceptable or Neutral	Not Preferred	Points	Points	
SC 17.	Existing Use, Ownership and Control						
SC 17.1	Current use of site	Currently vacant	Partially vacant and able to relocate	Occupied, not able to relocate			
SC 17.2	Current ownership	Public/Private ownership, single entity	Public/Private ownership, limited entities	Private ownership, multiple entities			
SC 17.3	Control	Available for negotiation or sale	Has been offered for sale	Not offered for sale			
SC 18.	Final Site Score						

Footnotes: Explanation of point ranking/rating/weighting

Approvals:

 Presiding Judge
 Superior Court of
 _____ County

 Director
 Office of Court Construction and
 Management

 Administrative Director of the Courts

Date: _____

Date: _____

Date: _____

24. Courthouse Naming

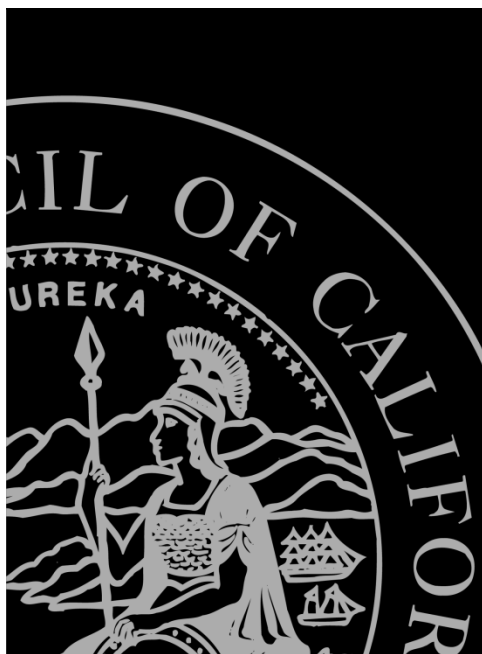
24.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location:
Author:	Approved by: Judicial Council of California
Process Owner: TBD	
Review Cycle: Annual	

Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Judicial Council Approved	5/11/2009	5/11/2009	
2.0	Under Review and Possible Revision			

Note: The final policy is scheduled to be reviewed by the Judicial Council in April 2014.

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Courthouse Naming Policy

ADOPTED: MAY 11, 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

I. Purpose of the Policy

The Judicial Council is responsible for California's courthouses under the Trial Court Facilities Act of 2002 and related legislation, which includes responsibility for construction of new courthouses and renovation of existing courthouses. It is the policy of the Judicial Council, acting through the Administrative Office of the Courts (AOC), to name courthouses based on standards so there is consistency in identifying courthouses in California.

The AOC will follow the standards set forth in this policy in naming existing courthouses—including court facilities that are renovated—and new courthouses.

II. Application of Courthouse Naming Standards

The AOC will apply the Judicial Council's naming standards to renovated and newly constructed courthouses that the council has financed, in whole or in part, where the judicial branch is the facility owner or majority tenant. These standards also will apply to existing courthouses.

III. Names for Trial and Appellate Courthouses

A. Definitions

Court facility refers to any building that the local court occupies to provide its main services, its branch services, or other services and operations. As used in this policy, the word *courthouse* is considered interchangeable with this term.

Court Facilities Working Group is an advisory body to the Administrative Director of the Courts on facilities-related matters. The members of this working group are appointed by the Administrative Director of the Courts.

Subcommittee on Courthouse Names (the subcommittee) is the subcommittee of the Court Facilities Working Group charged with responsibility to review and consider options in naming specific existing and new courthouses. The members of the subcommittee are appointed by the Administrative Director of the Courts. Its membership will comprise the following: two members of the State Bar of California, a retired superior court judge, a retired appellate court justice, a superior court judge, and an appellate court justice. The subcommittee is responsible for recommending to the Administrative Director of the Courts names for courthouses and in doing so may consider comments from members of the Court Facilities Working Group. The subcommittee's operating protocols, including the term of each member, will be established by the Court Facilities Working Group.

Case type can include but is not limited to the following caseload identifiers: family law, juvenile, criminal, civil, traffic, probate, small claims, mental health, and drug.

Location of a court facility refers to the building's physical location in either an incorporated (i.e., town or city) or unincorporated (i.e., county or region) geographical area.

B. Naming Standards for Trial and Appellate Courthouses

1. Courthouses will be named based on one of the following three categories:
 - a. Location and case type, which is the category most commonly used;
 - b. Deceased person, which is a rarely used category; or
 - c. Living person, which is a category that is very rarely used and only in exceptional circumstances.

A courthouse name will not include the name of any business entity, institution, foundation, or other organization, whether for profit or not for profit.

2. An explanation of each of category follows. For all name categories, the courthouse name must include “Superior Court” or “Court of Appeal” and “California.” In each case, the building name may include the term “Courthouse,” “Justice Center,” or “Hall of Justice.”
 - a. Naming Preference 1: Location and Case Type (Most Commonly Used). It is the preference of the Judicial Council to name courthouses after their location and, if applicable, case type. This convention supports the Judicial Council goal of enhancing access to justice because naming courthouses after the location and case type provides users with key information about where the courthouse is located and the type of proceedings conducted within the courthouse.

Examples of courthouse names under the preferred naming standard for trial courts are as follows:

Format Examples	Courthouses	Justice Centers	Halls of Justice
Example 1	El Centro Family Courthouse Superior Court of California County of Imperial	Selma Regional Justice Center Superior Court of California County of Fresno	East County Hall of Justice Superior Court of California County of Alameda
Example 2	El Centro Family Courthouse Superior Court of California Imperial County	Selma Regional Justice Center Superior Court of California Fresno County	East County Hall of Justice Superior Court of California Alameda County
Example 3	California Superior Court El Centro Family Courthouse Imperial County	California Superior Court Selma Regional Justice Center Fresno County	California Superior Court East County Hall of Justice Alameda County
Example 4	El Centro Family Courthouse California Superior Court Imperial County	Selma Regional Justice Center California Superior Court Fresno County	East County Hall of Justice California Superior Court Alameda County

Examples of courthouse names under the preferred naming standard for appellate courts are as follows:

Format Examples	Appellate Courthouse Names
Example 1	State of California Court of Appeal First Appellate District Courthouse
Example 2	California Court of Appeal Fourth Appellate District Division Three
Example 3	State of California Court of Appeal Fifth Appellate District

b. Naming Preference 2: Deceased Person (Rarely Used). Naming a courthouse after a deceased person must be carefully considered to protect the integrity and independence of the judicial branch. A courthouse may be named after a deceased person based on *all* the following criteria:

- i. The person made significant contributions to the state or national justice system;
- ii. The person has been deceased for at least 10 years, so as to better ensure that the person’s legacy is an example of the values of the justice system; and
- iii. Consistency with the California Code of Judicial Ethics.

Examples of deceased persons who meet these criteria may include a former president of a state or local bar association, a trial court judge, an appellate court justice, or a state or federal legislator.

c. Naming Preference 3: Living Person (Very Rarely Used). Naming a courthouse after a living person requires review and analysis of several criteria to maintain the public’s confidence in a fair and impartial court system and to avoid the appearance of impropriety. Naming a courthouse after a living person may be considered only if *all* of the following criteria are met:

- i. The person has made recognizable, significant contributions to the state or national judicial system;
- ii. The person is neither actively practicing law nor affiliated with a law firm, law-related business (e.g., legal publisher, dispute resolution firm), or other for profit business entity;
- iii. The person does not have any case pending before a California trial or appellate court or a federal court and is not reasonably likely to come before those courts in future litigation;

- iv. The naming does not present a potential conflict of interest as may be viewed by the public, government entities, or private businesses; and
- v. Consistency with the California Code of Judicial Ethics.

Examples of living persons who may meet these criteria may include a former Governor of California or a former Chief Justice of the California or United States Supreme Court.

C. Process for Naming Courthouses

Courthouses will be named by the following process:

1. The AOC will collaborate with the local court, justice partners, and governmental entities to establish recommendations to the Court Facilities Working Group for its review and consideration based on this policy.
2. The Court Facilities Working Group's Subcommittee on Courthouse Names will evaluate each proposed name under the standards set forth in this policy.
3. The Subcommittee on Courthouse Names will recommend a preferred courthouse name to the Administrative Director of the Courts.
4. The Administrative Director of the Courts will present a recommendation on the name of a courthouse to the Judicial Council, which presentation will include the subcommittee's recommendation.

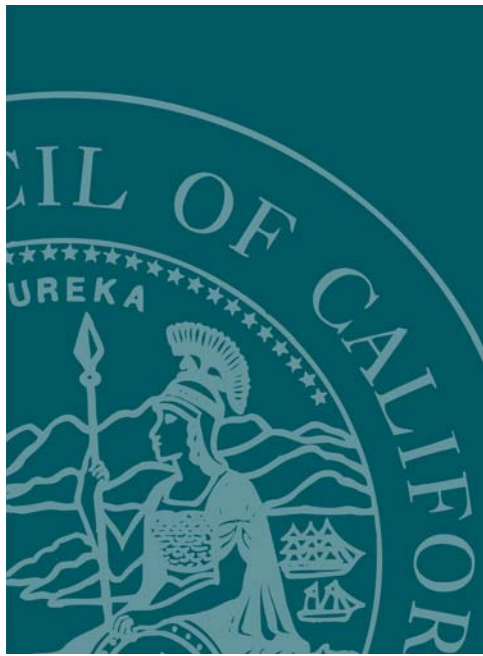
25. Prioritization Methodology for Trial Court Capital-Outlay Projects

25.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location:
Author: Chris Magnusson	Approved by: Judicial Council of California
Process Owner: TBD	
Review Cycle: Annual	

Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Judicial Council Approved	8/25/2006	10/24/2008	10/24/2008
2.0	Under Review and Possible Revision			

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Prioritization Methodology for Trial Court Capital-Outlay Projects

OCTOBER 24, 2008

UPDATE TO METHODOLOGY ADOPTED
AUGUST 25, 2006



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

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I. PURPOSE OF THE METHODOLOGY

This methodology has been prepared to develop a set of prioritized groups of trial court capital-outlay projects and to guide AOC staff in recommending to the Judicial Council the submission of funding requests for such projects to the executive branch.

This methodology has been developed to:

- Clearly link prioritization criteria to the main objectives of the Judicial Council and the trial court capital-outlay program;
- Develop a simple and transparent prioritization methodology; and
- Leverage assessments of the 2003 Procedure and its available data to the greatest extent possible.¹

The methodology has three main components, which work to:

- Establish criteria that furthers the main objectives of the trial court capital-outlay program;
- Develop prioritized groups of projects rather than an individually ranked projects list; and
- Establish guidelines for recommending capital-outlay projects for funding consistent with Senate Bill 1407.

II. DEFINITIONS

A. Trial Court Capital-Outlay Projects

Trial court capital-outlay projects (projects) are considered those that increase a facility's gross area, such as a building addition; that substantially renovate a major portion of a facility; that comprise a new facility or an acquisition; or that change the use of a facility, such as the conversion from non-court use to court use.

¹ In August 2003, the Judicial Council adopted a procedure for prioritizing trial court capital-outlay projects, entitled *Trial Court Five-Year Capital Outlay Plan—Prioritization Procedure and Forms* (2003 Procedure).

The list of projects—referred to as the Trial Court Capital-Outlay Plan (the plan)—is defined in the Judicial Branch Assembly Bill 1473 Five-Year Infrastructure Plan Fiscal Year (Five Year Plan) adopted annually by the council and submitted to the Department of Finance.²

B. 2004 RCP Ratings

Review of Capital Project (RCP)—Prioritization ratings were designed to measure each of the 16 original criteria in the 2003 Procedure. This prioritization methodology will use the RCP ratings for physical condition, security, and space shortfall (i.e., overcrowding), recorded on the 2004 RCP forms, which were created from implementing the 2003 Procedure. The 2004 RCP ratings were based on information from the Task Force on Court Facilities (the task force) and the 2002–2003 Facilities Master Plans (Master Plans). In this methodology, the 2004 RCP total weighted score for physical condition, security, and space shortfall will be used as a basis for measuring the Physical Condition, Security, and Overcrowding criteria, as outlined in section IV.A. The Overcrowding criterion will be measured by use of either the 2004 RCP rating for space shortfall or, when available, updated information on current area to update the RCP rating.³

C. Terms Used in Measurement of Access-to-Court-Services Criterion

This methodology uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:

- *Assessed Judgeship Needs (AJN)* is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the council, and then translates the weighted caseload into an assessment of judgeship needs.
- *Authorized Judicial Positions (AJP)* is the current number of judges, commissioners, and referees authorized for each court. AJP does not account for vacancies or temporary subordinate judicial officers.

D. Ratings, Points, Scores, and Groups

The term *rating* applies to the 2004 RCP ratings (defined above) and the relative deficiency in judicial resources (defined above) used as a basis to evaluate each project against the four criteria outlined in section IV.A. A corresponding number of *points*—ranging from 1 to 5—are assigned to ratings for the Physical Condition, Security, and Overcrowding criteria, as indicated below in

² The first prioritized list was adopted by the council in February 2004. This list was modified by project substitutions, allowed by a December 2004 Judicial Council policy and presented in the *Five-Year Infrastructure Plan Fiscal Year 2006–2007*, which was adopted by the council on June 1, 2005. In August 2006, the council adopted a new methodology for prioritizing capital outlay projects and the first prioritized list of trial court capital projects—the plan—using the methodology. The August 2006 methodology was the basis for the plans adopted by the council in April 2007 and April 2008. Each plan is presented in the *Judicial Branch Assembly Bill 1473 Five-Year Infrastructure Plan* for that fiscal year.

³ Courts and counties may provide updated information on current area through the Senate Bill 1732 facility transfer process or when conditions have changed.

Table 10 of section IV.E. Points from 0 to 5—in half-point increments—are assigned to the rating percentages for the Access-to-Court-Services criterion in Table 11 of section IV.E. below. *Scores* for each project are equal to the sum total of the points for each of the four criteria. Project *groups* result from sorting, based on total project scores. Five project groups will be established by the council, as outlined below in Table 13 of section IV.F. Projects in the highest-scoring group (i.e., Immediate Need) will have scored the highest points relative to other projects in other priority groups.

III. PRIORITIZING PROJECTS BASED ON PROGRAM OBJECTIVES

Four Judicial Council and trial court capital-outlay program objectives are the basis for establishing focused criteria for the prioritization of trial court capital projects. These criteria will establish the priorities among all projects. The program objectives are the following:

- **To improve security**, as security represents one of the greatest influences on a court's operational costs and its ability to deliver safe, fair, and equal access to justice for all its users.
- **To reduce overcrowding**, as overcrowding hampers a court's ability to provide efficient and fair service to the public, as well as reasonable and adequate facility conditions within which the public and staff conduct court business.
- **To correct physical hazards**, such as fire, health and safety, and seismic hazards.⁴ Poor physical conditions are unsafe for both the public and staff, as well as increase operational costs.
- **To improve access to court services** by striving to meet all objectives noted above for those courts that have relatively fewer resources to serve the public.

IV. SCORING AND EVALUATION OF PROJECTS

A. Available Data for Each Criterion

Each of the four objectives indicated above relate to the following specific criteria and available data. The source of the data used for the Security, Overcrowding, and Physical Condition criteria, and how the original task force or master plan data is used, is described in Appendix A. Table A-1 in Appendix A provides the formulas used to translate the task force or master plan evaluation into the ratings used in this methodology.

1. **Security criterion**, as measured by a total of the weighted scores for the two security criteria in the 2004 RCP ratings. Security ratings range from a low of 0 to a high of 80,

⁴ Factoring seismic condition into the scoring and evaluation of a project is addressed in section IV.C.

and an example of how the Rating Assigned to Project is determined is shown below in Table 1.

TABLE 1
Sample Security Criterion Evaluation Data

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002–2003 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION SECURITY RATING			
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Judicial Staff Circulation	Secure Circulation	Total	Rating Assigned to Project
A1	Main Courthouse	80,000	100%	40.00	40.00	80.00	80.00

2. **Overcrowding criterion**, which is a measure of the difference between current component gross square feet (CGSF) of area occupied by a court and the area that the court should occupy, according to the Trial Court Facilities Guidelines prepared by the task force. In this methodology, this criterion is measured by use of either the 2004 RCP rating for space shortfall or, when available, updated information on current area to update the RCP rating. Overcrowding ratings range from a low of 0 to a high of 160, and an example of how the Rating Assigned to Project is determined is shown below in Table 2.

TABLE 2
Sample Overcrowding Criterion Evaluation Data

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002–2003 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION OVERCROWDING RATING			
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Current Facility Area	Guidelines Area	Total	Rating Assigned to Project
A1	Main Courthouse	80,000	100%	80,000	100,000	32.00	32.00

3. **Physical Condition criterion**, as measured by the total of the weighted scores for overall physical condition, life safety, and Americans With Disabilities Act (ADA) compliance in the 2004 RCP ratings. Physical Condition ratings range from a low of 0 to a high of 180, and an example of how the Rating Assigned to Project is determined is shown below in Table 3. How seismic condition will be factored into the evaluation of the physical condition criterion trial court projects is discussed in section IV.C. below.

TABLE 3
Sample Physical Condition Criterion Evaluation Data

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002–2003 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION PHYSICAL CONDITION RATING				Rating Assigned to Project
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Overall Building Physical Condition	Life Safety	ADA Compliance	Total	
A1	Main Courthouse	80,000	100%	61.00	30.00	30.00	121.00	121.00

4. **Access-to-Court-Services criterion**, as measured by the relative deficiency in judicial resources among the projects in each of the 58 superior courts. This deficiency will be expressed as the current need for judicial resources as a percentage of AJP—the difference between AJN and AJP. For Superior courts currently possessing a deficiency in judicial resources—based on a current assessment of statewide need for new judges adopted by the council—the AOC will provide AJN and AJP data to each court for the purposes of applying the methodology. This courtwide allocation of current authorized judicial positions and assessed judicial need will then be assigned to each project by the court in collaboration with the AOC. For courts with no current need for additional judges or those that only have one location, the courtwide AJN and AJP data determined by the California Judicial Workload Assessment will be applied. Current court-level Office of Court Research (OCR) data indicates that the rating percentages for the Access-to-Court-Services criterion range from more than 100 percent to less than -80 percent.

An example of how the Rating Assigned to Project (Current Need—Percentage of AJP) is determined for courts with one location is shown below in Table 4.

TABLE 4
**Sample Access-to-Court-Services Criterion Evaluation Data
for Courts with One Location**

Court	AJN	AJP	AJN-AJP	Rating Assigned to Project (Current Need—Percentage of AJP)
Central County Court	16	11	5	45%

An example of how the Rating Assigned to Project (Current Need—Percentage of AJP) is determined for courts with more than one location is shown below in Table 5.

TABLE 5
Sample Access-to-Court-Services Criterion Evaluation Data
for Courts with More than One Location

Court	AJN	AJP	AJN-AJP	Rating Assigned to Project (Current Need—Percentage of AJP)
Northern County Court	16	11	5	45%
1. Project A	11	7	4	57%
2. Project B	4	3	1	33%
3. Project C	1	1	0	0%

B. Level 1 Buildings

Level 1 is a term that was initially developed by the task force to label or categorize facilities possessing limited value as real estate assets. Level 1 buildings were therefore not incorporated into any long-term solutions to court facility problems. The task force did not survey or develop any numerical evaluation of the physical or functional conditions of Level 1 buildings.

There are approximately 54 trial court projects that affect Level 1 buildings. In this methodology, ratings for all Level 1 buildings will be the average rating for each criterion, derived from the 2004 RCP scores of all buildings affected by the projects in the previously adopted list of 201 trial court capital projects. If courts provide substantiating documentation as to why a Level 1 building should get more than the average ratings, this information will be reviewed by AOC staff and considered in the final evaluation of the project affecting the Level 1 building.

The ratings to be applied to Level 1 buildings are presented in Table 6.

TABLE 6
Ratings Applied to Level 1 Buildings

Criterion	Average 2004 RCP Score	Maximum Possible Score
Security	42.82	80
Overcrowding	81.52	160
Physical Condition	65.34	180

C. Seismic Condition

If legislation is adopted that allows the state to accept transfer of responsibility for or title to court facilities with an uncorrected seismic condition, then the seismic condition of buildings affected by projects will be factored into the evaluation as follows: Projects that replace or renovate a building with an uncorrected seismic condition will receive the maximum points (i.e., 5 of 5 possible points) for the Physical Condition criterion.

D. Calculation of RCP Ratings for Projects Affecting More Than One Existing Facility

For projects affecting only one building, the ratings of the single building will be used as shown above in Tables 1, 2, 3, and 4. In the case of multiple buildings affected by a project, the proportional share of the court-occupied area of each building is used to determine each criterion’s rating. As shown below in Tables 7, 8, and 9, the proportional share of court-occupied area of each building is multiplied by the total of each criterion’s rating to develop the portion of the rating for that building affected by the project. For each criterion, these portions are then summed to develop the total rating.

**TABLE 7
Sample Security Criterion Evaluation Data—Multiple Buildings**

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002–2003 FACILITIES MASTER PLAN)			BUILDING AREA DATA		PRIORITIZATION CRITERION SECURITY RATING		
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Judicial Staff Circulation	Secure Circulation	Total	Portion of Rating Assigned to Project
A1	Main Courthouse.....	80,000	80%	40.00	40.00	80.00	80 x .80 = 64.00
B1	Branch Courthouse.....	20,000	20%	40.00	40.00	80.00	80 x .20 = 16.00
Totals.....		100,000	100%				80.00

**TABLE 8
Sample Overcrowding Criterion Evaluation Data—Multiple Buildings**

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002–2003 FACILITIES MASTER PLAN)			BUILDING AREA DATA		PRIORITIZATION CRITERION OVERCROWDING RATING		
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Current Facility Area	Guidelines Area	Total	Portion of Rating Assigned to Project
A1	Main Courthouse.....	80,000	80%	80,000	100,000	32.00	32 x .80 = 25.60
B1	Branch Courthouse.....	20,000	20%	20,000	40,000	80.00	80 x .20 = 16.00
Totals.....		100,000	100%				41.60

TABLE 9
Sample Physical Condition Criterion Evaluation Data—Multiple Buildings

BUILDINGS AFFECTED BY CAPITAL PROJECT (2002–2003 FACILITIES MASTER PLAN)		BUILDING AREA DATA		PRIORITIZATION CRITERION PHYSICAL CONDITION RATING				
Bldg./ Site I.D.	Existing Facility	Current Facility Area	Percentage of Total Area	Overall Building Physical Condition	Life Safety	ADA Compliance	Total	Portion of Rating Assigned to Project
A1	Main Courthouse	80,000	80%	61.00	30.00	30.00	121.00	121 x .80 = 96.80
B1	Branch Courthouse	20,000	20%	75.00	40.00	40.00	155.00	155 x .20 = 31.00
Totals		100,000	100%					127.80

E. Scoring and Evaluation

Projects will be evaluated—relative to one another—based on the ratings of each criterion indicated above. Each criterion is equally weighted, and the maximum possible ratings are translated into points, as described below in Tables 10 and 11.

For Security, Overcrowding, and Physical Condition criteria, points range from 1 to 5, in one-point increments, as illustrated in Table 10.

TABLE 10
Assignment of Points to Each Criterion’s Range of Possible Ratings
Security, Overcrowding, and Physical Condition Criteria

Criterion	Maximum Rating	1 Point	2 Points	3 Points	4 Points	5 Points
Security.....	80	0–16	17–32	33–48	49–64	65–80
Overcrowding	160	0–32	33–64	65–96	97–128	129–160
Physical Condition.....	180	0–36	37–72	73–108	109–144	145–180

The point range for the Access-to-Court-Services criterion, as denoted below in Table 11, is from 0 to 5, in half-point increments that reflect the broad range of relative deficiency in judicial resources among the projects in 58 counties.

TABLE 11
Access-to-Court-Services Criterion

Rating Assigned to Project (Current Need— Percentage of AJP)	Points Assigned
0% or below	0.0
1–10%	0.5
11–20%	1.0
21–30%	1.5
31–40%	2.0
41–50%	2.5
51–60%	3.0
61–70%	3.5
71–80%	4.0
81–90%	4.5
91–100%+	5.0

The ratings of facilities affected by a project are assigned a specific number of points—ranging from 0 to 5—depending upon the criterion, as outlined in Tables 10 and 11. When a score for a project is calculated, the points for each of the four criteria are added together. The maximum score (i.e., number of points achievable) for a project is 20, and the minimum score is 3. An example of the minimum criteria ratings needed to achieve maximum points and final project score is delineated below in Table 12.

TABLE 12
Minimum Criterion Ratings to Achieve Maximum Points and Total Project Score

Criteria	Minimum Rating to Receive Maximum Points	Points Received
Security	65	5
Overcrowding.....	129	5
Physical Condition	145	5
Access to Court Services	91%	5
Total Score		20

Projects with a high number of points are considered to significantly support the key objectives of the Judicial Council and the capital program. Consequently, projects scoring a greater number of points will have a correspondingly higher priority over projects scoring fewer points.

F. Developing Priority Groups Rather Than a Ranked Projects List

In this methodology, projects are categorized into five groups to develop a prioritized list of trial court capital projects, referred to as the Trial Court Capital-Outlay Plan (the plan). When this methodology is applied, scored projects will then be placed into one of five priority groups, as outlined below in Table 13. All projects within each group will have the same priority for implementation, as they similarly support key council and program objectives.

Each group’s priority is based on the corresponding range of points that a project might receive. For example, projects addressing all objectives of the capital improvement program in significant ways and receiving the highest point total will fall under the Immediate and Critical Need groups and will be considered the first eligible for available funding. Each of the other groups—High, Medium, and Low Needs—represent sets of projects that address fewer of the capital program’s objectives.

The list of project groups to be developed by application of this methodology is presented below in Table 13.

TABLE 13
Prioritized Groups of Trial Court Capital-Outlay Projects

Groups	Point Range
Immediate Need	To be determined by the Judicial Council.
Critical Need	
High Need	
Medium Need	
Low Need	

G. Project Phase Adjustments

After AOC staff develops a final draft list of ranked project groups based on applying the methodology described above, staff will then make any necessary adjustments to projects in those groups, concerning phasing relative to the Master Plan implementation plans. The final list of priority project groups will incorporate any such phasing adjustments.

For example, should the second-phase of a multiphase project fall in a higher priority group than its first phase, staff will switch the group assignment of those projects, in order to correct the phasing discrepancy. As a result, the first-phase project will move to the higher-priority group, and the second-phase project will take the place of the first in its lower-priority group.

These phasing corrections, if required, will be documented in a report to the Judicial Council that details the results of this methodology’s application.

H. No Substitutions of Projects Between Groups

Substitutions of projects between groups will not be allowed. All project phase corrections will be made by the AOC, as described above.

V. FUNDING PROCESS

A. Establishment of Project List

The Judicial Council will adopt a list of all Immediate and Critical Need Priority Group projects to be funded by SB 1407. This list will be reviewed by the Executive and Planning Committee or any other council-appointed body with responsibility for advising the AOC on facility matters. In making a recommendation to the council on this list of projects, AOC staff will follow these principles:

1. Should more than one project for a court or for a specific area in a court be included in the same group, AOC staff will consult with the court to determine the court's highest priority project that is consistent with the Master Plan implementation schedule for its respective county. Request for funding for the subsequent projects will be based on funding availability and the application of the process described below in section V.C. and D.
2. The Judicial Council will consider the status of transfer from county jurisdiction to the state in approving funding requests.
3. The Judicial Council will determine an appropriate number of projects within each court.
4. AOC staff will review—with court input—the Master Plan size and budget of each project in order to update and confirm project funding requirements relative to available funding and judgeship needs. Judgeship needs will be based on revised county-level-adjusted judgeship projections that have been developed by the OCR.
5. Given the lack of adequate funding in SB 1407 for all Immediate and Critical Need Priority Group projects, the council may select projects based on additional subcriteria. Evaluation of these subcriteria will be conducted by AOC staff:
 - 5.1. Rating for security criterion;
 - 5.2. Economic opportunity; and
 - 5.3. Replacement or consolidation of disparate small, leased, or owned space that corrects operational inefficiencies for the court.

Each of these subcriteria is defined as follows:

Rating for Security Criterion. This is defined as the 2004 RCP rating for security, which is the total of the weighted scores for the two security criteria in the 2003 Procedure. These scores range from a low of 0 to a high of 80. When this subcriterion is applied for

selection purposes, projects with the highest possible 2004 RCP rating for security will gain funding preference over all other projects within their group. Use of the security rating is consistent with the council and program objective of improving security in court facilities.

Economic Opportunity. Economic opportunities include, but are not limited to, free or reduced costs of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational costs savings from consolidation of facilities.

Consideration of economic opportunity allows the council to request funding for projects that have documented capital or operating savings for the state. AOC staff will work in collaboration with local courts to evaluate and document the economic opportunity of each eligible project.

Replacement or Consolidation of Disparate Small, Leased, or Owned Space that Corrects Operational Inefficiencies for the Court. Small leased or owned spaces could include: modular buildings, small private leases, or small court space in county buildings. For example, some downtown courts lease one or two courtrooms within a short distance from the main courthouse, which creates operational inefficiencies for staff and judges. Consolidation of judicial and facility resources supports a more cost-effective court system.

B. Changes to Project List

Any additions or deletions to the list of projects to be funded by SB 1407 shall be adopted by the Judicial Council. The Executive and Planning Committee or any other council-appointed body with responsibility for advising the AOC on facility matters will review recommended changes to the list.

C. How Requests for Funding Will Be Determined

The Administrative Director of the Courts is authorized by the Judicial Council to determine when projects from the council-adopted list of trial court capital projects to be funded by SB 1407 are submitted to the DOF for funding approval, based on application of this methodology and availability of funding. Selected funding requests will be documented in the annual update of the Judicial Branch's Five-Year Infrastructure Plan.

In accordance with Government Code section 70371.5, the AOC will consider and apply economic opportunities—as similarly defined in section 70371.5 (e) and in Section V.A. of this methodology—that exist for each capital project selected by the Judicial Council for a funding recommendation to be submitted to the DOF. The AOC will consider an economic opportunity only if assured it is viable and can be realized. If a project is selected for funding based on an

economic opportunity that is withdrawn after the project is approved, the AOC may recommend to the Judicial Council to delay or cancel the project. The term “withdrawn” is interpreted to include any economic opportunity that cannot be realized for some reason, and can include but not be limited to situations in which a government or private entity can no longer deliver a promised land or cash contribution to a project in a timely manner. For projects where no or minimal viable economic opportunity exists, the AOC will evaluate the adverse cost implications—due to escalation of project costs—of delaying projects.

To comply with the legislative intent of SB 1407, priority will be given to projects that have one or more identified and viable economic opportunities when selecting projects for submission of a funding request to the DOF.

VI. PROCESS FOR ADDING OR DELETING PROJECTS IN THE TRIAL COURT CAPITAL-OUTLAY PLAN

If a court wishes to add or delete projects in the plan, the court may submit a written request to the AOC, providing the project name, its description including size, number of courtrooms, and type of calendars planned, and other descriptive information about the project. The AOC will present this information to the Executive and Planning Committee or any other council-appointed body with responsibility for advising the AOC on facility matters for their consideration and direction. AOC staff will include any changes in the next annual update to the Judicial Branch AB 1473 Five-Year Infrastructure Plan.

APPENDIX A

A. Definitions and Data Sources for 2004 RCP Data for Use in the Prioritization Methodology for Trial Court Capital-Outlay Projects

The 2004 RCP data on security, space shortfall, and physical condition will be used to evaluate three criteria—Security, Overcrowding, and Physical Condition—in this methodology. Each of these ratings is described in detail below.

B. 2004 RCP Ratings for Security, Overcrowding, and Physical Condition Criteria

In August 2003, the Judicial Council adopted a way to prioritize trial court capital-outlay projects. The prioritization procedure is described in *Five-Year Trial Court Capital Outlay Plan—Prioritization Procedure and Forms* (2003 Procedure), which includes a detailed description of the source of the data used to develop the RCP (Review of Capital Project—Prioritization) ratings. The RCP ratings were designed to record and present the data needed to measure each criterion and to develop a rating and a weighted score for each project.

This methodology will use the RCP ratings for security, overcrowding, and physical condition, recorded in the 2004 RCP forms created by implementing the 2003 Procedure. The 2004 RCP forms used information from the Task Force on Court Facilities (task force) and the 2002–2003 facilities master plans (master plans).

Table A1 presents how the task force or master plan data was translated into the ratings used in this methodology.

**TABLE A1
Task Force or Master Plan Evaluations Translated into
Rating Used in the Prioritization Methodology**

<u>Task Force or Master Plan Evaluation</u>	<u>Translate to Common Scale</u>	<u>Formula to Translate Task Force to Rating Used in Methodology</u>	<u>Weight</u>	<u>Rating used in Methodology</u>
1. <u>Security</u>				
a. 0 = Deficient.....	NA	$10 - 0 = 10$	4	$10 \times 4 = 40$
b. 5 = Marginal.....	NA	$10 - 5 = 5$	4	$5 \times 4 = 20$
c. 10 = Adequate	NA	$10 - 10 = 0$	4	$0 \times 4 = 0$
2. <u>Overcrowding</u>	Current area/Guidelines area	$1 - (\text{Current area/Guidelines area}) \times 160$	160 in formula at left	0 to 160
3. <u>Physical Condition</u>				
a. Overall Physical Condition	100 - Task Force	$((100 - \text{Rating Used}) / 10) \times 10$	10 in formula at left	0 to 180
4. <u>Life Safety and ADA</u>				
a. 5 = 100% of replacement cost to upgrade	10.0	NA	4	$10.0 \times 4 = 40$
b. 4 = 75% of replacement cost to upgrade	7.5	NA	4	$7.5 \times 4 = 30$
c. 3 = 50% of replacement cost to upgrade	5.0	NA	4	$5.0 \times 4 = 20$
d. 2 = 25% of replacement cost to upgrade	2.5	NA	4	$2.5 \times 4 = 10$
e. 1 = Like new condition.....	0.0	NA	4	$0.0 \times 4 = 0$

A completed set of RCP-1 and RCP-2 forms for a project are included at the end of this document to identify where the data used in this methodology is presented on RCP-1 and RCP-2 forms. The AOC has hard copies of the completed forms on file for each capital-outlay project (project) that record the ratings used to develop the ranked list of projects presented in the *Judicial Branch AB 1473 Five-Year Infrastructure Plan, Fiscal Years 2005-2006, 2006-2007, and 2007-2008 (adopted on February 24, 2006) (Five-Year Plan)*.⁷

Similar to the 2003 Procedure, this methodology uses the 2004 RCP ratings based on the proportional share of the area of each building affected by the project. For example, two existing court facilities are affected by a single capital project. Facility A1 is 80,000 square feet, and facility B1 is 20,000 square feet. Given this method, the rating for each criterion will be the total of 80 percent of the rating for facility A1, plus 20 percent of the rating of facility B1.

⁷ In December 2003, the courts received draft versions of these forms for their review before the evaluation of each project was finalized.

The following sections describe the location of the information and data in the 2004 RCP forms that will be used in this prioritization methodology.

C. Data in 2004 Form RCP-1—Buildings Affected by the Project

RCP-1 form is the basis for the list of buildings affected by the project in this methodology. Sections 2A and 2B of the form list the name of the facility affected by the capital project and the site/building ID, which is the letter/number identification of each facility.⁸

The RCP-1 form lists the current facility area for each building affected by the project. In all cases, component gross square feet (CGSF) will be used in this methodology.⁹ Project names that will be used in this methodology will be based on the names listed in the Five-Year Plan.¹⁰

D. Data in Form RCP-2—Level 1 Buildings

An RCP-2 form exists for each building affected by a capital project. Specific information in the RCP-2 form used in this methodology includes the following (letter E. corresponds to the item in the RCP-2 form):

E. Is this a Level 1 building in the Task Force on Court Facilities County Report? Level 1 was the term assigned by the task force to buildings that were determined to have limited value as a real estate asset and therefore were not viewed by the task force as part of a long-term solution to a court’s facility problems. Level 1 buildings were not evaluated by the task force, and therefore, no numerical ratings exist for physical condition, security, or overcrowding.

The Master Plan and the Task Force County Report Table 2.2, Trial Court Building Occupancy, identifies the buildings determined as Level 1 buildings by the task force. In this methodology, Level 1 buildings will be assigned the average rating for each criterion, based on the 2004 RCP ratings of all non-Level-1 buildings affected by all 201 projects identified in the Five Year Plans for Fiscal Years 2005-2006, 2006-2007 and 2007-2008 (adopted February 24, 2006), as shown in the table below:

**TABLE A2
Ratings Applied to Level 1 Buildings**

Criterion	Average 2004 RCP Rating	Maximum Possible Rating
Security.....	42.82	80
Physical Condition	65.34	180
Overcrowding.....	81.52	160

⁸ This information is also recorded in each RCP-2, section 2B.

⁹ The 2003 Procedure used both CGSF and building gross square feet (BGSF).

¹⁰ Note that the RCP-1 form presents a project name in section 1A. This name, which is from the master plan, may differ from the name presented in the Five-Year Plan. Project names have been simplified and standardized in the Five-Year Plan.

E. Data in Form RCP-2 Section 3—Source of Ratings for Physical Condition, Security, and Overcrowding Criteria

This section contains the 2004 RCP ratings for physical condition, security, and, unless updated with more current information from the building transfer process, overcrowding. The basis for the ratings to be used in this methodology will be described in more detail below.

The basis for the ratings is largely the facility assessment documented in the master plan, based on verification of the task force evaluation through site visits. When a master plan provides an updated numerical rating of condition, the master plan rating was used in the 2004 RCP form. If the master plan provided a narrative description, the master plan narrative was compared to the narrative and rating documented in the Task Force County Report. A task force rating was then adjusted up or down if an adjustment could be justified by reference to the master plan condition description. If no adjustment could be justified by the master plan narrative on condition, then the task force rating for the particular physical or functional condition was used.

F. Description of Column Headings in RCP-2 Form for Building Physical Condition and Building Functional Condition

The 2003 Procedure employed a scoring system to translate ratings of each condition criteria into scores from 0 to 10.

Below are definitions of the terms used in the column headings of the RCP-2 form for the first two general condition criteria—Building Physical Condition, which includes the ratings used for this methodology’s Physical Condition criterion, and Building Functional Condition, which includes the ratings used for the Security and Overcrowding criteria:

- **Measure:** This is a formula or scale that shows how the Rating Used Here is converted into a score from 0 to 10.
- **TF Rating:** This is the rating assigned to a criterion by the task force.
- **Rating Used Here:** This is the rating used in this form to calculate the score. When the Rating Used Here is different from the task force rating, the reviewer described the reason for the changed rating in the Comments section of Building Physical Condition or Building Functional Condition.
- **Score:** The number of points that result from translating the Rating Used Here, based on the formula or scale shown in the Measure column.
- **Weight:** The value this criterion has, relative to other criteria.
- **Weighted Score:** The Score multiplied by the Weight. **The Weighted Score is the “rating” used in this methodology for each building affected by a capital project.**

- **Maximum Weighted Score:** The score received if the highest possible score for the criterion was received. This is the maximum number of points an existing facility could receive for the criteria, based on the Score and the Weight.

G. Building Physical Condition—Source of Ratings for Physical Condition Criterion

As in the 2003 Procedure, in this methodology the physical condition rating of a facility is the sum of three weighted scores: the Overall Building Physical Condition rating, which is a composite score of primary building systems; the Life Safety system rating; and the rating for the Americans With Disabilities Act (ADA) compliance system. The maximum possible rating for Physical Condition is 180 in this methodology.

As indicated above, either the task force report or the master plan was the source of the data used to determine the weighted score of each of these three components, which are described below (the letter/number reference refers to letter/number location of data in the RC-2 form). The task force rating for the physical condition of each building is found in the County Report in section 3, Building Evaluation. The ratings of each of the 12 primary building systems are located in a table, following the narrative on building physical conditions, entitled “Building System Evaluation.” Refer to Example 1: Building System Evaluation from Task Force County Report, for an excerpt of the task force report that presents the source of these ratings when the task force rating was used.

A. Overall Building Physical Condition. The overall rating of the facility’s physical condition established by the task force and verified by the Master Plan. Overall Building Physical Condition refers to the assessment of the condition of facility systems to establish the probable level of capital investment needed to restore the facility to a condition suitable for long term use as a court facility. The physical condition rating in the task force county report indicates the “value” of the facility as a percentage of its replacement value. The task force scale was from 0 to 100 percent, with the scale as follows:

- > 60% = Adequate
- 40–60% = Marginal
- < 40% = Deficient

The overall facility rating as determined by the task force is the composite of individual ratings for each of the following primary building systems, also referred to as the Shell and Core Systems:

- General Structure
- Exterior Wall
- Roof
- ADA Compliance
- Vertical Transportation
- Life Safety
- Fire Protection
- Graphics/Signage
- Plumbing Systems
- HVAC (Heating, Ventilation, Air Conditioning System)
- Electrical Systems
- Communications/Technical Systems

Each of the above systems was given a rating, based on a scale from 1 to 5, defined as:

- 0 = Not applicable; system not required.
- 1 = Like new condition; no renewal required.
- 2 = 25% of total replacement cost to upgrade; minor renovation/renewal required.
- 3 = 50% of total replacement cost to upgrade; moderate renovation/renewal required.
- 4 = 75% of total replacement cost to upgrade; substantial renovation/renewal required.
- 5 = 100% of total replacement cost to upgrade; element replacement required. Element is necessary, but is in sufficiently bad condition to warrant replacement.

B. Life Safety. The rating refers to the degree of improvement necessary (relative to the total value of the life safety system) to enhance life safety in the event of an emergency. The life safety system includes fire alarm systems, smoke detection systems, fire extinguishers, emergency lighting, emergency exit door hardware, exit signs, and adequate means of egress, as defined and required by local building codes.

C. ADA Compliance. The ADA Compliance rating refers to the degree of improvement necessary relative to the total value of the ADA compliance system to bring the building's accessibility into compliance with the Americans with Disabilities Act.

Example 1: Building System Evaluation Table—Source of Physical Condition Criterion Rating from Task Force County Report, Section 3: Building Evaluation

California Court Facilities Study
Friday, September 08, 2000

BUILDING SYSTEMS EVALUATION

System	Rating	Comments
Primary Building Systems		
General Structure	2	The general structure is in good condition.
Exterior Wall	1	The entire exterior was painted in 1997.
Roof	5	Needs replacement: major leaks
ADA Compliance	2	Adequate
Vertical Transportation	1	Adequate
Life Safety	2	Adequate
Fire Protection	3	Need to replace some fire protection systems through out building.
Graphics/Signage	3	Need replacement
Plumbing Systems	5	Original sewer/water and fixtures.
HVAC Systems	5	Cooling tower, chillers and chilled water pumps replaced in 1995 and in good condition. Air handling & duct system original and needs replacement.
Electrical Systems	5	Original electrical through-out building.
Comm/Tech Systems	1	New system.
Overall Building Rating:	58.19%	Marginal (excludes seismic retrofit requirements)
Tenant Area Systems		
TI Plumbing Distribution	2	Original fixtures.
TI HVAC Distribution	5	Courts wing supply return fans and duct work & mech. systems should be replaced, office wing supply and return fan units should be replaced, duct work is not in need of replacement.
TI Electrical Distribution	5	Most sub panels distribution systems are original and should be replaced as the tenants require more electrical power.
TI Comm/Tech Distribution	5	Should be replaced.

H. **Building Functional Condition—Source of Ratings for Security and Overcrowding Criteria**

1. **Security Criterion Ratings**

The total of the weighted scores for the two security conditions related to secure and separate circulation for judges and staff, the public and in-custody individuals is the basis for the security rating used in this methodology. The methodology will not use the evaluation of building security, which refers to the degree of compliance with guidelines for security and control of access in and out of the facility. The source of the data used to determine the weighted score of each of these two components is described below (letter/number reference refers to letter/number location of data in the RCP-2 form). The maximum possible rating for Security is 80 in this methodology.

As indicated above, either the task force report or the master plan was the source of the data used to determine the weighted score of each of these two components, which are described below. The task force security evaluation of each building is found in the Task Force County Report in section 3, Building Evaluation. The ratings of each of the eight functional building systems are located in a table entitled “Building Functional Evaluation.” Refer to Example 2 for a table from the task force report that identifies the two security ratings when the task force rating was used.

F. Security: Two criteria indicate how secure an existing facility is:

1. Judicial/Staff Circulation: Refers to the degree of compliance with guidelines for private circulation paths exclusively dedicated to permit the judiciary and staff to enter and move through the facility separate and secure from both the public and in-custody individuals.

2. Secure Circulation: Refers to the degree of compliance with guidelines for a separate, secure means by which in-custody individuals are brought into the facility and moved from holding areas to the courtroom. A secure circulation route is completely separated from areas used by the public and by the judiciary and court staff.

The task force rating system for each functional component, including the three security criteria defined above, was based on a scale from 0 to 10, as follows:

- 0 = Deficient: Functional condition fails in one or more major aspects
- 5 = Marginal: Functional condition has notable deficiencies
- 10 = Adequate: Functional condition is acceptable or better
- N/A = Not Applicable: Functional element is not applicable for this facility.

Example 2: Building Functional Evaluation—Source of Security Criterion Rating from Task Force County Report, Section 3: Building Evaluation

California Court Facilities Study
Friday, December 22, 2000

BUILDING FUNCTIONAL EVALUATION:

Each major functional aspect of the building as a whole was evaluated in terms of court use. Rating values were assigned as follows: "10" for adequate; "5" for marginal, and "0" for deficient conditions.

The Rating Summary was determined by taking the total "score" divided by the eight elements involved to determine an average, this was then converted to a percentage score, consistent with the way results of other aspects of the evaluation process are illustrated. Percent ratings less than 60% are deemed "Deficient" overall; from 60% to 79.99% deemed "Marginal"; and 80% or more deemed "Adequate" for the purposes of this Study.

Building Functional Elements	Rating	Comments
Functional Zoning/Organization	5	Highly fragmented facility
Public Circulation	10	Adequate
Judicial/Staff Circulation	10	Adequate
Secure Circulation	0	Non existent.
Image	5	1950's building in marginal condition.
Building Security	10	Metal detector at main entrance, some card access doors
Public Amenities	10	Adequate
Quality of Environment	10	Adequate
Rating Summary:	75.00%	Marginal

Functional Comments:

1950's building with adequate public circulation and generally functional spaces. The facility currently lacks sufficient storage and clerical staff areas.

2. Overcrowding Criterion Ratings

There are two sources of data for the Overcrowding criterion. Updated current facility areas based on current information from the building transfer process will be used, if available, in this methodology. In cases where the AOC has updated information on the CGSF of court occupied area identified through the SB 1732 facility transfer process, the AOC will recalculate the space shortfall using the formula employed by the 2003 Procedure (see below).

In most cases, the weighted space shortfall score from the 2004 RCP is the basis for the Overcrowding rating used in this methodology. The task force report or master plan was the source of the data used to determine the weighted score for space shortfall, as described below (letter/number reference refers to the letter/number location of the data in the RCP-2 form).

The space shortfall rating measures the space currently occupied by the court, compared to that required to meet current needs based on the guidelines. The guidelines refer to the Trial Court Facilities Guidelines published by the Task Force on Court Facilities in March 2001 and adopted by the Judicial Council effective July 1, 2002. The guidelines describe acceptable standards for construction, renovation, and remodeling of court facilities. They include guidelines for how court facilities should be organized and secured to provide safe and operationally efficient courts. They also include space standards to use for developing an assessment of space needed by a facility. The maximum possible rating for Overcrowding is 160 in this methodology.

J. Current space available vs. space required by guidelines. The score is equal to the Current Facility Area divided by the Guidelines Area, subtracted from 1 and then multiplied by 10.

Court functions either partially occupy a facility, such as a leased facility or a county administrative building, or are located in standalone courthouses. For all facilities, CGSF figures are used. CGSF expressed the amount of “useable” area for a specific use.¹¹

Current Facility Area: The current facility area is the numerator of the space shortfall, or Overcrowding, criterion. The RCP form records either the task force or both the master plan and task force information on CGSF of court area occupied by the court.

The Task Force recorded its assessment in Table 2.2: Trial Court Building Occupancy in the Task Force County Report, which is the number in the column entitled “Courts Component Gross Area.” Example 3 provides a sample of Table 2.2.


If the Master Plan updated this number because of an addition to or reduction of space since the task force survey, then the revised number can be found in the Master Plan Report and was then recorded in the “data used here” column. All area information has since been reviewed by the AOC in an effort to utilize to CGSF in this methodology.¹²

Guidelines Area: This number is the denominator of the equation for the rating for the space shortfall, or overcrowding, criterion.

Example 3: Table 2.2: Trial Court Building Occupancy From Task Force County Report

California Court Facilities Study
Thursday, September 07, 2000

County-Wide Summary
Table 2.2: Trial Court Building Occupancy



Bldg. ID	Building	Primary Use	Number of Courtrooms	Total Component Net Area	Total Component Gross Area	CURRENT OCCUPANCY								
						Courts Component Gross Area	%	Courts Related Component Gross Area	%	Other Agencies Component Gross Area	%	Building Support Component Gross Area	%	Building Gross Area
A 1	Modesto Main Courthouse 1100 I Street Modesto,	Mixed	15	101,394	106,004	64,278	61%	24,786	23%			16,940	16%	108,824
B 1	Modesto Juvenile court. 2215 Blue Gum Modesto,	Mixed	2	6,817	7,456	4,842	65%	1,400	19%			1,214	16%	9,200
C 1	Ceres Municipal Court.	Courts only	1	2,613	2,700	2,249	83%					451	17%	2,985
D 1	Turlock Municipal Court.	Mixed	1	4,277	4,446	3,123	70%	406	9%			917	21%	4,735
E 1	Department 16 - Level 1 Survey Only 948 11th street. Modesto,	Mixed	1	912	960	960								4,025
F 1	Modesto Traffic Court - Level 1 Survey Only 2260 Floyd Avenue Modesto,	Mixed	1	1,400	1,400	1,400								1,400
TOTAL ALL FACILITIES			21	117,412	122,966	76,852	62%	26,592	22%			19,522	16%	131,169

¹¹ CGSF is defined as the aggregate floor area of all individual rooms in a specific use area, including related internal circulation, interior partitions and interior columns, chases serving the space, and other areas incidental to the use area. CGSF excludes the area required for public circulation and lobbies, mechanical and electrical spaces and distribution shafts, stairs, elevators, and other common building elements.

¹² The 2003 Procedure used CGSF for shared-use facilities and BGSF for court-only facilities. The new methodology will use CGSF in every case, for a standardized and consistent comparison among facilities.

The space required to meet current needs is found in the Task Force County Report at the end of Table F: Current Shortfalls Relative to Adequate Space. For each facility, the number is located in the column entitled “Space Required Relative to Current Use—Component Gross Area,” which is the first of three column headings, and the row entitled “Totals for X County Courthouse Building.” The Component Gross Area number for the space occupied by the court, which is the first of three numbers listed at the bottom of the identified column, is recorded here. See Example 4 for a sample of this Table F from the task force report.

Example 4: Table F: Space Required Relative to Current Use from Task Force County Report

California Court Facilities Study
Thursday, August 17, 2000

Table F: Court Components - Shortfalls Based on Current Use - cont'd.

Site: A Modesto Main Courthouse			Building: 1 Modesto Main Courthouse								
Component ID / Name	Courtroom Type Current Use	Jury or Non-Jury	Space Required Relative to Current Use			Current Shortfalls Relative to Adequate Space			Current Shortfalls Relative to Adequate + Marginal Space		
			Space Count	Component Gross Area	Component Net Area	Space Count	Component Gross Area	Component Net Area	Space Count	Component Gross Area	Component Net Area
08.02	Support Areas		1	467	350	0	-467	-350	0	-467	-350
08.02	Support Areas		1	467	350	0	-467	-350	0	-467	-350
08.03	Mediation/Hearing Rooms		1	400	300	0	0	0	0	0	0
08.03	Mediation/Hearing Rooms		1	400	300	0	0	0	0	0	0
08.04	Child Waiting		0	0	0	0	0	0	0	0	0
08.04	Child Waiting		0	0	0	0	0	0	0	0	0
09.00	COURT SECURITY OPERATIONS		5	1,373	1,030	0	-892	-669	0	-892	-669
09.01	Staff Office/Work Areas		3	1,013	760	0	-532	-399	0	-532	-399
09.01	Staff Office/Work Areas		3	1,013	760	0	-532	-399	0	-532	-399
09.02	Command Center		1	240	180	0	-240	-180	0	-240	-180
09.02	Command Center		1	240	180	0	-240	-180	0	-240	-180
09.03	Security Screening		1	120	90	0	-120	-90	0	-120	-90
09.03	Security Screening		1	120	90	0	-120	-90	0	-120	-90
10.00	IN-CUSTODY HOLDING		7	5,819	4,120	0	-5,327	-3,800	0	-5,327	-3,800
10.01	Vehicular Sallyport		2	2,250	1,800	0	-2,250	-1,800	0	-2,250	-1,800
10.01	Vehicular Sallyport		2	2,250	1,800	0	-2,250	-1,800	0	-2,250	-1,800
10.02	Central Holding		1	2,538	1,650	0	-2,538	-1,650	0	-2,538	-1,650
10.02	Central Holding		1	2,538	1,650	0	-2,538	-1,650	0	-2,538	-1,650
10.03	Support Areas		0	538	350	0	-538	-350	0	-538	-350
10.03	Support Areas		0	538	350	0	-538	-350	0	-538	-350
10.04	Attorney/Client Visiting		4	492	320	0	0	0	0	0	0
10.04	Attorney/Client Visiting		4	492	320	0	0	0	0	0	0
Totals for Modesto Main Courthouse Building:			1014	122,943	88,958	-50	-61,580	-42,630	-43	-54,794	-39,680
Building Gross Area for Needs and Shortfalls (at 20% of CGSF)				24,589			-12,316			-10,959	
Total Building Gross Area for Needs and Shortfalls				147,531			-73,896			-65,753	

County: **50 Stanislaus**

Facility/Site Information

The following pages present examples of an RCP-1 form for the New Modesto Courthouse project and pages 1-4 (of a total of 10) of the RCP-2 form for the existing Main Modesto Courthouse. Examples 1-4 present data from the Task Force County Report on the existing Main Modesto Courthouse. The arrows on the examples identify data identified with arrows on the RCP forms.




FORM RCP-1		REVIEW OF CAPITAL PROJECT – PRIORITIZATION	
		Trial Court Facilities Act of 2002 (SB 1732)	
Superior Court of California, County of Stanislaus (50)			
Section 1 – General Information			
A. Project Name Modesto Phase I (01)		B. Type of Project Renovation <input type="checkbox"/> Addition <input checked="" type="checkbox"/> New Building <input checked="" type="checkbox"/>	
C. Project Location Existing Downtown Modesto Courthouse		D. Estimated Total Project Cost (2002 Dollars) \$21,300,000	
E. Proposed Project Start Q3 2005		F. Proposed Project Completion Q1 2009	
G. Comments <p>The proposed project would consist of an eight-story building in the center of the existing courtyard. The first four stories of the new addition will be designated for court support functions, and the top four stories will be fit out for eight courtrooms.</p> <p>The project can begin after the interior courtyard has been cleared of the judges' parking and the vehicle sallyport and the clerk's office and sheriff's modular facilities have been relocated. The 1948 wing of the Hall of Records building should also be demolished.</p> <p>With the completion of this project, the occupants of the Hall of Records building and the Modesto Main Court North Wing can then be relocated to the new building, and the Hall of Records can be demolished. In addition, the traffic court in Modesto will be vacated.</p>			

FORM RCP-1		REVIEW OF CAPITAL PROJECT – PRIORITIZATION			
Trial Court Facilities Act of 2002 (SB 1732)					
Superior Court of California, County of Stanislaus (50)					
Section 2 – Existing facilities					
A. Name of Existing Facility	B. Site / Building ID	C. Current Facility Area	E. Facility Area / Total Area of Facilities	F. Facility Score from RCP-2	G. Weighted Facility Score
Modesto Traffic Court - Level 1 Sun	F1	1,400	.02	860	18
Modesto Main Courthouse	A1	64,278	.98	336	329
D. Total Area of Facilities		65,678	H. Total Weighted Score		347
I. Comments (Include discussion of results of application of filters for the existing facilities from Section 5 of Form RCP-2.)					



FORM RCP-2	REVIEW OF CAPITAL PROJECT – PRIORITIZATION Trial Court Facilities Act of 2002 (SB 1732)
Superior Court of California, County of Stanislaus (50)	
Section 1 – General Information	
A. Project Name Modesto Phase I (01)	
Section 2 – Existing facility affected and evaluated on this form. If multiple existing facilities are affected, list others under Comments and complete a separate Form RCP-2 for each.	
A. Name of Existing Facility Modesto Main Courthouse	B. Site ID / Building ID A1
C. Building Address 1100 I Street Modesto, California, 95354	
D. Occupancy Court use only <input type="checkbox"/> Shared use <input checked="" type="checkbox"/>	
E. Is this a Level 1 building in the Task Force on Court Facilities County Report? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
F. If building is Level 1, what type? Modular <input type="checkbox"/> Records Storage only <input type="checkbox"/> Regular leased <input type="checkbox"/> Small court space in larger building <input type="checkbox"/>	
See Explanation of Forms for directions to complete Section 3 for Level 1 buildings.	
G. Comments With the completion of the proposed project, two courtrooms and support staff of this building (North Wing) can relocate to the new building when constructed.	



Section 3 – Scoring of Project Need									
Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan.									
Building Physical Condition									
	Measure	TF Rating	Rating Used Here	Score	Weight	Weighted Score	Maximum Weighted Score		
	A. Overall Building Physical Condition	Score = (100 – Rating Used) / 10	58	58	4.2	10	42	100	
	B. Life Safety	<u>Rating Used</u>							
		5	10						
		4	7.5	2	2	2.5	4	10	40
		3	5						
		2	2.5						
	1	0							
	C. ADA Compliance	<u>Rating Used</u>							
		5	10						
		4	7.5	2	2	2.5	4	10	40
		3	5						
		2	2.5						
	1	0							
D. Comments									
The master plan consultant did not change overall physical evaluation score or change the Life Safety or ADA Scores.									

Section 3 – Scoring of Project Need (continued)							
Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan.							
Building Functional Condition							
	Measure	TF Rating	Rating Used Here	Score	Weight	Weighted Score	Maximum Weighted Score
E. Overall Building Functional Condition	Score = (100 – Rating Used) / 10	75	63	3.7	14	51.8	140
F. Security							
1. Judicial/Staff Circulation	Score = 10 – Rating Used	10	6	4	4	16	40
2. Secure Circulation	Score = 10 – Rating Used	0	0	10	4	40	40
3. Building Security	Score = 10 – Rating Used	10	10	0	4	0	40
G. Comments							
<p>Since the Task Force rating, overall building functional condition rating has been downgraded by the master plan consultant due to the lack of Judicial/Staff circulation.</p>							



Section 3 – Scoring of Project Need (continued)							
Scoring is based on the Task Force on Court Facilities rating as modified by the Master Plan.							
Courtroom Condition							
	Measure	No. of Deficient Courtrooms	Total Existing Courtrooms	Score	Weight	Weighted Score	Maximum Weighted Score
H. Current deficient Courtrooms	Score = (No. of Deficient Courtrooms/Total Existing Courtrooms) x 10	6	15	4	10	40	100
I. Comments Master plan consultant did not change the number of deficient courtrooms.							
Space Shortfall							
	Measure	Current Facility Area	Guidelines Area	Score	Weight	Weighted Score	Maximum Weighted Score
J. Current space available vs. space required by Guidelines	Score = (1– Current Facility Area/Guidelines Area) x 10	64,278	122,943	4.77	16	76.35	160
K. Comments The building is too small for its current court operations.							
L. Total Needs Score						286	700



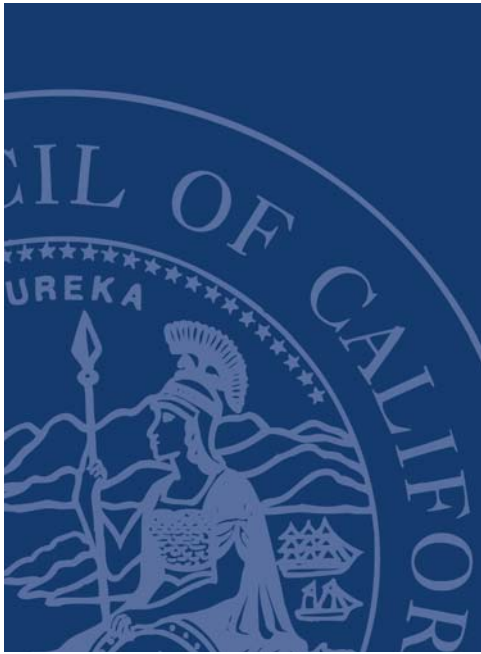
26. Court Facilities Contracting Policies and Procedures

26.1 Revision Management

Responsible Office: Judicial Branch Capital Program Office	File Location:
Author:	Approved by Judicial Council of California
Process Owner: TBD	
Review Cycle: Annual	

Revision	Description	Approval Date	Effective Date	Revision Date
1.0	Judicial Council Approved	12/07/2007	12/07/2007	
2.0	Under Review and Possible Revision			

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Court Facilities Contracting Policies and Procedures

DECEMBER 7, 2007



**ADMINISTRATIVE OFFICE
OF THE COURTS**

OFFICE OF COURT CONSTRUCTION
AND MANAGEMENT

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I. POLICY

To provide Californians the best value initially and over the long-term operational life of court facilities the Administrative Office of the Courts (AOC) will follow competitive practices as set forth in these policies and procedures when contracting with qualified firms and individuals for products and services to be used in the planning, acquisition, design, construction, operation, and maintenance of trial and appellate court facilities.

II. BACKGROUND

The Trial Court Facilities Act of 2002 as amended (the act¹) and the California Rules of Court adopted by the Judicial Council² provide that the Administrative Office of the Courts (AOC) is responsible for acquisition, space programming, construction, design, operation, and maintenance of trial court facilities. Government Code section 69204 provides that the Judicial Council has full authority and responsibility for appellate court facilities, including their acquisition and development. Both the act and the statutes applicable to appellate court facilities require that the Judicial Council adopt policies and procedures that address acquisition and construction of court facilities.

Section 70374(b)(2) of the act states, in pertinent part:

Acquisition and construction of facilities are not subject to the provisions of the Public Contract Code, but shall be subject to facilities contracting policies and procedures adopted by the Judicial Council after consultation and review by the Department of Finance.

The Judicial Council has adopted these policies and procedures in accordance with the above provision. In doing so, the council also has delegated to the Administrative Director of the Courts the authority and responsibility to amend these policies and procedures as necessary or desirable in a manner consistent with the interests of the judicial branch and the public it serves.

The AOC's Office of Court Construction and Management (OCCM) is responsible for administering the policies and procedures described in this document, which is intended to achieve the following objectives:

1. For firms and individuals that provide products and services, this document describes the selection processes to be used by the AOC, the types of products and services that may be required, and the nature of the contracts that may be entered into for trial and appellate court facilities related products and services.
2. For the AOC, this document establishes selection and contracting procedures that provide for qualifications-based selections and acknowledges that contracts must provide for contemporary delivery methods and best practices related to facilities planning, acquisition, design, construction, operations, and maintenance of court facilities.

¹ See Gov. Code, § 70301, et seq.

² See Cal. Rules of Court, rules 10.182(b) and 10.184(b).

3. For the public, this document sets forth fiscally responsible and accountable policies and procedures that are intended to ensure that the best value is received by the judicial branch for the benefit of all Californians.

III. DEFINITIONS

Best Value means that a product or a service provides superior performance with respect to one or more of the following factors: quality, durability, aesthetics, reliability, initial cost, life-cycle cost, energy efficiency, past performance, similar experience, the composition and stability of the Proposer's team, and the capacity of the Proposer to predictably meet quality, budget, and schedule requirements.

A **Blanket Purchase Orders** creates an arrangement under which the AOC contracts with a vendor to provide an undetermined amount of products and ancillary services for a specified period of time and up to a maximum dollar amount.

Construction Manager at Risk (CM@Risk) means a firm or individual selected for facilities work based on qualifications and cost prior to the start of traditional construction activities. CM services include, but are not limited to, early coordination during the design phase, engineering, and constructability reviews. The CM@Risk delivery method entails a commitment by the CM to deliver the project within a Guaranteed Maximum Price (GMP). The CM acts as consultant to the AOC in the design phase, as the equivalent of a general contractor during the construction phase, and is responsible for the selection, scheduling, and sequencing of trade contractors.

A **Contractor** is a person, business, corporation, governmental entity, or other lawfully organized entity that provides products or services to another entity under terms specified in a contract.

A **Design-Build Contract** establishes in one firm a single point of responsibility for design and construction. The most common approach is for a construction contractor to serve as the lead firm and hire an architectural or engineering firm as a subcontractor to perform all design services.

Emergency Conditions require immediate action to return a facility to normal operations or will become immediately critical if they are not corrected expeditiously. Such a condition requires action to stop accelerated deterioration or damage, to correct a safety hazard that imminently threatens loss of life or serious injury to the public or court employees, or to remediate intermittent function or service or potential safety hazards. Such conditions may include but are not limited to: major flooding, substantial damage to roofs or other structural building components, and exposure to hazardous materials. Depending on its scope and impact, a severe deterioration in life safety protection may also be considered an emergency condition requiring a facility modification.

An **Indefinite Delivery/Indefinite Quantity (ID/IQ) Contract** is a contract for products or services for which the scope and delivery time are unknown at the time the contract is executed. Through these contracts Providers are given various assignments based on the location and nature of the products or services and the qualifications and resources of the Providers.

A **Job Order Contract** provides for products or services to be supplied at predefined composite rates, as opposed to a time-and-materials basis.

A **Master Agreement** means an agreement that may be used to facilitate contracting for products or services to be provided by suppliers with whom there is a reasonable expectation of continuing intermittent procurements of the same or similar products or services.

A **Proposer** is a person, business, corporation, governmental entity, or other lawfully organized entity that responds to a Request of Qualifications or Request for Proposal.

A **Public-Private Partnership** is a cooperative venture between the public and private sectors, built on the expertise of each partner that best meets clearly defined criteria to serve public needs through the appropriate allocation of resources, risks, and rewards.

A **Request for Proposal (RFP)** is a document used to solicit proposals for the provision of products and/or services. Proposals received in response to an RFP are compared to each other and judged against predetermined, stated criteria, with the goal of negotiating a contract with one or more Proposers.

A **Request for Qualifications (RFQ)** is a document used to solicit statements of qualifications from providers of products and/or services. Responses are compared to each other and judged against predetermined, stated criteria, with the goal of selecting qualified providers of products and services. RFQs may be used for individual projects or for selection of qualified providers on Short Lists to expedite future contracting.

A **Short List** is a list of firms or individuals who are considered to meet or exceed the selection criteria for a specific Request for Qualifications or Request for Proposals. Firms and individuals may qualify for inclusion on a Short List after evaluation of their statements of qualifications, proposals, and/or interviews.

IV. PROCESS

A. Types of Service Providers

This section lists examples of the types of service providers who may be required by the AOC for planning, acquisition, design, construction, operation, and maintenance of court facilities. Examples include, but are not limited to:

1. Planning and Design Services

- a. Acoustical Consultants
- b. Architects
- c. Audio Visual Consultants
- d. Civil Engineers
- e. Code Compliance Plan Review Services
- f. Computer Aided Drafting and Design (CADD) Services
- g. Cost Estimating Services
- h. Electrical Engineers

- i. Energy Conservation Services
 - j. Engineering Geologists
 - k. Environmental Engineers
 - l. Financial Services for capital planning and development
 - m. Fire Protection Engineers
 - n. Geotechnical Engineers
 - o. Industrial Hygienists
 - p. Information Systems Consultants
 - q. Interior Designers
 - r. Landscape Architects
 - s. Land Surveyors
 - t. Mechanical Engineers
 - u. Parking Consultants
 - v. Planning Services
 - w. Program Services
 - x. Registered Professional Engineers
 - y. Safety Consultants
 - z. Security Consultants
 - aa. Structural Engineers
- 2. Construction Services**
- a. Construction Manager at Risk (CM@Risk) Services
 - b. Design-Build Services
 - c. General Engineering Contractor (California “A” Licensed) Services
 - d. General Building Contractor (California “B” Licensed) Services
 - e. Specialty and Limited Specialty Contractor (California “C” Licensed) Services
- 3. Construction Management Services**
- a. Program Management Services
 - b. Project Management Services
 - c. Construction Management Services
- 4. Specialty Construction Consultant Services**
- a. Fire Alarm Consultant Services
 - b. Fire Sprinkler Consultant Services
 - c. Lighting Consultant Services
 - d. Roofing Consultant Services
 - e. Waterproofing Consultant Services
 - f. Elevator/Escalator Services
- 5. Construction Quality Assurance Services**
- a. Inspector of Record Services

- b. Materials Testing Laboratories
- c. Special Inspection Services

6. Operations and Maintenance Services

- a. Building Management and Maintenance Services
- b. Property Inspection and Assessment Services

7. Environmental Health and Site Safety Services

- a. California Environmental Quality Act (CEQA) Services
- b. Environmental Assessment (Phase I, II, and III) Services
- c. Hazardous Waste and Hazardous Materials Management Services
- d. Industrial Hygiene and Safety Services
- e. Remediation Services

8. Real Estate and Acquisition Services

- a. Appraisal Services
- b. Brokerage Services
- c. Build-to-Suit Leasing Services
- d. Business Consulting Services
- e. Financial Consulting Services
- f. Land Use Services
- g. Lease Audit Services
- h. Real Estate Developer Services
- i. Real Estate Services
- j. Title Services

9. Public Private Partnerships

- a. Design-Build
- b. Design-Build-Operate-Maintain
- c. Design-Build-Finance-Operate-Maintain
- d. Land Acquisition-Design-Build-Finance-Move-Operate-Maintain

B. Types of Products

This section lists examples of the types of products that may be required by the AOC for planning, acquisition, design, construction, operation, and maintenance of court facilities. Examples include, but are not limited to:

1. Fixtures

- a. High Density Files
- b. Shelving
- c. Storage Racks

2. Furniture

- a. Exterior Furniture
- b. Freestanding Furniture
- c. Modular Furniture

3. Equipment

- a. Automated Teller Machines (ATMs) and Information Kiosks
- b. Audio Visual Equipment
- c. Health and Safety Equipment
- d. Information Technology Infrastructure
- e. Security Equipment
- f. Teleconference Equipment
- g. Telephone Equipment

4. Other

- a. Artwork
- b. Interior Plants

C. Types of Contracts

This section lists examples of the types of contracts that may be required by the AOC for planning, acquisition, design, construction, operation, and maintenance of court facilities. Because the AOC intends to keep pace with the changing product, service, and delivery environment, as the industry develops new concepts, the AOC will develop new types of contracts. Examples include, but are not limited to:

1. Contracts for Construction

- a. Bid-Build Contracts
- b. Construction Manager at Risk (CM@Risk) Contracts
- c. Design-Build Contracts
- d. Design-Build-Operate-Maintain Contracts
- e. Design-Build-Finance-Operate-Maintain Contracts
- f. ID/IQ Construction Contracts
- g. Job Order Construction Contracts
- h. Land Acquisition-Design-Build-Finance-Move-Operate-Maintain Contracts
- i. Lease Purchase Construction Contracts

2. Contracts for Services

- a. Architectural and/or Engineering Service Contracts
- b. Construction Management Agency Contracts
- c. Construction Quality Assurance Service Contracts
- d. Consultant Service Contracts
- e. Environmental Health and Safety Services Contracts
- f. ID/IQ Service Contracts

- g. Job Order Service Contracts
- h. Moving and Relocation Service Contracts
- i. Operations and Maintenance Service Contracts
- j. Parking Service Contracts
- k. Performance-Based / Cost Reimbursable Contracts
- l. Real Estate and Acquisition Service Contracts
- m. Specialty Construction Consultant Service Contracts
- n. Storage and Warehousing Services Contracts
- o. Utilities Service Contracts
- p. Waste Management Service Contracts

3. Contracts for Products

- a. Project Specific Contracts
- b. Blanket Purchase Orders
- c. Master Agreements

D. Selection Procedure

This section describes the procedures that the AOC will typically follow when seeking to contract for the planning, acquisition, design, construction, operation, and/or maintenance of court facilities. These procedures are intended to assist the AOC in its evaluation of Proposers' products or services and qualifications in order to contract with firms and individuals having the demonstrated capacity to reliably meet contractual obligations thereby securing the best value for the AOC and the public. The following sections describe the typical RFQ or RFP solicitation, selection, and award procedures.

1. General

- a. An OCCM Assistant Division Director may approve alternatives to the described procedures when products or services are of limited scope or for other documented reasons as necessary or appropriate and consistent with the interests of the public and the judicial branch.
- b. Other selection methods may be used in special situations, including:
 - i. Emergency Selection Procedures (see Section 10); and
 - ii. Sole Source Contracts (see Section 11).
- c. Firms and individuals interested in providing services to the AOC must follow the specific instructions as published in the RFQ or RFP to establish their qualifications and/or the competitiveness of their proposals. To the extent they are inconsistent, the specific RFQ or RFP instructions take precedence over this general procedure.
- d. Cost or price may be one qualifying factor or, as in the traditional design-bid-build model, it may be the primary qualifying factor for selecting properly licensed and qualified bidders.

2. Announcement

- a. The AOC publishes RFQs and RFPs seeking submittals from firms or individuals interested in providing products or services to the AOC. Announcements typically will address the following: the purpose of the RFQ or RFP, the scope of service, the

- method of response, the evaluation and selection process, special requirements, administrative rules governing the process, and disabled veteran business enterprise (DVBE) participation goals. Sample contract terms will be included with the RFQ or RFP application materials provided to interested parties. A reasonable length of time, no less than two weeks, will be given between the published notification of an RFQ or RFP and the closing date for submissions. Announcements will be placed on the California Courts Web site (www.courtinfo.ca.gov) and in other media which may include, but are not limited to, the California State Contracts Register (CSCR) Web site (www.cscr.dgs.ca.gov/cscr), a general circulation publication in the geographic area in which the work is located, a trade paper, or journals targeting Disabled Veteran Business Enterprises. Proposers may also be sought by direct solicitation.
- b. Announcements and notifications for RFQs, RFPs, Addenda, Short List Announcements, Related Documents, Notices of Intent to Award, and Awards will be posted on the California Courts Web site. Where no appropriate Short List exists and with the approval of the OCCM Assistant Division Director, announcements and notifications regarding purchases of products or services may be sent informally to a limited number of providers via e-mail or facsimile instead of being posted on the California Courts Web site. Protests are subject to the administrative rules governing the individual RFQ or RFP.

3. Submittals

- Interested Proposers must submit their Statements of Qualifications (for RFQs) or Proposals (for RFPs) using federal General Services Administration Standard Form 330 or as prescribed in the RFQ or RFP. Submittals must be made by the published closing date and time. Submittals will be received and processed by the AOC Business Services unit. Proposers should not send submittals to any other AOC staff member or entity.
- a. The AOC will review all submittals for completeness. Complete submittals will be evaluated based upon established selection criteria stated in the RFQ or RFP.
- b. The AOC may review Performance Evaluations from previous AOC contracts with a Proposer.
- c. Selection criteria may include but are not limited to such factors as the firm's professional excellence, demonstrated competence and specialized experience, the education and experience of key personnel, the staff's capabilities, workload, and ability to meet schedules; principals to be assigned; the nature and quality of completed work; the firm's reliability, continuity, location; professional awards and other considerations deemed relevant. Such considerations may include the scope of products and services offered in relation to the forecasted need, the history of the products or services offered, the AOC's past experience with the firm, the costs associated with the products or services offered, any special expertise, the availability of resources, the financial strength and stability of the firm relative to the size and risk of the contract and the surety bond, if applicable. These factors will be weighted according to the nature of the product, service, or project; the needs of the State; and the complexity and special requirements of the specific project.
- d. The AOC may review the compensation or product cost portion of a proposal, if one exists, as the sole criterion (as in the traditional low-bid model) or as a weighted criterion, or it may request that the compensation portion of the proposal be placed in a separate envelope for consideration independently or at a later date.

- e. The AOC may contact existing clients and users of the products, projects, or services referenced in the submittal. It may also contact any previous recipients of the products or services provided by the Proposer.
- f. Bid bonds in an amount stated in the solicitation notice will be required on “lump sum” and “guaranteed maximum price” projects.

4. Creating a Short List

The AOC may create a Short List of all qualified Proposers and then prioritize the Short List by ranking the listed Proposers for interviewing and negotiating purposes.

- a. Not all submittals may qualify for the Short List.
- b. If no Proposer is considered to be adequately qualified, the AOC may terminate the selection process.
- c. A Short List may contain only one Proposer.
- d. Additional interviews may be required to complete the Short List or ranking process.
- e. Short Lists may be established for general products or services, the scope of which may be defined at a later date, before individual contracts are established.
- f. The AOC is under no obligation to create or use a Short List, and inclusion on a Short List does not confer any rights on a Proposer.

5. Using a Short List

The AOC may elect to do business with a prequalified Proposer on a Short List without soliciting bids or proposals. Alternatively, as in cases where a specific scope of service or product delivery is established after a Short List is created, the AOC may contact prequalified Proposers on the Short List and send a project-specific RFP to those who request it. Interested applicants from the Short List must submit their Proposals by the published closing date and time. The following applies in these situations:

- a. The AOC will review all submittals for completeness and will evaluate the complete submittals as described in Section 3.
- b. Based on responses to a project-specific RFP, the AOC may alter the Short List. The conditions listed in Section 4 apply.

The following apply to all Short Lists:

- c. A Short List may be active for a period of up to three years, after which time the list expires.
- d. Proposers remain on a Short List until the list expires, a Proposer requests removal from the List, a Proposer loses its legal capacity to deliver the service or product, or the Proposer is notified by the AOC of its removal for cause.

6. Interviewing

Generally the RFQ or RFP will indicate whether interviews will be required. The AOC may interview none, one, or more than one Proposer at its discretion, regardless of statements in the RFQ or RFP. The AOC reserves the right to negotiate after submittals are evaluated and may award a contract without creating a Short List or interviewing Proposers.

- a. The AOC may interview as many Proposers as it determines are desirable in order to identify the best applicant for further consideration.

- b. An interview is not to be construed as an intention by the AOC to award a contract or enter into negotiations for a contract.
- c. If the AOC identifies an acceptable candidate through interview, the AOC may negotiate with that candidate without obligation to interview other Proposers.
- d. The AOC may terminate a solicitation at any time, including after interviews are conducted.

7. Negotiating

The AOC will utilize a process of negotiation to finalize contracts. For qualifications-based selection, where price is not the determining factor, mutually acceptable terms and price will be negotiated. For “lump sum” and other fixed price bids, only the non price terms are subject to negotiation.

- a. The AOC may negotiate contract terms with one or more Proposers.
- b. Negotiations do not imply a commitment to enter into a contract. The AOC may terminate negotiations with one Proposer and commence negotiations with the next, ranked Proposer or engage in simultaneous negotiations, at its discretion.
- c. If negotiations fail to reach an outcome satisfactory to the AOC, the AOC may terminate the selection process.

8. Withdrawal of Submittal

Proposers may withdraw their submitted proposals at any time prior to the deadline for submission by notifying the AOC in writing. Withdrawn submittals will be kept sealed and retained by the AOC until the resolution of any protests. The Proposer may thereafter submit a new or modified proposal, provided that it is received by the AOC by the submission deadline identified in the RFQ or RFP. Modifications offered in any other manner, oral or written, will not be considered. Proposals cannot be changed or withdrawn after the deadline for submission.

9. Protests

- a. Any actual or prospective contractor may protest the procurement or award of a contract.
- b. Protests during the solicitation phase must be received by the deadline for submittal.
- c. Protests disputing the Short List must be received no later than five business days after notification of the Short List.
- d. Protests disputing the award must be received no later than five business days after the date that the Intent to Award is posted on the California Courts Web site.
- e. All protests must be in writing, must identify the solicitation number, opening date, and title. For verbal bid/quotations, the Proposer must identify the materials or services requested. The protest must provide a brief summary of the reasons for protesting the procurement or award of the contract. The protest must be submitted to the identified Contracting Officer or designee.
- f. The OCCM Project Manager will initially address any protest. If the matter cannot be resolved at this stage, the Project Manager will serve written notice to the protester that a full and complete formal statement detailing the nature of the problem must be submitted for review. The Contracting Officer or designee must receive the formal statement from the protester within five business days following notification from the

- Project Manager. The notification will be deemed served five days after the date of mailing unless the RFQ or RFP specifies, or the protester and the Project Manager agree to, an alternate form of notice such as e-mail or facsimile, in which case notification will be deemed served on the date the e-mail or facsimile was transmitted. Failure to file the formal statement will mean that the protesting party relinquishes all rights to further protest.
- g. Once the formal statement of protest is received, the matter will be escalated to the OCCM Assistant Division Director for final decision. The Assistant Division Director, in consultation with the AOC Business Services Manager, has final authority to resolve protests arising from the solicitation, selection, or award of a contract. The decision must be communicated in writing and must be mailed or otherwise furnished to the protester in such manner as to reasonably ensure receipt.
 - h. A protester's failure to submit a complete Proposal within the identified time period for doing so is sufficient reason to deny a protest.
 - i. The AOC reserves the right to continue with award of contract while any protest is unresolved if the AOC determines it is the public's best interest to proceed.

10. Emergency Selection Procedures

In the event of an emergency condition (see Section III), the AOC's priorities are to protect public safety and to return court facilities to safe operation. The AOC will respond to an emergency condition as follows:

- a. The AOC will use existing contracts to immediately address an emergency condition.
- b. If there are no existing contracts, the AOC will consider the requirements of the project and contact for immediate consideration and selection any appropriate firms that are currently on an active short list. If there is no active short list, the AOC will contact any appropriate firm or firms and make a selection.
- c. The AOC will expedite the Contract Award Procedure.

An emergency condition may justify a Sole Source Contract.

11. Sole Source Contracts

- a. A Sole Source Contract is a contract awarded without an RFQ or an RFP or a traditional bidding process. A proposal for a Sole Source Contract is solicited from a single source and is done so only under exceptional conditions. Sole source contracts may be used only when approved by the OCCM Assistant Division Director (or Director) for one or more of the following reasons:
 - i. The required product or service is available from only one source (e.g., maintenance and/or upgrades of existing proprietary software or hardware).
 - ii. An emergency condition exists.
 - iii. After solicitation of a number of sources, the competition is determined to be inadequate.
 - iv. The contract is for legal services, including expert witnesses.
 - v. The Sole Source Contract is needed to avoid financial loss to the AOC (e.g., interruption of essential operations, or damage to AOC resources).
 - vi. The contract is for consulting services in an amount less than \$5,000 when pricing is reasonable.

- vii. Exercise of an option to extend the term of a contract for a reasonable period (considering the nature of the contract) when the terms of the original contract provide for extension and the option was an evaluation criterion in the original bid process.
- viii. Competitively bid contracts that did not include an option to extend may be extended on one occasion for a maximum one-year period and for an amount not to exceed 30 percent of the contract value.
- b. Before a Sole Source Contract is awarded, a written justification of the rationale for Sole Source Contract must be submitted to the OCCM Assistant Division Director for review. Factors to be considered in approving a Sole Source Contract include:
 - i. The effort, if any, made to solicit competitive bids or proposals;
 - ii. The reasonableness of the cost of the contract (cost information must contain sufficient detail to support and justify the cost of the contract);
 - iii. The cost for similar services with a comparison of the differences that should be noted and explained;
 - iv. Special factors affecting the cost under the contract; and
 - v. An explanation of why the AOC considers the cost to be appropriate.

E. Contract Award Procedure

1. Award of the Contract

- a. Public posting of the Notice of Intent to Award Contract will be made on the California Courts Web site.
- b. Once agreement on the terms of the Contract is reached, including compensation, an Award of Contract letter may be sent to the selected proposer.
- c. Following preparation and AOC review of the Contract, the Contract will be forwarded to the selected proposer for signature.
- d. All required documentation, such as certificates of insurance or bonds, must accompany the signed Contract.
- e. The AOC will then verify the documentation, sign the Contract, and forward a fully executed Contract to the contractor.

2. Notice to Proceed

After the Contract is fully executed, the AOC will issue a Notice to Proceed (NTP). The NTP notifies the contractor to proceed with the work.

3. Performance Evaluations

The AOC may prepare periodic performance evaluations for each provider of products and/or services. Below-average rankings may be used by the AOC as the basis for a warning, non consideration of current or future submittals, or removal from currently active Short Lists. Non consideration, if imposed, will be effective until the end of the following qualification cycle, after which it will expire unless specifically renewed by the AOC. Affected providers will be given written notification of non consideration and may appeal the decision in writing to the OCCM Assistant Division Director within five business days of the notification. The decision by the Assistant Division Director is final.

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Appendices

Appendix A: Capital Courthouse Construction Program Organization Chart

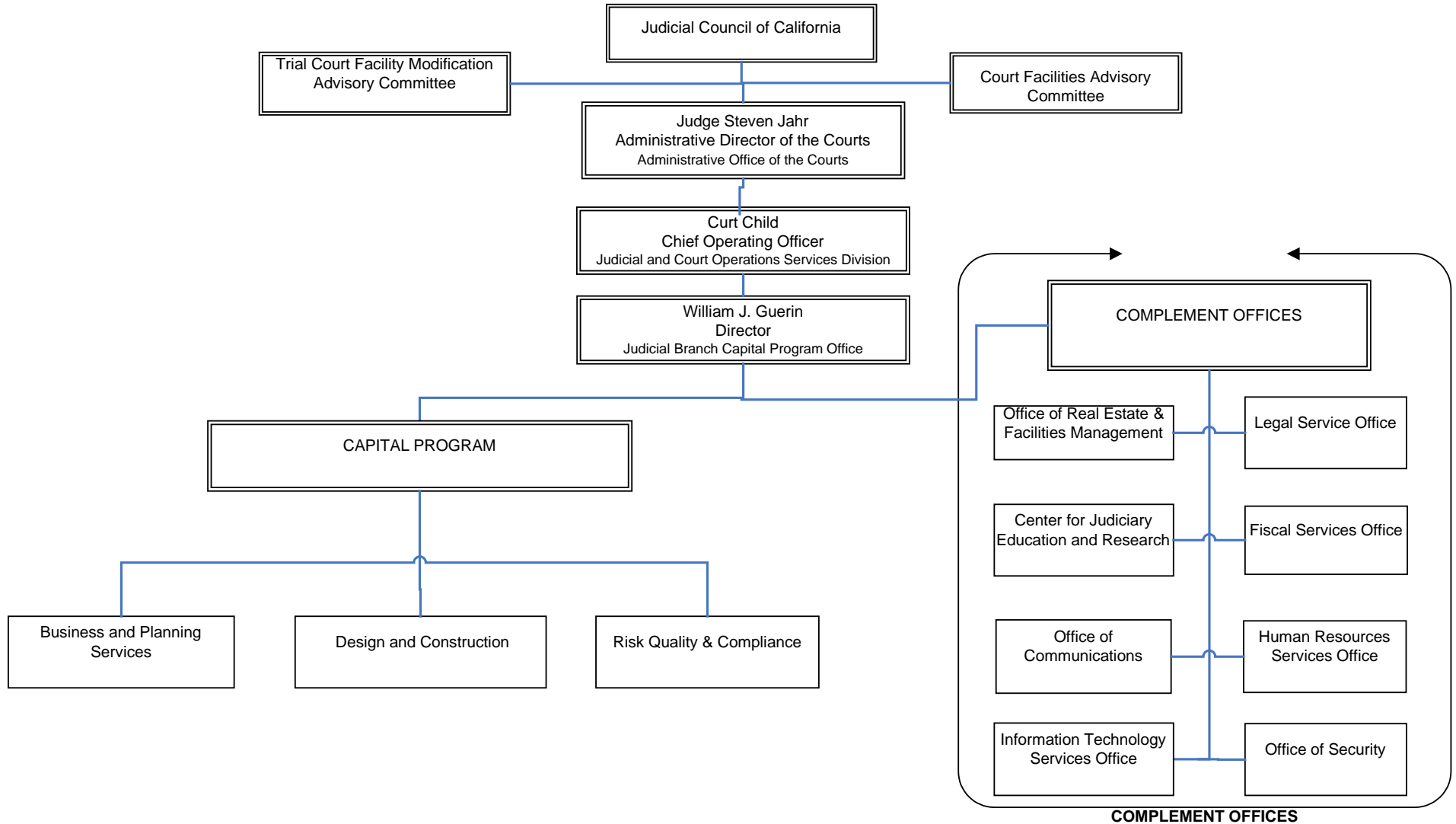
Appendix B: Capital Construction Program Strategy Flowchart

Appendix C: Judicial Branch AB 1473 Five-Year Infrastructure Plan

Appendix D: Schedule of Laws and Regulations Placeholder

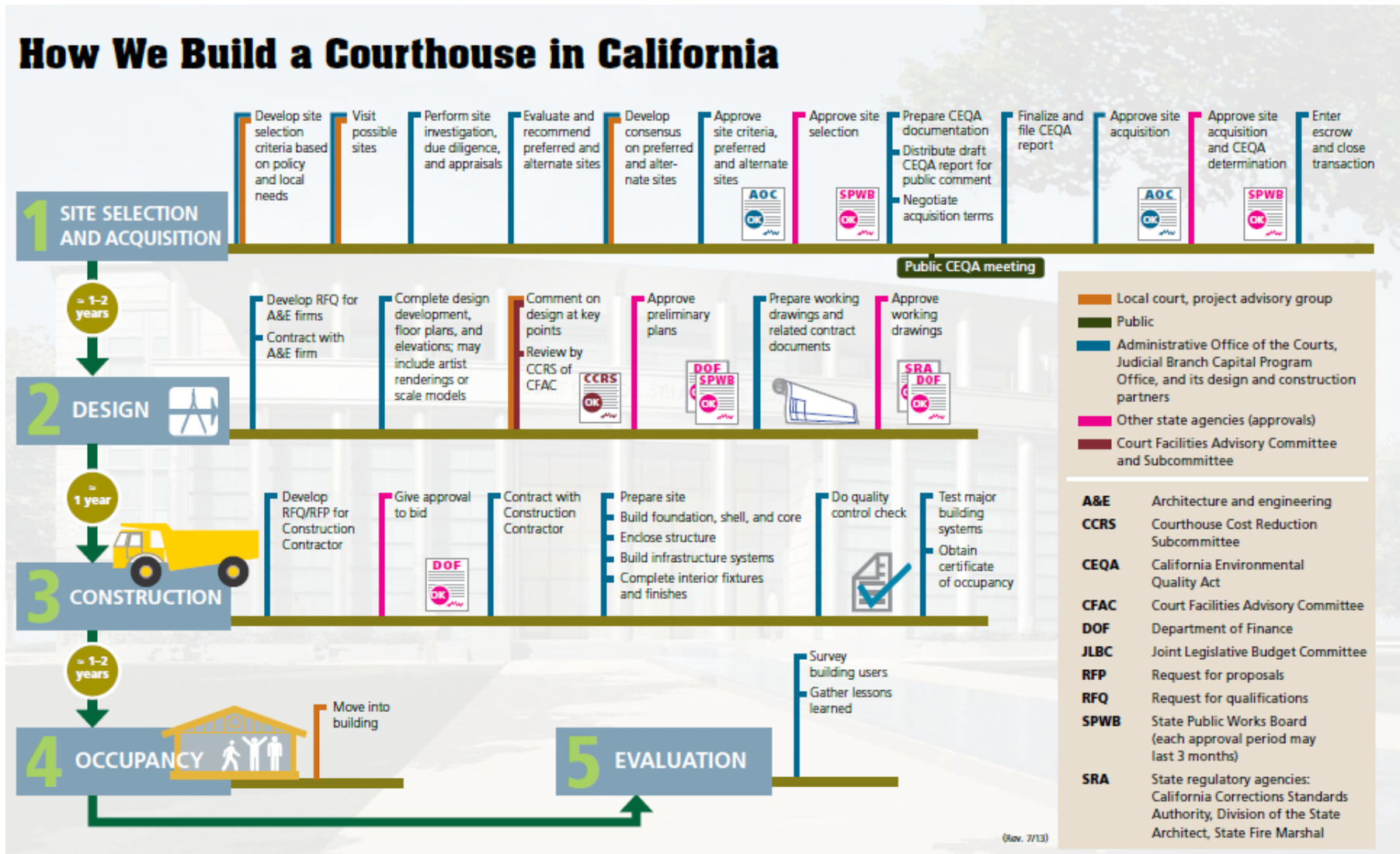
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Appendix A Capital Courthouse Construction Program Organization Chart



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Appendix B Capital Construction Program Strategy Flowchart



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Appendix C

Judicial Branch AB 1473 Five-Year Infrastructure Plan

This plan can be found at:

<http://www.courts.ca.gov/documents/5year1415.pdf>

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Appendix D
Schedule of Laws and Regulations Placeholder

In development.

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SECTION III

California Trial Court Facilities Standards

The 2006 California Trial Court Facilities Standards can be reviewed at:

http://www.courts.ca.gov/documents/06_April_Facilities_Standards_with_Amendment1.pdf

and

The 2011 California Trial Court Facilities Standards, which have not been adopted by the
Judicial Council, can be reviewed at:

<http://www.courts.ca.gov/documents/ctcfs2011.pdf>

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SECTION IV

California State Administrative Manual

This manual can be reviewed at: <http://sam.dgs.ca.gov/>

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